IDAN DERSHOWITZ

The Valediction of Moses

Forschungen
zum Alten Testament
145

Mohr Siebeck

Forschungen zum Alten Testament

Edited by

Konrad Schmid (Zürich) · Mark S. Smith (Princeton)
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145

Idan Dershowitz

The Valediction of Moses

A Proto-Biblical Book

Mohr Siebeck

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I am very fortunate to have found a welcoming new home at the University of Potsdam's School of Jewish Theology, and I look forward to furthering my research on the Valediction of Moses within the School's vibrant academic community. I am grateful to my team members, Daniel Vorpahl and Dorothee Hansel, for their help with the bibliography, proofreading, and indices.

The Julis-Rabinowitz Program on Jewish and Israeli Law at the Harvard Law School, together with the Harvard Society of Fellows, hosted a workshop in June 2019, in which I presented my preliminary findings to a group of extraordinary scholars. This was an incredible opportunity, and I benefited from the input of all the participants: Shaye Cohen, Sidnie White Crawford, Noah Feldman, Shimon Gesundheit, Jay Harris, Jan Joosten, Michael Langlois, Eric Nelson, Na'ama Pat-El, Alexander Rofé, Christopher Rollston, Michael Segal, Jeffrey Stackert, David Stern, Andrew Teeter, Shani Tzoref, David Vanderhooft, and Molly Zahn. I'd also like to thank Susan Kahn for organizing this outstanding event.

The workshop is where I met Na'ama Pat-El, with whom I went on to co-author the excursus on the linguistic profile of V in chapter 6. Her deep and broad knowledge of Semitic linguistics enriches this work enormously. Collaborating with Na'ama has been enlightening and fun in equal measure, and we are already wrapping up our next joint article.

I owe a debt of gratitude to my *Doktorvater*, Shimon Gesundheit. His early enthusiasm regarding V kept me going in the face of what was then unanimous skepticism, and our conversations on the Sihon pericope were especially helpful.

From the moment I walked into his office in summer 2017 – bleary eyed after several sleepless nights and raving about a text that could change everything – Noah Feldman was both my harshest critic and my greatest supporter. That is precisely what I needed, and I could not have done this without him. Noah's deep expertise in legal theory helped me understand and contextualize the place of law and covenant in the Valediction of Moses, and our regular midnight text exchanges advanced my thinking greatly.

My frequent discussions with Avishay Ben Sasson-Gordis were incredibly enjoyable, not to mention invaluable. For months, our shmoozing at shul was devoted to V, and we also had a fruitful *havruta* on the text. Avishay's insights improved my understanding of several passages in V as well as my reconstructions of the text itself.

Konrad Schmid's penetrating questions and observations helped me shape chapters 3 and 4, and I am thankful for his sage counsel throughout this process. Eric Nelson and David Stern gave me hours upon hours of their time, always offering keen comments and thoughtful advice. I also benefited greatly from my conversations with Mark Brett, Raphael Dascalu, Raanan Eichler, Irving Finkel, Israel Finkelstein, Jan Gertz, Rebecca Goldstein, Jonathan Gould, Mishy Harman, Israel Knohl, Reinhard Kratz, Jon Levenson, Peter Machinist, Adele Reinhartz, Benjamin Sass, Benjamin Sommer, Andrew Teeter, Eibert Tigchelaar, Shani Tzoref, and Yair Zakovitch.

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My discussions on the Bible with אמי מורתי, Schulamith Chava Halevy, have always been inspiring and instructive. Since childhood, I have learned so much from her maverick empathetic approach to the text and to its subjects. אבי מורי, Nachum Dershowitz, was a wonderful study partner throughout this journey.

His initial skepticism was motivating, and his many brilliant insights contributed tremendously to this project. In my naïveté, I committed to typesetting this book "myself." Ultimately, it was my father who invested an unreasonable amount of his time to code and tweak this LaTeX template, and to show me the ropes. All credit for the pleasing aesthetics of this volume go to him.

This book is dedicated to my parents, with love and gratitude.

Potsdam, Germany, 2020 Idan Dershowitz

Table of Contents

List of Figures and Tables

Fig. 1. Photograph of Moses Wilhelm Shapira.

1. Introduction

In 1883, more than half a century before the discovery of the Dead Sea Scrolls, some intriguing manuscripts came to light that were greeted with considerable public excitement.[1] Written in Paleo-Hebrew script and consisting of a handful of leather fragments, the text presented a short narrative that had much in common with the biblical book of Deuteronomy. The British Museum was on the verge of purchasing the fragments from their purveyor, the antiquities dealer Moses Wilhelm Shapira. (See fig. 1.) The sale was abruptly called off, however, after the manuscripts were declared to be forgeries, with Shapira himself the immediate suspect. Since that time, the manuscripts have fallen out of circulation; it is unknown whether the fragments still exist, or where they might be.

In this introductory chapter, I review the history of the manuscripts and provide a fresh analysis of the reasons they were initially judged forgeries. In light of our current knowledge, none of the original reasons for dismissing the fragments can be considered valid. More recent objections to the authenticity of the manuscripts on paleographic grounds are likewise found to be untenable. In chapter 2, I present overlooked archival material that severely undermines the verdict of Shapira's guilt.

In chapter 3, I show that the literary structure and content of the text itself – which I call the Valediction of Moses, or "V" – constitutes evidence that the manuscript fragments are bona fide ancient documents. Moreover, rather than being a secondary abridgment of Deuteronomy, as has been assumed, V was composed *prior* to the canonical book of Deuteronomy. Indeed, Deuteronomy evolved out of V itself – or out of a very similar text. As such, V offers a priceless key for illuminating the compositional history of this Pentateuchal text.

I explore intertexts between V and various biblical passages in chapter 4. These intertexts suggest that V's traditions were familiar to several biblical authors. Conclusions and future directions are presented in chapter 5. An excursus co-authored with Na'ama Pat-El (chapter 6) examines V's linguistic profile, which we find to be consistent with a First Temple–era text. Chapters 7–9 contain an annotated critical edition of V, an English translation, and a reconstruction of the Paleo-Hebrew text.

[1] A separate discussion of the material covered in this chapter is published in Idan Dershowitz, "The Valediction of Moses: New Evidence on the Shapira Deuteronomy Fragments," *Zeitschrift für die alttestamentliche Wissenschaft* 133, no. 1 (2021).

The Valediction of Moses is an extraordinary textual specimen with far-reaching implications for biblical studies, particularly in its capacity to shed light on the development of the book of Deuteronomy.

1.1. History of Discovery and Initial Assessment

The prominent antiquities and manuscript dealer Moses Wilhelm Shapira (1830–84) was born to a Jewish family in the city of Kamianets-Podilskyi, in present-day Ukraine. He converted to Christianity when he was twenty-five years old and moved to Jerusalem, where he would open a shop on Christian Quarter Street in the Old City that offered miscellaneous souvenirs for sale, as well as valuable manuscripts and other antiquities. Shapira traveled extensively to acquire his wares, many of which he sold to prominent international collectors and institutions.

According to Shapira, in 1878 he learned about several leather fragments that Bedouins had reportedly found in a cave on the eastern side of the Dead Sea, near Wadi al-Mujib (Arnon; see fig. 2). On a shelf or a ledge in the cave were several linen-wrapped bundles that contained strips of blackened leather. (See fig. 3.) One of the Bedouins took the strips, allegedly because he thought they might bring good luck. These leather strips had a sticky black substance on the back that looked like bitumen, to which the brittle remains of linen fabric were stuck.[2] With the assistance of a local sheikh, Shapira managed to procure from a member of the Bedouin Ajayah tribe sixteen leather strips – manuscript fragments of varying length and condition – for a very modest price. Upon further examination, it became clear that the fragments represented three manuscripts of the same text (namely, V): One of the manuscripts was almost complete and a second was somewhat fragmentary. What little remained of the third manuscript was in very poor condition.[3]

In the summer of 1883, Shapira traveled to Europe and sought to have the manuscripts evaluated by experts who were best equipped to assess their value and authenticity. Shapira succeeded in gaining an audience for his fragments in Berlin, where a number of eminent scholars gathered to analyze them. As reported in *The Times* of London:

> The committee met at the house of its convener, Professor Lepsius, on the 10th of July last; and, while Mr. Shapira, of Jerusalem, was waiting in expectant trepidation in an adjoining room, spent exactly one hour and a half in a close and critical investigation into the character of his goat-skin wares. At the end of the sitting they unanimously pronounced the

[2] British Library Ms. Add. 41294, "Papers relative to M. W. Shapira's forged MS. of Deuteronomy," 3.

[3] Ibid., 29. I refer to the first of these manuscripts as V^a, and the second as V^b.

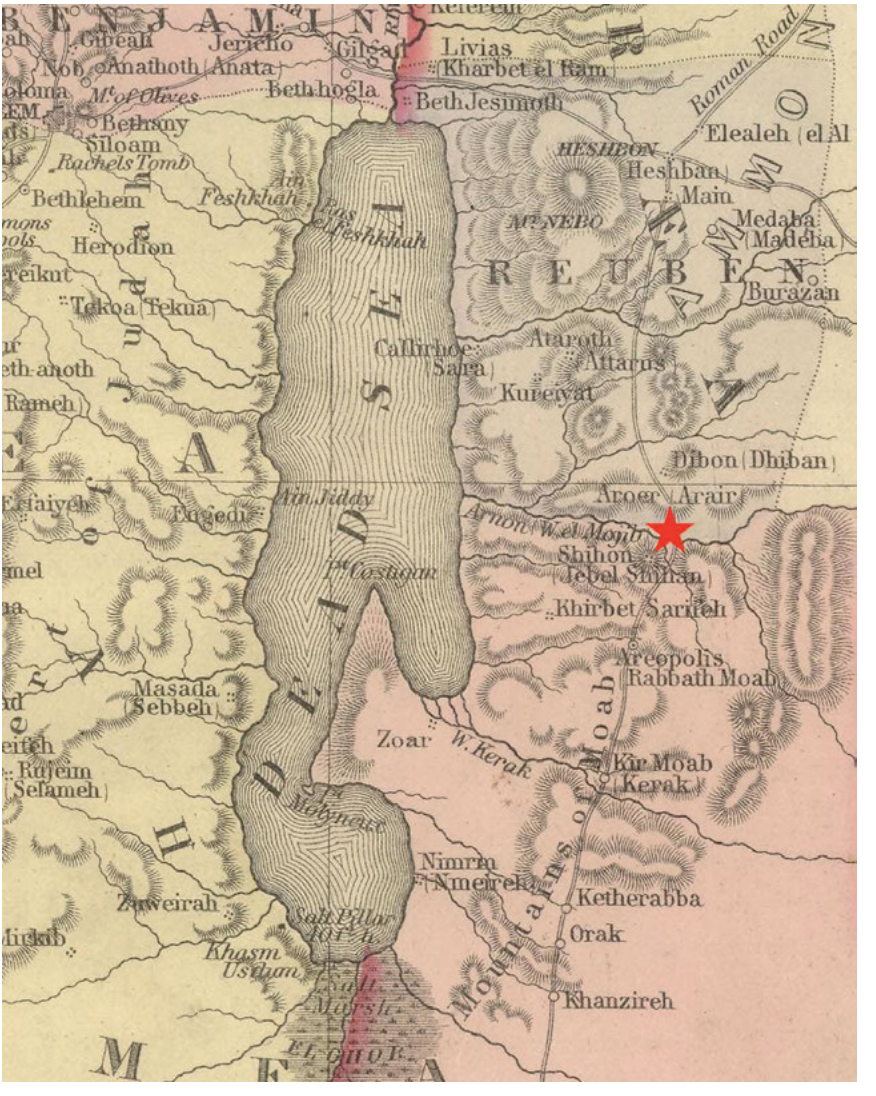

Fig. 2. Map with Wadi al-Mujib (Arnon) marked. From *Mitchell's New General Atlas* (Philadelphia: Mitchell, 1874). Image courtesy of the David Rumsey Historical Map Collection.

Fig. 3. Two photographs of Fragment E, columns 1–2, and one unknown fragment. In the top image, Fragment E is folded in half, with column 4 (verso) partially visible behind column 1 (recto). The image of the unknown fragment is cropped at the bottom. By permission of the British Library (Ms. Add. 41294).

alleged codex to be a clever and impudent forgery. There was some thought of calling in a chemist… [but they] deemed it unnecessary to call for further proof.[4]

At around the same time that the Berlin committee conducted their brief evaluation, another biblical scholar, Hermann Guthe, worked to decipher the manuscripts in Leipzig with the historian Eduard Meyer. Guthe and Meyer were able to spend several days with the texts in Shapira's hotel room, but even this was not sufficient time to undertake a thorough analysis of the manuscripts. The leather fragments were severely blackened and became blacker by the week. Since most of the text, written in black ink, was illegible against this dark background, and infrared photography was not yet in use, Guthe and Meyer resorted to brushing alcohol on the leather to make the ink shine against the light. Guthe described their method as follows:

> We were only able to read small parts without any kind of aid. Usually, we applied some alcohol (spirit) with a small brush to sections of the manuscript and then tried to identify the letters that glistened from the moisture. Unfortunately, this was not always possible, even with help of a magnifying glass. This explains the various large and small gaps that the reader will encounter when reading the text of the leather manuscript.[5]

Due to summer thunderstorms, the light was too poor to allow the scholars to confirm their preliminary transcription of certain columns. Guthe nonetheless published his findings the following month.[6] Although he initially thought the fragments to be authentic,[7] Guthe eventually became persuaded that they were forgeries.

Despite the initial unfavorable reception of the manuscripts in Germany, Shapira persisted in his quest. He traveled from Berlin to London, where he reportedly offered to sell his fragments to the British Museum for one million pounds.[8] Having already acquired many valuable manuscripts from Shapira,[9] the British Museum seriously considered purchasing these fragments from him as well, pending their authentication by the scholar Christian David Ginsburg. Ginsburg devoted several weeks to studying the manuscripts, regularly publishing updates and translations of the text in *The Athenæum*, a London weekly liter-

[4] "The Shapira Manuscripts," *The Times* (August 28, 1883), 5. According to the same article, "This committee consisted of Professor Dillmann, of the Hebrew Chair; Professor Sachau, the distinguished Orientalist; Professor Schrader, the celebrated Assyriologist; Professor Ermann, another Hebrew scholar; and Dr. Schneider" (ibid.).

[5] Hermann Guthe, *Fragmente einer Lederhandschrift enthaltend Mose's letzte Rede an die Kinder Israel* (Leipzig: Breitkopf & Härtel, 1883), 21. (My translation.)

[6] Ibid.

[7] "Mr. Shapira's Manuscript," *The Times* (August 8, 1883), 11.

[8] BL Ms. Add. 41294, 24; *The Times* (August 3, 1883), 9.

[9] George Margoliouth, *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*, vol. 4 (London: The British Museum, 1935), viii–ix.

ary magazine.[10] While awaiting Ginsburg's verdict, the British Museum exhibited two of the fragments, which attracted large crowds. Among the curious onlookers was none other than the prime minister, William Gladstone, who also met with Shapira to learn more about the manuscripts.[11]

Another noteworthy visitor to the British Museum at this time was the French Orientalist and diplomat Charles Simon Clermont-Ganneau, a longtime nemesis of Shapira's.[12] Clermont-Ganneau arrived in London and requested access to the fragments, which he already believed must be forgeries.[13] Ginsburg permitted him a few minutes with "two or three" fragments,[14] on the condition that Clermont-Ganneau refrain from publishing anything on the matter until Ginsburg published his own report.[15] And yet the very next morning, Clermont-Ganneau declared his opinion to the press that the fragments were forgeries.

Afterward, Clermont-Ganneau was denied further access to the fragments. But this did not prevent him from making further claims regarding Shapira's manuscripts. As Clermont-Ganneau himself noted:

> In these circumstances, the object of my mission became extremely difficult to attain, and I almost despaired of it. I did not, however, lose courage. I set to work with the meagre means of information which were at my disposal: – (1) The hasty inspection of two or three pieces which M. Ginsburg had allowed me to handle for a few minutes on my first visit; (2) the examination of two fragments exposed to public view in a glass case in the manuscript department of the British Museum – a case very ill-lighted and difficult of approach, owing to the crowd of the curious pressing round these venerable relics.[16]

Based solely on "these meagre means of information," Clermont-Ganneau managed to craft a theory regarding the method by which the forgery was carried out. He argued that the forger had obtained the leather fragments by cutting off the lower margins of Torah scrolls, noting underhandedly that "Mr. Shapira must be well acquainted with [such scrolls], for he deals in them."[17] Soon after Clermont-Ganneau made his declaration, Ginsburg too announced the results of his assess-

[10] Christian David Ginsburg, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2911 (August 11, 1883), 178–79; idem, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2912 (August 18, 1883), 206; idem, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2913 (August 25, 1883), 242–44; idem, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2915 (September 8, 1883), 304–5.

[11] "The Shapira Manuscript," *The London Evening Standard* (August 14, 1883), 3.

[12] See §1.2.2.

[13] Charles Simon Clermont-Ganneau, "Mr. Shapira's Manuscripts," *The Times* (August 21, 1883), 8: "I will not conceal the fact that I entertained in advance, most serious doubts as to their authenticity, and that I came here in order to settle these doubts. But I thought it my duty to pronounce no opinion until I had seen the originals."

[14] Ibid.

[15] "From our London Correspondent (by Private Wire)," *The Manchester Guardian* (September 6, 1883), 5.

[16] Clermont-Ganneau, "Mr. Shapira's Manuscripts," *The Times* (August 21, 1883), 8.

[17] Ibid.

ment,[18] which were much the same. Ginsburg highlighted two primary reasons for his forgery verdict: First, in line with the theory that the manuscripts had been cut from the margins of scrolls,[19] Ginsburg stated that the fragments were a perfect match for Yemenite Torah scrolls. Second, Ginsburg observed that there were various errors in the Hebrew text, several of which he believed could have been made only by someone of European Jewish extraction.[20] Although Ginsburg did not explicitly accuse Shapira of forgery, his statement on the matter left little room for doubt: Not only was Shapira of European Jewish extraction, but it was well known that he was also the primary, if not only, dealer of Yemenite Torah scrolls at the time. A cartoon published in the magazine *Punch* on September 8, 1883 depicts Shapira as a stereotypical Jew, with the ink of his devious forgery still dripping from his fingers. The dubious character is held in a firm grip by Ginsburg, who is shown valiantly apprehending Shapira in front of the British Museum.[21] See fig. 4.

In light of Ginsburg's authoritative ruling, the British Museum declined to buy the fragments, which were apparently abandoned by the devastated Shapira. In a letter to Ginsburg dated August 23, 1883, Shapira expressed his abjection and a sense of betrayal, clinging to his avowed belief that the manuscripts were authentic:

Dear Dr. Ginsburg!
You have made a fool of me by publishing & exhibiting things that you believe to be false. I do not think I will be able to survive this shame. Although I am yet not Convinced that the M.s. is a forgery unless Ganneau did it!
I will leave London in a day or two for Berlin.
Yours truly,
M W Shapira[22]

Word of this letter seems to have reached *The Times*, which published the following statement: "[Shapira] is so disappointed with the results of his bargain that he threatens to commit suicide. This, we venture to think, he will not do."[23] But Shapira never returned to his wife and daughters in Jerusalem. After spending six

[18] Ginsburg's letter to Edward Bond of the British Museum, dated August 22, 1883, was published in *The Times* (August 27, 1883), 6; Ginsburg then published his final installment on the manuscripts in *The Athenæum*: "The Shapira Ms. of Deuteronomy," *The Athenæum* 2915 (September 8, 1883), 304–5. In both publications, Ginsburg designated the manuscripts forgeries.

[19] It is possible that Ginsburg initiated this theory rather than Clermont-Ganneau. For the controversy regarding which of these scholars first developed the idea that the manuscripts were excised from the margins of eastern Torah scrolls, see "From our London Correspondent (by Private Wire)," *The Manchester Guardian* (September 6, 1883), 5.

[20] *The Times* (August 27, 1883), 6.

[21] *Punch, or the London Charivari* (September 8, 1883), 118.

[22] BL Ms. Add. 41294, 16.

[23] *The Times* (August 27, 1883), 7.

Fig. 4. Cartoon of Ginsburg apprehending Shapira.

months wandering through Europe, Shapira committed suicide in a hotel room in Rotterdam, Holland, where his body was found on March 9, 1884.

Shapira's manuscripts eventually made their way from the British Museum to Sotheby's, where they were purchased in July 1885 by the bookseller Bernard Quaritch. (Quaritch's namesake bookshop still exists in London.) Quaritch went on to sell the fragments in 1898 or 1899 to Philip Brookes Mason, a naturalist, doctor, and avid collector.[24] Their subsequent fate is unknown.

1.2. Reasons for Forgery Verdict

Beyond the primary reasons given by Ginsburg, which will be discussed at greater length below, why were Shapira's fragments judged forgeries in 1883? It appears that several factors conspired to seal their fate. First, very simply, the Dead Sea Scrolls had not yet been discovered. The manuscripts that Shapira offered to the scholarly world were thus entirely without precedent. Second, Shapira's record was tarnished due to a previous scandal involving suspect artifacts. Third, the discipline of biblical studies was very much in its infancy, and little was known about the composition history of Deuteronomy. Other factors, including rampant anti-Jewish (and anti-Arab; see below) sentiments, surely played a part as well. After all, despite having "fair hair and blue eyes; not the least like the ordinary Polish Jew," Shapira would always remain a Hebrew who "converted to Christianity but not to good works."[25]

1.2.1. An Unprecedented Discovery

The distinguished philologist Archibald Sayce stated his opinion on Shapira's fragments in August 1883:

> It is really demanding too much of Western credulity to ask us to believe that in a damp climate like that of Palestine any sheepskins could have lasted for nearly 3,000 years, either above ground or under ground, even though they may have been abundantly salted with asphalte from the Vale of Siddim itself.[26]

Another commentary published two years later in the *St. James Gazette* (January 2, 1885) expresses a similar view on Shapira's manuscripts: "Every one remembers the announcement of the original copy of Deuteronomy: how people

[24] Charles Francis Thornewill, "Obituary Notice of Philip Brookes Mason," *Journal of Conchology* 11 (1904): 104–5, at 105. See also Patricia Francis, "Philip Brookes Mason (1842–1903): Surgeon, General Practitioner and Naturalist," *Archives of Natural History* 42, no. 1 (2015): 126–39.

[25] Walter Besant, *Autobiography of Sir Walter Besant* (London: Hutchinson, 1902), 162.

[26] Archibald H. Sayce, "Correspondence: The Shapira Mss. of Deuteronomy," *The Academy* 589 (August 24, 1883), 116–17, at 117.

who knew anything about leather and linen, and damp caves, and Arabs, and Jerusalem curiosity-dealers, laughed at the whole thing."

In fact, the details of Shapira's scorned discovery story were so similar to those of the Dead Sea Scrolls in 1946–47 that some scholars initially concluded the latter were also a hoax. Like Shapira's manuscripts, the Dead Sea Scrolls were said to have been accidentally discovered by Bedouins in caves around the Dead Sea, and many were also wrapped in linen and covered with a bituminous substance.[27]

In 1949, Solomon Zeitlin, an expert on the Second Temple period and editor of the *Jewish Quarterly Review*, cited Shapira's manuscripts as evidence that the Dead Sea Scrolls must likewise be forgeries:

> Professor Burrows seems to have forgotten the affair of Shapira, who produced a manuscript of the Book of Deuteronomy, written on parchment in archaic Hebrew script. He stated that he procured it from a Bedouin who told him that he found it in a cave (again a Bedouin and a cave). Scholars and experts of the British Museum were convinced of its authenticity until it was discovered to have been produced by Shapira himself over a period of twenty years. Thus "the Bedouin and the cave" became a myth.[28]

In retrospect, Zeitlin's judgment on the matter was incorrect. The Dead Sea Scrolls were soon confirmed to be genuine, and they marked a watershed in the field of biblical studies. Had Shapira's manuscripts come to light after the verification of the Dead Sea Scrolls, his texts certainly would have been judged differently. Moreover, the details of discovery as reported by Shapira – which are almost identical to the circumstances surrounding the unearthing of the Dead Sea Scrolls – must now be regarded as strong evidence supporting the validity of Shapira's fragments.[29] Indeed, the presence of a bituminous substance on both the Shapira fragments and many Dead Sea Scrolls provides even more support

[27] See, e.g., Naama Sukenik, "The Temple Scroll Wrapper from Cave 11. MS 5095/2, MS 5095/4, MS 5095/1," in *Gleanings from the Caves: Dead Sea Scrolls and Artefacts from the Schøyen Collection*, ed. Torleif Elgvin, Kipp Davis, and Michael Langlois (London: T&T Clark, 2016), 339–50; Roland de Vaux, "Post-Scriptum: La Cachette des Manuscrits Hébreux," *Revue Biblique* 56, no. 2 (1949): 234–37; Joan E. Taylor, "Buried Manuscripts and Empty Tombs: The Qumran Genizah Theory Revisited," in *"Go Out and Study the Land" (Judges 18:2): Archaeological, Historical, and Textual Studies in Honor of Hanan Eshel*, ed. Aren M. Maeir, Jodi Magness, and Lawrence H. Schiffman (Leiden: Brill, 2012), 269–315, at 280, 314–15.

[28] Solomon Zeitlin, "The Alleged Antiquity of the Scrolls," *Jewish Quarterly Review* 40, no. 1 (1949): 57–78, at 67.

[29] Several scholars have made a case for the authenticity of Shapira's manuscripts (as post-biblical Hellenistic documents) in light of their affinity to the Dead Sea Scrolls, but these arguments have not been widely accepted. See, e.g., Jacob L. Teicher, "The Genuineness of the Shapira Manuscripts," *The Times Literary Supplement* (London) (March 22, 1957), 184; Menahem Mansoor, "The Case of Shapira's Dead Sea (Deuteronomy) Scrolls of 1883," *Wisconsin Academy of Sciences, Arts and Letters* 47 (1958): 183–225; John Marco Allegro, *The Shapira Affair* (New York: Doubleday, 1965); Helen G. Jefferson, "The Shapira Manuscript and the Qumran Scrolls," *Revue de Qumrân* 6, no. 3 (1968): 391–99; Shlomo Guil, "The Shapira Scroll Was an Authentic Dead Sea Scroll," *PEQ* 149, no. 1 (2017): 6–27; Yoram Sabo, *The Scroll Merchant: In Search of Moses Wilhelm Shapira's Lost Jewish Treasure* (Hebrew) (Bnei Brak: Hakib-

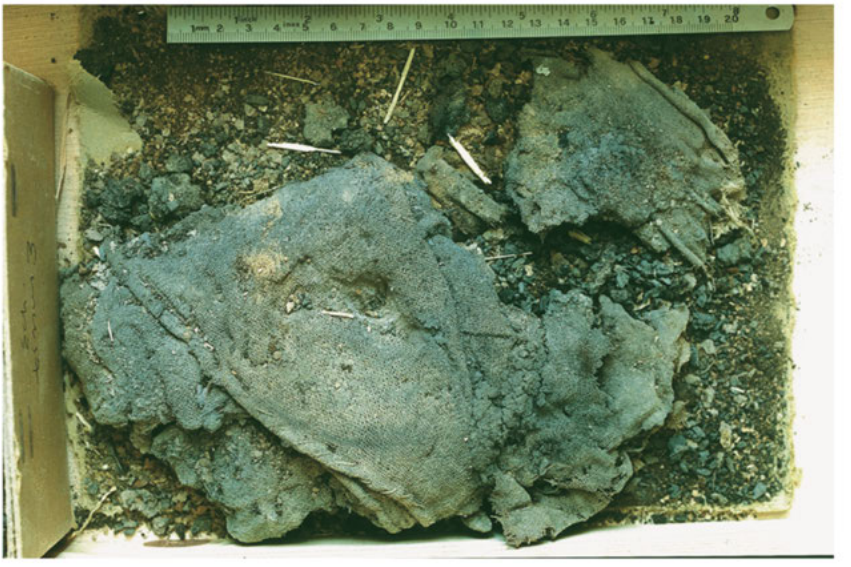

Fig. 5. Box of linen from Qumran with bituminous substance resulting from leather decay. Courtesy of Mireille Bélis, École biblique et archéologique française de Jérusalem.

for antiquity than is apparent at first glance. As it turns out, despite its prevalence in the Dead Sea region, bitumen is a red herring. The black substance found on the Dead Sea Scrolls and their linen wrappings is, in fact, leather that has decomposed over the span of millennia:

> In the case of certain wads of manuscript material, a complication presented itself in the form of a black bituminous substance which permeated the tissue and prevented the membranes from being separated. […] [T]he black material was tested with solvents. […] Similar tests applied to fragments of the parchment showed that some pieces behaved towards solvents in the same way as the black material itself and, when a fragment of parchment came to light which had clearly decomposed at one edge to this pitch-like material, its origin was no longer it doubt – the black substance was, in fact, the ultimate decomposition product of the animal membrane, in other words, a form of glue.[30]

Apart from the discovery story, there were other unusual features of Shapira's manuscripts that caused scholars to doubt their authenticity: The fragments exhibited distinct vertical creases, indicating that the leather had been folded like

butz Hameuchad, 2018). Cf. Colette Sirat, "Les Fragments Shapira," *Revue des Études Juives* 1–2 (1984): 95–111.

[30] Harold J. Plenderleith, "Technical Note on Unwrapping of Dead Sea Scroll Fragments," in *Qumran Cave 1*, ed. Dominique Barthélemy and Józef T. Milik, DJD 1 (Oxford: Clarendon, 1955), 39–40, at 40. See also Mireille Bélis, "The Unpublished Textiles from the Qumran Caves," in *The Caves of Qumran*, ed. Marcello Fidanzio (Leiden: Brill, 2017), 123–36.

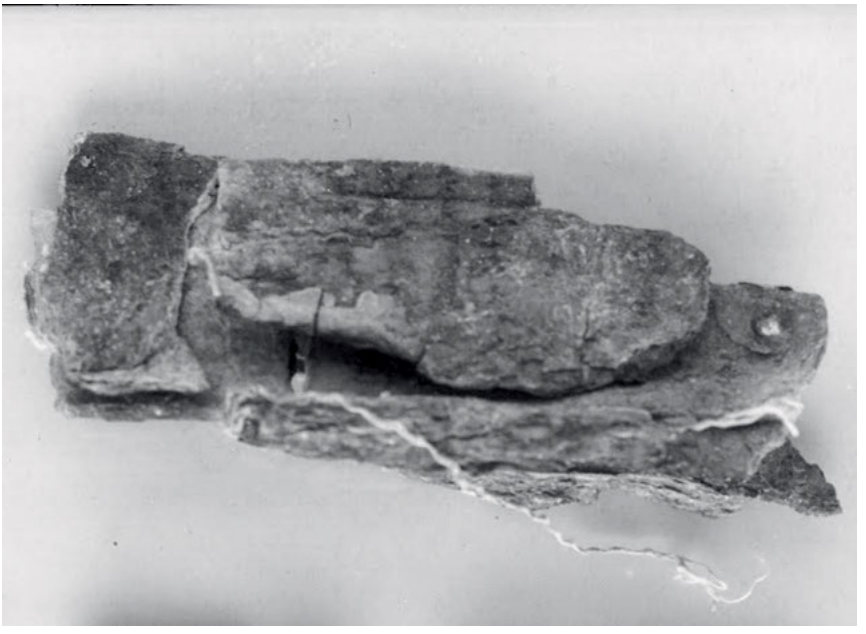

Fig. 6. Folded fragment of 4QOtot (4Q319), as it was discovered. Courtesy of the Leon Levy Dead Sea Scrolls Digital Library, Israel Antiquities Authority. (Photo: Najib Anton Albina)

an accordion or fold-out postcards, rather than rolled up like a scroll;[31] some fragments had one relatively smooth edge, which was considered a tell-tale sign of recent cutting;[32] and the scribes largely disregarded the marginal dry-point lines on the manuscripts.[33] Today, however, we possess numerous verified ancient manuscripts – from Qumran and elsewhere – that share these exact features.[34] Again, the odd details that made Shapira's manuscripts seem so dubious in the late 1800s have now transformed into evidence substantiating their antiquity. See figs. 5–9.

1.2.2. Moabite Pottery Scandal

The second unpropitious point of timing concerns an event in Shapira's own career. Roughly a decade before the debut of his manuscripts on the world stage, a large collection of Moabite figurines sold by Shapira to the German Oriental Society (DMG) and Royal Museum (Altes Museum) in Berlin were determined to be

[31] Sirat ("Les Fragments Shapira," 110–11) stated that the vertical creases in Shapira's manuscripts must be an anachronism.

[32] Ginsburg, *The Times* (August 27, 1883), 6 (point III).

[33] Ibid. (point II).

[34] See discussion of cut-margin theory in §1.2.3.

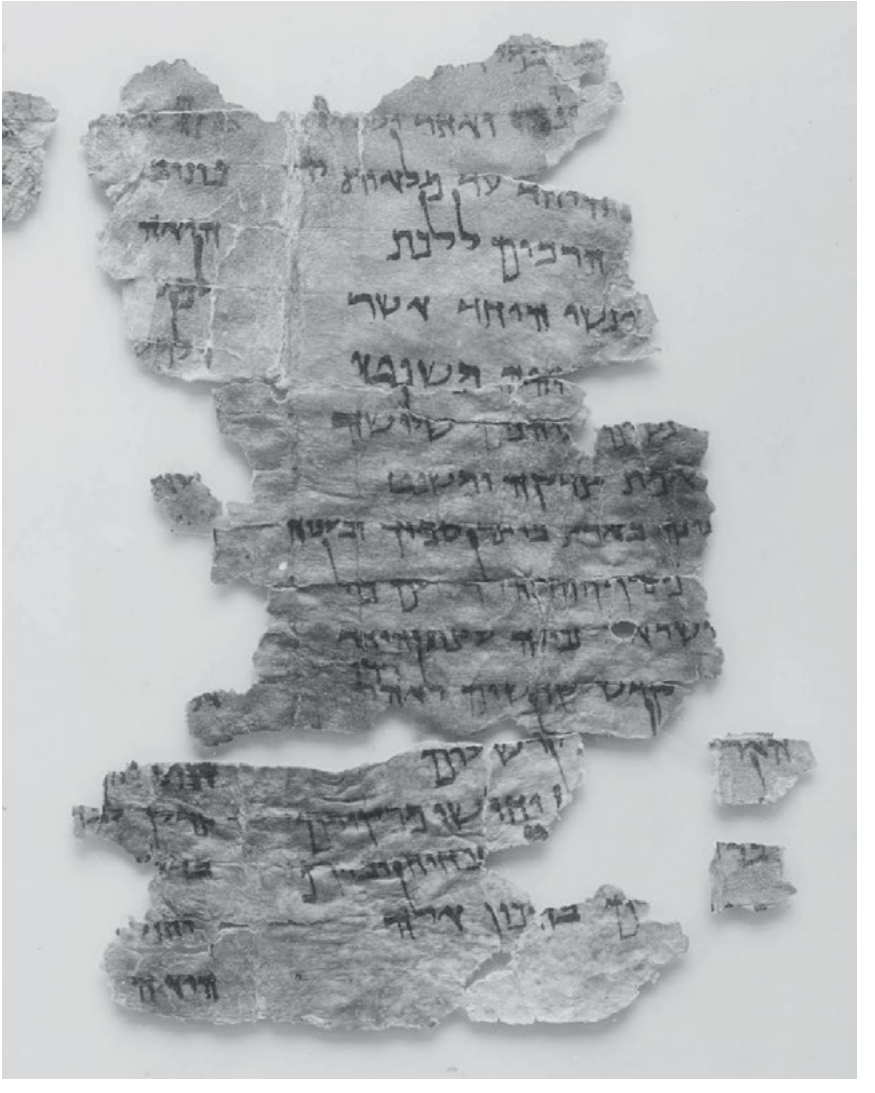

Fig. 7. Several fragments of 4QSerekh ha-Yaḥad[e] (4Q259; same manuscript as 4Q319), with fold between columns visible. Courtesy of the Leon Levy Dead Sea Scrolls Digital Library, Israel Antiquities Authority. (Photo: Najib Anton Albina)

Fig. 8. 1QpHab with one smooth and one ragged edge. Left margins are disregarded. Courtesy of the Shrine of the Book, Israel Museum.

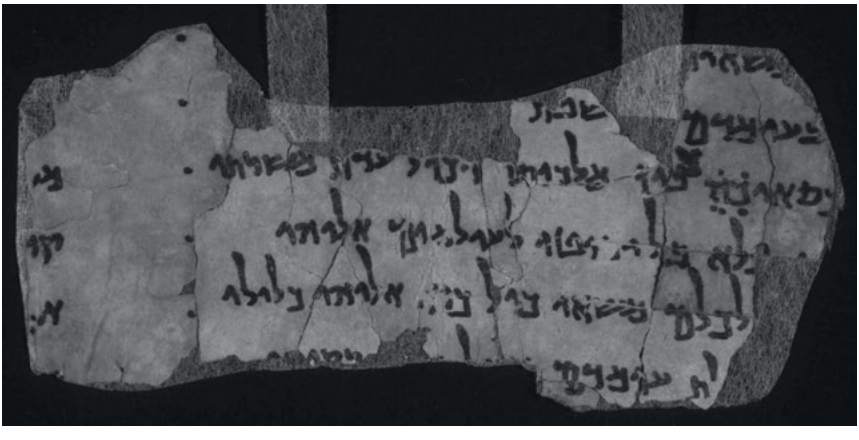

Fig. 9. 4QShirShabb^{f} (4Q405). Horizontal dry-point lines are disregarded. Courtesy of the Leon Levy Dead Sea Scrolls Digital Library, Israel Antiquities Authority. (Photo: Shai Halevi)

inauthentic. The forgery was announced in 1876 by none other than Clermont-Ganneau.[35] Moreover, a few of Shapira's associates had confessed to forging the pottery, further implicating Shapira in the scandal. The same associates would later rescind their confessions, which they said had been extracted from them by Clermont-Ganneau, a powerful diplomat, by means of blackmail and bribery.[36]

Alleged unscrupulous conduct aside, Clermont-Ganneau also did not have a unblemished record when it came to assessing the authenticity of ancient artifacts. For instance, he also declared that the Osorkon Bust, or Eliba'l Inscription (discovered in 1881), was a fake – a judgment that was later shown to be false.[37] Today this bust of Pharaoh Osorkon I is housed in the Louvre.

Shapira maintained his innocence in the Moabite pottery affair, insisting that he himself had expressed doubts about the authenticity of the figurines but had proceeded to broker the deal under pressure from the Prussian government, which was eager to acquire Moabite artifacts following the sensational discovery of the Moabite Stone in 1868–70. Shapira continued to conduct successful business after this scandal. The British Museum in particular purchased hundreds of important manuscripts from Shapira in the late 1870s and early 1880s.[38] Nonetheless, Shapira's reputation was tarnished by the incident, which caused some to doubt the genuineness of his Deuteronomy manuscripts as well.[39]

It should be remembered that before the development of technologies such as carbon dating that make it possible to verify the antiquity of certain objects, the risk of inadvertently buying and selling inauthentic material was substantial.[40]

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[35] Charles Clermont-Ganneau, *Les fraudes archéologiques en Palestine, suivies de quelques monuments phéniciens apocryphes* (Paris: Ernest Leroux, 1885), 179–81.

[36] See "The Shapira Collection," *The Athenæum* (March 7, 1874), 326–27.

[37] René Dussaud, "L'Origine de l'alphabet et son évolution première d'après les découvertes de Byblos," *Syria* 25, no. 1/2 (1946): 36–52, at 48. I thank Benjamin Sass for bringing this point to my attention.

[38] Margoliouth, *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum*, vol. 4, viii–ix.

[39] See, e.g., Charles Clermont-Ganneau, "Genuine and False Inscriptions in Palestine," *Palestine Exploration Quarterly* 16, no. 1 (1884): 89–100, at 92.

[40] Shapira's daughter, in a roman à clef, describes the receipt of the Moabite pottery as follows: "On the following morning, when she ran out into the paddock, she found it transformed into a regular caravansary. It was alive with strange men and their beasts, and piled up with bales of stuffs and calabashes filled with roses of Jericho and the balm of Gilead and bitter apples from the Dead Sea. One corner was filled with rows of coal-black sacks which terrified Siona. They were said to contain wheat from the banks of Jordan and barley from the land of Moab. A Bedouin with a long spear was in charge of this particular corner, and Siona thought he looked just like a demon in a fairy tale mounting guard over priceless treasure. Such sacks as these were never opened when her father was not present. He always stood by, whilst Selim, the factotum of the household, plunged his hands into the grain, extracting urns and idols and sundry articles in pottery. These Mr. Benedictus would carry away with the greatest care to that mysterious upper room at the top of the stone steps. But whenever he passed Ouarda, bearing his precious spoils, she would promptly cross herself, whilst Siona's mother would sigh audibly: 'Oh, my God, my God, what, more of these Moabitish idols!'" (Myriam Harry, *The Little*

Whether or not Shapira was as blameless in the affair as he claimed, it is clear that his manuscripts were assessed in the light of the Moabite pottery scandal.

1.2.3. Cut-Margin Theory

Let us turn now to consider the two points that had convinced Ginsburg the manuscripts were fraudulent. First, both he and Clermont-Ganneau asserted that Shapira's fragments had been cut from the bottom of Yemenite Torah scrolls.[41] The main reason for their suspicion had to do with the edges of the leather strips: Some of Shapira's fragments – although by no means all of them – had one edge that was relatively smooth, while the other edges were rougher.[42] This was taken as proof that the fragments had been recently excised, since it was believed that ancient manuscripts could not have a smooth edge. In Ginsburg's words, "Now, many of the Shapira slips are only ragged at the bottom, but straight at the top, thus plainly showing that they have been comparatively recently cut off from the scrolls since they have not yet had time to become ragged at the top."[43]

However, there is nothing unusual about an ancient manuscript having one smooth and one degraded edge. Indeed, there are abundant such Dead Sea Scrolls. Pictured below are just a few examples. Ginsburg's confident assertion on this point is thus plainly misguided. See figs. 10–11.

Since Clermont-Ganneau himself had been banned from further examining the fragments, he published a call for other scholars to compare Shapira's leather strips with Torah scrolls, outlining detailed instructions for a test that would prove the corrupt origins of the fragments:

Daughter of Jerusalem, trans. Phoebe Allen [New York: E. P. Dutton, 1919], 8–9. "Mr. Benedictus" refers to Shapira.)

[41] In his letter to Bond published in *The Times*, Ginsburg outlined several other claims to support the theory that Shapira's manuscripts were cut from Yemenite scrolls, noting that "(1), some of them are written on similar rough sheep skins to the material on which the Deuteronomy slips are written; (2), the lower margin of some of these scrolls [...] is the same width as the height of the Shapira slips; and (3), one of these scrolls – viz., Oriental, 1457, has actually such a cut off slip fastened to the beginning of Genesis – and this scroll was bought from Mr. Shapira in 1877, the very year in which he declares that he obtained the inscribed slips" (*The Times* [August 27, 1883], 6). In fact, Shapira stated that he first heard about (and obtained) the manuscripts in 1878. Furthermore, as mentioned below, it was found that the leather of Shapira's manuscripts differed "very considerably" from such Torah scrolls (*The Daily News* [August 22, 1883], 3).

[42] In his report, Hermann Guthe provides a different account of the fragments' edges. According to him, "only a few pieces have a better-preserved, let alone well-preserved, edge. [...] The long edges exhibit similar differences in their state of preservation; on one strip, the leather has become so brittle that one could easily tear or pinch it off like a decayed piece of cloth" (Guthe, *Lederhandschrift*, 3; my translation). Guthe's description of the eroded state of most of the fragments, on their short and long edges alike, appears to be supported by the available photographs and drawings of the fragments.

[43] *The Times* (August 27, 1883), 6.

Fig. 10. 11QPs[a] (11Q5) with one smooth and one ragged edge. Courtesy of the Leon Levy Dead Sea Scrolls Digital Library, Israel Antiquities Authority. (Photo: Najib Anton Albina)

Fig. 11. 11QTemple[a] (11Q19) with one smooth and one ragged edge. Courtesy of the Shrine of the Book, Israel Museum.

I advise all the impartial scholars [...] to whom may be permitted an examination which is denied to me (I know not, or rather, I know very well why) to take the suspected strips, and to lay them against the lower edge of one of the synagogue rolls preserved at the British Museum. [...] (1). To ascertain whether, by chance, there does not remain on the upper portion of the strips traces of the tails of the square Hebrew letters, especially of the final letters which, as we know, descend below the normal line. (2). To see if the back of the leather does not materially differ in appearance from the face of it; and whether it has not been left in the raw state, as on the synagogue rolls. (3). To take the average height of all the strips, in order to obtain from them the greatest height, which will enable us to determine the height of the original margin of the roll (or the rolls) that supplied the forger. I can at once affirm that on this roll the columns of square Hebrew characters were from 10 to 11 cm in breadth, and were separated by blank intervals of about 4½ cm in breadth. (4). To ascertain the description of the leather, and above all of the thread in the seams.[44]

As it turns out, at least one person accepted this challenge shortly thereafter and published the results, which failed to confirm Clermont-Ganneau's suspicions:

M. Clermont Ganneau [...] has published a letter, in which he claims to have discovered that the manuscript is a forgery, and that it was written on slips cut from the margin of a comparatively modern synagogue-roll. [...] But the portion of the Deuteronomy manuscript examined by the present writer was written on leather of a thicker character, differing very considerably from that usually employed in synagogue-rolls.[45]

Furthermore, no traces of letters were found on the top of Shapira's leather strips.

Despite the lack of evidence for the cut-margin theory, it has proved remarkably tenacious. In recent years, the journalist Chanan Tigay has even claimed to have located the exact scroll from which Shapira cut his fragments, since its bottom margin was removed.[46] But the scroll identified by Tigay (Brinner 11, in San Francisco's Sutro Library) shows signs of significant water damage, particularly in the lower portion. It is therefore almost certain that the bottom part of the manuscript was excised in order to stem further rot from the severe water damage in that area, rather than to serve as the medium for a forged text.[47] See fig. 12.

1.2.4. Hebrew "Errors"

Besides his suspicion that Shapira's fragments had been cut from the margins of eastern Torah scrolls – a theory for which there is no viable corroborating evidence – Ginsburg also claimed that there were certain errors in the Hebrew

[44] Charles Simon Clermont-Ganneau, "Mr. Shapira's Manuscripts," *The Times* (August 21, 1883), 8.

[45] *The Daily News* (August 22, 1883), 3; no byline. This is cited in Mansoor, "Shapira's Dead Sea Scrolls," 197.

[46] Chanan Tigay, *The Lost Book of Moses: The Hunt for the World's Oldest Bible* (New York: HarperCollins, 2016), 316–18.

[47] For additional details and a more thorough rebuttal of Tigay's claim, see Dershowitz, "Valediction of Moses."

Fig. 12. Brinner 11, showing water damage. Courtesy of the Sutro Library, San Francisco.

that could have only been made by "a Polish, Russian, or German Jew, or one who had learned Hebrew in the north of Europe."[48]

For example, Ginsburg surmised that the ostensible mix-up between the Hebrew letters *khet* and *kaph* in Fragment D (column 2, line 2) was a phonetic error pointing to a European Jewish compiler who would have pronounced "the undageshed *caph* and the guttural letter *cheth* alike."[49] The word in question was initially transcribed by Guthe, Ginsburg, and Shapira as כבל, rather than the expected חבל ("region," corresponding to Deut 3:4). In the forgery scheme envisioned by Ginsburg, the compiler of the Hebrew text would have verbally dictated the text to a skilled scribe who then wrote out the words in the archaic Paleo-Hebrew script.[50] But in fact, since the *kaph* of כבל does not follow a vowel, it would have corresponded to the stop /k/, not the fricative /x/. This particular word is thus not a viable candidate for the supposed error identified by Ginsburg.[51] In a letter, Shapira would later propose the more probable reading גבל (the letters *gimel* and *kaph* are rather similar in the script of the Shapira manuscripts), meaning "border/territory."

Another apparent confusion of *khet* and *kaph* occurs just a few lines later (Fragment D, column 2, line 8) in the word transcribed by Ginsburg as מנסחהן, "from their libations/drink offerings," but this time a *khet* appears where a *kaph* is expected. The orthography indeed appears to be unusual in this case, but again it makes little sense to suppose a phonetic error between the two sounds, since here too the expected *kaph* does not follow a vowel and so would not be pronounced like *khet*. Rather than betraying a modern scribal scenario, the substitution of the two letters could well be archaic. The Hebrew word לתך (with final *kaph*) corresponds to Ugaritic *lṯḥ* (with final *khet*), for instance, and the Dead Sea Scroll 4Q540, which dates to the Hasmonean period, has כסר instead of the expected חסר (fragment 1, line 3). We must also consider the possibility that the word was not accurately transcribed here, since Guthe indicated that he found this particular letter to be completely illegible.[52]

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[48] *The Times* (August 27, 1883), 6.

[49] Ibid.

[50] Ginsburg thought the person who conceived the Hebrew text could not have also written out the Paleo-Hebrew (i.e., "Phoenician") script because of certain mistakes in the text that Ginsburg felt sure the author would have corrected had he been able to read the archaic letterforms: "The compiler of the text…could not have been familiar with the Phoenician characters exhibited in these slips, or he would assuredly have read over the transcript and have detected these errors. He would especially have noticed the transposition of the two letters in the predicate applied to God, which, instead of saying He was 'angry,' declares that He 'committed adultery'" (ibid.).

[51] For an earlier dismantling of this and other arguments discussed in this section, see Mansoor, "Shapira's Dead Sea Scrolls," 214–17. See also footnote 53 in the critical edition of V (chapter 7).

[52] See Guthe, *Lederhandschrift*, 30. Another example noted by Ginsburg is the string of letters he reads as לתתהות or לתתוהת in E 1:6, which he takes to be an ignorant corruption of the canonical לטוטפות (translated as "frontlets") – namely, a mix-up between *tet* and *tav*, again sup-

1.2.5. Paleographic Objections

Apart from the reasons enumerated by Ginsburg in 1883 and discussed above, the only substantial new arguments that have been leveled against the authenticity of Shapira's manuscripts in recent years pertain to paleography. But since paleography is a study of ancient writing, and the Shapira manuscripts are unavailable, such analyses must be undertaken with great caution.

Without access to the manuscripts themselves or legible photographs, scholars who wish to study the letterforms are forced to rely on renderings of Shapira's fragments produced by a few artists and scholars in the 1880s. In terms of script-bearing illustrations, we have the various drawings of V^a Fragment E made by or for Ginsburg (figs. 13–16),[53] as well as a table of letterforms prepared by Guthe (fig. 17).[54] It is only these scholarly renderings that have received any paleographic attention. In addition, drawings were prepared by two or three "naïve" artists, but these have been almost entirely overlooked. They comprise two drawings for *The Graphic* – one column of a fragment of V^a with several legible characters (fig. 18, bottom), and an illustration of the first line of text on Fragment A (fig. 18, top)[55] – and one drawing for *The Illustrated London News* of a column of V^b bearing little legible text (fig. 19).[56] Importantly, the representations of the same letterforms by the various artists differ dramatically. Even the different drafts of Ginsburg's drawing include radical divergences. Furthermore, it is imperative to realize that the scholars, on the one hand, and the naïve artists, on the other, were engaged in altogether different enterprises. The scholars were copying the Paleo-Hebrew text they had deciphered, whereas the naïve artists, who were illiterate in Paleo-Hebrew, were simply drawing the shapes they discerned.[57]

posedly caused by the particular pronunciation of a European Jew. For a European Jew, however, the two *tav*s here would correspond to /s/, whereas the *tet*s of לטושפות would be /t/. Even if this faulty reasoning could explain the *tet*/*tav* substitution, it would not account for the subsequent three characters: הות or והת, per Ginsburg, rather than the expected פות (or rather פת in V's orthographic scheme). For a detailed analysis of these six letters, which I reconstruct as לתת מִפָּת, see note 91 in the critical edition. See also §6.2.7.

[53] The different versions of Ginsburg's drawing are shown in BL Ms. Add. 41294, 34 (top and bottom), 35 (top and bottom), 36 (top and bottom), 37–38; Ginsburg, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2915 (September 8, 1883), 305.

[54] Guthe's table of letterforms can be found in the appendix to *Lederhandschrift*, on p. 96.

[55] *The Graphic* (September 1, 1883), 224.

[56] *The Illustrated London News* (August 25, 1883), 181.

[57] For a critique of Ginsburg's renderings and a detailed analysis of the problems involved with applying paleographic tools to this text, see Dershowitz, "Valediction of Moses."

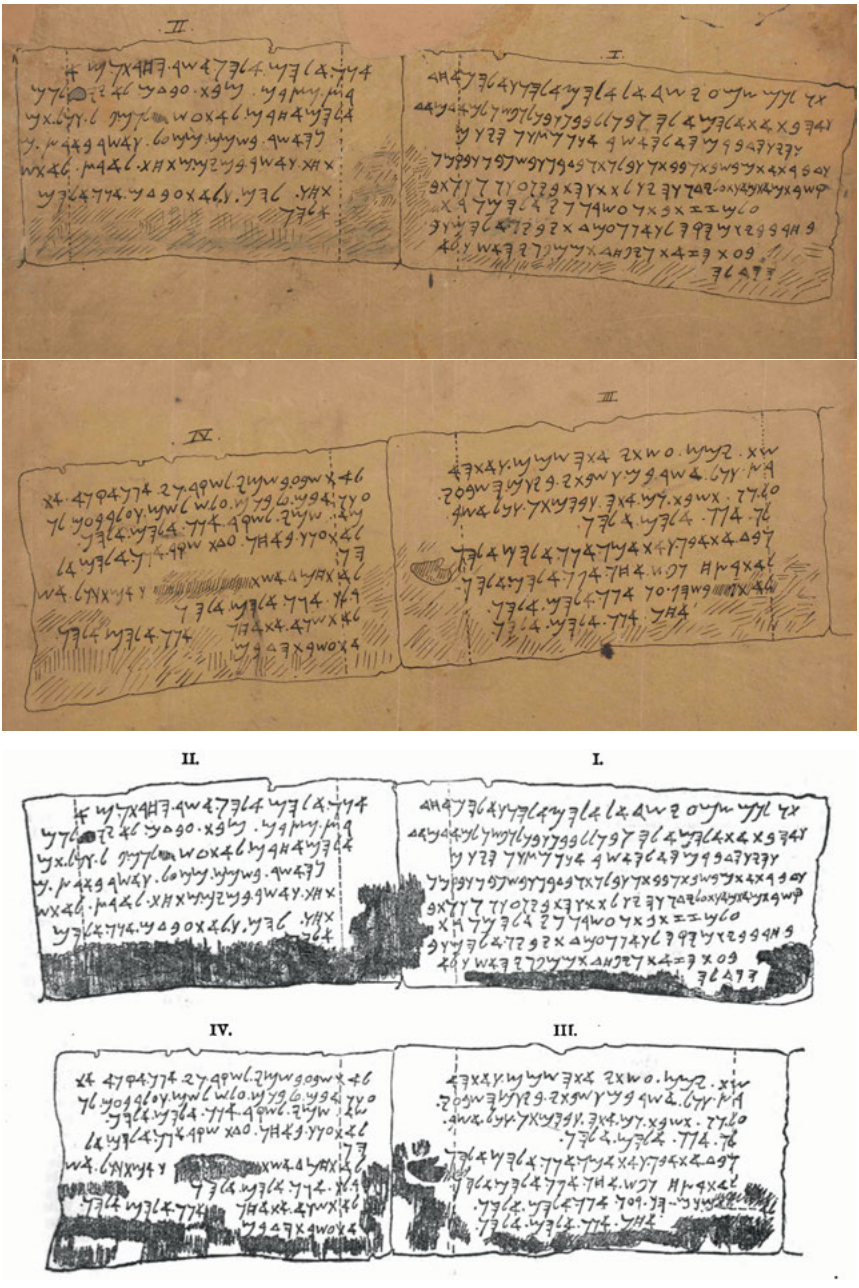


Fig. 13. Ginsburg's sketch (above) of Fragment E (V^a) and drawing as it appeared in *The Athenæum* 2915 (below). Note especially the different representations of the penultimate line of column 3. Sketch by permission of the British Library (Ms. Add. 41294).

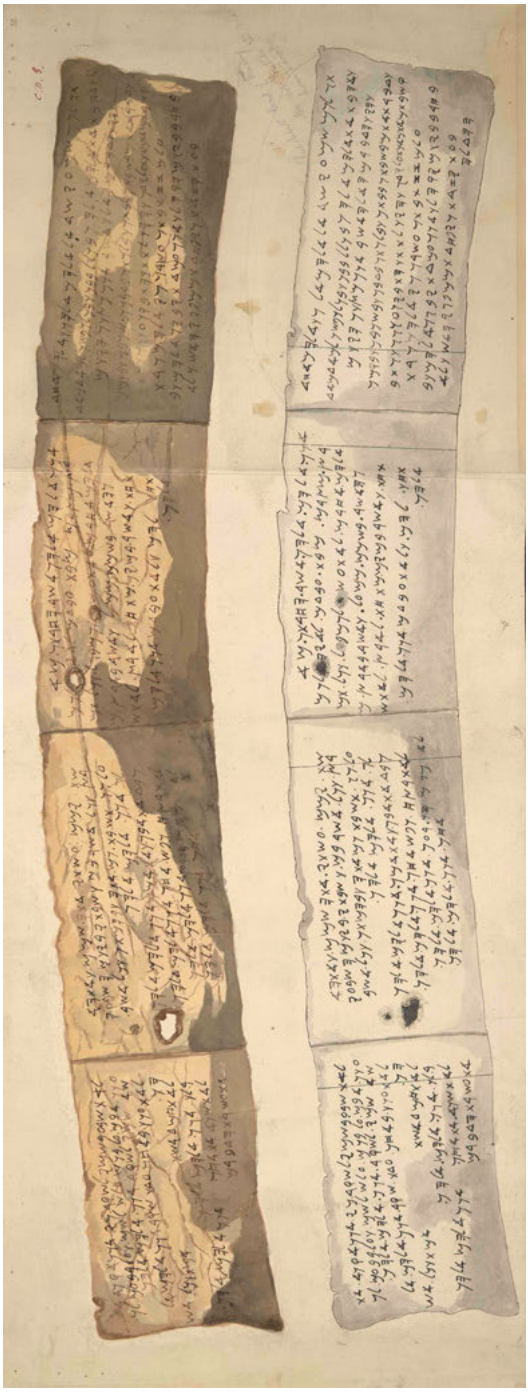


Fig. 14. Drawing of Fragment E (V^a) prepared by Dangerfield Lithography (London, 1883), in consultation with Ginsburg. By permission of the British Library (Ms. Add. 41294).

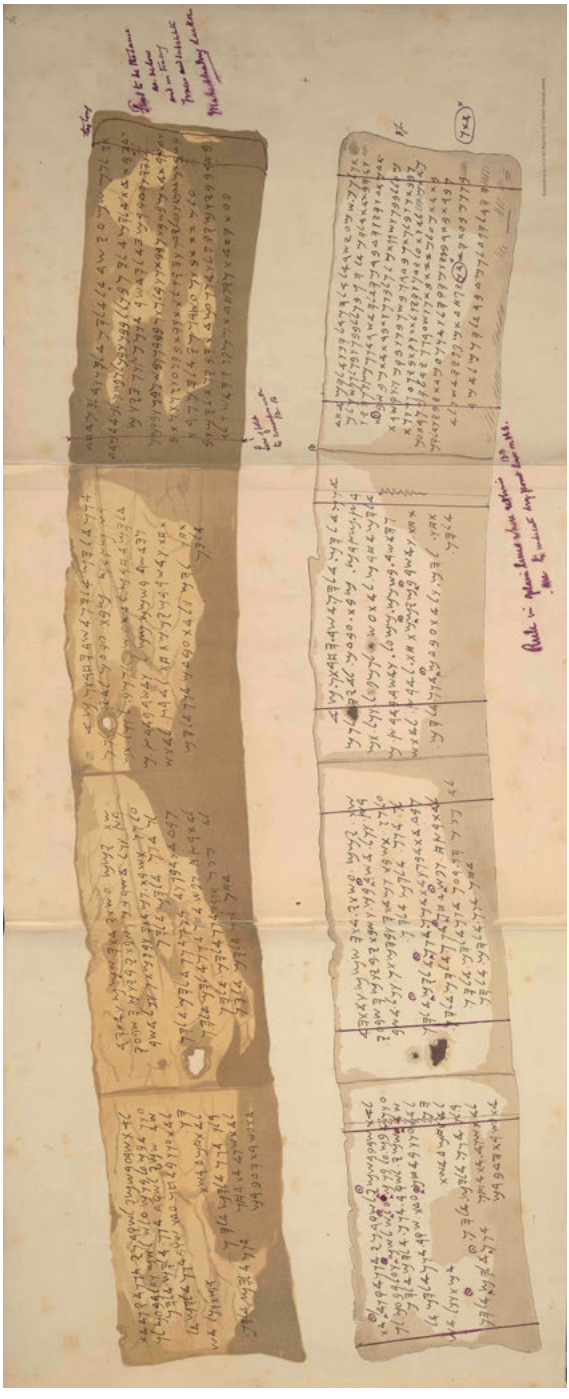


Fig. 15. Drawing of Fragment E (V^a) prepared by Dangerfield Lithography (London, 1883), in consultation with Ginsburg. By permission of the British Library (Ms. Add. 41294).

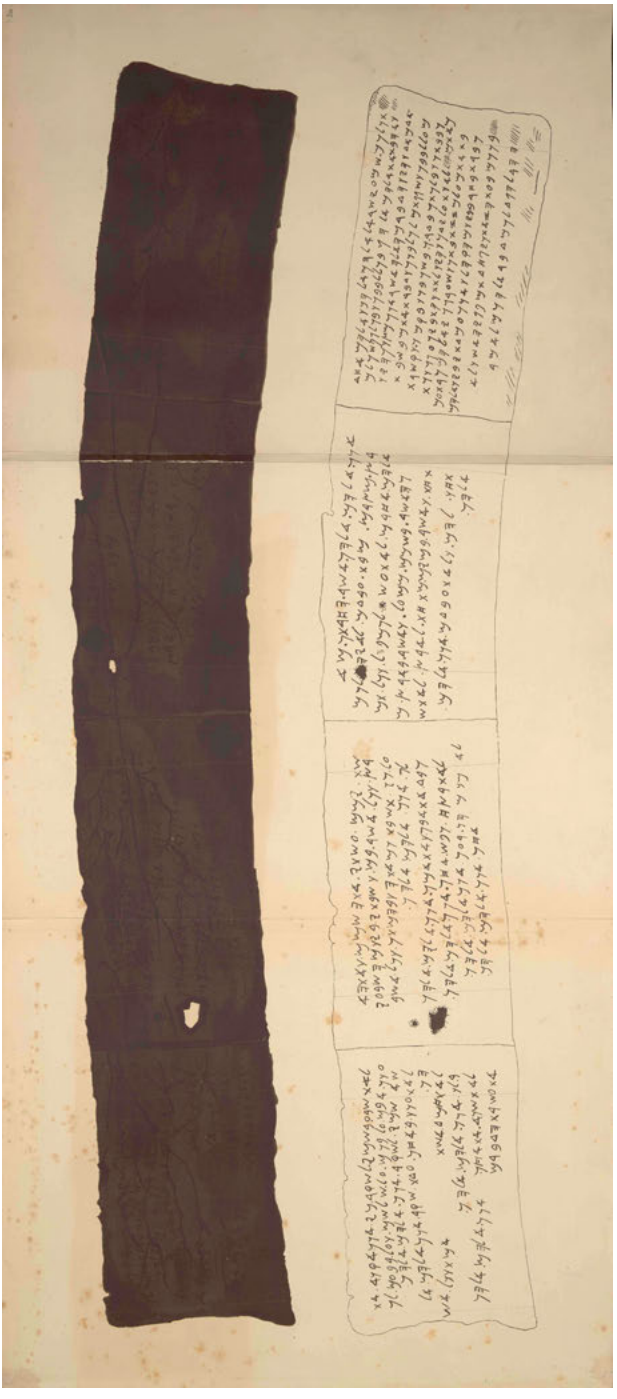


Fig. 16. Drawing of Fragment E (V^a) prepared by Dangerfield Lithography (London, 1883), in consultation with Ginsburg. By permission of the British Library (Ms. Add. 41294).

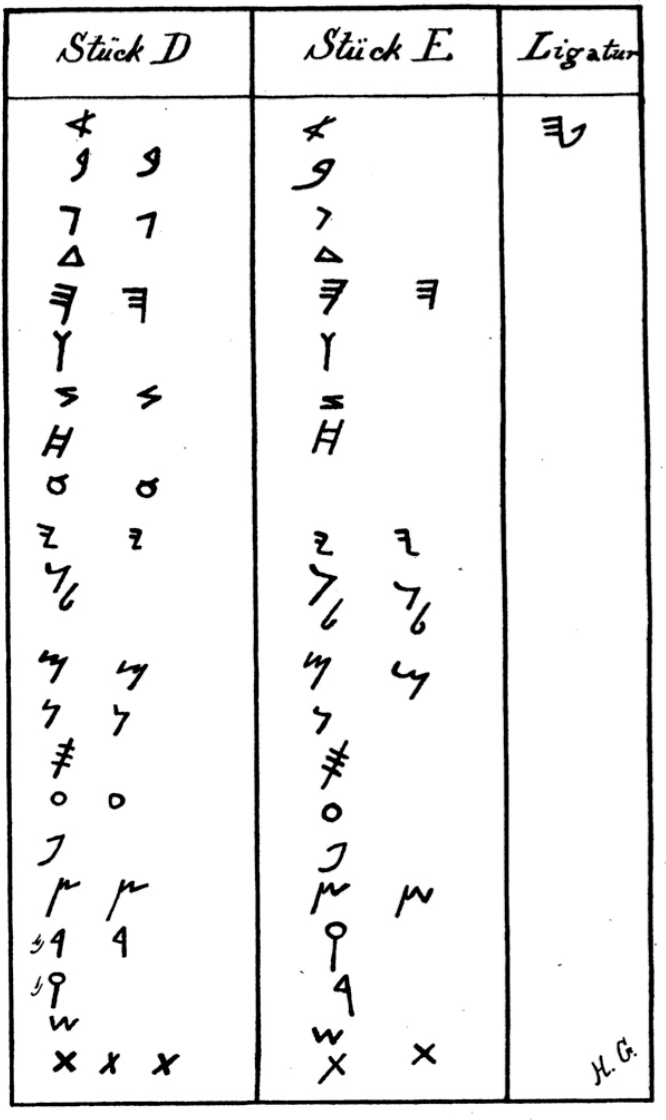


Fig. 17. Table by Guthe of letterforms in Fragments D and E (V^a).

Fig. 18. Drawings of Fragment E (V[a]) from *The Graphic* (1883). Column 3 is shown below. The text on top is from Fragment A, column 1.

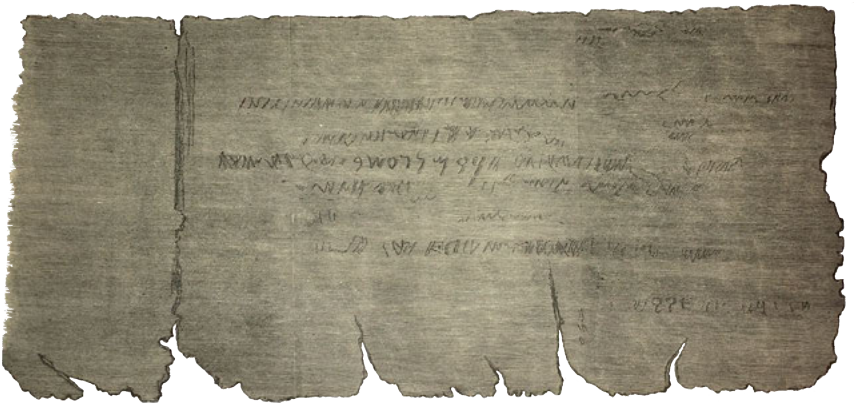


Fig. 19. Drawing of V[b] fragment from *The Illustrated London News* (1883).

Among those who have raised objections to Shapira's fragments on epigraphic grounds is André Lemaire, who published the following statement in a 1997 issue of *Biblical Archaeology Review*:

> Paleographical analysis reveals the work of at least two different scribes. However, the letter shapes do not correspond exactly to any known ancient West Semitic script. It is neither Moabite (although most letters seem like imitations of Moabite writing in the Mesha Stele, which records the ninth-century B.C.E. Moabite king Mesha's victories over Israel; photo and detail of drawing, below) nor "Canaanite" (West Semitic writing from about the 13th to the 11th century B.C.E.). It is neither the Hebrew script used during the First Temple period nor the archaizing paleo-Hebrew script found on coins of the First Jewish Revolt against Rome (66–70 C.E.) and the Second Jewish Revolt (132–135 C.E.) and in several of the Dead Sea Scrolls. *In truth, after a simple look at the facsimile, an experienced paleographer can see it is a forgery.*[58]

Lemaire bases his claim here on an early draft of Fragment E by Ginsburg, which – problematically – is quite different from Ginsburg's other drawings of the very same fragment, as can be seen, for example, from a comparison of figs. 20 and 21.[59] Because this drawing is demonstrably unreliable, the results of Lemaire's paleographic assessment are immaterial.

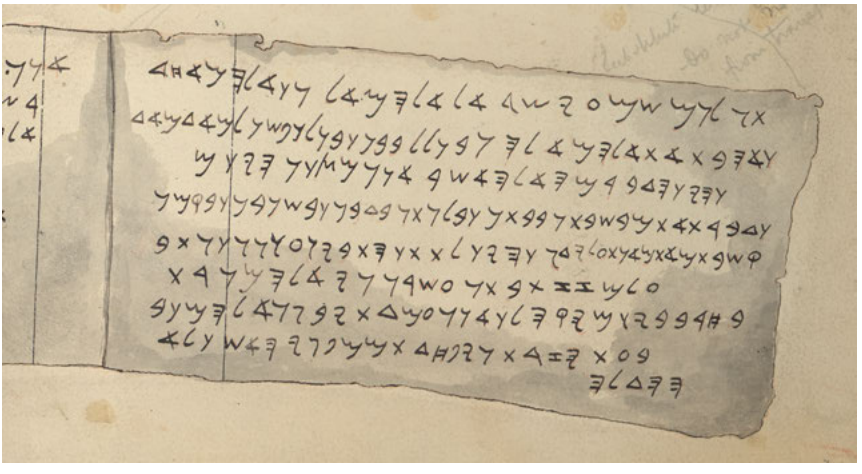


Fig. 20. Ginsburg's drawing of Fragment E that was analyzed by Lemaire (BL Ms. Add. 41294, 35).

[58] André Lemaire, "Paleography's Verdict: They're Fakes!" *Biblical Archaeology Review* 23, no. 3 (1997): 36–38, at 38 (emphasis mine).

[59] For Ginsburg's various drawings of the manuscript, see BL Ms. Add. 41294, 34 (top and bottom), 35 (top and bottom), 36 (top and bottom), 37–38; Ginsburg, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2915 (September 8, 1883), 305.

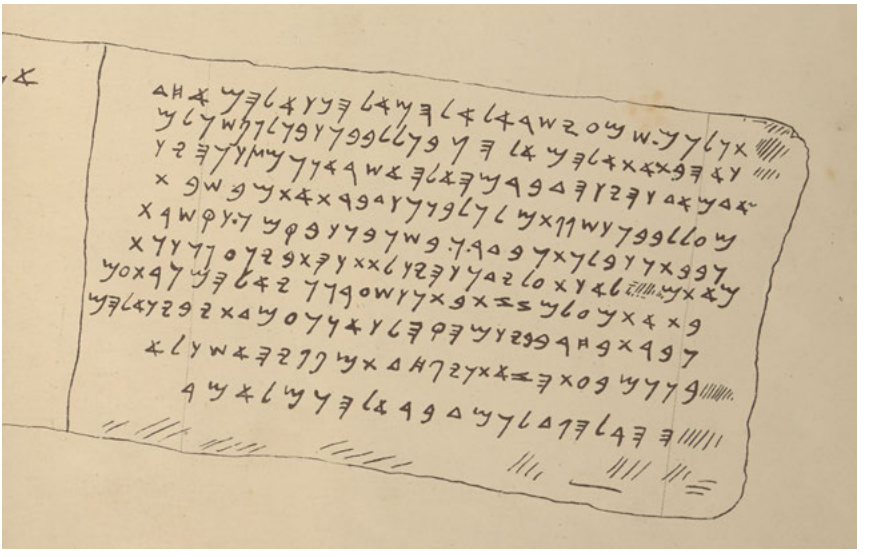
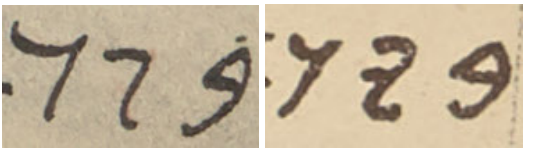
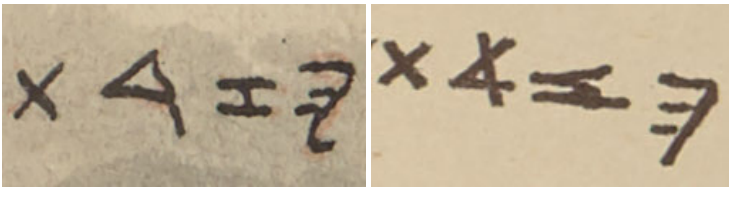


Fig. 21. Different version of Ginsburg's drawing of the same column (BL Ms. Add. 41294, 34).

Even an untrained eye can spot numerous differences between these two versions of the same column as drawn by Ginsburg. I will highlight just two sample discrepancies. In line 8 (V[a], Fragment E, column 1), the word בין looks quite different in the draft published in Lemaire's article (BL Ms. Add. 41294, 35) as compared with another drawing of the same column by Ginsburg (BL Ms. Add. 41294, 34):



The word הזאת in the same column likewise displays noteworthy differences in each of its letters, as well as in the inclination of the line:



A comparison of these two drafts calls into question the possibility of conducting any fruitful second-hand paleographic analysis in this case. Furthermore, as I

discuss in my article on the Shapira fragments, Ginsburg's rendering of the Mesha Stele exhibits radically different paleography from the object itself, further calling into question the enterprise of undertaking a paleographic analysis on the basis of his drawings.[60]

Ginsburg's drawings also differ considerably from the table of letterforms supplied by Guthe. Again, I cite only two examples here. In Ginsburg's drafts of Fragment E he consistently represents the letter *vav* with two diagonal strokes, so that it resembles a lowercase "y." By contrast, in Guthe's table of the letterforms in this very fragment, the *vav* is rendered with what appear to be three strokes, producing a much narrower, more vertical, and more symmetrical letterform.

Fig. 22. Examples of *vav* in Ginsburg's drawings of Fragment E (V^a).

Fig. 23. *Vav* in Guthe's table of letterforms in Fragment E (V^a).

The differences between Ginsburg's and Guthe's renderings of the *qoph* in Fragment E are no less striking. In Ginsburg's drawings, the *qoph* is represented as a circle intersected by a vertical stroke.[61] In Guthe's drawing of the *qoph* letterforms in this fragment, not only is the vertical stroke substantially longer than in Ginsburg's drawings, but it also clearly does not intersect the circle. (See figs. 24 and 25.) Indeed, Guthe says as much explicitly in his discussion of the letter, drawing attention to the distinctiveness of this specific feature.[62]

[60] Dershowitz, "Valediction of Moses."
[61] There is, however, no consistency vis-à-vis stance.
[62] Guthe, *Lederhandschrift*, 67.

Fig. 24. Examples of *qoph* in Ginsburg's drawings of Fragment E (V^a).

Fig. 25. *Qoph* in Guthe's table of letterforms in Fragment E (V^a).

While paleographic analysis can be essential for the purposes of authentication and dating, this is not the case for the Shapira manuscripts, considering that the original objects are lost. We do not have a single photograph of the manuscripts in which text is discernible, and we have seen that Ginsburg's drawings are unreliable and mutually contradictory.

This is not to say that paleography has nothing at all to contribute. Guthe's descriptions and discussion of the letterforms are considerably more useful than Ginsburg's drawings, for example, although they too cannot be taken at face value. Most valuable of all are the naïve drawings prepared by artists who were not literate in Paleo-Hebrew, which have been overlooked by paleographers. Ginsburg and Guthe were well versed in the paleographic curriculum of their generation, and that knowledge appears to have influenced how they saw and represented the script on the Shapira fragments. Illiterate artists, on the other hand, are largely immune to such pattern-recognition hazards.

This brings me to my final example. One paleographic oddity in Ginsburg's drawings of the Shapira manuscripts is the right-leaning stance of the *he*.[63]

[63] I thank Christopher Rollston and Michael Langlois for highlighting this apparent paleographic problem with the Shapira manuscripts. The same applies, to a lesser extent, to the letterforms drawn by Guthe.

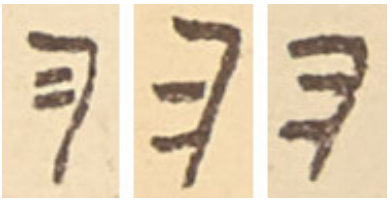


Fig. 26. Examples of *he* in Ginsburg's drawings of Fragment E (V^a).

While not without precedent in ancient inscriptions, this stance is nevertheless uncommon. It therefore might be seen as a revealing an error by a forger who was not attuned to stance, given that stance was not a well-understood phenomenon in the nineteenth century. However, in the drawing of Fragment A's first words, published in *The Graphic* in 1883 and prepared by a non-specialist artist,[64] we can see three very clear *he* characters. Unlike in Ginsburg's drawings, where the letter has a right-leaning orientation, here each *he* leans unmistakably to the left.

Fig. 27. Illustration of several characters from first line of Fragment A (or its V^b counterpart) from *The Graphic* (1883).

Another detail in this artist's rendering that conflicts with those of Ginsburg and Guthe is the flourish, or reflex, on the bottom-right of the two *yod*s (the fourth and fifth letters from the left). This feature is now attested in the epigraphic record, especially among the Samaria ostraca.[65] Furthermore, the first of the two *yod*s here is drawn with a single stroke. It is notable that although single-stroke *yod*s are highly uncommon in the epigraphic record, they are, in fact, attested in the Samaria corpus – inscriptions that were unknown in Shapira's lifetime. As Ivan Kaufman writes:

> The letter *yod* in the Harvard Samaria Ostraca is of particular interest because of two main aspects of its cursive development, namely the very common reflex at the end of its tail and the occasional continuous execution of the top and middle horizontals or of the latter with the lower half of the vertical…This manifestation of the reflex, so common at Samaria, leaves no trace in later inscriptions even though the reflex is found in them on other letters such as *'alef*, *zayin*, *samek*, and *ṣade*. The further peculiarity with respect to the *yod* of the

[64] *The Graphic* (September 1, 1883), 224.

[65] See Frank Moore Cross, Jr., "Epigraphic Notes on Hebrew Documents of the Eighth-Sixth Centuries B. C.: II. The Murabba'ât Papyrus and the Letter Found near Yabneh-yam," *Bulletin of the American Schools of Oriental Research* 165 (1962): 34–46, at 36; Ivan Tracy Kaufman, "The Samaria Ostraca: A Study in Ancient Hebrew Palaeography" (PhD diss., Harvard University, 1966), 45–48.

Samaria Ostraca is the execution of the letter with what looks like a continuous movement of the pen. Reisner noted three examples, according to his facsimiles. We have evidence now for about a dozen such *yod*s.[66]

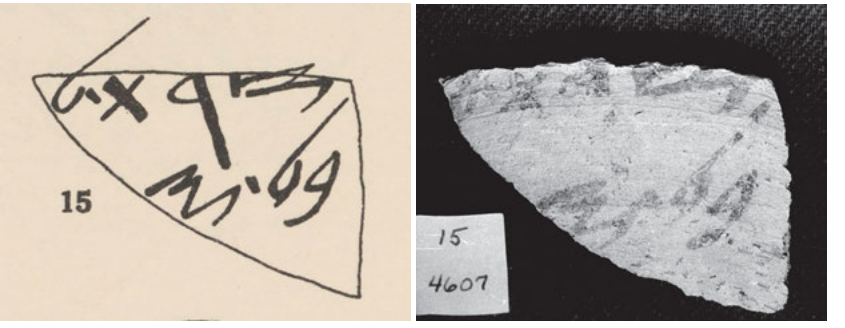


Fig. 28. Samaria Ostracon 15, with single-stroke *yod*. Drawing by George Reisner.

Even if a cursory glance at the paleography as reproduced in Ginsburg's drawings suggests the work of a forger, it must be remembered that no contemporary epigrapher has had an opportunity to analyze *the original fragments*. Indeed, in a world in which the unquestionably genuine Mesha Stele were lost and only the scholarly "facsimiles" remained – including that of Ginsburg himself[67] – paleographers using the very same reasoning would condemn the Mesha Stele as a forgery. And they would be wrong.

1.3. Summary

Under scrutiny, every objection to the authenticity of Shapira's manuscripts falls flat. Moreover, in light of our expanded *comparanda* following the many new epigraphic finds since 1883, various features once regarded as proof that the Shapira manuscripts were forgeries now appear to validate their antiquity. In the next chapter, I introduce new evidence that points to the same conclusion.

[66] Kaufman, "Ostraca," 45–46. Cf. George Andrew Reisner, *Israelite Ostraca from Samaria* (Boston: E. O. Cockayne, 1920), 15 pages from title page (unnumbered). For a possible example in an early inscription from Tel Reḥov, see Amihai Mazar, "Three 10th–9th Century B.C.E. Inscriptions from Tēl Reḥōv," in *Saxa loquentur: Studien zur Archäologie Palästinas/Israels. Festschrift für Volkmar Fritz zum 65. Geburtstag*, ed. Cornelis G. den Hertog, Ulrich Hübner, and Stefan Münger, AOAT 302 (Münster: Ugarit Verlag, 2003), 171–84, at 179. I thank Benjamin Sass for bringing this feature of the Tel Reḥov inscription to my attention.

[67] Christian David Ginsburg, *The Moabite Stone: A Fac-simile of the Original Inscription, with an English Translation, and a Historical and Critical Commentary*, 2nd ed. (London: Reeves and Turner, 1871). For more on this point, see Dershowitz, "Valediction of Moses."

2. A New Discovery: The Shapira Papers

Several years after Shapira's suicide, his widow, Anna Magdalena Rosette, donated several of his papers to Hermann Strack, an acquaintance of Shapira's who was a professor at the University of Berlin (now Humboldt University). Strack transferred the documents to his teacher and colleague, Moritz Steinschneider, who compiled and bound them, depositing them at the Königliche Bibliothek (now the Staatsbibliothek zu Berlin), where they remain today. These documents consist primarily of catalogs listing and describing various Jewish manuscripts that Shapira procured in Yemen and Egypt.[1] Steinschneider bound several loose sheets together with the catalogs, some of which contain the text of *piyyutim* in Shapira's collection, and one of which lists items for sale from the Cairo Genizah, several years before the corpus attracted significant attention.

Of especial interest are three untitled pages with Hebrew writing in purple ink, which are scattered throughout the volume in no particular order. Taken together, these sheets constitute roughly the first third of Shapira's own transcription of the Valediction of Moses. This remarkable document, which has not been previously identified, is of great significance for the question of Shapira's alleged forgery of the manuscripts, as we will see.

The transcription is a preliminary one: There are several question marks, marginal comments, and rejected readings.[2] Indeed, Shapira had not yet determined the correct arrangement of the fragments when he was preparing this draft; after transcribing five columns, he corrected himself and wrote that the passage he had identified as the sixth column was, in actual fact, the third one. Notably, the document also contains several transcription errors. Shapira's difficulty making sense of the text is difficult to reconcile with the idea that he was himself involved in its fabrication.

[1] Ms. or. fol. 1342. It is listed today as *Eigenhändiges Verzeichnis der von Shapira gesammelten hebr. Handschriften*; the handwritten title inside the volume is *Shapiras eigenhändiges Verzeichniße der von ihm gesammelten hebraeischen Handschriften*. I am grateful for the assistance of Petra Figeac, Nicolé Fürtig, and Sophia Gal at the Staatsbibliothek.

[2] That this is an early draft can also be inferred from a comparison with Shapira's later writings. In a letter from August 1883, Shapira writes that he had previously read a certain string of letters (located in B 1:1) as וינאף (metathesis of ויאנף), only to realize later that the correct reading is ויחר אף. In the draft from the Shapira papers, he first transcribed וימאר (apparently a metathesis of ויאמר), then struck it out and wrote instead וינאף. Thus, the earlier reading Shapira refers to in his letter is the *corrected* reading here. See BL Ms. Add. 41294, 21.

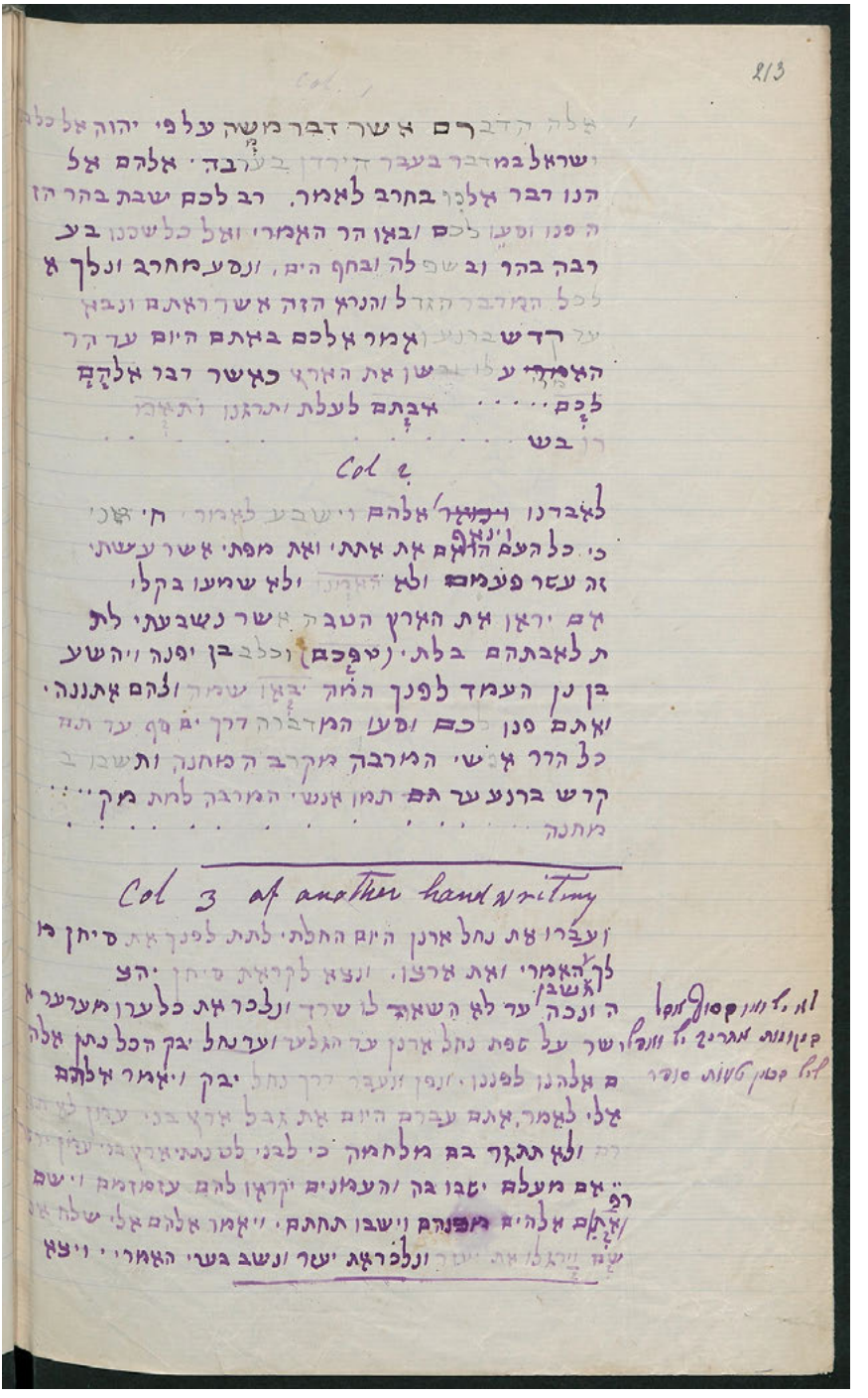


Fig. 29. First page of Shapira's draft transcription.

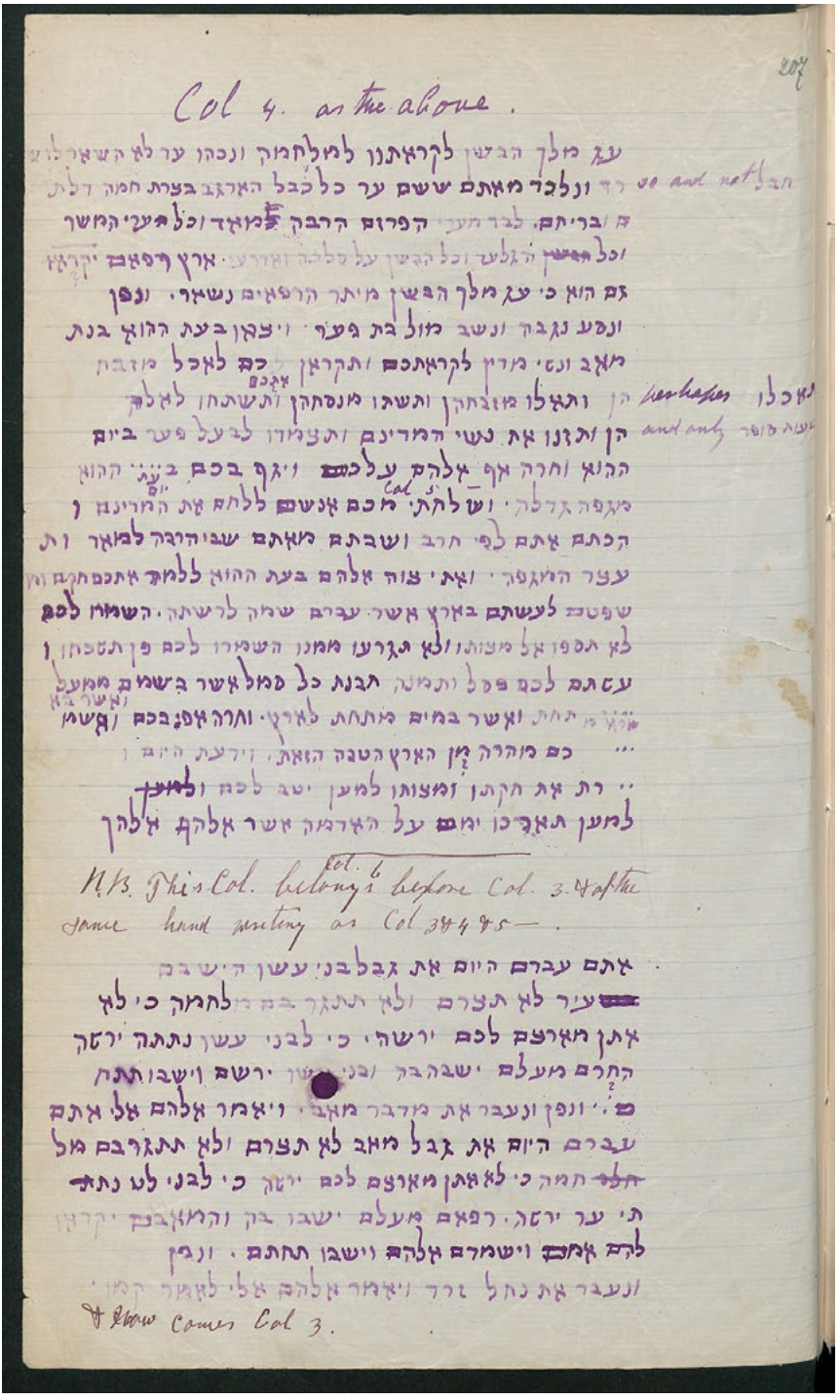


Fig. 30. Second page of Shapira's draft transcription.

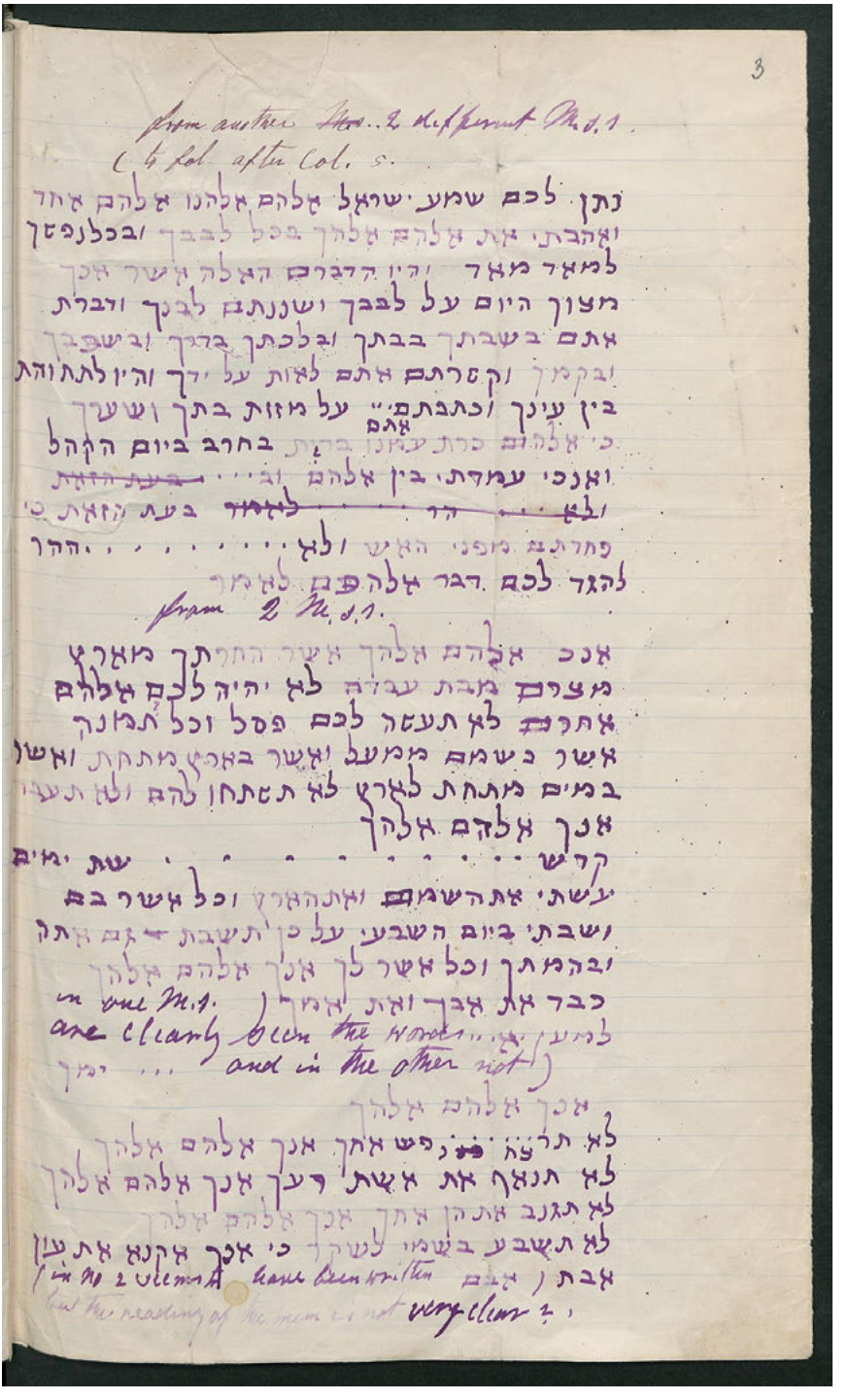
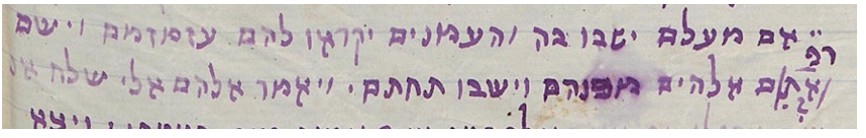


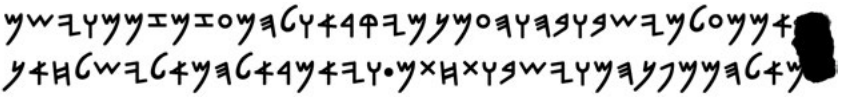
Fig. 31. Third page of Shapira's draft transcription.

One illuminating mistake is Shapira's reading of the word וישמ|ד]ם below as וישם |את]ם. (The line break is marked with a pilcrow [¶].)

Deut 2:20b–21 (MT)	Shapira's transcription of V^a D 1:8–9	Corrected transcription of V^a D 1:8–9
רפאים ישבו בה לפנים והעמנים יקראו להם זמזמים עם גדול ורב ורם כענקים וישמידם יהוה מפניהם ויירשם וישבו תחתם	|רפ]אם מעלם ישבו בה והעמנם יקראו להם עזמזם וישם¶|את]ם אלהם מפנהם וישבו תחתם •	|רפ]אם מעלם ישבו בה והעמנם יקראו להם עזמזם וישמ¶|ד]ם אלהם מפנהם וישבו תחתם •



To better understand the cause of this error, consider that this section of the manuscript from which Shapira was reading (V^a) would have looked something like this:



Shapira appears to have been thrown off by the *scriptio continua* (and the associated possibility for lexemes to be broken between lines) and the absence of terminal letterforms in Paleo-Hebrew.[3] The last four letters in the upper line form a familiar biblical Hebrew word, וישם (placed), and Shapira seemingly overlooked the possibility that the word did not end at the line break. The second of the two lines, like the first, was damaged and illegible on the far-right edge, leading Shapira to seek a short word ending with a *mem* – the first visible letter on the line – to fit in the small space. אתם (them) fit the bill, so he tentatively reconstructed an *aleph* and *tav*, marking them with a question mark.

The etiology of this error is easy enough to reconstruct, but it raises an obvious question: If Shapira forged the manuscripts – or if he was complicit in their alleged forgery – how can we explain the existence of his middling attempt at

[3] For a description of the manuscripts, see §7.1.

reading them? If Shapira himself devised or inscribed the text, it goes without saying that he would not have needed to decipher it.[4]

At the very least, these papers suggest that Shapira believed the manuscripts to be authentic, and that he was unfamiliar with their contents. If the manuscripts are indeed forgeries, Shapira would have to have been the victim of the hoax, not its perpetrator.

This, in turn, raises new questions as to the possible motive for the supposed forgery, as well as its feasibility. It is no coincidence that Shapira has always been personally implicated in the forgery of these manuscripts. After all, he had an obvious motive: enormous wealth and prestige. He also had a marred reputation ever since he was found to have sold inauthentic Moabite pottery.[5] Furthermore, the text of V allegedly contained errors made by a person of European Jewish extraction, which again seemed to incriminate Shapira.[6] Lastly, the manuscripts were said to have been cut from the bottom margins of Oriental Torah scrolls, of which Shapira was a major purveyor.[7] As we saw in the previous chapter, none of these arguments is tenable any longer.

Had Shapira known the manuscripts to be forgeries, then his tales of discovery and purchase would certainly have been lies. However, considering that Shapira apparently believed the manuscripts to be genuine, it is difficult to explain his account or, indeed, to construct a coherent narrative regarding the supposed forgery. As mentioned above, Shapira said that he purchased the manuscripts from Bedouins who found them in a cave near the Dead Sea, wrapped in linen bundles and covered in a bitumen-like substance. If the discovery story was a ruse to dupe Shapira, what then motivated the mastermind? Are we to believe that a forger invested tremendous time, effort, and funds to create two fraudulent manuscripts (and part of a third), only to sell them to Bedouins who then passed them on to Shapira for a pittance?[8] Moreover, an anonymous forger would not

[4] Another misunderstanding of V by Shapira has to do with the demarcation of the Decalogue's ten proclamations. In a letter to Strack, Shapira wrote that the first proclamation in V is "לא תעשה your [sic] shall have no other gods" (BL Ms. Add. 41294, 7). Whether Shapira intended לא תעשה, as in the Hebrew, or לא יהיה, as in his translation, he was incorrect. The layout of the Decalogue in V[a], which is preserved in numerous drawings, shows that the first proclamation in V begins with "I am Elohim your god" (cf. Exod 20:2; Deut 5:6: אנכי יהוה אלהיך). Each proclamation starts a new line, and the only pertinent line break in the vicinity appears before אנך. Guthe made a similar error and marked "Thou shalt have no other gods before me" as the beginning of the first proclamation (Guthe, *Lederhandschrift*, 34). Both Guthe and Shapira may have been influenced by traditions that construe אנכי as a preamble.

[5] See §1.2.2.

[6] See §1.2.4.

[7] See §1.2.3.

[8] According to Shapira, he paid very little for the fragments: "I confess; that when getting prof. S. [= Schlottmann] letter I begin [sic] to totter in my opinion, not so much for the last reason [that החרתיך is Aramaic, not Hebrew], as for the general reason the prof. gives, that it contradicts our Bible; Of course, my 1st question I had ask [sic] myself was, if it is by all means a forgery who could have been such a learned & artful forger? & for what purpose? as the mony

have earned a penny from the fortunes that Shapira stood to gain from a successful sale of the manuscripts to the British Museum. Such a forger would also have had no obvious opportunity to gain fame as anything other than a fraud.

Lastly, as noted below, the text of V corresponds to no scholarly opinion or theory that existed at the time, ruling out vindication of a particular scholar as a plausible motive. As the author of a *Daily News* article from 1883 observed: "One considerable argument in favour of the genuineness of the manuscripts results from the fact that it agrees with no school of theological or critical opinion."[9]

In the next chapter, I conduct a philological analysis of the text, which establishes its identity as a progenitor – not descendant – of Deuteronomy. Indeed, in many ways it agrees with critical opinions regarding the development of Deuteronomy, but these opinions have emerged only in recent decades. They could hardly have underpinned a nineteenth-century forgery.

[sic] I paid for the M.s.s was not worth the speaking of" (BL Ms. Add. 41294, 5).

[9] *The Daily News* (August 22, 1883), 3.

3. Philological Analysis

3.1. The Character of V

The Valediction of Moses (V) is a relatively short composition, roughly comparable in length to the biblical book of Hosea. Most of V corresponds to portions of Deuteronomy.

In the following table, the numbers indicate chapters in the book of Deuteronomy. Each line reflects a correspondence between a Deuteronomic verse and a textual unit in V.

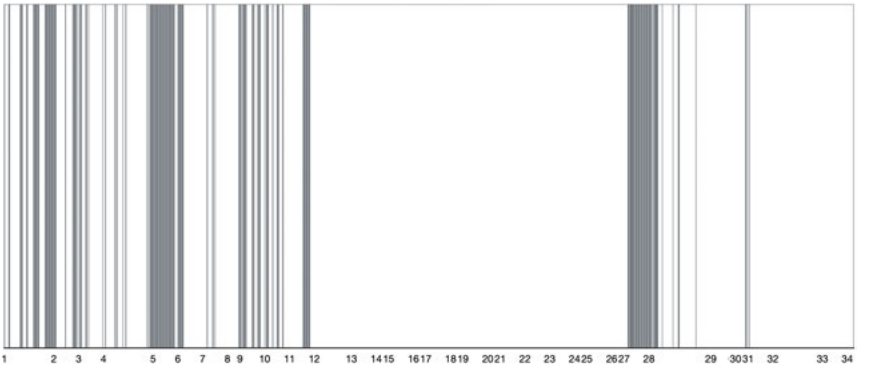


Table 1. Table of correspondences between Deuteronomy and V.

As is immediately evident, V contains nothing at all corresponding to chapters 12 through 26 of Deuteronomy – that is, the law code. V's legal corpus indeed comprises only its unique version of the Decalogue.[1] The poems of Deuteronomy 32 and 33 are also absent in V, as is the story of Moses's death in Deuteronomy 34. Several more Deuteronomic texts have no analogues in V, and there are also passages in V with no counterpart in Deuteronomy. Comparing the parallel units to one another brings innumerable variants into focus, and these minute differences sometimes have outsize ramifications. Indeed, very few Deuteronomic

[1] The oft repeated assertion that V's Decalogue contains eleven commandments has no basis in fact. (See, e.g., Frederic Kenyon, *Our Bible and the Ancient Manuscripts: Being a History of the Text and Its Translations* [London: Eyre & Spottiswoode, 1895], 43; Fred Reiner, "Tracking the Shapira Case: A Biblical Scandal Revisited," *Biblical Archaeology Review* 23, no. 3 [1997]: 32–41, at 35.)

verses have identical counterparts in V, even after controlling for orthographic variation.

Unlike Deuteronomy, in which the narrator intervenes repeatedly, the Valediction of Moses has no narrator except in the introductory and concluding verses.[2] Coincidentally, these two brief narrational passages contain the only instances of the Tetragrammaton in V. Moses is the speaker throughout the remainder of the work, and he never utters this divine name; instead we find only "Elohim" (אלהם).

Given the manifest kinship between Deuteronomy and V, the question of literary dependence naturally arises. Is V a reworked and excerpted Deuteronomy, or is Deuteronomy a reworked and expanded V? A third option must also be considered, namely that V and Deuteronomy have a common ancestor. If this is the case, then one of the texts may be higher in the family tree, but neither would be directly dependent upon the other.[3]

Describing the text in 1893, Ginsburg wrote: "It will be seen that we have here nearly the whole of Deuteronomy in an abridged form."[4] Of course, if the Valediction of Moses is an abridgment of Deuteronomy, it follows that the former is dependent upon the latter.

Many decades later, in 1957, Jacob Teicher argued against the consensus that the fragments were forgeries. Although he deemed the manuscripts authentic, he too saw the text they contained as an abridgment of Deuteronomy, written by someone familiar with the Pentateuch at large. Teicher therefore compared the composition to the Hellenistic *Sayings of Moses*, which was discovered in Qumran:[5]

> [I]t is, in fact, a skilful compilation of material drawn almost entirely from our Deuteronomy and combined with passages from other books of the Pentateuch. Its theme is Moses's last speech, and the main stress in it is laid upon the worship and love of one God and the observance of the Decalogue, which is referred to as the *torah*, the law. (The Qumran fragment entitled *The Sayings of Moses* in the Oxford edition may perhaps be related to it.)[6]

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[2] It is not entirely clear who makes the parenthetical comments on the aboriginal residents of the Transjordan (V^a C 1:4–5, 8–9; D 1:8–9). If it is not Moses, these would be additional exceptions. However, unlike their counterparts in Deuteronomy, which reflect a post-Mosaic perspective (Deut 2:12; 3:11), the comments in V refer only to anterior events and are therefore unproblematic as Moses's own words.

[3] There are hybrid options, such as D being descended from proto-V, with V itself reflecting subsequent updates in light of D.

[4] Christian David Ginsburg, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2913 (1883), 242.

[5] This composition is also known as "*Dires de Moïse*," "*Words of Moses*," and "*Divre Moshe*." It is attested in 1Q22, as well as in a small fragment from cave 4 in Qumran. See Eibert Tigchelaar, "A Cave 4 Fragment of Divre Mosheh (4QDM) and the Text of 1Q22 1:7–10 and Jubilees 1:9, 14," *DSD* 12, no. 3 (2005): 303–12; Ariel Feldman, "Moses' Farewell Address according to 1QWords of Moses (1Q22)," *Journal for the Study of the Pseudepigrapha* 23, no. 3 (2014): 201–14.

[6] Teicher, "Genuineness of Shapira," 184.

Menahem Mansoor, who argued vigorously in favor of the manuscripts' reassessment, wrote similarly:

> It is clear that Shapira's Deuteronomy displays a skilfully abridged manual compiled from Deuteronomy with interpolations from other books of the Pentateuch with Moses' last speech as a theme. It is also probable that the "*Dires de Moise*" is a similar compilation. In these Qumran Deuteronomic texts we find interpolations from Leviticus, Numbers, just as is the case with Shapira's text.[7]

Several years after Mansoor, John Allegro, too, described V as a reworked and abridged Deuteronomy:

> As will be seen [...] what we have here is a shortened narrative, a kind of "vest-pocket" Deuteronomy with excerpts from elsewhere in the Pentateuch inserted where the sequence of events seemed to the compiler defective [...] The briefest scanning of these will give some indication of the abridgment and conflation that the compiler allowed himself in his work.[8]

In accordance with this view, Allegro also suggested that the manuscripts may have been written by Jewish sectarians living in the Transjordan.[9] He was followed in this by Helen Jefferson.[10]

The few suggestions that V is – or, rather, *purports to be* – something other than a secondary abridgment of Deuteronomy (or the Pentateuch more broadly) have typically been offered rhetorically by those who discount the Shapira manuscripts as forgeries. For example:

> Every one remembers the announcement of *the original copy of Deuteronomy*: how people who knew anything about leather and linen, and damp caves, and Arabs, and Jerusalem curiosity-dealers, laughed at the whole thing.[11]

Notably, though, Shapira himself did not present the text as a proto-Deuteronomy. Instead, not unlike Allegro and Jefferson would later do, Shapira portrayed it as a sectarian work of uncertain date, making V an early offshoot of Deuteronomy. In a letter to Hermann Strack, he wrote the following:

> Shall we suppose that the manuscripts belonged to a sect or school which believed only that the Ten Commandments are from God? Or should we be allowed to say that the

[7] Mansoor, "Shapira's Dead Sea Scrolls," 223.

[8] Allegro, *Shapira Affair*, 81.

[9] Allegro, *Shapira Affair*, 134–36.

[10] Helen G. Jefferson, "The Shapira Manuscript and the Qumran Scrolls," *Revue de Qumrân* 6, no. 3 (1968): 391–99, at 395, 397. More recently, Shlomo Guil has argued that the manuscripts are Qumran-like Dead Sea Scrolls, presumably from the Hasmonean period. The closest parallel he sees is 11QpaleoLev[a] (11Q1), which he dates to the first century BCE. See Shlomo Guil, "The Shapira Scroll Was an Authentic Dead Sea Scroll," *Palestine Exploration Quarterly* 149, no. 1 (2017): 6–27.

[11] "Archæological Frauds in Palestine," *St. James Gazette* (January 2, 1885), 7. (Cited above in §1.2.1; my emphasis.) According to Teicher, this was first suggested by Dillmann and Steinschneider, both of whom considered the documents to be forgeries (Teicher, "Genuineness of Shapira," 184).

manuscripts belonged to Jews who dwelt in the east of the Jordan where the manuscripts are supposed to have been found, and who believed only in Elohim (although the western Jews must have had long before known and used the word YHWH)? And might that also account for the exactness of the topography, which put Sihon between Moab and Amon, and Amon between Sihon and Og? Also, as the first verse and the last word mention "according to the word of YHWH" and never in the midst of the book, could we suppose that the first and last verse were added by a Yahwistic scribe who copied an Elohistic manuscript (perhaps for a tomb of an Elohistic believer) and put his own heading and closing form? I confess the last suggestion does not well satisfy me. It would be expected that an Elohist would not bury his dead with a manuscript which has the word YHWH even on the title page.

You will ask me, dear professor, what I suppose to be the date of our manuscripts? To this, I will say, judging from the format of the letters, one will be inclined to give to this unorthodox manuscript such an early time, as between the date of the Mesha Stone and the Siloam inscription, or about the 6th century B.C. But one must be very cautious. Who knows? May it not be that they used old forms of letters in writing or copying such documents, and especially for using them as a talisman for the dead bodies or as charms, only with very old forms of letters even if such letters are commonly not used at all more? And if so, the date may be very late. The question will of course be for scholars to decide (if they agree to my suggestion). How late may we put a Jewish colony of unorthodox doctrines, as of the ten tribes, or of the Rechabites, etc. etc., before or after Christ?[12]

In the following sections, I provide evidence that – contrary to the view held by nearly all scholars – V is indeed a proto-Deuteronomic text or closely related to such a text. I make my case by subjecting the Valediction of Moses to a comparative philological analysis. This bears not only on the matter of literary kinship, but also on the question of forgery.

The question of forgery is implicated, since the Valediction of Moses resolves problems in the canonical text that had not been identified in the nineteenth – and in some cases, even the twentieth – century. The text of V is first attested in 1878, when Deuteronomy had been subjected to precious little critical analysis.[13] The works of Staerk[14] and Steuernagel[15] – not to mention Noth[16] – were all well in the future.

As for literary kinship, it can be established that several Pentateuchal passages are derived from V, or from a text very similar to V. Indeed, the narrative, or "historical," portions of V are conspicuously free of any P or post-P language, even when the corresponding passages in the Pentateuch are replete with it. In addition,

[12] Letter from Shapira to Strack dated May 9, 1883. BL Ms. Add. 41294, 8–10. Edited for spelling, grammar, and clarity.

[13] Guthe, *Lederhandschrift*, 6–7. The scholar Guthe alludes to there – with whom Shapira shared his text at the time – is Konstantin Schlottmann.

[14] Willy Staerk, *Das Deuteronomium. Sein Inhalt und seine literarische Form. Eine kritische Studie* (Leipzig: J. C. Hinrichs, 1894).

[15] Carl Steuernagel, *Der Rahmen des Deuteronomiums. Litterarcritische Untersuchung über seine Zusammensetzung und Entstehung* (Halle: J. Krause, 1894).

[16] Martin Noth, *Überlieferungsgeschichtliche Studien I: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* (Tübingen: Max Niemeyer, 1943).

V not only lacks the Deuteronomic law code of chapters 12–26, but it also lacks any signs of the influence of this legal corpus upon the narratives. This stands in contrast to Deuteronomy itself, which contains several such examples.

3.2. The Absence of the Deuteronomic Law Code in V

As noted above, whereas the Valediction of Moses corresponds rather closely to the narrative portions of Deuteronomy, the Deuteronomic law code has no Valedictoric counterpart. In the following, I address first the absence of the code itself in V, followed by a discussion of the V narrative's unharmonized nature vis-à-vis nomistic Deuteronomic edits.

3.2.1. The Bifurcated Gerizim and Ebal Pericope

One of the more peculiar features of Deuteronomy is the bisection of the instructions concerning the blessings and curses of Gerizim and Ebal between chapters 11 and 27–28. The narrative begins in Deut 11:26 with the proclamation: "Behold, I set before you today a blessing and a curse" (רְאֵה אָנֹכִי נֹתֵן לִפְנֵיכֶם הַיּוֹם בְּרָכָה וּקְלָלָה). In the following four verses, the criterion for receiving the blessing is stated (keeping the laws), as are the place and time in which the blessings and curses are to be proclaimed (Gerizim and Ebal, once the people of Israel have entered the land). The story then ends abruptly, with no mention of the expected blessings and curses. Instead, the text continues with the Deuteronomic legal code, which comprises some fifteen chapters. It is only after the legal code has been given in its entirety – nearly 40 percent of the book – that the Gerizim and Ebal narrative thread is again picked up.

V, for its part, contains a version of the same narrative, which overlaps with that of Deuteronomy almost in its entirety. However, in V, this story appears as a single, cohesive unit, transitioning directly, and logically, from the geographic data (cf. Deut 11:29–30) to specifying which tribes are to stand on which mountain (cf. Deut 27:12–13). Thus, in V, the blessings and curses scheduled for "today" indeed appear in the same oration, as seen in the table below. (Non-orthographic variants are in bold.)

	Deuteronomy (MT)	Valediction of Moses (V^b)
Deut 11:26–30 *G 3:5–9*	רְאֵה אָנֹכִי נֹתֵן לִפְנֵיכֶם הַיּוֹם בְּרָכָה וּקְלָלָה׃ אֶת הַבְּרָכָה אֲשֶׁר תִּשְׁמְעוּ אֶל מִצְוֹת **יְהוָה אֱלֹהֵיכֶם אֲשֶׁר אָנֹכִי מְצַוֶּה אֶתְכֶם הַיּוֹם**׃ וְהַקְּלָלָה אִם לֹא תִשְׁמְעוּ **אֶל מִצְוֹת יְהוָה אֱלֹהֵיכֶם** וְסַרְתֶּם **מִן** הַדֶּרֶךְ אֲשֶׁר אָנֹכִי מְצַוֶּה אֶתְכֶם הַיּוֹם **לָלֶכֶת אַחֲרֵי אֱלֹהִים אֲחֵרִים אֲשֶׁר לֹא יְדַעְתֶּם**׃ וְהָיָה כִּי יְבִיאֲךָ **יְהוָה אֱלֹהֶיךָ** אֶל הָאָרֶץ אֲשֶׁר אַתָּה בָא שָׁמָּה לְרִשְׁתָּהּ וְנָתַתָּה אֶת הַבְּרָכָה עַל הַר גְּרִזִים וְ**אֶת** הַקְּלָלָה עַל הַר עֵיבָל׃ הֲלֹא הֵמָּה בְּעֵבֶר הַיַּרְדֵּן **אַחֲרֵי** דֶּרֶךְ מְבוֹא הַשֶּׁמֶשׁ בְּאֶרֶץ הַכְּנַעֲנִי **הַיֹּשֵׁב** בָּעֲרָבָה **מוּל** הַגִּלְגָּל אֵצֶל אֵלוֹנֵי **מֹרֶה**׃	ראה אנך נתן לפנ]כם היום ברכה וקללה את הברכה אם תשמעו אל מצות **אלהם** והקללה אם לא תשמעו וסרתם **מ**הדרך אשר אנך מצוה אתכם היום [• והיה כי יב]אך **אלהם** אל הארץ אשר אתה בא שמה לרשתה ונתת את הברכה על הר [גרזים] והקללה על הר עבל • הלא המה בעבר ה]ירד[ן דרך מבא השמש בארץ הכנעני בע]רבה **נג]ך** הגלגל אצל אלני **מרא** •
Deut 11:31–27:11 *Absent in V*	כִּי אַתֶּם עֹבְרִים אֶת הַיַּרְדֵּן לָבֹא לָרֶשֶׁת אֶת הָאָרֶץ אֲשֶׁר יְהוָה אֱלֹהֵיכֶם נֹתֵן לָכֶם וִירִשְׁתֶּם אֹתָהּ וִישַׁבְתֶּם בָּהּ׃ וּשְׁמַרְתֶּם לַעֲשׂוֹת אֵת כָּל הַחֻקִּים וְאֶת הַמִּשְׁפָּטִים אֲשֶׁר אָנֹכִי נֹתֵן לִפְנֵיכֶם הַיּוֹם׃ אֵלֶּה הַחֻקִּים וְהַמִּשְׁפָּטִים אֲשֶׁר תִּשְׁמְרוּן לַעֲשׂוֹת בָּאָרֶץ אֲשֶׁר נָתַן יְהוָה אֱלֹהֵי אֲבֹתֶיךָ לְךָ לְרִשְׁתָּהּ כָּל הַיָּמִים אֲשֶׁר אַתֶּם חַיִּים עַל הָאֲדָמָה׃ [...] וְשָׁמַעְתָּ בְּקוֹל יְהוָה אֱלֹהֶיךָ וְעָשִׂיתָ אֶת מִצְוֹתָו וְאֶת חֻקָּיו אֲשֶׁר אָנֹכִי מְצַוְּךָ הַיּוֹם׃ וַיְצַו מֹשֶׁה אֶת הָעָם בַּיּוֹם הַהוּא לֵאמֹר׃	
Deut 27:12–14 *G 3:9–12*	אֵלֶּה יַעַמְדוּ **לְבָרֵךְ אֶת הָעָם** עַל הַר גְּרִזִים **בְּעָבְרְכֶם אֶת הַיַּרְדֵּן** שִׁמְעוֹן **וְלֵוִי** וִיהוּדָה וְיִשָּׂשכָר **וְיוֹסֵף** וּבִנְיָמִן׃ וְאֵלֶּה יַעַמְדוּ עַל הַקְּלָלָה בְּהַר עֵיבָל רְאוּבֵן גָּד וְאָשֵׁר וּזְבוּלֻן דָּן וְנַפְתָּלִי׃ וְעָנוּ הַלְוִיִּם וְאָמְרוּ **אֶל כָּל אִישׁ יִשְׂרָאֵל** קוֹל רָם׃	ואלה]עמדו על הר עבל[ראובן זבולן וגד אשר ד]ן[ונ[פתלי] • ואלה יעמדו על הר גרזים שמעון ויהודה וישכר **מנשה ואפרים** ובנימן • **ועמדו** הלוים **נגד הר גרזים** ו[ענ]ו ואמרו **בק**ל רם

Since the early nineteenth century, especially in the wake of Wilhelm de Wette's seminal doctoral dissertation, it has been commonplace to see the legal code of Deuteronomy, or something similar to it, as the original stratum of the book.[17]

[17] W. M. L. de Wette, "Dissertatio critico-exegetica qua Deuteronomium a prioribus Penta-

J. Philip Hyatt summarized the consensus view in the mid-twentieth century:

But what constituted *Urdeuteronomium*? The general opinion is that the kernel of the book is chapters 12–26, to which chapters 5–11 may have formed an introduction and chapter 28 a conclusion.[18]

Following the influential publications of Jean L'Hour in 1962,[19] Andrew Mayes wrote that the Gerizim and Ebal narrative of Deuteronomy 11 and 27–28 was introduced secondarily to frame Deuteronomy's legal code:

11:29–30 stand out from their context: their particular geographical concern disrupts the continuity of the context which culminates in the general warning to obey the commandments in the land. The verses have been brought in here to act as a framework, with 27:12–13, to the deuteronomic law; cf. L'Hour, *RB* 69 (1962): 166–67.[20]

In 1991, Moshe Weinfeld similarly wrote:

There is a general agreement in regards to Deut 4:44–28:68. It is believed that these chapters constituted the original book, which was later supplemented by an additional introduction (1:6–4:40) and by varied material at the end of the book (chaps. 29–30). […] It should be recognized, however, that chaps. 5–28 are not homogeneous either. The law code that constitutes the main part of the book was originally put into a framework of the ceremony of blessings and curses of Gerizim and Ebal. The theme of this ceremony appears at the opening of the code (11:26–32) and at its conclusion (26:16–27:26). It undoubtedly adds significance to the code of laws.[21]

The fact that the laws interrupt the Gerizim and Ebal pericope is difficult to reconcile with the orthodoxy that the narrative portions of Deuteronomy are, on the whole, a series of supplements to the original law code – the *Urdeuteronomium*.[22]

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teuchi Libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur" (PhD diss., University of Jena, 1805). For more on de Wette's contributions vis-à-vis those of his predecessors and contemporaries, see Paul B. Harvey, Jr. and Baruch Halpern, "W. M. L. de Wette's 'Dissertatio Critica …': Context and Translation," *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 14 (2008): 47–85. For the idea that the Deuteronomic law is the earliest stratum, see already Thomas Hobbes, *Leviathan* (1651), book 3, ch. 33.

[18] J. Philip Hyatt, "Jeremiah and Deuteronomy," *Journal of Near Eastern Studies* 1/2 (1942): 156–73, at 158.

[19] Jean L'Hour, "L'alliance de Sichem," *Revue Biblique* 69, no. 1 (1962): 5–36; Jean L'Hour, "L'alliance de Sichem (suite)," *Revue Biblique* 69, no. 2 (1962): 161–84.

[20] Andrew D. H. Mayes, "Deuteronomy 4 and the Literary Criticism of Deuteronomy," *Journal of Biblical Literature* 100, no. 1 (1981): 23–51, at 39n61.

[21] Moshe Weinfeld, *Deuteronomy 1–11: A New Translation with Introduction and Commentary*, AB 5 (New York: Doubleday, 1991), 11.

[22] For reconstructions that do not take the law code to be the kernel of Deuteronomy, see Jon D. Levenson, "Who Inserted the Book of the Torah?" *Harvard Theological Review* 68, no. 3–4 (1975): 203–33, at 223, et passim; Brian Peckham, "The Composition of Deut. 5–11," in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of His Sixtieth Birthday*, ed. Carol L. Meyers and Michael Patrick O'Connor (Winona Lake, IN: Eisenbrauns, 1983), 227, et passim.

If the Gerizim and Ebal passages are supplements, it is not clear why their author would choose to have Moses promise the blessings and curses "today" (Deut 11:26), if intending to only disclose those blessings and curses much later. However, if V reflects the original form of the narrative, and an editor decided to introduce the law code secondarily, then the convoluted literary structure we see in Deuteronomy would be the collateral damage, as it were, of the intervention.[23] Such infelicities are often associated with editorial activity; indeed, they are among the most salient clues that a text has undergone redaction.

While it may be the case that the book described in 2 Kings 22 and 2 Chronicles 34 was a version of the Deuteronomic code, as suggested by de Wette and others,[24] it does not follow that the narratives in Deuteronomy were written to serve as the law's framework, as most scholars nevertheless believe.

In support of the theory that an earlier edition of Deuteronomy lacked the legal code, we will now see how V preserves a pre-canonical incarnation of the Sihon narrative, which reflects an ignorance of, or indifference to, the Deuteronomic law.

3.2.2. The Conquest of Sihon's Land

The Valediction of Moses tells a simple story of the conquest of Sihon's territory. It can be summarized as follows: Elohim commands Moses to take the land of King Sihon of Heshbon; Moses and the Israelites then attack Sihon at Jahaz, kill everyone, and capture all the king's cities. It is a short and straightforward narrative.

The same cannot be said of the narrative in Deut 2:24–37. There, the commandment to take Sihon's land is confusingly intermingled with a directive to provoke Sihon to war (2:24bβ). Oddly, Moses does not follow through on the commandment to take possession of the land and instead proceeds to send messengers to the king with "words of peace." Sihon refuses the peaceful overture, after which Moses, in a resumptive repetition, is once again directed to take Sihon's land (2:31; cf. 2:24). Remarkably, even this second command is not followed by an Israelite attack. Rather, it is Sihon who attacks Israel at Jahaz – unlike in V, where the reverse is the case. The account of Sihon's attack and Israel's counterstrike is followed by a second substantial Deuteronomic sequence not present in V: the taking of spoils in 2:34aβ–35. The final significant divergence between V and Deuteronomy comes at the very end of the unit. Whereas V simply lists Jabbok as one of the boundaries of the conquered territory (cf. Josh 12:2; Judg 11:13, 22), Deut 2:37 goes out of its way to state that Israel "did not encroach on

[23] In a future publication, I will elaborate on the motivations for inserting the law code in its present position in Deuteronomy, thereby displacing the Decalogue as the linchpin of the book and the crux of Israel's pact with YHWH.

[24] Cf. Pseudo-Rashi on 2 Chr 34:14.

the land of the Ammonites, all along the wadi Jabbok and the towns of the hill country, just as YHWH our God had commanded."

The following table highlights the differences between the two versions:

	Deuteronomy (MT)	Valediction of Moses (V^a)
Deut 2:24a *C 1:10–D 1:2*	קוּמוּ **סְּעוּ** וְעִבְרוּ אֶת נַחַל אַרְנֹן **רְאֵה נָתַתִּי בְיָדְךָ** אֶת סִיחֹן מֶלֶךְ חֶשְׁבּוֹן הָאֱמֹרִי וְאֶת אַרְצוֹ	**ויאמר אלהם אלי לאמר** קמו ועברו את נחל ארנן **היום החלתי לתת לפנך** את סיחן מלך חשבן האמרי ואת ארצו •
Deut 2:24b–31 *Absent in V*	הָחֵל רָשׁ וְהִתְגָּר בּוֹ מִלְחָמָה׃ הַיּוֹם הַזֶּה אָחֵל תֵּת פַּחְדְּךָ וְיִרְאָתְךָ עַל פְּנֵי הָעַמִּים תַּחַת כָּל הַשָּׁמַיִם אֲשֶׁר יִשְׁמְעוּן שִׁמְעֲךָ וְרָגְזוּ וְחָלוּ מִפָּנֶיךָ׃ וָאֶשְׁלַח מַלְאָכִים מִמִּדְבַּר קֶדְמוֹת אֶל סִיחוֹן מֶלֶךְ חֶשְׁבּוֹן דִּבְרֵי שָׁלוֹם לֵאמֹר׃ אֶעְבְּרָה בְאַרְצֶךָ בַּדֶּרֶךְ בַּדֶּרֶךְ אֵלֵךְ לֹא אָסוּר יָמִין וּשְׂמֹאול׃ אׇכֶל בַּכֶּסֶף תַּשְׁבְּרֵנִי וְאָכָלְתִּי וּמַיִם בַּכֶּסֶף תִּתֶּן לִי וְשָׁתִיתִי רַק אֶעְבְּרָה בְרַגְלָי׃ כַּאֲשֶׁר עָשׂוּ לִי בְּנֵי עֵשָׂו הַיֹּשְׁבִים בְּשֵׂעִיר וְהַמּוֹאָבִים הַיֹּשְׁבִים בְּעָר עַד אֲשֶׁר אֶעֱבֹר אֶת הַיַּרְדֵּן אֶל הָאָרֶץ אֲשֶׁר יְהוָה אֱלֹהֵינוּ נֹתֵן לָנוּ׃ וְלֹא אָבָה סִיחֹן מֶלֶךְ חֶשְׁבּוֹן הַעֲבִרֵנוּ בּוֹ כִּי הִקְשָׁה יְהוָה אֱלֹהֶיךָ אֶת רוּחוֹ וְאִמֵּץ אֶת לְבָבוֹ לְמַעַן תִּתּוֹ בְיָדְךָ כַּיּוֹם הַזֶּה׃ וַיֹּאמֶר יְהוָה אֵלַי רְאֵה הַחִלֹתִי תֵּת לְפָנֶיךָ אֶת סִיחֹן וְאֶת אַרְצוֹ הָחֵל רָשׁ לָרֶשֶׁת אֶת אַרְצוֹ׃	
Deut 2:32–34aα *D 1:2–3*	**וַיֵּצֵא סִיחֹן לִקְרָאתֵנוּ הוּא וְכָל עַמּוֹ לַמִּלְחָמָה** יָהְצָה׃ **וַיִּתְּנֵהוּ יְהוָה אֱלֹהֵינוּ לְפָנֵינוּ** וַנַּךְ **אֹתוֹ וְאֶת בָּנָיו וְאֶת כָּל עַמּוֹ**׃ וַנִּלְכֹּד אֶת כָּל עָרָיו	**ונצא לקראת סיחן** יהצה ונכה **עד לא השאר לו שרד** ונלכד את כל ערו
Deut 2:34aβ–35 *Absent in V*	בָּעֵת הַהִוא וַנַּחֲרֵם אֶת כָּל עִיר מְתִם וְהַנָּשִׁים וְהַטָּף לֹא הִשְׁאַרְנוּ שָׂרִיד׃ רַק הַבְּהֵמָה בָּזַזְנוּ לָנוּ וּשְׁלַל הֶעָרִים אֲשֶׁר לָכָדְנוּ׃	
Deut 2:36 *D 1:3–5*	מֵעֲרֹעֵר אֲשֶׁר עַל שְׂפַת נַחַל אַרְנֹן וְהָעִיר אֲשֶׁר **בַּנַּחַל וְעַד** הַגִּלְעָד **לֹא הָיְתָה קִרְיָה אֲשֶׁר שָׂגְבָה מִמֶּנּוּ אֶת** הַכֹּל נָתַן **יְהוָה** אֱלֹהֵינוּ לְפָנֵינוּ׃	מערער אשר על שפת נחל ארנן עד הגלעד **ועד נחל יבק** הכל נתן **אלהם** אלהנו לפננו •

	Deuteronomy (MT)	Valediction of Moses (V[a])
Deut 2:37 ***Absent in V***	רַק אֶל אֶרֶץ בְּנֵי עַמּוֹן לֹא קָרַבְתָּ כָּל יַד נַחַל יַבֹּק וְעָרֵי הָהָר וְכֹל אֲשֶׁר צִוָּה יְהוָה אֱלֹהֵינוּ׃	

In recent years, scholars have drawn attention to the influences of Deut 20:10–14 upon Deut 2:24–37.[25] This law of warfare dictates that Israel must never go to war without first offering terms of peace. It is only if the adversary rejects the peaceful overture and instead opts to go on the attack that Israel may do battle. Under these specific circumstances, Israel is also granted the right to take spoils.

The text of Deut 20:10–14 follows:

כִּי תִקְרַב אֶל עִיר לְהִלָּחֶם עָלֶיהָ וְקָרָאתָ אֵלֶיהָ לְשָׁלוֹם׃ וְהָיָה אִם שָׁלוֹם תַּעֲנְךָ וּפָתְחָה לָךְ וְהָיָה כָּל הָעָם הַנִּמְצָא בָהּ יִהְיוּ לְךָ לָמַס וַעֲבָדוּךָ׃ וְאִם לֹא תַשְׁלִים עִמָּךְ וְעָשְׂתָה עִמְּךָ מִלְחָמָה וְצַרְתָּ עָלֶיהָ׃ וּנְתָנָהּ יְהוָה אֱלֹהֶיךָ בְּיָדֶךָ וְהִכִּיתָ אֶת כָּל זְכוּרָהּ לְפִי חָרֶב׃ רַק הַנָּשִׁים וְהַטַּף וְהַבְּהֵמָה וְכֹל אֲשֶׁר יִהְיֶה בָּעִיר כָּל שְׁלָלָהּ תָּבֹז לָךְ וְאָכַלְתָּ אֶת שְׁלַל אֹיְבֶיךָ אֲשֶׁר נָתַן יְהוָה אֱלֹהֶיךָ לָךְ׃

When you draw near to a town to fight against it, offer it terms of peace. If it accepts your terms of peace and surrenders to you, then all the people in it shall serve you at forced labor. If it does not submit to you peacefully, but makes war against you, then you shall besiege it; and when the LORD your God gives it into your hand, you shall put all its males to the sword. You may, however, take as your booty the women, the children, livestock, and everything else in the town, all its spoil. You may enjoy the spoil of your enemies, which the LORD your God has given you.

The subsequent verses, 20:15–18, limit the above to the somewhat nebulous category of "towns that are very far from you." As numerous scholars have noted, these verses belong to a secondary stratum:[26]

כֵּן תַּעֲשֶׂה לְכָל הֶעָרִים הָרְחֹקֹת מִמְּךָ מְאֹד אֲשֶׁר לֹא מֵעָרֵי הַגּוֹיִם הָאֵלֶּה הֵנָּה׃ רַק מֵעָרֵי הָעַמִּים הָאֵלֶּה אֲשֶׁר יְהוָה אֱלֹהֶיךָ נֹתֵן לְךָ נַחֲלָה לֹא תְחַיֶּה כָּל נְשָׁמָה׃ כִּי הַחֲרֵם תַּחֲרִימֵם הַחִתִּי וְהָאֱמֹרִי הַכְּנַעֲנִי וְהַפְּרִזִּי הַחִוִּי וְהַיְבוּסִי כַּאֲשֶׁר צִוְּךָ יְהוָה אֱלֹהֶיךָ׃ לְמַעַן אֲשֶׁר לֹא יְלַמְּדוּ אֶתְכֶם לַעֲשׂוֹת כְּכֹל תּוֹעֲבֹתָם אֲשֶׁר עָשׂוּ לֵאלֹהֵיהֶם וַחֲטָאתֶם לַיהוָה אֱלֹהֵיכֶם׃

Thus you shall treat all the towns that are very far from you, which are not towns of the nations here. But as for the towns of these peoples that the LORD your God is giving you as an inheritance, you must not let anything that breathes remain alive. You shall annihilate them – the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites – just as the LORD your God has commanded, so that they may not teach

[25] That there is a relationship between Deut 2:24–37 and Deut 20:10–14 was already discerned by the midrashists of Deuteronomy Rabbah (Deut. Rab. 1:28, 5:13; cf. Num. Rab. 19:27). For more on these midrashim – and their value for literary-critical analysis – see Shimon Gesundheit, "Midrash-Exegesis in the Service of Literary Criticism," in *The Reception of Biblical War Legislation in Narrative Contexts*, ed. Christoph Berner and Harald Samuel (Berlin: de Gruyter, 2015), 73–86.

[26] See, e.g., Marc Zvi Brettler, *The Creation of History in Ancient Israel* (London: Routledge, 1995), 72; Richard D. Nelson, *Deuteronomy*, The Old Testament Library (Louisville: Westminster John Knox, 2002), 251. See further below.

you to do all the abhorrent things that they do for their gods, and you thus sin against the LORD your God.

Timo Veijola's influential analysis of the Deuteronomic Sihon narrative, published in 1988, notes the dependence of Deut 2:24–37 upon the law of warfare in Deuteronomy 20:

> Of course, it was [the Deuteronomistic historian's] ideological background, the influence of which is discernible even in the introductory chapters, most clearly in the account of the defeat of Sihon and Og. In both cases the theological interpretation was borrowed from the military theory of the Holy War as it was advanced in the Deuteronomic laws of warfare, especially in Deut 20.[27]

Veijola suggests that the original Sihon narrative comprised Deut 2:16–17, 24aα1, 30a, 31a, 32–36. While this differs somewhat from what we find in V, it has in common with V the absence of both the "words of peace" element in verses 26–29 and the Jabbok exception in verse 37.

In 1995, Marc Zvi Brettler published his analysis of the passage, in which he highlights an additional dependency upon the law of Deuteronomy 20 the taking of spoils in Deut 2:35 (cf. Deut 20:14):

> Deut 20:10–18 and Deut 2:26ff. are clearly related. There are close verbal similarities between these passages; these include "words of peace" (Deut 2:26), which is similar to "you shall offer it terms of peace" (Deut 20:10), and Deut 2:35, "we only took as spoils the animals and the booty" which is similar to "only…and the animals…you may despoil…and you may eat the booty" (Deut 20:14). It is likely that the author of Deuteronomy 2 knew a form of Deuteronomy 20. This is supported by the general inclination to date Deuteronomy 1–3 later than the original lawbook, which would have included Deuteronomy 20. In addition, literary evidence suggests that Deuteronomy 2 is later than chapter 20. The phrase, "you shall offer terms of peace" (Deut 20:10) is well integrated to Deuteronomy 20, while the comparable "words of peace" (Deut 2:26) is problematic in Deuteronomy 2 because the text later indicates that the Israelites' intentions were not truly peaceful (vv. 30–1) and suggests Israelite hostility towards the Moabites (v. 24). This suggests that the phrase in Deuteronomy 2 is borrowed from chapter 20, and thus Deuteronomy 2 is the later text.[28]

Although Brettler speaks of "the author" of Deuteronomy 2, he sees here the work of multiple hands. It is notable that both the poorly integrated "words of peace" in Deut 2:26 and the spoils of Deut 2:35 are nowhere to be found in the V version. Unlike Veijola, Brettler does not posit the secondariness of 2:37. Rüdiger Schmitt brings together the three observations of lateness:

> The text of Deuteronomy 2:24–37 itself is not of one piece, but shows clear signs of growth. […] Verse 37 also represents a gloss, which originates from the prohibition of war against

[27] Timo Veijola, "Principal Observations on the Basic Story in Deuteronomy 1–3," in *"Wünschet Jerusalem Frieden". Collected Communications to the XIIth Congress of the International Organization for the Study of the Old Testament*, ed. Matthias Augustin and Klaus-Dietrich Schunk (Frankfurt am Main: P. Lang, 1988), 255.

[28] Brettler, *Creation of History*, 72.

the Ammonites in Deut 2:17. […] Within the framework of the Deuteronomistic *Fortschreibung* in verses 26–29* and 30b – the episode regarding the failed peace offer to Sihon of Heshbon – the expansion of the DtrH base layer is clearly derived from the stipulation in Deut 20:10ff to first make a peace offer to an enemy in a foreign city. […] As a term from the context of holy war, *ḥrm* appears in verse 34 with the meaning "to execute the ban." With the total execution of the ban against the entire population, including women and children, Deut 2:34f provides here a positive example of obedience to Yahweh, conforming to the demand of the warfare legislation in Deut 20:16–18 and Deut 7:1–2, which is contrasted with the previous failure in the story of the spies in Deut 1:19–46. Since the later Deuteronomistic tradition lacked the peace offer prescribed in Deut 20, this was supplemented in 2:26–29*, 30b to bring [the narrative] into full compliance with the law.[29]

The comparison of the Sihon episode as relayed in Deuteronomy and V highlights the dependence of the former upon the latter. It is easy to see how the insertion of the Deuteronomic law into V (or a relative thereof) would have necessitated the updating of a story in which Moses – and indeed YHWH – are in flagrant violation of the law of warfare in Deut 20:10–14. This, in turn, led to various literary incongruities in the expanded version of the story in Deuteronomy, which have made it possible for scholars to tease apart the strata and postulate a proto-Deuteronomic version very much like the one recorded in V.[30]

The inverse scenario, on the other hand, is implausible. An ancient writer is not likely to have rewritten the Sihon narrative to make Moses transgress his own law, certainly not by removing the very elements that contemporary scholars now identify as secondary. This is also true of a modern forger working a century before the composition history of the passage had been untangled.

The fact that the canonical version of the Sihon pericope is dependent upon the Deuteronomic law code, while the recension in V is not, supports the view that V is *not* an abridgment of Deuteronomy in which the law has simply been elided. Rather, V appears to reflect an early stage in the development of the narratives, at which point the Deuteronomic laws had yet to be incorporated into the text.[31]

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[29] Rüdiger Schmitt, *Der Heilige Krieg im Pentateuch und im deuteronomistischen Geschichtswerk, Studien zur Forschungs-, Rezeptions- und Religionsgeschichte von Krieg und Bann im Alten Testament* (Munich: Ugarit-Verlag, 2011), 68–70. (My translation.) See also Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch. Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (Tübingen: Mohr Siebeck, 2000), 451–52. For a recent analysis of this pericope and its supplement, see Gesundheit, "Midrash-Exegesis," 73–86.

[30] The story of the Gibeonites in Joshua 9 may reflect V's version of the Sihon narrative, according to which the Amorites were given no opportunity to peacefully surrender. See especially Josh 9:7, 9–10, 24.

[31] That the Deuteronomic law code had no influence on V is evident from other comparisons as well. For instance, while V contains a list detailing those who are cursed due to their transgressions, as in Deut 27–28, the verse regarding intercourse with one's father (Deut 27:20) is conspicuously absent in V. The cited transgression, of course, is a Deuteronomic law (Deut 23:1). In V, on the other hand, those cursed are specifically the transgressors of (V's version of)

3.3. The Absence of P in V's Historical Exposition

As noted above, Shapira first shared the text of V with scholars in September of 1878. This was well before the publication of the pivotal works of Staerk and Steuernagel on the redaction history of Deuteronomy,[32] and the regnant theoretical framework was still the one associated with de Wette.[33] Indeed, to this day – and contrary to the implication of V that the law was added secondarily to the narrative – nearly all scholars associate the *Urdeuteronomium* with the legal code. Most of the narrative portions, on the other hand, are typically seen as later additions.

Moreover, according to de Wette and his peers, Deuteronomy was written after the completion of Genesis through Numbers – including the Priestly portions thereof – and with an awareness of those texts:

> Deuteronomy comes to our hands as a whole, it is the last of the Pentateuch, and of a different design. The earlier books follow one another more along a certain historical thread. We can therefore regard them as a whole and contrast them to it.[34]

V paints a very different picture. Namely, it suggests that the original Deuteronomic narratives were uninfluenced by Priestly writings. Accordingly, the P-like elements in Deuteronomy would have only been added secondarily, giving rise to the composite texts canonized in the final edition of the book.

Most importantly, for our purposes, scholars in 1878 had not yet begun to see the Deuteronomic narratives as the product of gradual accretion, as most scholars of Deuteronomy do today. They therefore did not generally attempt to tease apart layers within a single pericope. For instance, Wellhausen, who was only thirty-four years old at the time, had just proposed that Deuteronomy was a conflation of two editions, each of which had contained the legal *Urdeuteronomium*: Deuteronomy 1–4; 12–26; 27 and Deuteronomy 5–11; 12–26; 28–30.[35] He viewed these units, however, as essentially atomic, not the product of piecemeal growth. According to Vater's earlier fragmentary hypothesis, Deuteronomy consists of some twenty fragments, but these too were considered mutually independent, rather

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the Decalogue.

[32] Staerk, *Das Deuteronomium* (1894); Steuernagel, *Der Rahmen des Deuteronomiums* (1894).

[33] See Christopher T. Begg, "The Significance of the 'Numeruswechsel' in Deuteronomy: The 'Pre-history' of the Question," *Ephemerides Theologicae Lovanienses* 55 (1979): 116–24, at 116.

[34] W. M. L. de Wette, *Beiträge zur Einleitung in das Alte Testament*, vol. 1 (Halle, 1806–7), 266–67. Translation from Harvey and Halpern, 66–67. Karl Graf and, especially, Julius Wellhausen ushered in the idea that P was the latest Pentateuchal source, after which it would make sense to associate the (post-)Priestly material in Deuteronomy with supplements.

[35] Julius Wellhausen, "Die Composition des Hexateuchs," *Jahrbücher für deutsche Theologie* 22 (1877): 407–79, at 464, et passim.

than as a series of supplementary additions.[36] All of this is very different from contemporary studies of the book, which typically take for granted the presence of innumerable interpolations. It is these most recent conclusions that are reflected in V.

I now turn to a literary-critical analysis of several pericopes in V. Each has a counterpart in Deuteronomy, which invariably contains post-Priestly supplements absent in V.[37] That V's narrative portions are free of signs of Priestly influence has not previously been noted. Nevertheless, this observation is crucial for understanding the nature of the text and its relative dating. Indeed, it establishes V as an ancient proto-Deuteronomic work, as we will now see.

3.3.1. The Incipit

It has long been recognized that Deut 1:3 is of (post-)Priestly origin. Weinfeld's comment is typical: "The exact dating by year, month, and day is characteristic of the priestly code, as is the use of *šty ʿśr* instead of *ḥd ʿśr* (Exod 26:7, 8; Num 7:72; etc.)."[38]

This verse, however, is not the only element in the book's incipit that appears to be non-indigenous. Scholars have recently come to view the entirety of 1b–5 as a series of accretions, which collectively interrupt an earlier narrative that had progressed directly from verse 1a to verse 6.

Reinhard Kratz summarizes the view commonly held today:

> [T]here is a consensus in critical scholarship that this heading is not a unity but has in fact grown successively. The core is generally found in Deut 1:1a:
>
> אלה הדברים אשר דבר משה אל כל ישראל בעבר הירדן
>
> These are the words that Moses addressed to all Israel on the other side of the Jordan.
>
> Everything else in Deut 1:1–5 is – for good reason – seen as being a literary supplement. Among the various supplements, first v. 4 and then v. 5, which have the same context in time and place, would have been added to v. 1a. Then vv. 1b–2 were inserted, adding the whole period of the journey through the desert. Verse 3 dates the speech of Moses exactly on the day of the fortieth year of the wandering through the desert and points out that what

[36] Johann Severin Vater, *Commentar über den Pentateuch* (Halle: Waisenhaus, 1802–5). See Otto, *Deuteronomium 1–11*, vol. 1, 67–68.

[37] It is well established that there are significant correspondences between the Decalogue and Lev 19 (H), as already discussed in Lev. Rab. 24:5. (For a comprehensive review, see Jacob Milgrom, *Leviticus 17–22*, AB 3A [New York: Doubleday, 2000], 1596–1602.) These correspondences run even deeper once V's version of the Decalogue, together with its concomitant blessings and curses, is taken into view. In chapter 4, I discuss these parallels and their implications. In a future publication, I will address the Sabbath justification, which in V – as in Exod 20 – resembles ideas and language that are typically attributed to Priestly circles.

[38] Weinfeld, *Deuteronomy 1–11*, 128.

"Moses addressed to all Israel" is "in accordance with the instructions that the LORD had given him."

After removing the supplements, the introduction of the speech "on the other side of the Jordan" remains.[39]

It is notable that the version found in V is practically identical to the proto-Deuteronomic text reconstructed by scholars in recent years:

	Deuteronomy (MT)	Valediction of Moses (V^a)
Deut 1:1a–1bα ***A 1:1–2***	אֵלֶּה הַדְּבָרִים אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל כָּל יִשְׂרָאֵל בְּעֵבֶר הַיַּרְדֵּן בַּמִּדְבָּר בָּעֲרָבָה	[אלה הדב]רם אשר דבר משה **על פי יהוה** אל כל **בני** י[שראל במ]דב[ר בעבר הירדן [בע]רבה •
Deut 1:1–5bβ ***Absent in V***	מוֹל סוּף בֵּין פָּארָן וּבֵין תֹּפֶל וְלָבָן וַחֲצֵרֹת וְדִי זָהָב: אַחַד עָשָׂר יוֹם מֵחֹרֵב דֶּרֶךְ הַר שֵׂעִיר עַד קָדֵשׁ בַּרְנֵעַ: וַיְהִי בְּאַרְבָּעִים שָׁנָה בְּעַשְׁתֵּי עָשָׂר חֹדֶשׁ בְּאֶחָד לַחֹדֶשׁ דִּבֶּר מֹשֶׁה אֶל בְּנֵי יִשְׂרָאֵל כְּכֹל אֲשֶׁר צִוָּה יְהוָה אֹתוֹ אֲלֵהֶם: אַחֲרֵי הַכֹּתוֹ אֶת סִיחֹן מֶלֶךְ הָאֱמֹרִי אֲשֶׁר יוֹשֵׁב בְּחֶשְׁבּוֹן וְאֶת עוֹג מֶלֶךְ הַבָּשָׁן אֲשֶׁר יוֹשֵׁב בְּעַשְׁתָּרֹת בְּאֶדְרֶעִי: בְּעֵבֶר הַיַּרְדֵּן בְּאֶרֶץ מוֹאָב הוֹאִיל מֹשֶׁה בֵּאֵר אֶת הַתּוֹרָה הַזֹּאת לֵאמֹר:	
Deut 1:6 ***A 1:2–4***	יְהוָה אֱלֹהֵינוּ דִּבֶּר אֵלֵינוּ בְּחֹרֵב לֵאמֹר רַב לָכֶם שֶׁבֶת בָּהָר הַזֶּה:	**אלהם** אלהנו דבר אל[נו] בחרב לאמר • רב לכם שבת בהר הזה

The only difference between V's progression and the reconstructed sequence presented by Kratz is that in V, the phrase בעבר הירדן is preceded by the word במדבר and followed by בערבה, whereas in Deuteronomy both words follow בעבר הירדן and are not included in the hypothetical original. Every other word of 1b–5 is absent in V. Furthermore, V picks up at the very point that the hypothesized proto-Deuteronomic narrative does: "YHWH/Elohim our God spoke to us at Horeb, saying, 'You have stayed long enough at this mountain'" (Deut 1:6; V^a A 1:2–4).

[39] Reinhard Kratz, "The Headings of the Book of Deuteronomy," in *Deuteronomy in the Pentateuch, Hexateuch, and the Deuteronomistic History*, ed. Konrad Schmid and Raymond F. Person, Jr. (Tübingen: Mohr Siebeck, 2012), 31–46, at 35–36, citing Lothar Perlitt, *Deuteronomium*, BKAT 5/1–5 (Neukirchen-Vluyn: Neukirchener, 1990–2008), 6–7; Timo Veijola, *Das 5. Buch Mose: Deuteronomium Kapitel 1,1–16,17*, ATD 8/1 (Göttingen: Vandenhoeck & Ruprecht, 2004), 7–8; and Udo Rüterswörden, *Das Buch Deuteronomium*, NSK.AT 4 (Stuttgart: Katholisches Bibelwerk, 2006), 23.

The realization that verses 1b–5 are extrinsic to the original text had not yet been made before 1878, when Shapira first shared the text of V. Only in the following years did scholars begin to suggest similar ideas, but even these did not correspond with the consensus view held today, which is implicit in V. For instance, in 1880, Valeton raised the possibility that verses 1b–4 (but not 5) are secondary.[40] Seven years later, Kuenen proposed that verses 3–4, rather, constitute the supplementary element.[41] In 1886, Dillmann posited that the interrupting sequence is, in fact, 1b–3, and that there was once continuity from 1a to 4–5, which he attributed to Rd.[42] Dillmann's proposal was quite influential, and though rejected by Driver,[43] it was accepted by most scholars, including Bacon (1894),[44] Bertholet (1899),[45] Steuernagel (1900),[46] Puukko (1910),[47] and Marti (1922).[48] In short, many years passed from the assessment that Shapira's manuscripts were forgeries before it became known – as it is today – that the section absent in V is indeed secondary. In light of this, it is evident that a forger working in 1878 or earlier would have had no relevant scholarship upon which to base his or her fraudulent text. It would be remarkable indeed if the first known person to identify 1b–5 as secondary was the ill-starred forger of the Shapira manuscripts.

A second inference can be drawn from the above evidence. The near perfect alignment between V here and scholars' proposed proto-Deuteronomy suggests that V is not dependent upon Deuteronomy (or the Pentateuch more broadly), as has been presumed by nearly all scholars, including the few who contemplated, or argued for, the authenticity of the manuscripts.[49] It seems unlikely that a Hellenistic writer of a so-called "rewritten" or "excerpted" Deuteronomy would have excised precisely the same passage that scholars two millennia later identified as a series of redactional intrusions. If verses 1b–5 are indeed secondary, it ap-

[40] Josua J. P. Valeton, "Deuteronomium," *Studiën: theologisch tijdschrift* 6 (1880): 304–5. I thank Tamara Morsel-Eisenberg for her assistance with the Dutch.

[41] Abraham Kuenen, *Historisch-kritische Einleitung in die Bücher des Alten Testaments hinsichtlich ihrer Entstehung und Sammlung*. Erster Teil, Erstes Stück: Die Entstehung des Hexateuch (Leipzig, 1887), 115–16.

[42] August Dillmann, *Numeri, Deuteronomium und Josua*, KeH 13 (Leipzig, 1886), 231–32. In his view, the original text began with verse 6.

[43] Samuel R. Driver, *Deuteronomy*, ICC (New York: Charles Scribner's Sons, 1895), 2.

[44] Benjamin W. Bacon, *Triple Tradition of the Exodus* (Hartford, CT: Student Publishing Company, 1894), 255–56.

[45] Alfred Bertholet, *Deuteronomium*, KHC V (Freiburg, 1899), 1.

[46] Carl Steuernagel, *Übersetzung und Erklärung der Bücher Deuteronomium und Josua und Allgemeine Einleitung in den Hexateuch*, HK 1/3 (Göttingen: Vandenhoeck & Ruprecht, 1900), 1.

[47] Antti F. Puukko, *Das Deuteronomium. Eine literarkritische Untersuchung*, BWAT 5 (Leipzig, 1910), 126–27.

[48] Karl Marti, "Das fünfte Buch Mose oder Deuteronomium," in *Die Heilige Schrift des Alten Testaments*, vol. 1, ed. Alfred Bertholet (Tübingen, 1922), 258–327, at 261.

[49] See §3.1.

pears that V reflects an earlier incarnation of the text than the one preserved in Deuteronomy.

3.3.2. The Injunction against Idols

In Deut 4:16–18, Moses warns the people of Israel against fashioning idols. The first several words, particularly "graven image" (פסל) and "likeness" (תמונה), evoke the Decalogue's injunction against idols (Exod 20:4, Deut 5:8): "Thou shalt not make unto thee any graven image, or any likeness," etc.[50] After the initial phrase, however, there is a sharp stylistic shift to conspicuously Priestly language. Indeed, most scholars now agree that the remainder of the passage, 4:16b–18, is predominantly Priestly or post-Priestly in character.[51] Weinfeld, for instance, writes: "The vocabulary in vv 16–18 is characteristic of the priestly literature in the Pentateuch: *zkr nqbh*, *ṣpwr knp*, and *rmś*."[52] More explicitly, Dietrich Knapp has remarked:

> The expansion in 4:16b ([beginning] with סמל–18 of the exegesis of the Second Commandment [in 4:16a] distinguishes itself from its context especially in its use of different language. In contrast to the surrounding context, which primarily uses terms and phrases from the domain of Dtr/late-Dtr, there are numerous terms and phrases here that are otherwise typical of Priestly usage.[53]

The observation that 4:16b–18 is of Priestly or post-Priestly origin does not appear to have been made before 1878, when the text of V first became known.[54] Only in the following years did scholars begin to note similarities between this passage and P, let alone to argue for the presence of P-related interpolations.

In his 1893 commentary on Deuteronomy, Samuel Oettli remarked:

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[50] Cf. also Deut 4:23, 25.

[51] The language shifts back to that of the Decalogue in 18b, at the very end of the section, with the words אֲשֶׁר בַּמַּיִם מִתַּחַת לָאָרֶץ. See below.

[52] Weinfeld, *Deuteronomy 1–11*, 206.

[53] Dietrich Knapp, *Deuteronomium 4: literarische Analyse und theologische Interpretation*, Göttinger theologische Arbeiten 35 (Göttingen: Vandenhoeck & Ruprech, 1987), 88–89. (My translation. Cf. Eckart Otto, *Deuteronomium 1–11*, vol. 1 [Freiburg: Herder, 2012], 534–35.) It is not clear why Knapp begins with סמל, which is not attested elsewhere in the Enneateuch. Perhaps this is due to the word's appearance in Ezekiel 8 (vv. 3 and 5), although it is also found in 2 Chr 33 (vv. 7 and 15). סמל is attested in 8th–7th c. Phoenician (Azatiwada/Karatepe Statue of Storm-God PhSt/C IV 15, 18–19). Cf. CIS i:11, i:88, i:91, and i:93. See George A. Cooke, *A Textbook of North-Semitic Inscriptions: Moabite, Hebrew, Phoenician, Aramaic, Nabataean, Palmyrene, Jewish* (Oxford: Clarendon, 1903), 57, 73, 76–77; Jacob Hoftijzer and Karel Jongeling, *Dictionary of the North-West Semitic Inscriptions* (Leiden: Brill, 1995), 2:792–93, s.v. *sml*$_1$.

[54] Cf., e.g., Friedrich W. Schultz, *Das Deuteronomium* (Berlin: Schlawitz, 1859), 229–30; Carl F. Keil, *Biblischer Commentar über das Alte Testament. Erster Theil. Die Bücher Mose's. Zweiter Band. Leviticus, Numeri und Deuteronomium*, 2nd ed. (Leipzig: Dörffling und Franke, 1870), 434; Paul Kleinert, *Das Deuteronomium und der Deuteronomiker. Untersuchungen zur alttestamentlichen Rechts- und Literaturgeschichte* (Bielefeld: Velhagen & Klasing, 1872), 49.

[Deut 4:]18: the expressions are mostly in agreement with P and are partly reminiscent of Gen 1, partly of Exod 20:4.[55]

One year later, Carl Steuernagel elaborated upon this idea:

[Deut 4:16:] סמל, appears in the Old Testament only in Ezek 8:3,5; 2 Chr 33:7,15, but it is attested also in Phoenician inscriptions and therefore cannot be used as evidence for the late composition of our section. זכר או נקבה appear together only in P; נקבה alone only in the interpolated passage in Jer 31:22.
17: צפר כנף, appears only in exilic and post-exilic passages (Ezek 17:23, 39:4,17; Gen 7:14, Psa 148:10).
18: With LXX, read כל רֶמֶשׂ רֹמֵשׂ and cf. P usage: Gen 1:26, etc.[56]

Writing at the same time as Steuernagel, Willy Staerk went further still, arguing explicitly that verses 15–18 not only exhibit P-like language but were indeed written by a different author than the surrounding verses. Although he noted that the Priestly terms were concentrated in verses 16–18, he included verses 15–16a in his proposed unit, in contrast to more recent scholars:

v. 15ff cannot belong to v. 10ff, due to the peculiar use of language reminiscent of P (see especially verses 16–18), and due to the repetition of "on the day YHWH spoke to you at Horeb out of the fire."[57]

This brings us to V, which contains a corresponding pericope in D 3:5–7. Strikingly, the very words that scholars have come to identify as (post-)Priestly are absent in V:

	Deuteronomy (MT)	Valediction of Moses (V^a)
Deut 4:16a *D 3:5–6*	פֶּן **תַּשְׁחִתוּן** וַעֲשִׂיתֶם לָכֶם פֶּסֶל **תְּמוּנַת** כֹּל סָמֶל	**השמרו לכם** פן **תשכחו** ועשתם לכם פסל **ותמנה תבנת** כל סמל
Deut 4:16b–18 *D 3:6–7*	**תַּבְנִית זָכָר אוֹ נְקֵבָה: תַּבְנִית כָּל בְּהֵמָה** אֲשֶׁר בָּאָרֶץ **תַּבְנִית כָּל צִפּוֹר כָּנָף** אֲשֶׁר **תָּעוּף** בַּשָּׁמָיִם: **תַּבְנִית כָּל רֹמֵשׂ בָּאֲדָמָה תַּבְנִית כָּל דָּגָה** אֲשֶׁר בַּמַּיִם מִתַּחַת לָאָרֶץ:	אשר בשמם **ממעל** ואשר בארץ **מ[תח]ת** ואשר במים מתחת לארץ •

[55] Samuel Oettli, *Das Deuteronomium und die Bücher Josua und Richter* (Munich, 1893), 35. (My translation.) See also Steuernagel, *Deuteronomium und Josua*, 17. For more on this passage's affiliation with Gen 1, see Michael Fishbane, "Varia Deuteronomica," *Zeitschrift für alttestamentliche Wissenschaft* 84, no. 3 (1972): 349–52, at 349. In 1886, Dillmann observed that תבנית and זכר ונקבה are characteristic of P (or "A," in his nomenclature), while noting that other phrases in the passage have parallels elsewhere in the Hebrew Bible. Dillmann found some of these correspondences to be superficial, arguing that the respective authors used the term תבנית differently. (Dillmann, *Numeri, Deuteronomium und Josua*, 255–56.) See also Bertholet, *Deuteronomium*, 17.

[56] Steuernagel, *Deuteronomium und Josua*, 17. (My translation.)

[57] Staerk, *Das Deuteronomium*, 79n3. (My translation.)

While the language in the Deuteronomic version shifts abruptly from Decalogue-like to Priestly after 4:16a, V's text evokes the Decalogue – and nothing else – throughout.[58] As in the previous example, we may draw two inferences from this set of facts – one regarding authenticity, and one regarding V's relationship to Deuteronomy. As to authenticity, a forger working in 1878 or earlier would not have had any scholarly hypothesis upon which to base a decision to excise Deut 4:16b–18 and replace it with new material. Although we now know these verses to be Priestly or post-Priestly, this was not the case when V first came to light.

In addition, our comparison of V and Deuteronomy here supports the priority of the former. The very section that recent scholars have shown to be secondary is absent in V, and the alternative text in V coheres with 4:16a in its Decalogue-like nature.[59] The parsimonious explanation is thus that V preserves the pre-supplementation state of the text.

3.3.3. The Stone Tablets and the Wooden Ark

In Deut 10:1a, Moses recounts the divine commandments to prepare a second pair of stone tablets and ascend the mountain. This is followed in verses 1b–2 by his report of the command to build a wooden ark and place the tablets inside it. In the next three verses, Moses describes his fulfillment of these commandments and receipt of the divinely inscribed stones, followed by his descent from the mountain and placement of the tablets in his newly fashioned ark.

As brief as this pericope may be, it is not free of difficulties. For one, it is not clear why the commandment to build an ark should appear here, alongside the decree to craft the *second* pair of tablets. According to Deut 9:17 (cf. Exod 32:19), Moses broke the first tablets in a spontaneous act; the divine plan was never for there to be a second pair. Why then does YHWH's command to build an ark not appear either in Deuteronomy 9, before Moses's first ascent of the mountain, or at the end of this episode, after he finally returns with intact tablets?[60] Even within the context of the pericope itself, this commandment appears at an unusual point, coming after the instruction to climb the mountain, rather than before it.

As Reinhard Achenbach has observed:

[58] אשר בשמ(י)ם ממעל appears elsewhere only in the Decalogue (Exod 20:4; Deut 5:8) – indeed in the context of the injunction against idols. The same is true for ואשר בארץ מתחת. None of the Priestly language found in Deut 4:16b–18 appears in V. Notably, the phrase אשר במים מתחת(ו) לארץ features in both V and Deuteronomy's P-inflected version; it too appears nowhere else but in the Decalogue.

[59] It is worth noting that though the Deuteronomic version contains much language that modern scholars identify as Priestly, there is nothing characteristically Priestly about the subject matter. It is therefore unlikely that V reflects an anti-Priestly revision of Deuteronomy. Likewise, Deut 4:16b–18 is as smooth and unproblematic a text as is V here, ruling out the possibility that the latter is an ancient harmonization of the former.

[60] I am grateful to Raanan Eichler for this insight.

The command to construct the ark in Deuteronomy 10:1b fits poorly into the logic of the account and probably derives from a deliberate Deuteronomic intervention that sought to combine the ark tradition with the law.[61]

Similarly, Eckart Otto writes:

In Deut 10:1–2 the commandment to construct the ark is inappropriately not tied to the commandment to fashion the tablets, but instead follows the commandment to ascend the mountain.[62]

These difficulties stem from the secondary insertion of ark-construction elements into an earlier text that lacked them. As noted by several scholars, this passage betrays the influence of Pentateuchal P material. For instance, in his book on the evolution of the biblical ark traditions, Peter Porzig writes:

One cannot dispel the suspicion that the author of these verses was familiar with the Sinai episode *in its Priestly garb*. This is further corroborated by the mention of the building material, acacia wood (עצי שטים). Outside of Deut 10:3, this material appears exclusively in P – 23 instances there versus this single instance.[63]

Since Porzig sees evidence of Priestly influence, on the one hand, but does not identify any internal literary difficulties, on the other, he concludes that the entire unit must be post-P.[64] But the internal difficulties noted above are inescapable, as is Achenbach's conclusion that the post-Priestly elements relating to the ark's construction are *Fortschreibungen*. This also explains the absence of the ark-construction motif in Exodus 34, which otherwise aligns closely with Deut 10:1–5.[65] As Otto has argued, following Achenbach:

Rather, in Deut 10:1–5, the Deuteronomistic tablet motif and the [Priestly] ark motif have been brought together only in the post-exilic *Fortschreibung* […] which in Deut 10:3a is directly connected to acacia-wood ark motif of Exod 25:10 (PS), and was associated with the Levite etiology in Deut 10:8–9, with which the authors of the post-exilic *Fortschreibung* continue the narrative, together with the etiology of priests and Levites in Deut 10:6–9.[66]

With these observations in mind, it is worth comparing the Deuteronomic pericope to its counterpart in V:

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[61] Reinhard Achenbach, *Israel zwischen Verheißung und Gebot. Literarkritische Untersuchungen zu Deuteronomium 5–11* (Frankfurt am Main: Peter Lang, 1991), 369. (My translation.) See also idem, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (Wiesbaden: Harrassowitz, 2003), 190–94.

[62] Eckart Otto, *Deuteronomium 1–11*, vol. 2 (Freiburg: Herder, 2012), 949. (My translation.)

[63] Peter Porzig, *Die Lade Jahwes im Alten Testament und in den Texten vom Toten Meer* (Berlin: de Gruyter, 2009), 49. (Emphasis in the original; my translation.)

[64] Cf. Weinfeld, *Deuteronomy and the Deuteronomic School*, 181.

[65] The older consensus, following Driver, was that Exod 34 originally contained an ark-construction element, as in Deuteronomy 10, but it was subsequently deleted by a redactor. See Driver, *Deuteronomy*, 117–18.

[66] Otto, *Deuteronomium 1–11*, vol. 2, 950–51. (My translation.)

	Deuteronomy (MT)	Valediction of Moses (V^b)
Deut 10:1a ***G 2:3–4***	בָּעֵת הַהִוא אָמַר **יְהוָה** אֵלַי פְּסָל לְךָ שְׁנֵי לֻחֹת אֲבָנִים כָּרִאשֹׁנִים וְעֲלֵה אֵלַי הָהָרָה	בעת ההוא אמר **אלהם** אלי |פסל לך שנ|י לחת אבנם כ̇ר̇אשנם ועל֯ה אלי ההרה
Deut 10:1b–3a ***Absent in V***	וְעָשִׂיתָ לְךָ אֲרוֹן עֵץ׃ וְאֶכְתֹּב עַל הַלֻּחֹת אֶת הַדְּבָרִים אֲשֶׁר הָיוּ עַל הַלֻּחֹת הָרִאשֹׁנִים אֲשֶׁר שִׁבַּרְתָּ וְשַׂמְתָּם בָּאָרוֹן׃ וָאַעַשׂ אֲרוֹן עֲצֵי שִׁטִּים וָאֶפְס�ל שְׁנֵי לֻחֹת אֲבָנִים כָּרִאשֹׁנִים	
Deut 10:3b–4 ***G 2:4–6***	וָאַעַל הָהָרָה וּשְׁנֵי הַלֻּחֹת בְּיָדִי׃ וַיִּכְתֹּב עַל הַלֻּחֹת **כַּמִּכְתָּב הָרִאשׁוֹן** אֵת עֲשֶׂרֶת הַדְּבָרִים אֲשֶׁר דִּבֶּר **יְהוָה** אֲלֵיכֶם בְּהָר **מִתּוֹךְ הָאֵשׁ** בְּיוֹם הַקָּהָל וַיִּתְּנֵם **יְהוָה** אֵלָי׃	ואעל֯ ההרה ושני הלחת בי̇די̇ • ויכתב **אלהם** על הלחת א|ת עשרת| הדברם אשר דבר אלכם ב̇ה̇ר̇ ביום הקהל ויתנ|ם| אלי
Deut 10:5a ***G 2:6***	**וָאָפֵן וָאֵרֵד מִן הָהָר וָאָשִׂם אֶת הַלֻּחֹת** בָּאָרוֹן אֲשֶׁר עָשִׂיתִי	**והנם** בארן אשר עשתי
Deut 10:5b ***Absent in V***	וַיִּהְיוּ שָׁם כַּאֲשֶׁר צִוַּנִי יְהוָה׃	

The version of this episode preserved in V is very similar to that of Deut 10. However, V contains neither the command to build an ark nor any fulfillment thereof. The instruction to climb the mountain with stone tablets in hand (V G 2:3–4; cf. Deut 10:1a) is followed immediately – and naturally – by a report of that instruction's execution by Moses (V G 2:4; cf. Deut 10:3b): "At that time Elohim said to me, 'Carve out two tablets of stone like the former ones, and come up to me on the mountain.' So I ascended the mountain with the two tablets in hand."

Likewise, after Moses describes his receipt of the inscribed tablets in V, he simply states: "and they are in the ark that I built." This stands in contrast with the corresponding passage in Deut 10:5, where Moses places the tablets in the ark that he built "where they remain, *as YHWH commanded me*." Since there is no such commandment in V, it is no surprise that there is also no report of its fulfillment. Also, considering that Moses broke the first tablets spontaneously in the non-Priestly narrative, it is natural that in this tradition Moses would have only built an ark after descending with the second pair of tablets, as is implicit in V.

The argument that Deut 10:1–5 contains post-Priestly insertions had not been made in Shapira's lifetime and could not have served as inspiration for forgery. Even the idea that the passage shows signs of Priestly influence had not been proposed before Oettli in 1893. And his argument was not that post-Priestly *Fortschreibungen* were added to an earlier Deuteronomic text, but rather that

Deuteronomy presupposes P.[67] The insight that the Priestly language is associated with supplements that were added to an earlier Deuteronomic text does not appear to have been made before Achenbach, who wrote more than a century after the Shapira manuscripts were declared forgeries.

The view that this passage contains post-Priestly *Fortschreibungen* is supported by the presence of insertions in the directly adjacent verses. As Richard Nelson observes:

> [Deut 10:6–7] A proper priestly succession carries on in spite of Aaron's death. These supplementary verses relate to the itinerary of Num 33:30–34 (P) and break into the speech of Moses. […]
>
> [Deut 10:8–9] The addition of these verses (cf. "at that time") seems to have been occasioned by the catchword "ark" in v. 5. They seem to presuppose knowledge of the loyalty of Levites reported in Exod 32:25–29. Perhaps the reference of the citation formula is the promise of Num 18:20 (P).[68]

Like the post-P supplements in verses 1–5, those in verses 6–9 are altogether absent from V:

	Deuteronomy (MT)	Valediction of Moses (V^b)
Deut 10:6–9 ***Absent in V***	וּבְנֵי יִשְׂרָאֵל נָסְעוּ מִבְּאֵרֹת בְּנֵי יַעֲקָן מוֹסֵרָה שָׁם מֵת אַהֲרֹן וַיִּקָּבֶר שָׁם וַיְכַהֵן אֶלְעָזָר בְּנוֹ תַּחְתָּיו: מִשָּׁם נָסְעוּ הַגֻּדְגֹּדָה וּמִן הַגֻּדְגֹּדָה יָטְבָתָה אֶרֶץ נַחֲלֵי מָיִם: בָּעֵת הַהִוא הִבְדִּיל יְהוָה אֶת שֵׁבֶט הַלֵּוִי לָשֵׂאת אֶת אֲרוֹן בְּרִית יְהוָה לַעֲמֹד לִפְנֵי יְהוָה לְשָׁרְתוֹ וּלְבָרֵךְ בִּשְׁמוֹ עַד הַיּוֹם הַזֶּה: עַל כֵּן לֹא הָיָה לְלֵוִי חֵלֶק וְנַחֲלָה עִם אֶחָיו יְהוָה הוּא נַחֲלָתוֹ כַּאֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֶיךָ לוֹ:	
Deut 10:10 ***G 2:6–9*** **Cf. Deut 9:23–25**	**וְאָנֹכִי עָמַדְתִּי** בָּהָר **כַּיָּמִים הָרִאשֹׁנִים** אַרְבָּעִים יוֹם וְאַרְבָּעִים לָיְלָה וַיִּשְׁמַע **יְהוָה** אֵלַי גַּם בַּפַּעַם הַהִוא לֹא **אָבָה יְהוָה הַשְׁחִיתֶךָ**:	**ובקדש ברנע באמר אלי אלהם עלו ורשו את הארץ ממרם היתם את אלהכם ולא עלתם ולא שמעתם בקלו וֹיֹאׇמׇר אלהם להשמד א[תכ]ם ואת[נ]פל בעדכם בעמד[י]** בהר ארבעם יוֹמׇ֫ [ואר]בע[ם ל]ׇ֫לׅה **בעדכם** וישמע **אל[הם** גם בפעם ההוא **ולא השחת] את[כם כ]רנע •**

[67] Oettli, *Deuteronomium und Josa und Richter*, 49. Cf. Bertholet's response in *Deuteronomium*, 32–33.

[68] Richard D. Nelson, *Deuteronomy*, 128. See also Bernard M. Levinson, "Deuteronomy," in *The Jewish Study Bible*, ed. Adele Berlin and Marc Zvi Brettler, 2nd ed. (Oxford: Oxford University Press, 2014), 368. Not all of this post-Priestly material was introduced at the same time; the *Fortschreibung* of vv. 6–7 was evidently added after that of vv. 8–9. See Porzig, *Die Lade*, 44–45.

V continues with material corresponding to Deut 10:10 and 9:23–25, both of which describe the same event, and neither of which betrays any signs of Priestly influence.[69]

In summary, it appears that Deuteronomy 10 contains a number of post-Priestly supplements, none of which has any parallel in V. As in the previous examples, our comparison of the stone tablet pericope in Deuteronomy and the Valediction of Moses suggests two conclusions. First, the fact that the version in V lacks precisely the elements that scholars have since identified as post-Priestly *Fortschreibungen* suggests that a forger would not have been able to model his or her fraudulent text upon these insights. Second, this comparison also suggests that V reflects an earlier incarnation of the Deuteronomic text, and not vice versa.

3.3.4. The Rebellion at Kadesh Barnea

Deuteronomy 1:19–39 recounts the story of the spies sent from Kadesh Barnea to scout the land of Israel. There are several notable differences between this account and that of the hybrid Priestly/non-Priestly version in Numbers 13–14.

First, in Deuteronomy, it is the Israelites who propose sending spies, whereas in Numbers (13:1–15; P), it is YHWH's initiative. In his commentary on Deuteronomy, Abravanel highlights this discrepancy:

> But why did our master Moses, in this story, not want to report how blessed God commanded him to send [the spies] by saying (Num 13:2) "Send men…" – instead attributing it to [the people] and to himself by saying (Deut 1:22–23) "All of you came to me […] The plan seemed good to me…"?[70]

The non-Priestly strand of the account in Numbers 13–14 lacks an introduction, making it difficult to determine to whom the author of that version attributed the initiative of the spies.[71] In any event, there is no counterpart in Numbers for the people's proposal to send spies and Moses's consent, as described in Deut 1:22–23.

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[69] Von Rad, among others, has noted the connection between Deut 10:10 and the narrative at the end of Deut 9 "[10.10–11] Here now at last (removed by several interpolations from its original position immediately after the intercessory prayer in 9.26–29) comes the announcement that Yahweh had granted the prayer. The forgiveness vouchsafed is expressed still more effectively by the order to Moses to prepare for departure and for a journey towards the promised land" (Gerhard von Rad, *Deuteronomy*, The Old Testament Library [Philadelphia: Westminster, 1964], 80).

[70] My translation. More recently, see, e.g., Abraham Kuenen, *The Pentateuch and Book of Joshua Critically Examined*, trans. J. W. Colenso (London: Longman, 1865), 95; Weinfeld, *Deuteronomy 1–11*, 144.

[71] Some scholars have suggested that it likely paralleled the Deuteronomic telling, as it does elsewhere. See, e.g., Baruch A. Levine, *Numbers 1–20,* AB 4 (New York: Doubleday, 1993), 347.

Second, in Deut 1:29–33, it is Moses who responds to the Israelites' faithless complaint, unlike in the non-P section in Numbers, where only Caleb is said to have done so (Num 13:30).[72] Notably, several recent scholars have argued that these verses in the Deuteronomic account are part of a post-Priestly interpolation. For example, Otto writes:

> In contrast to the brief addition of the note about Kadesh (Deut 1:19b), with Deut 1:28–33 we have an extensive text block that was inserted into the base narrative. Moses's encouragement of the people in verses 29–33 is not a fitting response to their rejection of the commandment (verses 27, 28a), and also YHWH's reaction after the speech of Moses in verses 34ff comes too late. In Deuteronomy 1:28b–33 we are dealing with an author who has in mind the Deuteronomic law, the exodus and desert wandering narratives in Exodus and Numbers, as well as the post-Priestly Sinai pericope (Exod 19:4).[73]

More recently, Lothar Perlitt added 28a to this hypothetical supplement, thus expanding its scope to verses 28–33.[74]

Third, in Deut 1:37 Moses tells the Israelites that YHWH prevented him from entering Canaan on their account. Nothing to this effect appears in the non-P element of Numbers 13–14, however. Rather, this verse appears to be related to the tradition of Meribah (which is, notably, associated with Kadesh) in Num 20:1–13.[75] This verse too has been identified in recent years as a secondary insertion.[76]

The following table juxtaposes the versions of Deuteronomy and the Valediction of Moses:

[72] Notably, it is unclear who is speaking in Num 14:8–9 (non-P). In the final composite text, it is construed as being Joshua and Caleb, but this may not have always been the case.

[73] Otto, *Das Deuteronomium im Pentateuch und Hexateuch*, 21. (My translation.)

[74] Lothar Perlitt, *Deuteronomium 1–6* (Neukirchen-Vluyn: Neukirchener Verlag, 2013), 90–91: "Ultimately, even the casual reader is struck by discrepancies in verses 19–46, which, with proper literary-critical analysis, show that this text was written by several hands. […] But the clear and appropriate connections of 26f to 34f and 35 to 39aβ,b also make verses 28–33 and 36–39aα easily recognizable as supplements […] These supplements are by no means random glosses, but rather, in the case of 28–33, they are theologically substantive and give the entire text a different weight." (My translation.)

[75] This was observed by several medieval scholars. See, e.g., Bekor Shor, Nachmanides, and Gersonides, ad loc. Note that Meribah is associated with Kadesh in Num 20:1b, 27:14; Deut 32:51; and Ezek 47:19; 48:28. Tantalizingly, the sinners of V's sin at Kadesh are called אנשי המרבה (V^{a} B 1:8–9). (Num 20:1–13 is an amalgam of P and non-P.)

[76] See Otto, *Deuteronomium 1–11*, vol. 1, 397–98.

	Deuteronomy (MT)	Valediction of Moses (V[a])
Deut 1:19–21 *A 1:5–9*	וַנִּסַּע מֵחֹרֵב וַנֵּלֶךְ אֵת כָּל הַמִּדְבָּר הַגָּדוֹל וְהַנּוֹרָא אֲשֶׁר רְאִיתֶם **דֶּרֶךְ הַר הָאֱמֹרִי כַּאֲשֶׁר צִוָּה יְהוָה אֱלֹהֵינוּ אֹתָנוּ** וַנָּבֹא עַד קָדֵשׁ בַּרְנֵעַ׃ וָאֹמַר אֲלֵכֶם בָּאתֶם עַד הַר הָאֱמֹרִי **אֲשֶׁר יְהוָה אֱלֹהֵינוּ נֹתֵן לָנוּ׃ רְאֵה נָתַן יְהוָה אֱלֹהֶיךָ לְפָנֶיךָ אֶת הָאָרֶץ עֲלֵה רֵשׁ כַּאֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֵי אֲבֹתֶיךָ לְךָ אַל תִּירָא וְאַל תֵּחָת**׃	ונסע מחרב ונלך א[ת כ]ל המדבר ה̇ג̇ד̇[ל והנרא **הזה** אשר ראתם ונבא [עד] קדש [ברנע • ו]אמר אלכם באתם **היום** עד הר האמ[רי] **ע[לו ור]שו את הארץ** כאשר דבר **אלהים** [אלהי **אבתכם** לכם •]		
Deut 1:22–25 ***Absent in V***	וַתִּקְרְבוּן אֵלַי כֻּלְּכֶם וַתֹּאמְרוּ נִשְׁלְחָה אֲנָשִׁים לְפָנֵינוּ וְיַחְפְּרוּ לָנוּ אֶת הָאָרֶץ וְיָשִׁבוּ אֹתָנוּ דָּבָר אֶת הַדֶּרֶךְ אֲשֶׁר נַעֲלֶה בָהּ וְאֶת הֶעָרִים אֲשֶׁר נָבֹא אֲלֵיהֶן׃ וַיִּיטַב בְּעֵינַי הַדָּבָר וָאֶקַּח מִכֶּם שְׁנֵים עָשָׂר אֲנָשִׁים אִישׁ אֶחָד לַשָּׁבֶט׃ וַיִּפְנוּ וַיַּעֲלוּ הָהָרָה וַיָּבֹאוּ עַד נַחַל אֶשְׁכֹּל וַיְרַגְּלוּ אֹתָהּ׃ וַיִּקְחוּ בְיָדָם מִפְּרִי הָאָרֶץ וַיּוֹרִדוּ אֵלֵינוּ וַיָּשִׁבוּ אֹתָנוּ דָּבָר וַיֹּאמְרוּ טוֹבָה הָאָרֶץ אֲשֶׁר יְהוָה אֱלֹהֵינוּ נֹתֵן לָנוּ׃		
Deut 1:26–27 *A 1:9–B 1:1*	וְלֹא אֲבִיתֶם לַעֲלֹת וַתַּמְרוּ **אֶת פִּי יְהוָה אֱלֹהֵיכֶם**׃ וַתֵּרָגְנוּ **בְּאָהֳלֵיכֶם** וַתֹּאמְרוּ בְּשִׂנְאַת **יְהוָה** אֹתָנוּ **הוֹצִיאָנוּ מֵאֶרֶץ מִצְרַיִם לָתֵת** אֹתָנוּ בְּיַד הָאֱמֹרִי **לְהַשְׁמִידֵנוּ**׃	[ולא] אבתם לעלת ותרגנו ותאמרו בש[נאת **אלהם** אתנו **נתן** אתנו ביד האמרי] **לאבדנו**	
Deut 1:28–33 ***Absent in V***	אָנָה אֲנַחְנוּ עֹלִים אַחֵינוּ הֵמַסּוּ אֶת לְבָבֵנוּ לֵאמֹר עַם גָּדוֹל וָרָם מִמֶּנּוּ עָרִים גְּדֹלֹת וּבְצוּרֹת בַּשָּׁמָיִם וְגַם בְּנֵי עֲנָקִים רָאִינוּ שָׁם׃ וָאֹמַר אֲלֵכֶם לֹא תַעַרְצוּן וְלֹא תִירְאוּן מֵהֶם׃ יְהוָה אֱלֹהֵיכֶם הַהֹלֵךְ לִפְנֵיכֶם הוּא יִלָּחֶם לָכֶם כְּכֹל אֲשֶׁר עָשָׂה אִתְּכֶם בְּמִצְרַיִם לְעֵינֵיכֶם׃ וּבַמִּדְבָּר אֲשֶׁר רָאִיתָ אֲשֶׁר נְשָׂאֲךָ יְהוָה אֱלֹהֶיךָ כַּאֲשֶׁר יִשָּׂא אִישׁ אֶת בְּנוֹ בְּכָל הַדֶּרֶךְ אֲשֶׁר הֲלַכְתֶּם עַד בֹּאֲכֶם עַד הַמָּקוֹם הַזֶּה׃ וּבַדָּבָר הַזֶּה אֵינְכֶם מַאֲמִינִם בַּיהוָה אֱלֹהֵיכֶם׃ הַהֹלֵךְ לִפְנֵיכֶם בַּדֶּרֶךְ לָתוּר לָכֶם מָקוֹם לַחֲנֹתְכֶם בָּאֵשׁ לַיְלָה לְרָאֹתְכֶם בַּדֶּרֶךְ אֲשֶׁר תֵּלְכוּ בָהּ וּבֶעָנָן יוֹמָם׃		

	Deuteronomy (MT)	Valediction of Moses (V[a])
Deut 1:34–40 ***B 1:1–8*** **Cf. Num 14:21–25**	**וַיִּשְׁמַע יְהוָה אֶת קוֹל דִּבְרֵיכֶם** **וַיִּקְצֹף** וַיִּשָּׁבַע לֵאמֹר׃ אִם יִרְאֶה **אִישׁ** **בָּאֲנָשִׁים הָאֵלֶּה הַדּוֹר הָרָע הַזֶּה** אֵת הָאָרֶץ הַטּוֹבָה אֲשֶׁר נִשְׁבַּעְתִּי לָתֵת **לַאֲבֹתֵיכֶם**׃ **זוּלָתִי** כָּלֵב בֶּן יְפֻנֶּה **הוּא** **יִרְאֶנָּה וְלוֹ אֶתֵּן אֶת הָאָרֶץ אֲשֶׁר** **דָּרַךְ בָּהּ וּלְבָנָיו יַעַן אֲשֶׁר מִלֵּא** **אַחֲרֵי יְהוָה׃ גַּם בִּי הִתְאַנַּף יְהוָה** **בִּגְלַלְכֶם לֵאמֹר גַּם אַתָּה לֹא תָבֹא** **שָׁם׃** יְהוֹשֻׁעַ בִּן נוּן הָעֹמֵד לְפָנֶיךָ **הוּא יָבֹא שָׁמָּה אֹתוֹ חַזֵּק כִּי הוּא** **יַנְחִלֶנָּה אֶת יִשְׂרָאֵל׃ וְטַפְּכֶם אֲשֶׁר** **אֲמַרְתֶּם לָבַז יִהְיֶה וּבְנֵיכֶם אֲשֶׁר לֹא** **יָדְעוּ הַיּוֹם טוֹב וָרָע** הֵמָּה יָבֹאוּ שָׁמָּה וְלָהֶם אֶתְּנֶנָּה **וְהֵם יִירָשُוהָ**׃ וְאַתֶּם פְּנוּ לָכֶם וּסְעוּ הַמִּדְבָּרָה דֶּרֶךְ יַם סוּף׃	**וי[חר] אף אלהם** וי[שבע] לאמר **חי** **[אני] כי כל העם הראם את אתתי** **ואת מפתי אשר עשתי זה עשר** **פעמם ולא האמנו ולא שמעו בקלי** **אם ירא**ו את הארץ הטב[ה א]שר נשבעתי לתת **לאבתהם בלתי** **[עבדי** כלב] בן יפנה ויהשע בן נן העמד לפנך המה יבאו שמה ולהם אתננה • ואתם פנו [ל]כם וסעו המ[דברה] דרך ים סף **עד תם כל** **הדר א[נ]שי המרבה מק[ר]ב** **המחנה**

V contains little of significance that is absent in Deuteronomy, and it substantially parallels the Deuteronomic pericope. Nevertheless, there are two short passages that appear in Deuteronomy but not in V – verses 22–25 and 28–33 – and these have a transformative impact on the story. Together, they encompass the spies motif in its entirety. Without them, the Israelites' faithless response follows immediately and spontaneously upon Moses's command to enter the land, rather than coming after the spies' report.

As noted above, the second of the two passages has been identified as a post-Priestly interpolation in Deuteronomy, and like the previous examples, this is difficult to reconcile with V being post-Pentateuchal, whether ancient or modern. But what about the first passage? If it too is late, this would mean that the entire spies motif is a secondary expansion – a breathtaking case of literary revision. By the same token, a Hellenistic writer seeking to excerpt Deuteronomy or smooth over its infelicities would not have been likely to remove these two passages, since doing so would have upended the story and eliminated its central theme: the spies themselves.

Suggestively, it appears that a verse in Deuteronomy 9 reflects V's narrative, rather than that of Deuteronomy. Deut 9:23 reads:

וּבְשָׁלְחַ יְהוָה אֶתְכֶם מִקָּדֵשׁ בַּרְנֵעַ לֵאמֹר עֲלוּ וּרְשׁוּ אֶת הָאָרֶץ אֲשֶׁר נָתַתִּי לָכֶם וַתַּמְרוּ אֶת פִּי יְהוָה אֱלֹהֵיכֶם וְלֹא הֶאֱמַנְתֶּם לוֹ וְלֹא שְׁמַעְתֶּם בְּקֹלוֹ׃

When YHWH sent you from Kadesh-barnea, saying, "Go up and possess the land that I have given you," you rebelled against the command of YHWH your God, neither trusting him nor obeying him.

In this verse, Moses recalls the Israelites being commanded to enter the promised land from Kadesh, and the people's summary refusal to do so. It is certainly curi-

ous that this synopsis of the spies episode neglects to mention the spies. Scholars have, naturally, been troubled by Deut 9:23. For example, Weinfeld writes:

And when YHWH sent you on from Kadesh-Barnea. The verb "send" here looks peculiar, but the author wants to allude to the spies who were sent to explore the land (cf. 1:22; Num 13:2), and it was the spies who "have taken the heart out of" the Israelites (1:28). The whole verse looks like an epitome of the episode of the spies in Deut 1:19b–32.[77]

In a radical departure from the plain meaning of the text, Weinfeld is compelled to suggest here that Moses saying to the people "YHWH sent you" in fact suggests that YHWH sent *spies*. This is further complicated by the fact that Deut 9:23 states that the people in question were commanded to "go up and *possess the land*" (עֲלוּ וּרְשׁוּ אֶת הָאָרֶץ). Clearly, territorial possession applies to the people of Israel, and not to the spies. No such contortions are necessary if we acknowledge that this verse is a vestige of V's spy-less narrative of rebellion at Kadesh.[78]

Shortly before this book was set to go to press, I encountered the following discussion of the Deuteronomic spies narrative by David Frankel:

The key to restoring the original Deuteronomic text lies in a careful reading of Dt. 9:23, ובשלח ה׳ אתכם מקדש ברנע לאמר עלו |ורשו| את הארץ אשר נתתי לכם |ותמרו| את פי ה׳ אלהיכם ולא האמנתם לו ולא שמעתם בקלו. It is striking that this verse makes no mention whatsoever of the sending of the scouts. God is here said to have sent the entire nation from Kadesh Barnea, calling upon it to go up and *conquer* the land (רשו), not to go up and *look at* the land (ראו; cf. Num. 13:17b–18). The Israelites, lacking trust in God, are said to have refused to comply with this command. Thus, the sin of the Israelites at Kadesh Barnea was the refusal to comply with the divine command to take up the conquest. This portrayal of events is highly laconic and at first look, inaccurate. The Israelites did not immediately refuse to conquer the land. Rather, it was only after the fearful report of the scouts that they refused to attack. How are we to explain this verse? It seems that Dt. 9:23 reflects the earliest form of the Deuteronomic tradition, reflected also in Dt. 1. The Israelites did not need to hear a fearful report from scouts in order to fear taking up the conquest. The task was sufficiently daunting without any official scouts report. Thus, the early Deuteronomic tradition was unaware of any scouting mission. This contention is affirmed when we return to examine Dt. 1 in light of 9:23. We have already noted that Dt. 1:22–25 betrays awareness of late priestly material. These verses belong to the section that deals with the scouts. If we

[77] Weinfeld, *Deuteronomy 1–11*, 414.

[78] Ps 95:8–11 may preserve a similar vestige of V's spy-less tradition. This sequence is quite distinct from its surroundings and may be a fragment of an acrostic, each of its four verses beginning with an *aleph*. Adele Berlin and Marc Brettler remark: "[These four verses are] an unusual case where divine speech, perhaps spoken through a religious official, is quoted in psalms. […] This psalm connects the forty years of wandering to rebellion at [Meribah and Massah], in contrast to Num. 14.33–34; 32.13, which connect the forty years to the sin of the spies" (Adele Berlin and Marc Zvi Brettler, "Psalms," in *The Jewish Study Bible*, ed. Adele Berlin and Marc Zvi Brettler, 2nd ed. [Oxford: Oxford University Press, 2014], 1375). V too connects the period of wandering to the rebellion of the people, אנשי המרבה, at Kadesh (the locus of Meribah) – not to the sin of the spies.

remove verses 22–25, we find that verses 26–27 follow upon verse 21 perfectly and create a striking parallel to Dt. 9:23.[79]

Frankel, who published his analysis in 2002, is the first scholar to realize that the spies motif in Deuteronomy 1 is a secondary element. And yet V reflects the very same premise. Frankel proposes deleting verses 22–25, thus creating the following sequence:

וַנִּסַּע מֵחֹרֵב וַנֵּלֶךְ אֵת כָּל הַמִּדְבָּר הַגָּדוֹל וְהַנּוֹרָא הַהוּא אֲשֶׁר רְאִיתֶם דֶּרֶךְ הַר הָאֱמֹרִי כַּאֲשֶׁר צִוָּה יְהוָה אֱלֹהֵינוּ אֹתָנוּ וַנָּבֹא עַד קָדֵשׁ בַּרְנֵעַ׃ וָאֹמַר אֲלֵכֶם בָּאתֶם עַד הַר הָאֱמֹרִי אֲשֶׁר יְהוָה אֱלֹהֵינוּ נֹתֵן לָנוּ׃ רְאֵה נָתַן יְהוָה אֱלֹהֶיךָ לְפָנֶיךָ אֶת הָאָרֶץ עֲלֵה רֵשׁ כַּאֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֵי אֲבֹתֶיךָ לְךָ אַל תִּירָא וְאַל תֵּחָת׃ [omitted material] וְלֹא אֲבִיתֶם לַעֲלֹת וַתַּמְרוּ אֶת פִּי יְהוָה אֱלֹהֵיכֶם׃ וַתָּרָנְנוּ בְאָהֳלֵיכֶם וַתֹּאמְרוּ בְּשִׂנְאַת יְהוָה אֹתָנוּ הוֹצִיאָנוּ מֵאֶרֶץ מִצְרַיִם לָתֵת אֹתָנוּ בְּיַד הָאֱמֹרִי לְהַשְׁמִידֵנוּ׃

Minor stylistic variations notwithstanding, Frankel's reconstructed original is effectively identical to the account in V (A 1:5–10), which lacks the very same content that Frankel omits from his reconstructed original:

ונסע מחרב ונלך א|ת כ|ל המדבר ה'גד|ל והנרא הזה אשר ראתם ונבא |עד| קדש |ברנע • ו|אמר אלכם באתם היום עד הר האמ|רי ע|לו ור|שו את הארץ כאשר דבר אלהֹ֫ם |אלהי אבתכם לכם • ולא| א֫בֹ֫תֹ֫ם לעלת ותרגנו ותֹ֫אמֹ֫רו בשנאת אלהם אתנו נתן אתנו ביד האמרי| לאבדנו

Surely no forger working in the 1870s could have anticipated Frankel's analysis from the 2000s.

The Numbers Version

It is also worth noting that parts of V's narrative are more similar to the non-Priestly element in Numbers than to the Deuteronomic version. This is especially true for YHWH's response to the people's rebellion. There is, however, a striking difference between the passages in V and in Numbers. In Num 14:21, YHWH's oath formula is somewhat convoluted. From a survey of the use of **חי אני** in the Hebrew Bible, we would expect YHWH's next word to be **אם** or **כי**. For instance, in Jer 46:18, we find: חַי אֲנִי נְאֻם הַמֶּלֶךְ יְהוָה צְבָאוֹת שְׁמוֹ כִּי כְתָבוֹר בֶּהָרִים וּכְכַרְמֶל בַּיָּם יָבוֹא. A **כי** element does indeed appear in Numbers 14, but it is interrupted by the phrase וְיִמָּלֵא כְבוֹד יְהוָה אֶת כָּל הָאָרֶץ. In V, this phrase is nowhere to be found. V also contains a minor but salient variant in its counterpart to verse 22: Instead of **הראים את כבדי ואת אתתי**, it reads **הראם את אתתי ואת מפתי** (V B 1:2).

[79] David Frankel, *The Murmuring Stories of the Priestly School: A Retrieval of Ancient Sacerdotal Lore*, Supplements to Vetus Testamentum 89 (Leiden: Brill, 2002), 147. See also Jaeyoung Jeon, "The Scout Narrative (Numbers 13) as a Territorial Claim in the Persian Period," *Journal of Biblical Literature* 139, no. 2 (2020): 255–74, at 260–63.

	Numbers (MT)	Valediction of Moses (V^a)
Num 14:21aα ***B 1:1***	**וְאוּלָם**	**וי[חר] אף אלהם וי[שבע] לאמר**
Num 14:21aβ ***B 1:1***	חַי אָנִי	חי [אנ֯י]
Num 14:21b ***Absent in V***	וְיִמָּלֵא כְבוֹד יְהוָה אֶת כָּל הָאָרֶץ׃	
Num 14:22–23a ***B 1:2–5***	כִּי כָל **הָאֲנָשִׁים** הָרֹאִים אֶת כְּבֹדִי וְאֶת אֹתֹתַי אֲשֶׁר עָשִׂיתִי **בְּמִצְרַיִם וּבַמִּדְבָּר וַיְנַסּוּ אֹתִי** זֶה עֶשֶׂר פְּעָמִים וְלֹא שָׁמְעוּ בְקוֹלִי׃ אִם יִרְאוּ אֶת הָאָרֶץ אֲשֶׁר נִשְׁבַּעְתִּי לַאֲבֹתָם	כי כל **העם** הראם את אתתי ואת **מפתי** אשר עשתי זה עשר פעמם **ולא הֿאֲמִנוּ֯** ולא שמעו בקלי אם יראו את הארץ **הטבו֯ה** א[שר נשבעתי **לתת** לאבתהם
Num 14:23b ***Absent in V***	וְכָל מְנַאֲצַי לֹא יִרְאוּהָ׃	
Num 14:24–25a ***B 1:5–6***	**וְעַבְדִּי כָלֵב עֵקֶב הָיְתָה רוּחַ אַחֶרֶת עִמּוֹ וַיְמַלֵּא אַחֲרָי וַהֲבִיאֹתִיו אֶל הָאָרֶץ אֲשֶׁר בָּא שָׁמָּה וְזַרְעוֹ יוֹרִשֶׁנָּה׃ וְהָעֲמָלֵקִי וְהַכְּנַעֲנִי יוֹשֵׁב בָּעֵמֶק**	**בלתי** [עבדי כלֿב] **בן יפנה ויהשע בן נן העמד לפנך המה יֿבֹאוּ֯ שמה ולהם אתננה •**
Num 14:25b ***B 1:7***	**מָחָר** פְּנוּ וּסְעוּ לָכֶם הַמִּדְבָּר דֶּרֶךְ יַם סוּף	**ואתם** פנו [ל]כם וסעו המ[דברה] דרך ים סף

Claus Westermann was the first to identify the כבוד elements in Num 14:21–22 as post-P supplements,[80] and his proposal has been met with wide acceptance in recent years.[81] Indeed, each of the other twelve instances of כבוד יהוה in the Pentateuch is Priestly.[82] Once again, we find that the narrative in the Valediction of Moses lacks any sign of Priestly language, and, as in the earlier examples, scholars in Shapira's lifetime had not yet identified the post-Priestly interpolations as such.[83]

[80] Westermann refers to these as "nachpriesterliche 'Weiterbildungen.'" Claus Westermann, "כבד," *Theologisches Handwörterbuch zum Alten Testament* (1971), 1:808.

[81] See, e.g., Hans-Christoph Schmitt, "Redaktion des Pentateuch im Geiste der Prophetie: Beobachtungen zur Bedeutung der 'Glaubens'-Thematik innerhalb der Theologie des Pentateuch," *Vetus Testamentum* 32, no. 2 (1982): 183–84; Olivier Artus, *Études sur le livre des Nombres. Récit, Histoire et Loi en Nb 13,1–20,13*, OBO 157 (Göttingen: Vandenhoeck & Ruprecht, 1997), 141, et passim; Otto, *Das Deuteronomium im Pentateuch und Hexateuch*, 41; Reinhard Achenbach, "Die Erzählung von der gescheiterten Landnahme von Kadesch Barnea (Numeri 13–14) als Schlüsseltext der Redaktionsgeschichte des Pentateuchs," *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 9 (2003): 115.

[82] Exod 16:7, 10; 24:16, 17; 40:34, 35; Lev 9:6, 23; Num 14:10; 16:19; 17:7; 20:6.

[83] For a survey of the various analyses over the years, see the appended table in Norbert Rabe, *Vom Gerücht zum Gericht. Revidierte Text- und Literarkritik der Kundschaftererzählung Numeri 13.14 als Neuansatz in der Pentateuchforschung* (Tübingen, 1994).

3.4. Summary

It is clear from even a cursory reading of the Valediction of Moses that it is intimately related to Deuteronomy. Determining the precise relationship between these two books is paramount for understanding the nature of each, as well as their respective times of composition. The philological analysis above set out to investigate these matters, and it led to a firm conclusion: Not only is the Valediction of Moses authentic, it is indeed more ancient than the book of Deuteronomy.[84] From this it follows that V is almost certainly a pre-exilic text.[85] It is time to lay to rest the notion that the Shapira manuscripts are forgeries or that they are based on the Pentateuch in its current form.[86]

The Valediction of Moses lacks the Deuteronomic laws and poems, which were added only later along the path of V's evolution into Deuteronomy. The secondary incorporation of the law code led not only to the bizarre bifurcation of the Gerizim and Ebal pericope but also to the introduction of new literary tension between narrative and law. It is plainly problematic to have Moses command one thing and do another, as was initially the case with regard to the battle with Sihon, which violated the Mosaic law of Deuteronomy 20. This state of affairs, in turn, led to the editing of the now-problematic narratives, bringing them in line with the newly introduced law code. Similarly, with the introduction of Priestly texts and ideas, it became necessary to update the Valedictoric/Deuteronomic text to create more harmony between it and the Priestly traditions. These nomistic and post-P edits are widespread in the canonical text of Deuteronomy, and scholars have identified numerous examples, none of which is present in V. One can thus characterize the book of Deuteronomy as an updated version of V that has been edited to include a substantial law code and two large poems and then edited to smooth over the resulting unevenness. But Deuteronomy is more than that. It reflects decades or even centuries of literary growth and evolution – some ideolog-

[84] There are many more such comparisons to undertake, with similar implications for both authenticity and the relationship between V and Deuteronomy. I outline two more here. The verses following the Deuteronomic spies episode, Deut 1:41–46, recount the incident of the temerarious people. These verses too are absent in V and have been identified as secondary. See Josef G. Plöger, *Literarkritische, formgeschichtliche und stilkritische Untersuchungen zum Deuteronomium* (Bonn: Hanstein, 1967), 44. In addition, V's version of the Beth Pe'or/Phinehas episode (V^a D 2:5–D 3:3) is striking in its similarity to the non-Priestly element of Num 25, on the one hand, and the total absence of any of the P language present in the Numbers version, on the other. Indeed, just as V's version of the spies narrative lacks the spies, its account of the "Phinehas story" lacks the protagonist himself.

[85] See excursus in chapter 6 for linguistic evidence supporting this conclusion.

[86] The conclusion that V preserves the earlier literary forms of several passages – and indeed of the book *in toto* – does not mean that V, as we have it, was necessarily created *ex nihilo*. Indeed, there is little question that the text of V contains interpolations. (See, e.g., the cursed man corresponding to the proclamation regarding adultery in V^b G 5:12–13.) It is therefore worthwhile to subject V itself to source-critical analysis to better ascertain the scope and nature of its own evolution.

ical, some pragmatic, some aesthetic – and the final result is an elegant tapestry, the artistry of which is now coming into clear view for the first time.

The Valediction of Moses is *sui generis*. Never before has a proto-biblical book been unearthed, and the benefit that scholars can now derive from the availability of such a text is incalculable.

4. Biblical Intertexts

There are a great number of intertexts between the Valediction of Moses and the Hebrew Bible. While this topic is too vast to cover in the present book, I will briefly discuss two passages whose biblical intertexts are instructive: the Valedictoric versions of the Decalogue and the Gerizim-Ebal pericope. We will see that the Valediction of Moses, or a text very similar to it, was familiar to several biblical authors. Besides further underscoring V's authenticity, this conclusion has manifest implications for the the dating of V, as well as for the composition history of the Bible.

Considering that there are substantial overlaps between V and Deuteronomy, it is important to distinguish between Deuteronomic intertexts and Valedictoric ones. As we will presently see, in some cases, there are correspondences between biblical passages and features that are unique to V.

4.1. The Decalogue

The Decalogue in the Valediction of Moses differs from all known versions, both canonical and otherwise. Beside some differences in order, the primary structural divergence between V's Decalogue and its biblical counterparts is the appearance of אנך אלהם אלהך "I am Elohim, your god" in V as a refrain after each proclamation; there is nothing comparable in any other known version of the Decalogue.[1] Another difference is that in V, all proclamations are spoken in the first person, whereas the familiar versions are primarily in the third person.

In terms of content, there are several deviations, of which I will discuss two. First, instead of the canonical proclamation beginning with לֹא תִשָּׂא אֶת שֵׁם יְהוָה אֱלֹהֶיךָ לַשָּׁוְא "You shall not take the name of YHWH, your god, in vain" (Exod 20:7; Deut 5:11), in V we find לא תשבע בשמי לשקר "You shall not swear in my name falsely" (E 4:1). Second, V contains an otherwise unattested proclamation: לא תשנא את אחך בלבבן[בו]ך "You shall not hate your brother in your he[ar]t" (E 4:8).

Before proceeding to explore the biblical intertexts, it is important to realize that in V, the Decalogue is one strand in a threefold cord. In G 3–H 1, V lists those worthy of blessings and curses, in the form of "Blessed/Cursed is the man who X." Only the maledictive series has a counterpart in Deuteronomy. In the Valediction

[1] The first instance of V's refrain is preserved vestigially in Exod 20:5/Deut 5:9. Compare לא תשתחו • להם • ולא תעבדם • אנך • אלהם with לֹא תִשְׁתַּחֲוֶה לָהֶם וְלֹא תָעָבְדֵם כִּי אָנֹכִי יְהוָה אֱלֹהֶיךָ אֵל קַנָּא וגו׳ • אלהך • (E 2:5–7).

of Moses, on the other hand, both series are straightforward V-Decalogue complements. To illustrate, V's fourth proclamation (לא תר|צח| את נֶפֶשׁ אחך "Do not sl[ay] the soul of your brother" [E 3:6]) finds parallels in the fourth blessed man (ברך ה|איש אשר לא יקם ולא יטר את נפש אחו "Blessed is [the] man who does not avenge or exact retribution for the soul of his brother" [G 4:3]), as well as in the fourth cursed man (ארר מכה רעהו בסתר "Cursed is he who strikes down his fellow in secret" [G 5:11]). Similarly, V's ninth proclamation (לא תחמד אשר |רעך| עבדו ואמתו וכל אשר לו אנך אלהם אלהך "You shall not desire the wife of [your fellow], his male slave, his female slave, or anything that is his" [E 4:6]) corresponds to the ninth blessed man (ברך אשר לא נשא עינו אל |כל נפ|ש רעהו "Blessed is he who does not lust after an[yone be]longing to his fellow" [G 4:7–8]) and also to the ninth cursed man (ארר האיש אשר יחמד וישאֹ עָנְוֹ אל אשת רעהו אל בתו ואמת|ו ולכל אשר לו "Cursed is the man who desires and lusts after the wife of his fellow, his daughter, [his] female slave, or anything that is his" [H 1:3–4]). For this reason, we may speak of V's Decalogical *constellation* and compare other biblical passages to each of its components as well as to the constellation *in toto*.[2]

Cursed Men	Blessed Men	Decalogue
ארר האיש אשר יעשה פסל ומסכה מעשה ידי חרש	ברך האיש אשר יה|יה| אלהם אלהו ולו לבדו ישתחו ואתו לבדו יעבד	אנך • אלהם • אלהך • אשר • החרתך • מארץ • מצרם • מבת • עבדם • לא יה|יה •| לכם • אלהם • אחרם • לא תעש|ו| • לכם • פסל • וכל • תמנה • אשר • בשמם • ממעל • ואשר • בארץ • מתחת • ואשר • במים • מתחת • לארץ • לא תשתחו • להם • ולא תעבדם • אנך • אלהם • אלהך •
ארר האיש אשר יעשה מלאכה ביום השבעי	ברך הא|יש אשר י|קדש את היום השבעי וישבת בו	קדש • |את יום • השבעי • ושבת • בו • כי • ש|שת • ימם • עשתי • את השמם • ואת הארץ • וכל • אשר • בם • ושבתי • ביום • השבעי • על • כן • תשבת • גם • אתה • ובהמתך • וכל • אשר • לך • אנך • אלהם • אלהך •
ארר מקלה אבו ואמו	[ברך] מכבד אבו ואמו	כבד • את אבך • ואת אמך • אנך • אלהם • אלהך •

[2] Josh 8:34 may be a reference to this constellation: וְאַחֲרֵי כֵן קָרָא אֶת כָּל דִּבְרֵי הַתּוֹרָה הַבְּרָכָה וְהַקְלָלָה כְּכָל הַכָּתוּב בְּסֶפֶר הַתּוֹרָה "Afterward he read all the words (or *proclamations*) of the teaching, the blessings, and the curses, according to all that is written in the book of the teaching."

Cursed Men	Blessed Men	Decalogue
ארר מכה רעהו בסתר	ברך [ה]איש אשר לא יקם ולא יטר את נפש אחו	לא תר[צח] • את נְפש • אחך • אנך • אלהם • אלהך •
ארר האיש אשר יקרב אל כל שאר בשרו ואשר ינאף֯ [את אש]ת רעהו ואשר יבעל עם כל בהמה	ברך האיש אשר לא יטמא את אשת רעהו	לא תנאף • את אשת • רעך • אנך • אלהם • אלהך •
ארר מסג גבל רעהו	ברך האיש אשר לא י[נ]ה את רעהו	לא תגנב • את הן • אחך • אנך • אלהם • אלהך •
ארר האיש אשר ישבע בשמי לשקר	ברך האיש אשר לא ישבע בשמי לשקר	לא תשבע • בשמי • לשקר • כי • אנך • אקנא • את עון • אבת • על • בנם • על • שלשם • ועל • רבעם • לְנשאי • שמי • לשקר • אנך • אלהם • אלהך •
ארר לקח ש[חד] ל[ע]ד עֹ֯ת שקר בעמת[ו]	ברך האיש אשר לא יכחש ולא י[שְׁ]קר ברעהו	לא תענו • באחך • עדת • שקר • אנך • אלהם • אלהך •
ארר האיש אשר יחמד וישא עֵ֯נוֹ אל אשת רעהו אל בתו ואמת[ו] ולכל אשר לו	ברך אשר לא נשא עינו אל [כל נפ]ש רעהו	לא תחמד • אשת • [רעך] • עבדו • ואמתו • וכל • אשר • לו • אנך • אלהם • אלהך •
ארר האיש אשר ישנא [א]ת אחו בלֹ֯בו	[ברך] האיש אשר יאהב את רעהו	לא תשנא • את אחך • בלֹבְ[ב]ך • אנך • אלהם • אלהך •

Table 2. The Decalogue constellation in V.

With this in mind, let us turn to several established Decalogue intertexts in the Hebrew Bible.

4.1.1. Jeremiah 7:9

It is well established that Jer 7:9 is a Decalogue intertext. It reads as follows:

הֲגָנֹב רָצֹחַ וְנָאֹף וְהִשָּׁבְעַ לַשֶּׁקֶר וְקַטֵּר לַבָּעַל וְהָלֹךְ אַחֲרֵי אֱלֹהִים אֲחֵרִים אֲשֶׁר לֹא יְדַעְתֶּם׃

Will you steal, murder, and commit adultery, and swear falsely, and make offerings to Baal, and go after other gods that you have not known?

The second part of this verse – from "make offerings" – recalls לֹא יִהְיֶה לְךָ אֱלֹהִים אֲחֵרִים עַל פָּנָי "you shall have no other gods before me" (Exod 20:3; Deut 5:7) and וְלֹא תָעָבְדֵם "and you shall not worship them" (Exod 20:5; Deut 5:9), while the first three sins listed in Jer 7:9 are precise Decalogical matches, as is universally acknowledged.[3] הֲגָנֹב "will you steal" corresponds to לֹא תִגְנֹב "you shall not steal"

[3] See, e.g., Leslie C. Allen, *Jeremiah*, The Old Testament Library (Louisville, KY: Westminster John Knox, 2008), 96; Jack R. Lundbom, *Jeremiah 1–20*, The Anchor Bible (New York: Dou-

(Exod 20:15; Deut 5:19), רָצַח "kill" to לֹא תִרְצָח "you shall not kill" (Exod 20:13; Deut 5:17), and וְנָאַף "and commit adultery" to לֹא תִנְאָף "you shall not commit adultery" (Exod 20:14; Deut 5:18).

Whereas the first three sins are essentially verbatim Decalogue intertexts, the same cannot be said for the fourth one: וְהִשָּׁבֵעַ לַשֶּׁקֶר "and swear falsely." The closest match among the canonical versions is לֹא תִשָּׂא אֶת שֵׁם יְהוָה אֱלֹהֶיךָ לַשָּׁוְא "you shall not take the name of YHWH, your god, in vain" (Exod 20:7; 5:11). William Holladay, for instance, grapples with this issue in his commentary on Jeremiah:

> "Swear falsely" (שבע nip'al + לשקר) has already occurred in 5:2. Beyond these two occurrences in Jer the phrase occurs in Lev 5:24; 19:12; Zech 5:4; and Mal 3:5; it is thus not a Deuteronomistic phrase but appears to come out of priestly rhetoric. It has already been noted that the corresponding expression in Hos 4:2 is a different one, and it must also be pointed out that the Decalogue offers neither expression. Nevertheless there is reason to connect the prohibition here and in Hos 4:2 with the commandment in the Decalogue, "You shall not take the name of Yahweh your God in vain" (Exod 20:7; Deut 5:11): [The Peshitta] translates the law in the Decalogue with "You shall not swear falsely by the name of the Lord your God," and this tradition is found in Jewish circles as well and is followed in the NJV. It is difficult to pinpoint the abuse of Yahweh's name at various periods that gave rise to these contrasting formulations; "swear falsely" (that is, swear an oath insincerely or dishonestly) may have been one center of meaning, but the implication may have broadened later to include "curse someone by a misuse of Yahweh's name" (so, evidently, the implication of the word in Hos 4:2).[4]

Francis Andersen and David Noel Freedman also draw attention to the fourth sin's unclear Decalogical correspondence.

> The fourth sin in Jeremiah's list (*hiššābēa' laššeqer*) uses a verb not in either Exodus 20 or Hosea 4, although *laššeqer* is similar to *laššāw'* in the Decalogue, and the phrase could mean swearing by a false god. Jeremiah's fourth accusation could correspond to either the third or the ninth commandment.[5]

This hazy picture becomes dramatically clearer when we compare the Jeremiah passage to V's Decalogue, instead of to the canonical ones. V lacks altogether the familiar לֹא תִשָּׂא commandment (the second or third proclamation, depending on

bleday, 1999), 465; Adele Berlin and Marc Zvi Brettler, eds., *The Jewish Study Bible*, 2nd ed. (Oxford: Oxford University Press, 2014), 925; William L. Holladay, *Jeremiah 1: A Commentary on the Book of the Prophet Jeremiah, Chapters 1–25*, ed. Paul D. Hanson, Hermeneia 24A (Minneapolis: Fortress Press, 1986), 244–45; Carly L. Crouch, *An Introduction to the Study of Jeremiah*, T&T Clark Approaches to Biblical Studies (London: T&T Clark, 2017), 15.

[4] Holladay, *Jeremiah*, 244–45.

[5] Francis I. Andersen and David Noel Freedman, *Hosea*, The Anchor Bible (New York: Doubleday, 1996), 337.

the counting scheme) and instead includes the following as its seventh proclamation (E 4:1–3):

לא תשבע • בשמי • לשקר • כי • אנך • אקנא • את עון • אבת • על • בנם • על • שלשם • ועל • רבעם • לׄנשאי • שמי • לשקר • אנך • אלהם • אלהך •

You shall not swear in my name falsely, for I shall avenge the transgression of fathers against sons, grandsons, and great-grandsons for those who bear my name falsely. I am Elohim, your god.

The Valedictoric proclamation is a precise match for Jeremiah's Decalogue allusion; וְהִשָּׁבֵעַ לַשָּׁקֶר "and swear falsely" could hardly be a more explicit transgression of לא תשבע בשמי לשקר "you shall not swear in my name falsely." It thus stands to reason that the prophet was familiar with a version of the Decalogue that resembled that of V – at least with regard to this feature – rather than the recensions of Exodus and Deuteronomy.[6]

4.1.2. Jeremiah 29:23

יַעַן אֲשֶׁר עָשׂוּ נְבָלָה בְּיִשְׂרָאֵל וַיְנָאֲפוּ אֶת נְשֵׁי רֵעֵיהֶם וַיְדַבְּרוּ דָבָר בִּשְׁמִי שֶׁקֶר אֲשֶׁר לֹוא צִוִּיתִם וְאָנֹכִי הַיּוֹדֵעַ [הַיּוֹדֵעַ] וָעֵד נְאֻם יְהוָה׃

Because they have perpetrated outrage in Israel and have committed adultery with their fellows' wives, and have spoken in my name lying words that I did not command them; I am the one who knows and bears witness, says YHWH.

Again we find a reference to false proclamations said in the name of YHWH, which corresponds to V's לא תשבע בשמי לשקר (E 4:1). The other transgression is reminiscent of V as well. Unlike the biblical versions of the Decalogue, where נאף takes no direct or indirect object, here we have וַיְנָאֲפוּ אֶת נְשֵׁי רֵעֵיהֶם "and have committed adultery with the wives of their fellows,"[7] precisely as we find in the Valedictoric proclamation:

לא תנאף • את אשת • רעך • אנך • אלהם • אלהך •

You shall not commit adultery with the wife of your fellow. I am Elohim, your god. (E 3:7)

[6] In a future publication I will discuss Jeremiah's intimate affiliation with the Valediction of Moses, including a shared perception of the (extremely limited) scope of Mosaic-era lawgiving.

[7] The particle את here probably does not mean "with" but is rather the *nota accusativi*. Cf. Prov 6:32 (discussed in §4.1.5): נֹאֵף אִשָּׁה "he who 'adulterates' a woman," as it were; "a woman" is clearly the direct object.

4.1.3. Hosea 4:2

Hosea 4:2 is very reminiscent of Jer 7:9, and it too has obvious Decalogue parallels.[8]

אָלֹה וְכַחֵשׁ וְרָצֹחַ וְגָנֹב וְנָאָף פָּרָצוּ וְדָמִים בְּדָמִים נָגָעוּ׃

Swearing, deceiving, and murder, and stealing and adultery break out; bloodshed follows bloodshed.

However, despite this verse's clear affinity with the Decalogue, the correspondences are not all clear. As Andersen and Freedman write in their commentary on Hosea:

The list of sins in v 2 is in two parts, each of which uses different grammatical forms. The first part uses five infinitive absolutes; in the second part two perfect verbs are used. The first list reads like an excerpt from the Decalogue. The Masoretic placement of *zāqēf qāṭōn* separates the first two sins from the rest, to reflect the fact that the third, fourth, and fifth transgressions are based directly on Exod 20:13–15 (= Deut 5:17–19), *whereas connections between the first two and specific commandments of the tradition are harder to trace.*[9]

Indeed, the Decalogue does not contain a proclamation that straightforwardly addresses either of the first two sins – oaths (אָלֹה) and deceptions (וְכַחֵשׁ). The closest match for the first sin is Exod 20:7/Deut 5:11, which reads:

לֹא תִשָּׂא אֶת שֵׁם יְהוָה אֱלֹהֶיךָ לַשָּׁוְא כִּי לֹא יְנַקֶּה יְהוָה אֵת אֲשֶׁר יִשָּׂא אֶת שְׁמוֹ לַשָּׁוְא׃

You shall not take the name of YHWH, your god, in vain, for YHWH will not acquit anyone who takes his name in vain.

As discussed above, V lacks a לֹא תִשָּׂא proclamation and instead features לֹא תשבע בשמי לשקר as its seventh proclamation. This is an unambiguous match for אָלֹה. Regarding the second sin (וְכַחֵשׁ "deceiving"), V's eighth blessed man, corresponding to the eighth proclamation (E 4:4–5), reads as follows:

ברך האיש אשר לא יכחש ולא ן׳שקר ברעהו וענו כל העם ואמרו אמן •

"Blessed is the man who does not deceive or [l]ie to his fellow." And all the people shall call out "Amen." (G 4:6–7)

Not only does this match Hosea's sin of deceit in content, it contains the very same verb: כחש "deceive." Thus, Hosea's list of offenses reflects the fourth, fifth,

[8] See, e.g., Hans Walter Wolff, *Hosea: A Commentary on the Book of the Prophet Hosea*, ed. Paul D. Hanson, trans. Gary Stansell, Hermeneia: A Critical and Historical Commentary on the Bible 28 (Minneapolis: Fortress Press, 1974), 67–68; James Luther Mays, *Hosea*, The Old Testament Library (Louisville, KY: Westminster John Knox, 1969), 64; Meir Weiss, "The Decalogue in Prophetic Literature," in *The Ten Commandments in History and Tradition*, ed. Ben-Zion Segal and Gershon Levi (Magnes: Jerusalem, 1990), 67–81, at 67, 71, et passim. I thank Nachum Dershowitz for first bringing this example to my attention.

[9] Andersen and Freedman, *Hosea*, 336–37. My emphasis.

sixth, seventh, and eighth items in V's Decalogue constellation, and it betrays a closer kinship with the Valediction of Moses than with any canonical text.

4.1.4. Psalm 50

Psalm 50 contains a Decalogue intertext in verses 7–20:

שִׁמְעָה עַמִּי וַאֲדַבֵּרָה יִשְׂרָאֵל וְאָעִידָה בָּךְ אֱלֹהִים אֱלֹהֶיךָ אָנֹכִי׃ לֹא עַל זִבְחֶיךָ אוֹכִיחֶךָ וְעוֹלֹתֶיךָ לְנֶגְדִּי תָמִיד׃ לֹא אֶקַּח מִבֵּיתְךָ פָּר מִמִּכְלְאֹתֶיךָ עַתּוּדִים׃ כִּי לִי חַיְתוֹ יָעַר בְּהֵמוֹת בְּהַרְרֵי אָלֶף׃ יָדַעְתִּי כָּל עוֹף הָרִים וְזִיז שָׂדַי עִמָּדִי׃ אִם אֶרְעַב לֹא אֹמַר לָךְ כִּי לִי תֵבֵל וּמְלֹאָהּ׃ הַאוֹכַל בְּשַׂר אַבִּירִים וְדַם עַתּוּדִים אֶשְׁתֶּה׃ זְבַח לֵאלֹהִים תּוֹדָה וְשַׁלֵּם לְעֶלְיוֹן נְדָרֶיךָ׃ וּקְרָאֵנִי בְּיוֹם צָרָה אֲחַלֶּצְךָ וּתְכַבְּדָנִי׃ וְלָרָשָׁע אָמַר אֱלֹהִים מַה לְּךָ לְסַפֵּר חֻקַּי וַתִּשָּׂא בְרִיתִי עָלֵי פִּיךָ׃ וְאַתָּה שָׂנֵאתָ מוּסָר וַתַּשְׁלֵךְ דְּבָרַי אֲחֹרֶיךָ׃ אִם רָאִיתָ גַנָּב וַתִּרֶץ עִמּוֹ וְעִם מְנָאֲפִים חֶלְקֶךָ׃ פִּיךָ שָׁלַחְתָּ בְרָעָה וּלְשׁוֹנְךָ תַּצְמִיד מִרְמָה׃ תֵּשֵׁב בְּאָחִיךָ תְדַבֵּר בְּבֶן אִמְּךָ תִּתֵּן דֹּפִי׃

Hear, O my people, and I will speak; O Israel, I will testify against you. Elohim, your god, am I. Not for your sacrifices do I rebuke you; your burnt offerings are continually before me. I will not accept a bull from your house, or goats from your folds. For every wild animal of the forest is mine, the cattle on a thousand hills. I know all the birds of the air and all that moves in the field is mine. If I were hungry, I would not tell you, for the world and all that is in it is mine. Do I eat the flesh of bulls, or drink the blood of goats? Offer to Elohim a sacrifice of thanksgiving, and pay your vows to Elyon. Call on me in the day of trouble; I will deliver you, and you shall glorify me. But to the wicked Elohim says: What right have you to recite my statutes, or take my covenant on your lips? For you hate discipline, and you cast my words behind you. You make friends with a thief when you see one, and you keep company with adulterers. You give your mouth free rein for evil, and your tongue frames deceit. You sit and speak against your kin; you slander your own mother's child.

The connection between this psalm and the Decalogue was identified in the early thirteenth century by David Kimhi:

כי קבלת אותי לאלוה כשאמרתי לך תחילה אלהים אלהיך אנכי כ״ש אנכי י״י אלהיך

For you accepted me as your god when I first said to you "Elohim, your god, am I" (Ps 50:7), as it says "I am YHWH, your god" (Exod 20:2; Deut 5:6).

This correspondence is widely acknowledged today. For instance, Marko Martilla writes:

Psalm 50.7 thus comprises a direct address to the people of Israel. […] In Ps. 50.16–21 the psalmist discernibly alludes to the Decalogue. Psalm 50.18a shares the root **גנב** with the commandment 'You shall not steal' (**לא תגנב**), and Ps. 50.18b uses the root **נאף** precisely as its counterpart in the Decalogue: 'You shall not commit adultery' (**לא תנאף**). Furthermore, vv. 19–20 speak of a deceitful tongue that can harm even one's own kindred. This is rem-

iniscent of the commandment 'You shall not bear false witness against your neighbour', even though verbatim similarities cannot be pointed to.[10]

While the similarity to the traditional Decalogue is unmistakable, one difference is worth consideration. Adele Berlin and Marc Zvi Brettler draw attention to the matter of divine names: "the substitution of 'elohim' for the Tetragrammaton, YHVH, is especially noticeable."[11] This feature is particularly interesting in light of V's version, which – unlike the canonical versions – is Elohistic and even contains the same three words (in a different order) that introduce the Decalogue intertext of verses 7–20: אנך אלהם אלהך "I am Elohim, your god" versus אֱלֹהִים אֱלֹהֶיךָ אָנֹכִי "Elohim, your god, am I."

Psalm 50 belongs to the Elohistic Psalter, whose frequent use of the name Elohim is typically attributed to an editorial endeavor to remove appearances of YHWH.[12] I intend to address the composition of the Elohistic Psalter in a future publication. For now I will note only that there is, in fact, good evidence for the reverse editorial phenomenon in the Hebrew Bible: Elohim being replaced with YHWH. This explains the phrase אָכֵן יֵשׁ יְהוָה בַּמָּקוֹם הַזֶּה "there is indeed YHWH in this place" in Gen 28:16, where the existential particle יֵשׁ refers problematically to a proper name. Clearly יֵשׁ אֱלֹהִים "there is a god" would be a better fit not only grammatically but also contextually, considering that this narrative is an etiology for Bethel, not Bethjah. Notably, the only proper name to ever appear in the Hebrew Bible with יש is YHWH (Gen 28:16; Exod 17:7; Judg 6:13). It seems likely that all are hypercorrections resulting from a systematic replacement of אֱלֹהִים with יְהוָה – the opposite of the oft-presumed direction of emendation.[13] At any

[10] Marko Martilla, "The Deuteronomistic Heritage in the Psalms," *Journal for the Study of the Old Testament* 37, no. 1 (2012): 67–91, at 77–78. See also Baruch Schwartz, "Psalm 50: Its Subject, Form and Place" (Hebrew), *Shnaton* 3 (1979): 95–96; Moshe Weinfeld, "The Uniqueness of the Decalogue and Its Place," in Segal and Levi, *Ten Commandments*, 1–44, at 21–27.

[11] Berlin and Brettler, *Jewish Study Bible*, 1324.

[12] For a discussion of the consensus hypothesis and alternatives, see Laura Joffe, "The Elohistic Psalter: What, How and Why?" *Scandinavian Journal of the Old Testament* 15, no. 1 (2001): 142–69.

[13] It has often been asserted that אלהם אלהך is a practical impossibility in an authentic text. For instance: "The expression 'I am God, thy God,' is extremely unlikely and would be tautological. 'Jehovah thy God' or 'Chemosh thy God,' would have a meaning; but this is meaningless" ("Biblical Research: Shapira's Last Forgery," *The Independent* 35 [August 30, 1883], 9). Ginsburg wrongly asserts that "neither does the phrase אלהם אלהך, 'god, thy god,' occur in the Old Testament" (*The Athenæum* 2911 [Aug. 11, 1883], 179). Besides being obviated by our psalm and others, this argument confuses the concepts of synonymy and homonymy. אלהם "Elohim" is used here as a proper noun, as in the first chapter of Genesis and countless other biblical passages, while אלהך is the (suffixed) common noun "god." There is thus nothing tautological about the phrase אלהם אלהך "Elohim, your god." While one might object to the aesthetics of a sentence such as "She is content with the content," it is not redundant. Incidentally, parallel arguments have been made for the secondariness of the name Elohim in the Elohistic Psalter, with phrases such as the one in question described as "tautological monstrosities"; these assertions should be similarly dismissed. (See Ziony Zevit, "The Elohistic Psalter," in *The Religions of Ancient Israel:*

rate, the shared Elohistic character of Psalm 50 and V's Decalogue is striking.

4.1.5. Proverbs 6:16–35

Proverbs 6:16–35 contains parallels with the Shema and the Decalogue, the latter of which is our current focus.[14]

שֵׁשׁ הֵנָּה שָׂנֵא יְהוָה וְשֶׁבַע תועבות [תּוֹעֲבַת] נַפְשׁוֹ׃ עֵינַיִם רָמוֹת לָשׁוֹן שָׁקֶר וְיָדַיִם שֹׁפְכוֹת דָּם נָקִי׃ לֵב חֹרֵשׁ מַחְשְׁבוֹת אָוֶן רַגְלַיִם מְמַהֲרוֹת לָרוּץ לָרָעָה׃ יָפִיחַ כְּזָבִים עֵד שָׁקֶר וּמְשַׁלֵּחַ מְדָנִים בֵּין אַחִים׃ נְצֹר בְּנִי מִצְוַת אָבִיךָ וְאַל תִּטֹּשׁ תּוֹרַת אִמֶּךָ׃ קָשְׁרֵם עַל לִבְּךָ תָּמִיד עָנְדֵם עַל גַּרְגְּרֹתֶךָ׃ בְּהִתְהַלֶּכְךָ תַנְחֶה אֹתָךְ בְּשָׁכְבְּךָ תִּשְׁמֹר עָלֶיךָ וְהָקִיצוֹתָ הִיא תְשִׂיחֶךָ׃ כִּי נֵר מִצְוָה וְתוֹרָה אוֹר וְדֶרֶךְ חַיִּים תּוֹכְחוֹת מוּסָר׃ לִשְׁמָרְךָ מֵאֵשֶׁת רָע מַחֶלְקֶת לָשׁוֹן נָכְרִיָּה׃ אַל תַּחְמ�ֹד יָפְיָהּ בִּלְבָבֶךָ וְאַל תִּקָּחֲךָ בְּעַפְעַפֶּיהָ׃ כִּי בְעַד אִשָּׁה זוֹנָה עַד כִּכַּר לָחֶם וְאֵשֶׁת אִישׁ נֶפֶשׁ יְקָרָה תָּצוּד׃ הֲיַחְתֶּה אִישׁ אֵשׁ בְּחֵיקוֹ וּבְגָדָיו לֹא תִשָּׂרַפְנָה׃ אִם יְהַלֵּךְ אִישׁ עַל הַגֶּחָלִים וְרַגְלָיו לֹא תִכָּוֶינָה׃ כֵּן הַבָּא אֶל אֵשֶׁת רֵעֵהוּ לֹא יִנָּקֶה כָּל הַנֹּגֵעַ בָּהּ׃ לֹא יָבוּזוּ לַגַּנָּב כִּי יִגְנֹב לְמַלֵּא נַפְשׁוֹ כִּי יִרְעָב׃ וְנִמְצָא יְשַׁלֵּם שִׁבְעָתַיִם אֶת כָּל הוֹן בֵּיתוֹ יִתֵּן׃ נֹאֵף אִשָּׁה חֲסַר לֵב מַשְׁחִית נַפְשׁוֹ הוּא יַעֲשֶׂנָּה׃ נֶגַע וְקָלוֹן יִמְצָא וְחֶרְפָּתוֹ לֹא תִמָּחֶה׃ כִּי קִנְאָה חֲמַת גָּבֶר וְלֹא יַחְמוֹל בְּיוֹם נָקָם׃ לֹא יִשָּׂא פְּנֵי כָל כֹּפֶר וְלֹא יֹאבֶה כִּי תַרְבֶּה שֹׁחַד׃

There are six things that YHWH hates, seven that are an abomination to him: haughty eyes, a lying tongue, and hands that shed innocent blood, a heart that devises wicked plans, feet that rush to run to evil, a lying witness who testifies falsely, and one who sows discord in a family. My child, keep your father's commandment, and do not forsake your mother's teaching. Bind them upon your heart always; tie them around your neck. When you walk, they will lead you; when you lie down, they will watch over you; and when you awake, they will talk with you. For the commandment is a lamp and the teaching a light, and the reproofs of discipline are the way of life, to preserve you from the wife of another, from the smooth tongue of the adulteress. Do not desire her beauty in your heart, and do not let her capture you with her eyelashes; for a prostitute's fee is only a loaf of bread, but the wife of another stalks a man's very life. Can fire be carried in the bosom without burning one's clothes? Or can one walk on hot coals without scorching the feet? So is he who sleeps with his neighbor's wife; no one who touches her will go unpunished. A thief who steals only to satisfy his appetite when hungry is not despised. Yet if caught, he pays sevenfold; he forfeits all the wealth of his house. He who commits adultery with a woman has no sense; he who does it destroys himself. He will get wounds and dishonor, and his disgrace will not be wiped away. For jealousy arouses a husband's fury, and he shows no restraint when he takes revenge. He will accept no compensation, and refuses a bribe no matter how great.

This Decalogical intertext includes counterparts to כַּבֵּד אֶת אָבִיךָ וְאֶת אִמֶּךָ "honor your father and your mother" (Exod 20:12; Deut 5:16; cf. Prov 6:20), לֹא תִנְאָף "you shall not commit adultery" (Exod 20:14; Deut 5:18; cf. Prov 6:32), לֹא תִגְנֹב "you shall not steal" (Exod 20:15; Deut 5:19; cf. Prov 6:30–31), and לֹא תַחְמֹד "you shall

A Synthesis of Parallactic Approaches [London: Continuum, 2001], 668–78, at 675.) Cf. also the Islamic shahada, the beginning of which is commonly translated, "There is no god but God."

[14] See, e.g., Christl Maier, "'Begehre nicht ihre Schönheit in deinem Herzen' (Prov 6,25): Eine Aktualisierung des Ehebruchsverbots aus persischer Zeit," *Biblical Interpretation* 5, no. 1 (1997): 46–62.

not covet" (Exod 20:17; Deut 5:21; cf. Prov 6:25). This passage is, however, closer to V's version than the canonical ones in four distinct ways.

First, the word הון "wealth" appears here in the context of the sin of theft (6:31), unlike the Decalogues of Exodus or Deuteronomy, but precisely as in V (E 3:8):[15]

לא תגנב • את הן • אחך • אנך • אלהם • אלהך •

You shall not steal the wealth of your brother. I am Elohim, your god.

Second, the verb חמד here relates specifically to lusting after a person (6:25), rather than asexual coveting. This stands in contrast to the Exodus version, where חמד applies to inanimate objects (Exod 20:17; Deut 5:21 is inconclusive), but it is in perfect consonance with V:

לא תחמד • אשת • [רעך] • עבדו • ואמתו • וכל • אשר • לו • אנך • אלהם • אלהך •

You shall not desire the wife of [your fellow], his male slave, his female slave, or anything that is his. I am Elohim, your god. (E 4:6–7)

ברך אשר לא נשא עינו אל [כל נפ]ש רעהו וענו כל העם ואמרו אמן •

"Blessed is he who does not lust after an[yone be]longing to his fellow." And all the people shall call out "Amen." (G 4:7–8)

ארר האיש אשר יחמד וישׂא עֹנו אל אשת רעהו אל בתו ואמת[ו] ולכל אשר לו [וענו כל העם] ואמרו אמן •

"Cursed is the man who desires and lusts after the wife of his fellow, his daughter, [his] female slave, or anything that is his." [And all the people shall call] out "Amen." (H 1:3–4)

The idiom נשא עיניים אל פלוני (lit. "cast one's eyes toward X") means "lust after." Cf. Gen 39:7:

וַיְהִי אַחַר הַדְּבָרִים הָאֵלֶּה וַתִּשָּׂא אֵשֶׁת אֲדֹנָיו אֶת עֵינֶיהָ אֶל יוֹסֵף וַתֹּאמֶר שִׁכְבָה עִמִּי׃

After these occurrences, his master's wife cast her eyes toward Joseph [or *lusted after Joseph*] and said, "Lie with me."

The phrase is also used figuratively regarding the gods desired by Israel, as in Ezek 18:12:

עָנִי וְאֶבְיוֹן הוֹנָה גְּזֵלוֹת גָּזָל חֲבֹל לֹא יָשִׁיב וְאֶל הַגִּלּוּלִים נָשָׂא עֵינָיו תּוֹעֵבָה עָשָׂה׃

He oppresses the poor and needy, commits robbery, does not restore the pledge, casts his eyes toward the idols [or *lusts after the idols*], commits abomination.

Third, as is the case in Jer 29:23, discussed above, נאף here takes אשה as its direct object (6:32), as in V but against the canonical versions. Fourth, this unit concludes with: לֹא יִשָּׂא פְּנֵי כָל כֹּפֶר וְלֹא יֹאבֶה כִּי תַרְבֶּה שֹׁחַד "He will accept no compensation, and refuses a bribe no matter how great" (6:35). While this finds a

[15] See discussion of this noun in §6.4.1.

counterpart in neither the Exodic nor the Deuteronomic Decalogue, it has a perfect match in the eighth cursed man listed in V, which corresponds to the eighth proclamation in the Valedictoric Decalogue:

ארר לקח ש[חד] ל֯ה[עד] עֹדת שקר בעמת[ו] ועׂנו כל הע[ם ואמ[רו] אמן •

"Cursed is he who takes a br[ibe] to g[ive] false judgment against his comr[ade." And all the peo]ple [shall call] o[ut] "Amen." (H 1:2–3)

4.1.6. Leviticus 19

Leviticus 19 contains perhaps the most famous Decalogue parallel in the Hebrew Bible.[16] The correspondences are concentrated in verses 1–4 and 11–18:

וַיְדַבֵּר יְהוָה אֶל מֹשֶׁה לֵאמֹר: דַּבֵּר אֶל כָּל עֲדַת בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם קְדֹשִׁים תִּהְיוּ כִּי קָדוֹשׁ אֲנִי יְהוָה אֱלֹהֵיכֶם: אִישׁ אִמּוֹ וְאָבִיו תִּירָאוּ וְאֶת שַׁבְּתֹתַי תִּשְׁמֹרוּ אֲנִי יְהוָה אֱלֹהֵיכֶם: אַל תִּפְנוּ אֶל הָאֱלִילִם וֵאלֹהֵי מַסֵּכָה לֹא תַעֲשׂוּ לָכֶם אֲנִי יְהוָה אֱלֹהֵיכֶם: [...] לֹא תִגְנֹבוּ וְלֹא תְכַחֲשׁוּ וְלֹא תְשַׁקְּרוּ אִישׁ בַּעֲמִיתוֹ: וְלֹא תִשָּׁבְעוּ בִשְׁמִי לַשָּׁקֶר וְחִלַּלְתָּ אֶת שֵׁם אֱלֹהֶיךָ אֲנִי יְהוָה: לֹא תַעֲשֹׁק אֶת רֵעֲךָ וְלֹא תִגְזֹל לֹא תָלִין פְּעֻלַּת שָׂכִיר אִתְּךָ עַד בֹּקֶר: לֹא תְקַלֵּל חֵרֵשׁ וְלִפְנֵי עִוֵּר לֹא תִתֵּן מִכְשֹׁל וְיָרֵאתָ מֵאֱלֹהֶיךָ אֲנִי יְהוָה: לֹא תַעֲשׂוּ עָוֶל בַּמִּשְׁפָּט לֹא תִשָּׂא פְנֵי דָל וְלֹא תֶהְדַּר פְּנֵי גָדוֹל בְּצֶדֶק תִּשְׁפֹּט עֲמִיתֶךָ: לֹא תֵלֵךְ רָכִיל בְּעַמֶּיךָ לֹא תַעֲמֹד עַל דַּם רֵעֶךָ אֲנִי יְהוָה: לֹא תִשְׂנָא אֶת אָחִיךָ בִּלְבָבֶךָ הוֹכֵחַ תּוֹכִיחַ אֶת עֲמִיתֶךָ וְלֹא תִשָּׂא עָלָיו חֵטְא: לֹא תִקֹּם וְלֹא תִטֹּר אֶת בְּנֵי עַמֶּךָ וְאָהַבְתָּ לְרֵעֲךָ כָּמוֹךָ אֲנִי יְהוָה:

YHWH spoke to Moses, saying: Speak to all the congregation of the people of Israel and say to them: You shall be holy, for I YHWH, your god, am holy. Each of you, your mother and father you shall revere, and my sabbaths you shall observe: I am YHWH, your god. Do not turn to idols or make cast images for yourselves: I am YHWH, your god. [...] You shall not steal; you shall not deceive; and you shall not lie to one another. And you shall not swear falsely by my name, profaning the name of your god: I am YHWH. You shall not defraud your neighbor; you shall not steal; and you shall not keep for yourself the wages of a laborer until morning. You shall not revile the deaf or put a stumbling block before the blind; you shall fear your god: I am YHWH. You shall not render an unjust judgment; you shall not be partial to the poor or defer to the great: with justice you shall judge your neighbor. You shall not go around as a slanderer among your people, and you shall not stand upon the blood of your neighbor: I am YHWH. You shall not hate in your heart anyone of your kin; you shall reprove your neighbor, or you will incur guilt yourself. You shall not avenge or bear a grudge [alternatively: *exact retribution*] against any of your people, but you shall love your neighbor as yourself: I am YHWH. (Lev 19:1–4, 11–18)

This intertext was recognized at least as early as R. Levi in Lev. Rab. 24:5, who listed a long series of parallels. Since R. Levi, many attempts have been made to find all the correspondences between this chapter and the Decalogue. These

[16] See, e.g., Sigmund Mowinckel, "Zur Geschichte der Dekaloge," *Zeitschrift für die alttestamentliche Wissenschaft* 55, no. 3–4 (1937): 218–35; Julian Morgenstern, "The Decalogue of the Holiness Code," *Hebrew Union College Annual* 26 (1955): 1–27; Jacob Milgrom, *Leviticus 17–22* (New York: Doubleday, 1991), 1596–1602; Moshe Kline, "'The Editor Was Nodding': A Reading of Leviticus 19 in Memory of Mary Douglas," *Journal of Hebrew Scriptures* 8, no. 17 (2008): 1–59; Esias E. Meyer, "The Reinterpretation of the Decalogue in Leviticus 19 and the Centrality of Cult," *Scandinavian Journal of the Old Testament* 30, no. 2 (2016): 198–214.

proposals are all similar; they are also similarly incomplete. Nevertheless, the Decalogical nature of this chapter is inescapable. Parallels include: זָכוֹר/שָׁמוֹר אֶת יוֹם הַשַּׁבָּת "Remember/observe the sabbath day" (Exod 20:8; Deut 5:12) vs. וְאֶת שַׁבְּתֹתַי תִּשְׁמֹרוּ "and my sabbaths you shall observe" (Lev 19:3aβ); לֹא תִגְנֹב "you shall not steal" (Exod 20:15; Deut 5:19) vs. לֹא תִגְנֹבוּ "you shall not steal" (Lev 19:11); כַּבֵּד אֶת אָבִיךָ וְאֶת אִמֶּךָ "honor your father and your mother" (Exod 20:12; Deut 5:16) vs. אִישׁ אִמּוֹ וְאָבִיו תִּירָאוּ "each of you, your mother and father you shall revere" (Lev 19:3aα); לֹא תַעֲשֶׂה לְךָ פֶּסֶל וְכָל/כָּל תְּמוּנָה "you shall not fashion for yourself any statue or image/of any image" (Exod 20:4; Deut 5:8) vs. אַל תִּפְנוּ אֶל הָאֱלִילִם וֵאלֹהֵי מַסֵּכָה לֹא תַעֲשׂוּ לָכֶם "do not turn to idols or make cast images for yourselves" (Lev 19:4).

Moshe Kline summarizes the current state of affairs:

> The reason that others have explored the relationship between the Decalogue and Leviticus 19 is that Leviticus 19 contains word for word fragments of some components of the Decalogue, as well as some less literal allusions. Milgrom lists no less than six different "attempts to find the Decalogue in this chapter…both ancient and modern." While the number of near repetitions has caused Schwartz to pose at least a common source, there is still no satisfying explanation for the parallels.[17]

Baruch Schwartz argues that the case for Leviticus 19 being a Decalogue intertext is often overstated, noting, for example, that there is no parallel for either לֹא יִהְיֶה לְךָ אֱלֹהִים אֲחֵרִים עַל פָּנָי "you shall have no other gods before me" (Gen 20:3; Deut 5:7) or לֹא תִרְצָח "you shall not kill" (Exod 20:13; Deut 5:17).[18] Indeed, this is true if one compares Leviticus 19 to the received text and follows the traditional rabbinic division of proclamations, but it is not the case if we instead juxtapose the Valediction of Moses. In V there is no independent לֹא יִהְיֶה proclamation — it is part of the first proclamation, which begins with אנך אלהם אלהך "I am Elohim, your god" — meaning that even a comprehensive Decalogue intertext need not contain a correspondence to that particular sentence. Meanwhile, לֹא תִרְצָח "you shall not kill" does indeed have a parallel in לֹא תִקֹּם וְלֹא תִטֹּר אֶת בְּנֵי עַמֶּךָ "You shall not avenge or bear a grudge [alternatively: *exact retribution*] against any of your people" (Lev 19:18aα), as is evident from V's fourth blessed man:

> ברך ה|איש אשר לא יקם ולא יטר את נפש אחו וענו אמן •
>
> "Blessed is [the] man who does not avenge or exact retribution for the soul of his brother." And they shall respond "Amen." (G 4:3–4)

As impressive as Leviticus 19 may be as a Decalogue intertext, a comparison of the chapter to V's Decalogue constellation dramatically increases the number of correspondences. I count at least eight additional connections:

[17] Kline, "The Editor Was Nodding," 42.

[18] Baruch J. Schwartz, *The Holiness Legislation: Studies in the Priestly Code* (Hebrew) (Jerusalem: Magnes, 1999), 372–74.

1. לֹא תִשְׂנָא אֶת אָחִיךָ בִּלְבָבֶךָ "you shall not hate your brother in your heart" (Lev 19:17a) appears verbatim in V as its tenth proclamation (E 4:8).

2. וְאָהַבְתָּ לְרֵעֲךָ כָּמוֹךָ "love your fellow as yourself" (Lev 19:18aβ) has a counterpart in V's tenth blessed man, corresponding to the tenth proclamation: [ברך] האיש אשר יאהב את רעהו "[Blessed] is the man who loves his fellow" (G 4:8–9).

3. וְלֹא תִשָּׁבְעוּ בִשְׁמִי לַשָּׁקֶר "and you shall not swear in my name falsely" (Lev 19:12a) is practically identical to V's seventh proclamation: לא תשבע • בשמי • לשקר • "you shall not swear in my name falsely" (E 4:1).

4. As noted above, לֹא תִקֹּם וְלֹא תִטֹּר אֶת בְּנֵי עַמֶּךָ "You shall not avenge or bear a grudge [alternatively: *exact retribution*] against any of your people" (Lev 19:18aα) corresponds to the fourth blessed man in V: ברך [ה]איש אשר לא יקם ולא יטר את נפש אחו "Blessed is [the] man who does not avenge or exact retribution for the soul of his brother" (G 4:3).

5. The Levitical injunction, וְלֹא תְכַחֲשׁוּ וְלֹא תְשַׁקְּרוּ אִישׁ בַּעֲמִיתוֹ "you shall not deceive; and you shall not lie to one another" (Lev 19:11b), is a perfect match for V's eighth blessed man: ברך האיש אשר לא יכחש ולא י[שׁ]קר ברעהו "Blessed is the man who does not deceive or [l]ie to his fellow" (G 4:6–7).

6. The commandment not to mistreat the alien, וְכִי יָגוּר אִתְּךָ גֵּר בְּאַרְצְכֶם לֹא תוֹנוּ אֹתוֹ "should an alien reside with you in your land, you shall not oppress the alien" (Lev 19:33), is reminiscent of V's sixth blessed man: ברך האיש אשר לא י[נ]ה את רעהו "Blessed is the man who does not ch[ea]t his fellow" (G 4:5).

7. A Yahwistic version of the refrain that appears after each proclamation in V – אנך • אלהם • אלהך "I am Elohim, your god" – features prominently in Leviticus 19, e.g., אַל תִּפְנוּ אֶל הָאֱלִילִים וֵאלֹהֵי מַסֵּכָה לֹא תַעֲשׂוּ לָכֶם אֲנִי יְהוָה אֱלֹהֵיכֶם "Do not turn to idols or make cast images for yourselves. I am YHWH, your god" (Lev 19:4). In some cases, the abbreviated refrain אֲנִי יְהוָה "I am YHWH" appears, as in לֹא תֵלֵךְ רָכִיל בְּעַמֶּיךָ לֹא תַעֲמֹד עַל דַּם רֵעֶךָ אֲנִי יְהוָה "You shall not go around as a slanderer among your people, and you shall not stand upon the blood of your neighbor: I am YHWH" (Lev 19:16).

8. Like V's Decalogue, but unlike the canonical versions, the Decalogical parts of Leviticus 19 are predominantly spoken by the deity in the first person.

Schwartz goes on to suggest that Leviticus 19 and the canonical Decalogues share a common ancestor.[19] I hereby submit V as candidate for said ancestor.

[19] Schwartz, *Holiness*, 377.

4.1.7. Ezekiel 22:6–12

Chapter 22 of Ezekiel contains a passage that evokes the Decalogue and its counterpart in Leviticus 19:

הִנֵּה נְשִׂיאֵי יִשְׂרָאֵל אִישׁ לִזְרֹעוֹ הָיוּ בָךְ לְמַעַן שָׁפְכֵי דָם׃ אָב וָאֵם הֵקַלּוּ בָךְ לַגֵּר עָשׁוּ בַעֹשֶׁק בְּתוֹכֵךְ יָתוֹם וְאַלְמָנָה
הוֹנוּ בָךְ׃ קָדָשַׁי בָּזִית וְאֶת שַׁבְּתֹתַי חִלָּלְתְּ׃ אַנְשֵׁי רָכִיל הָיוּ בָךְ לְמַעַן שָׁפְכֵי דָם וְאֶל הֶהָרִים אָכָלוּ בָךְ זִמָּה עָשׂוּ
בְתוֹכֵךְ׃ עֶרְוַת אָב גִּלָּה בָךְ טְמֵאַת הַנִּדָּה עִנּוּ בָךְ׃ וְאִישׁ אֶת אֵשֶׁת רֵעֵהוּ עָשָׂה תּוֹעֵבָה וְאִישׁ אֶת כַּלָּתוֹ טִמֵּא בְזִמָּה
וְאִישׁ אֶת אֲחֹתוֹ בַּת אָבִיו עִנָּה בָךְ׃ שֹׁחַד לָקְחוּ בָךְ לְמַעַן שָׁפְכֵי דָם נֶשֶׁךְ וְתַרְבִּית לָקָחְתְּ וַתִּבְצַע רֵעַיִךְ בַּעֹשֶׁק וְאֹתִי
שָׁכַחַתְּ נְאֻם אֲדֹנָי יְהוִה׃

The princes of Israel in you, everyone according to his power, have been bent on shedding blood. Father and mother are treated with contempt in you; the alien residing within you suffers extortion; the orphan and the widow are wronged in you. You have despised my holy things, and profaned my sabbaths. In you are those who slander to shed blood, those in you who eat upon the mountains, who commit lewdness in your midst. In you they uncover their fathers' nakedness; in you they violate women in their menstrual periods. One commits abomination with his neighbor's wife; another lewdly defiles his daughter-in-law; another in you defiles his sister, his father's daughter. In you, they take bribes to shed blood; you take both advance interest and accrued interest, and make gain of your neighbors by extortion; and you have forgotten me, says the lord, YHWH. (Ezek 22:6–12)

Moshe Weinfeld lists this pericope's Decalogical parallels, as well as some less-than-perfect matches:

The Book of Ezekiel also contains, in chapter 22. 6–12, another similar list which resembles the Decalogue even more strongly. That chapter includes the Sabbath and honoring one's parents (verses 7–8), as well as the prohibition of bloodshed and illicit sex (9–11). But alongside these there is also reference to cheating and bribery (7 and 12) usury (12) and matters relating to ceremonial and sacred things (8 and 9) as well as ritual purity and impurity. Actually all the subjects correspond remarkably to the content of Leviticus 19.[20]

Let us review the verses cited by Weinfeld as poor complements for the Decalogue:

אָב וָאֵם הֵקַלּוּ בָךְ לַגֵּר עָשׁוּ בַעֹשֶׁק בְּתוֹכֵךְ יָתוֹם וְאַלְמָנָה הוֹנוּ בָךְ׃

Father and mother are treated with contempt in you; the alien residing within you suffers extortion; the orphan and the widow are wronged in you. (Ezek 22:7)

As Weinfeld notes, the first part of this verse correlates with כַּבֵּד אֶת אָבִיךָ וְאֶת אִמֶּךָ "honor your father and your mother" (Exod 20:12; Deut 5:16). The second part addresses cheating, and it includes the verb הונה. This is comparable to the sixth

[20] Weinfeld, "Uniqueness of the Decalogue," 17–18.

blessed man in V (corresponding to the לא תגנב proclamation), which features the same verb:

ברך האיש אשר לא י[נ]ה את רעהו ועני כל ה[עם ואמרו אמן •]

"Blessed is the man who does not ch[ea]t his fellow." And all the [people] shall call [out "Amen."] (G 4:5)

The next verse listed by Weinfeld as containing non-Decalogical elements is 22:12, specifically its references to bribery and usury:

שֹׁחַד לָקָחוּ בָךְ לְמַעַן שְׁפָךְ דָּם נֶשֶׁךְ וְתַרְבִּית לָקָחְתָּ וַתְּבַצְּעִי רֵעַיִךְ בַּעֹשֶׁק וְאֹתִי שָׁכַחַתְּ נְאֻם אֲדֹנָי יְהוִה

In you, they take bribes to shed blood; you take both advance interest and accrued interest, and make gain of your neighbors by extortion; and you have forgotten me, says the lord, YHWH. (Ezek 22:12)

Usury would appear to fall under the rubric of עֹשֶׁק, which correlates with לא תגנב, as noted above. As for the bribery reference, we have seen that it has a close parallel in V's eighth cursed man:

ארר לקח ש[חד] לה[עד] עדת שקר בעמתו ועני כל הע[ם ואמ[רו] אמן •

"Cursed is he who takes a br[ibe] to g[ive] false judgment against his comr[ade." And all the peo]ple [shall call] o[ut] "Amen." (H 1:2–3)

Verses 8 and 9, according to Weinfeld, relate to ceremonial matters, sanctity, purity, and impurity.

קָדָשַׁי בָּזִית וְאֶת שַׁבְּתֹתַי חִלָּלְתְּ׃ אַנְשֵׁי רָכִיל הָיוּ בָךְ לְמַעַן שְׁפָךְ דָּם וְאֶל הֶהָרִים אָכְלוּ בָךְ זִמָּה עָשׂוּ בְתוֹכֵךְ׃

You have despised my holy things, and profaned my sabbaths. In you are those who slander to shed blood, those in you who eat upon the mountains, who commit lewdness in your midst. (Ezek 22:8–9)

The first verse, in its entirety, is a good match for V, which frames the observance of the Sabbath in terms of sanctity:

קדש • [את יום • השבעי • ושבת • בו • כי ש[שת • ימם • עשתי • את השמם • ואת הארץ • וכל • אשר • בם • ושבתי • ביום • השבעי • על • כן • תשבת • גם • אתה • ובהמתך • וכל • אשר • לך • אנך • אלהם • אלהך •

Sanctify [the seventh day and rest on it. For in s]ix days I made the heavens and the earth and all that is in them, and I rested on the seventh day. Therefore you too shall rest, along with your livestock and all that you have. I am Elohim, your god. (E 2:8–3:4)

ברך הא[יש אשר י]קדש את היום השבעי וישבת בו ועני כל העם ואמרו אמן •

"Blessed is the m[an who sa]nctifies the seventh day and rests on it." And all the people shall call out "Amen." (G 4:1–2)

Verse 9 contains slander, bloodshed, and licentiousness, all of which have Decalogical parallels. In V, these would be the fourth, eighth, and ninth proclamations.

The last of these is particularly true for V, where חמד has salient sexual connotations, as discussed above.

In sum, Ezek 22:6–12 is closer to V's Decalogue than it is to the other known versions.

4.1.8. Interim Summary

We have seen that many biblical passages long recognized as Decalogue intertexts are, in fact, more intimately related to the Valediction of Moses than to any other known text. The common denominator between all these passages is V's unique Decalogue constellation. The parsimonious explanation is therefore that they are based on V or a close relative thereof; it is hard to reconstruct a coherent scenario in which V is based on any of the biblical Decalogue intertexts.

There is one piece of evidence that Leviticus 19 is based upon a post-V (but pre-Deuteronomy) tradition. The Deuteronomic version of the list of cursed men includes a sin relating to the tormenting of the blind that is absent in the Valediction of Moses: אָרוּר מַשֶּׂגֶּה עִוֵּר בַּדָּרֶךְ וְאָמַר כָּל הָעָם אָמֵן "'Cursed is he who misleads a blind person on the road.' And all the people shall say 'Amen'" (Deut 27:18). Leviticus 19 too lists such a sin: לֹא תְקַלֵּל חֵרֵשׁ וְלִפְנֵי עִוֵּר לֹא תִתֵּן מִכְשֹׁל וְיָרֵאתָ מֵאֱלֹהֶיךָ "You shall not curse a deaf person or put a stumbling block before a blind person. You shall fear your god; I am YHWH" (Lev 19:14). It appears, therefore, that we can posit an intermediate version of V that still included the "I am Elohim/YHWH, your god" refrain, along with the many other V intertexts found in Leviticus 19, but which had already evolved in at least one way towards the canonical book of Deuteronomy.

4.2. Gerizim and Ebal

As discussed in chapter 3, the commandment to proclaim blessings and curses at Gerizim and Ebal appears in V as a single literary unit, whereas it is split in Deuteronomy between chapters 11 and 27–28. Despite the overwhelming similarity between the Deuteronomic and Valedictoric versions – prodigious interruption notwithstanding – there are several notable divergences. I will elaborate here upon two of these: the versions' respective tribal lists, and the location of Gerizim and Ebal.

4.2.1. The Tribal Lists

The Gerizim and Ebal pericopes in V and Deuteronomy differ subtly with regard to the tribes that are instructed to gather upon the two hills. Whereas in Deuteronomy, the familiar twelve sons of Jacob are listed, V mentions neither Joseph nor Levi; instead it lists Ephraim and Manasseh. Thus, the twelve tribes according

to V are Reuben, Simeon, Judah, Issachar, Zebulun, Dan, Naphtali, Gad, Asher, Manasseh, Ephraim, and Benjamin.

	Deuteronomy (MT)	Valediction of Moses (V^b)
Deut 27:12–13 *G 3:9–11*	אֵלֶּה יַעַמְדוּ **לְבָרֵךְ אֶת הָעָם** עַל הַר גְּרִזִים בְּעָבְרְכֶם אֶת **הַיַּרְדֵּן** שִׁמְעוֹן **וְלֵוִי** וִיהוּדָה וְיִשָּׂשכָר **וְיוֹסֵף** וּבִנְיָמִן׃ וְאֵלֶּה יַעַמְדוּ עַל **הַקְּלָלָה בְּהַר** עֵיבָל רְאוּבֵן גָּד וְאָשֵׁר וּזְבוּלֻן דָּן וְנַפְתָּלִי׃	ואלה ׳עמדו על הר עבל׳ ראובן זבולן וגד אשר ד֯ן֯ ונ֯פתלי֯ן֯ ואלה יעמדו על הר גרזם שמעון ויהודה וישכר **מנשה ואפרם** ובנימן

While neither Joseph nor Levi is included in the lists of the tribes, the V version does mention the Levites. Unlike the tribes, all of which are presented by their associated proper nouns – Reuben, Simeon, etc. – the Levites are designated as הלוים "the Levites," a plural *nisbe* with the definite article. The Levites are present, but they are not a tribe.

Although V's list of tribes differs from that of its Deuteronomic counterpart, it is not entirely unfamiliar.[21] For instance, in Num 13:1–15, we find the following:

וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵּאמֹר׃ שְׁלַח לְךָ אֲנָשִׁים וְיָתֻרוּ אֶת אֶרֶץ כְּנַעַן אֲשֶׁר אֲנִי נֹתֵן לִבְנֵי יִשְׂרָאֵל אִישׁ אֶחָד **אִישׁ אֶחָד לְמַטֵּה אֲבֹתָיו תִּשְׁלָחוּ** כֹּל נָשִׂיא בָהֶם׃ וַיִּשְׁלַח אֹתָם מֹשֶׁה מִמִּדְבַּר פָּארָן עַל פִּי יְהוָה כֻּלָּם אֲנָשִׁים רָאשֵׁי בְנֵי יִשְׂרָאֵל הֵמָּה׃ וְאֵלֶּה שְׁמוֹתָם

לְמַטֵּה רְאוּבֵן שַׁמּוּעַ בֶּן זַכּוּר׃
לְמַטֵּה שִׁמְעוֹן שָׁפָט בֶּן חוֹרִי׃
לְמַטֵּה יְהוּדָה כָּלֵב בֶּן יְפֻנֶּה׃
לְמַטֵּה יִשָּׂשכָר יִגְאָל בֶּן יוֹסֵף׃
לְמַטֵּה אֶפְרָיִם הוֹשֵׁעַ בִּן נוּן׃
לְמַטֵּה בִנְיָמִן פַּלְטִי בֶּן רָפוּא׃
לְמַטֵּה זְבוּלֻן גַּדִּיאֵל בֶּן סוֹדִי׃
לְמַטֵּה יוֹסֵף לְמַטֵּה מְנַשֶּׁה גַּדִּי בֶּן סוּסִי׃
לְמַטֵּה דָן עַמִּיאֵל בֶּן גְּמַלִּי׃
לְמַטֵּה אָשֵׁר סְתוּר בֶּן מִיכָאֵל׃
לְמַטֵּה נַפְתָּלִי נַחְבִי בֶּן וָפְסִי׃
לְמַטֵּה גָד גְּאוּאֵל בֶּן מָכִי׃

YHWH said to Moses, "Send men to spy out the land of Canaan, which I am giving to the Israelites; **from each of their ancestral tribes you shall send a man**, every one a leader among them." So Moses sent them from the wilderness of Paran, according to the command of YHWH, all of them leading men among the Israelites. These were their names:
From the tribe of Reuben, Shammua son of Zaccur.
From the tribe of Simeon, Shaphat son of Hori.

[21] For more on the Hebrew Bible's tribal schemes and the place of the Levites within them, see Martin Noth, *Das System der zwölf Stämme Israels* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1930); Frank Moore Cross, Jr., *Canaanite Myth and Hebrew Epic* (Cambridge, MA: Harvard University Press, 1973), Mark Leuchter, *The Levites and the Boundaries of Israelite Identity* (Oxford: Oxford University Press, 2017); Andrew Tobolowsky, *The Sons of Jacob and the Sons of Herakles: The History of the Tribal System and the Organization of Biblical Identity* (Tübingen: Mohr Siebeck, 2017).

From the tribe of Judah, Caleb son of Jephunneh.
From the tribe of Issachar, Igal son of Joseph.
From the tribe of Ephraim, Hoshea son of Nun.
From the tribe of Benjamin, Palti son of Raphu.
From the tribe of Zebulun, Gaddiel son of Sodi.
From the tribe of Joseph, from the tribe of Manasseh, Gaddi son of Susi.
From the tribe of Dan, Ammiel son of Gemalli.
From the tribe of Asher, Sethur son of Michael.
From the tribe of Naphtali, Nahbi son of Vophsi.
From the tribe of Gad, Geuel son of Machi.

Despite the instruction being "from each of their ancestral tribes you shall send a man" (13:2), and despite a total of twelve spies being dispatched, no spy is sent from the tribe of Levi. Instead, we find that Ephraim and Manasseh – quite unexpectedly – each have their own spy. Notably, there is no difference in the presentation of Ephraim, despite it being a "sub-tribe" – the text simply states, "from the tribe of Ephraim, Hoshea son of Nun" (13:8). On the other hand, the standard phrase "from the tribe of Manasseh" is prefaced, awkwardly, with "from the tribe of Joseph." This is evidently an editorial attempt to bring the text in line with the "traditional" tribal scheme, according to which Joseph is a tribe, rather than Ephraim and Manasseh.

The same phenomenon can be seen in Num 1:4–15. Again, the list is presented as including one member from every tribe. Again, Levi is absent. Again, Ephraim and Manasseh are present. Again, a secondary insertion reflects an attempt to smooth over the glaring incongruity. The direction of evolution embodied in both of these Numbers texts is clear, and it supports the idea that the tribal scheme that includes Joseph and Levi is the later one, whereas Ephraim and Manasseh belong to the earlier system. (Literary evidence aside, surely the Priestly corpus did not evolve *away* from the idea that there existed a tribe of Levi.) This corresponds to the evolutionary vector from V to Deuteronomy.

It is worth noting that the alternative list matches the territorial landscape: Ephraim and Manasseh are depicted as having separate tribal lands, whereas Levi has none. If not a tribe, though, what were the Levites in the earlier conception? While the answer to this is not certain, it seems plausible that they were originally members of a profession or guild. And if the Levites were not originally a tribe, it should come as no surprise that they lacked tribal territory. This insight may help clarify difficult passages such as Judg 17:7, where we find a Levite paradoxically hailing from the family of Judah: וַיְהִי נַעַר מִבֵּית לֶחֶם יְהוּדָה מִמִּשְׁפַּחַת יְהוּדָה וְהוּא לֵוִי וְהוּא גָּר שָׁם "Now there was a young man of Bethlehem in Judah, of the clan of Judah. He was a Levite, and he was residing there."[22]

[22] This apparent oxymoron has perturbed readers for centuries. In his commentary, Rashi writes that the youth was the son of a Judahite man and a Levite woman. Rashi's contemporary, Joseph Kara, suggested the opposite: He was the son of a Judahite woman and a Levite man. The crux remains unresolved. J. Alberto Soggin sums up the quagmire, ultimately concluding

It seems that the introduction of Levi into the tribal scheme necessitated a tribal consolidation elsewhere, if the number twelve was to be maintained. Ephraim and Manasseh were therefore subsumed into a new super-tribe – Joseph – which, in turn, required some labyrinthine reasoning to reconcile with the reality on the ground (or a memory of such a reality):

וַיֹּאמֶר יַעֲקֹב אֶל יוֹסֵף אֵל שַׁדַּי נִרְאָה אֵלַי בְּלוּז בְּאֶרֶץ כְּנָעַן וַיְבָרֶךְ אֹתִי׃ וַיֹּאמֶר אֵלַי הִנְנִי מַפְרְךָ וְהִרְבִּיתִךָ וּנְתַתִּיךָ לִקְהַל עַמִּים וְנָתַתִּי אֶת הָאָרֶץ הַזֹּאת לְזַרְעֲךָ אַחֲרֶיךָ אֲחֻזַּת עוֹלָם׃ וְעַתָּה שְׁנֵי בָנֶיךָ הַנּוֹלָדִים לְךָ בְּאֶרֶץ מִצְרַיִם עַד בֹּאִי אֵלֶיךָ מִצְרַיְמָה לִי הֵם אֶפְרַיִם וּמְנַשֶּׁה כִּרְאוּבֵן וְשִׁמְעוֹן יִהְיוּ לִי׃ וּמוֹלַדְתְּךָ אֲשֶׁר הוֹלַדְתָּ אַחֲרֵיהֶם לְךָ יִהְיוּ עַל שֵׁם אֲחֵיהֶם יִקָּרְאוּ בְנַחֲלָתָם׃

And Jacob said to Joseph, "El Shaddai appeared to me at Luz in the land of Canaan, and he blessed me, and said to me, 'I am going to make you fruitful and increase your numbers; I will make of you a company of peoples, and will give this land to your offspring after you for a perpetual holding.' Therefore your two sons, who were born to you in the land of Egypt before I came to you in Egypt, are now mine; Ephraim and Manasseh shall be mine, just as Reuben and Simeon are. As for the offspring born to you after them, they shall be yours. They shall be recorded under the names of their brothers with regard to their inheritance." (Gen 48:3–6)

This brings us back to the topic of intertexts. The fulfillment of the Gerizim-Ebal commandment in Joshua 8 matches the narrative as told in V better than the canonical version. Whereas in Deuteronomy the Levites are to stand on Gerizim – considering that they are a tribe like any other – in Joshua 8 we find the "Levitical priests" (הַכֹּהֲנִים הַלְוִיִּם) in the valley between the hills, with "all of Israel" standing opposite them, on either side:

וְכָל יִשְׂרָאֵל וּזְקֵנָיו וְשֹׁטְרִים וְשֹׁפְטָיו עֹמְדִים מִזֶּה וּמִזֶּה לָאָרֹן נֶגֶד הַכֹּהֲנִים הַלְוִיִּם נֹשְׂאֵי אֲרוֹן בְּרִית יְהוָה כַּגֵּר כָּאֶזְרָח חֶצְיוֹ אֶל מוּל הַר גְּרִזִים וְהַחֶצְיוֹ אֶל מוּל הַר עֵיבָל כַּאֲשֶׁר צִוָּה מֹשֶׁה עֶבֶד יְהוָה לְבָרֵךְ אֶת הָעָם יִשְׂרָאֵל בָּרִאשֹׁנָה׃

All of Israel, with their elders and officers and their judges, stood on opposite sides of the ark opposite the Levitical priests who carried the ark of the covenant of YHWH, alien as well as citizen, half of them in front of (alternatively: *upon*)[23] Mount Gerizim and half of them in front of (alternatively: *upon*) Mount Ebal, as Moses the servant of YHWH had commanded at the first, that they should bless the people of Israel. (Josh 8:33)

This is presented explicitly as a fulfillment of Moses's commandment, and it is indeed precisely the scene dictated by Moses in V. It is not, however, in keeping

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that the Judahite heritage is an error (although he does not explain how this error might have occurred): "The Hebrew has *gār šām*, but should we not perhaps read *geršōm*, the name of Moses' son, attested later in 18.30 as the ancestor of the priest in question? As well as corresponding with an assured piece of later information, this reading reduces the difficulty presented by the fact that the 'levite' was 'of a Judahite family,' cf. the commentary; however, the phrase seems improbable from a stylistic point of view (Gunneweg, 20 n. 3, and Cody, 54 n. 56), and all the probabilities are that 'of a Judahite family' should be deleted, although it is the *lectio difficilior*" (J. Alberto Soggin, *Judges*, ed. G. Ernest Wright et al., The Old Testament Library [Philadelphia: The Westminster Press, 1981], 266).

[23] I intend to address the semantics of אֶל מוּל in a future publication.

with what we find in the canonical version of Deuteronomy, where the Levites are to stand upon Mount Gerizim, shoulder-to-shoulder with their brethren.

4.2.2. The Location of Gerizim and Ebal

Another difference between the Valediction of Moses and Deuteronomy relates to the location of Gerizim and Ebal within Canaan. In V, this pair of hills is nowhere near Nablus:

	Deuteronomy (MT)	Valediction of Moses (V^b)
Deut 11:30 ***G 3:8–9***	הֲלֹא הֵמָּה בְּעֵבֶר הַיַּרְדֵּן **אַחֲרֵי** דֶּרֶךְ מְבוֹא הַשָּׁמֶשׁ בְּאֶרֶץ הַכְּנַעֲנִי **הַיֹּשֵׁב** בָּעֲרָבָה **מוּל** הַגִּלְגָּל אֵצֶל אֵלוֹנֵי מֹרֶה׃	הלא המה בעבר ה[ירד]ן דרך מבא השמש בארץ הכנעני בע[רבה **נג[ד** הגלגל אצל אלני מרא •

The differences between the Valedictoric and Deuteronomic versions are extremely subtle, but they make a world of difference. According to V, Gerizim and Ebal are located "across the [Jord]an westward, in the land of the Canaanites, in the A[rabah, oppo]site the stone circle, beside the oaks of Moré." In other words, near the familiar *gilgal* in the Jordan Valley.[24] Deuteronomy, for its part, places Gerizim and Ebal not דֶּרֶךְ מְבוֹא הַשָּׁמֶשׁ "westward,"[25] but somehow אַחֲרֵי "beyond" there.[26] Difficult syntax notwithstanding, "beyond" serves to move their location

[24] Indeed, it appears that the Hebrew Bible speaks of only a single *gilgal*, as Israel Finkelstein writes: "Yet, though the name sounds generic, I suggest that there was only one Gilgal, best depicted in Hosea (4:15; 9:15; 12:12) and Amos (4:4; 5:5), who mention it in relation to Bethel. It is described as a site near Jericho (Josh 4:19; 5:10; 15:7), close to the Jordan (e.g., Josh 4:19; Jud 3:19; 2 Sam 19:16). The reference to what seems to be a different Gilgal (Deut 11:30) is confused" (Israel Finkelstein, "Jeroboam II's Temples," *Zeitschrift für die alttestamentliche Wissenschaft* 132, no. 2 [2020]: 250–65, at 254).

[25] The translation of V's idiom עבר הירדן דרך מבא השמש as "across the Jordan westward" requires some unpacking. First, מבוא השמש is a (flowery) synonym for מערב, just as מזרח השמש is a synonym for מזרח. This is evident from many biblical passages, including וּמֵאֶרֶץ מְבוֹא הַשָּׁמֶשׁ "and from the west country" (Zech 8:7) and עַד הַיָּם הָאַחֲרוֹן מְבוֹא הַשָּׁמֶשׁ יִהְיֶה גְּבוּלְכֶם "to the Great Sea in the west shall be your territory" (Josh 1:4). Indeed, עבר הירדן מזרח השמש means "across the Jordan eastward," as in אֲשֶׁר נָתַן לָכֶם מֹשֶׁה עֶבֶד יְהוָה בְּעֵבֶר הַיַּרְדֵּן מִזְרַח הַשָּׁמֶשׁ "which Moses the servant of YHWH gave you beyond the Jordan eastward" (Josh 1:15; cf. Deut 4:41, 47; Josh 12:1). This leaves דרך, which is best translated here as "toward." While this definition is not well known, it is nevertheless well attested. For example, הַבֵּט דֶּרֶךְ יָם "look toward the sea" (1 Kgs 18:43) or וַיָּנֻסוּ דֶּרֶךְ הַמִּדְבָּר "and they fled toward the desert" (Josh 8:15). דרך in this context is thus functionally equivalent to the directional *he*, and like its counterpart, it can be omitted. (Compare וַיֵּרֶד מִצְרַיְמָה [Deut 26:5] and וַיֵּרְדוּ מִצְרַיִם [Gen 43:15].) See also 1 Sam 13:18; Ezek 21:2; 40:20, 24, 44; 41:12.

[26] "Beyond westward" is not sensible, leading some to harmonistically gloss "some distance to the west" (NRSV) and others to interpret the phrase as "beyond the west road" (NJPS). Of course, considering that Moses and the Israelites were located to the east of the Jordan when this sentence was spoken, "beyond the west road" is not especially sensible, either, unless Gerizim

away from the Jordan Valley region. Also, it is *the Canaanites* who reside in the Arabah – a seeming non sequitur – rather than the hills themselves, again transporting Gerizim and Ebal out of the Arabah. Remarkably, the tradition that Gerizim and Ebal are located in the Arabah, and not near Nablus, is attested in antiquity. In the early fourth century CE, Eusebius of Caesarea wrote the following:

> It is said that there are two mountains located near Jericho across from each other in close proximity, one being Gerizim and the other Ebal. But the Samaritans show others that are near Neapolis. They are mistaken, because those that are shown stand too far apart from each other, to the extent that it is not possible to hear from one (mountain) the calling from the other (*Onomasticon* §307).[27]

It is quite extraordinary that V's placement of Gerizim and Ebal in the Arabah, which seems so idiosyncratic at first glance, is supported by Eusebius's early testimony. But what about the biblical evidence? It does not seem likely that the Gerizim–Ebal episode in Joshua 8 occurs anywhere near the Jordan Valley's *gilgal*, or else we would have expected the episode to appear earlier in the story, considering that the Israelites had previously camped at that very location (Josh 4:19). As it happens, this is precisely what we find in an intriguing Qumran manuscript of Joshua. Although this manuscript, 4QJosh[a], is fragmentary, it is nevertheless clear that the fulfillment of the Gerizim/Ebal commandment occurs several chapters earlier in this version than it does in the MT and LXX traditions. As Stefan Schorch writes: "4QJosh[a] most likely originally presented the altar account between the verses 5:1 and 5:2 (according to the numbering of MT) and therefore localized the erection of the altar at Gilgal in the Jordan Valley."[28] Thus, in this ancient manuscript, the intertext between V and Joshua's Gerizim–Ebal pericope includes an additional feature. While the Masoretic and Greek versions agree with V – against Deuteronomy – on the placement of the Levites, the version of Joshua in 4QJosh[a] also shares V's unorthodox ideas regarding the location of Gerizim and Ebal themselves.

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and Ebal were submerged in the Mediterranean Sea.

[27] Neapolis is synonymous with Nablus and Shechem. Translation from R. Steven Notley and Ze'ev Safrai, *Eusebius, Onomasticon: A Triglott Edition with Notes and Commentary* (Leiden: Brill, 2005), 64. Rabbi Eliezer (or Eleazar) in y. Sot. 7:3 also places Gerizim and Ebal in the Arabah. I thank Nachum Dershowitz for this reference.

[28] Stefan Schorch, "Where Is the Altar? Scribal Intervention in the Book of Joshua and Beyond," in *Yahwistic Diversity and the Hebrew Bible: Tracing Perspectives of Group Identity from Judah, Samaria, and the Diaspora in Biblical Traditions*, ed. Benedikt Hensel, Dany Nocquet, and Bartosz Adamczewski (Tübingen: Mohr Siebeck, 2020), 231–44, at 239. See also Emanuel Tov, "Literary Development of the Book of Joshua as Reflected in the MT, the LXX, and 4QJosh[a]," in *The Book of Joshua*, ed. Ed Noort, BETL 250 (Leuven: Peeters, 2012), 65–85; Eugene Ulrich, "Joshua's First Altar in the Promised Land," in *The Dead Sea Scrolls and the Developmental Composition of the Bible*, VTSup 169 (Leiden: Brill, 2017), 48–65.

4.2.3. Summary

As we saw in the previous section for a series of biblical Decalogue intertexts, Joshua's story of the fulfillment of the Gerizim–Ebal narrative has less in common with Deuteronomy than it does with V's previously unknown version of the text. All of the features that make the Valedictoric recension unique – the alternative tribal list, the positioning of the Levites, and the location of the hills – find support in other biblical texts. The last two of these features are present in the Joshua narrative – in one case in the canonical versions, and in another in a fragmentary ancient manuscript from Qumran.[29] This thick web of connections – in which V is the central node – is remarkable. Not only does it further establish V as an authentic ancient text, but it sheds a great deal of light on the history of the formation of the Bible itself. The Valediction of Moses had a productive existence in the biblical world in a pre-Deuteronomic form, possibly for centuries – a tantalizing conclusion.

[29] I will discuss the relationship between the book of Joshua and V in future publications.

5. Conclusion

For the past 140 years, one of the greatest manuscript discoveries in history has been misjudged. The Shapira manuscripts are not forgeries, and the tragedy – human and intellectual – of their hasty dismissal can hardly be overstated. Shapira was disgraced and driven to suicide, and his manuscripts were palmed off as mere curios. The arguments for the manuscripts' forgery are unconvincing. The story Shapira told of the manuscripts' discovery – which had been seen as ludicrous by his contemporaries – was so uncannily similar to the subsequent discovery of the Dead Sea Scrolls that some scholars concluded that the latter too must be a hoax. There is no longer any question that the Dead Sea Scrolls discovered in the mid-twentieth century are authentic. The logical inference must, therefore, be reversed: The remarkable parallels between the discovery accounts support the antiquity of Shapira's manuscripts, not the fraudulence of the Dead Sea Scrolls. Furthermore, we have seen that the more recent paleographic case for forgery is without merit. Indeed, the little reliable paleographic data we have points to the manuscripts' exceptional antiquity. The widespread belief that Shapira forged the manuscripts, whether alone or with accomplices, is further undercut by his annotated transcription, of which scholars were previously unaware. These papers paint the picture of a man trying to make sense of unfamiliar documents, not a forger planning or admiring his handiwork. Neither are there any plausible alternative culprits; a fraudster working unbeknownst to Shapira would have stood to gain neither fortune nor fame from the production of these manuscripts.

The fact that the Valediction of Moses lacks the post-Priestly and nomistic Deuteronomic supplements that recent scholars have identified in Deuteronomy challenges both the notion of forgery and the idea that it is an abridgment of Deuteronomy. For a nineteenth-century forger to have constructed a text on the basis of insights that were first recorded by scholars generations later beggars belief. The same is true of a hypothetical Hellenistic writer working with the canonical Pentateuch. With what tools could an ancient editor have surgically removed post-Priestly insertions from Deuteronomy to create V? Shapira's singular manuscripts thus have little in common with the so-called "rewritten scripture" of the Qumran corpus. Having determined that V is a proto-Deuteronomic text, it is almost certain that V was composed in the First Temple period.

That the Valediction of Moses has intertexts distributed throughout the Bible suggests that this text, or associated literature, was familiar to several biblical authors. Many passages that were believed to be Decalogical or Deuteronomic in-

tertexts are, in fact, Valedictoric ones. Needless to say, this has far-reaching ramifications.

I have focused primarily on matters of authenticity and literary phylogenetics. In an excursus (chapter 6) co-authored by Na'ama Pat-El, we discuss the linguistic profile of V, finding it to be consistent with pre-exilic epigraphic Hebrew. The critical edition (chapter 7) includes notes that help situate V from a textual standpoint, while the English translation (chapter 8) reflects my current understanding of the text.

I have only touched upon V's vast importance for our reconstruction of the Pentateuch's composition history. This text is a treasure trove not only for Deuteronomy scholars, but for students of Numbers and Joshua – and the Pentateuch/Hexateuch more broadly – as well. In future publications I will explore the provenance of V, as well as its implications for textual criticism, geography, and the history of religion.

It is my hope that this extraordinary text will soon be appreciated by all, and that scholars of all stripes will work to unlock its mysteries for years to come.

6. Excursus: The Linguistic Profile of V

with Na'ama Pat-El

One aspect of the Valediction of Moses that has not received substantial attention is its linguistic profile.[1] Indeed, the language of V includes a number of peculiar features with the potential to either challenge or substantiate the assessment of the manuscripts' authenticity and dating as outlined in Dershowitz's *ZAW* article[2] and above in the present volume.

The primary treatment of V's language, prepared by Adolf Neubauer in 1883, was cursory and is by now quite outdated. Neubauer found the texts to be ungrammatical and to deviate from the biblical standard.[3] This assessment proved influential and has since been cited as evidence of the manuscripts' inauthenticity.[4] In this section, we offer an analysis of these dispositive features, and our conclusions are diametrically opposed to those of Neubauer.

Objections to any renewed interest in the manuscripts have been based in part on the absence of the objects themselves. The multiple extant copies of the manuscripts, however, provide us with more than enough material to analyze the text's language and orthography. We find the text of V to reflect a dialect of Hebrew that differs somewhat from Classical Biblical Hebrew (CBH) prose but is generally consistent with pre-exilic Hebrew, especially as reflected in the epigraphic corpus. Several epigraphic analogues for features found in V were unknown in the nineteenth century and therefore could not have served as models for forgery

[1] This chapter benefited from the helpful comments and references provided by Tania Bhattacharyya, Steven Fassberg, Jan Joosten, Geoffrey Khan, Maria Metzler, Tamara Morsel-Eisenberg, Paris Spies-Gans, and Shani Tzoref.

[2] Idan Dershowitz, "The Valediction of Moses: New Evidence on the Shapira Deuteronomy Fragments," *Zeitschrift für die alttestamentliche Wissenschaft* 133, no. 1 (2021).

[3] Neubauer described V's constituent passages as "most illogical," "blunders," and "an ignorant amalgamation […] as incorrect as only school-boys can make it." Neubauer concluded: "Let us hope […] that there will soon be an end of the publication of these forged texts and their useless commentaries, unless they are intended as exercises for beginners in Hebrew, for whom practice in the correction of bad grammar may be desirable" (Adolf Neubauer, "The Shapira Mss. of Deuteronomy," *The Academy* 590 [August 25, 1883], 130).

[4] See, for example, Rabinowicz: "It was the voice of Professor Neubauer, and his extensive analysis in the Academy, that sounded the death knell for the Shapira fragments. He proved the unclassical and ungrammatical nature of the Hebrew text as reproduced by Dr. Ginsburg" (Oskar K. Rabinowicz, "The Shapira Forgery Mystery," *Jewish Quarterly Review* 47, no. 2 [1956]: 170–83, at 179).

at that time. We also find no evidence of Second Temple or modern linguistic features. We conclude that the linguistic evidence does not support either the claims of modern forgery or those of Hellenistic composition. The linguistic evidence, rather, accords with the main thesis of this book, namely that V is a very ancient precursor to Deuteronomy.

In what follows, we review V's orthography, verbal morphosyntax, nominal syntax, and lexicon in the light of comparative linguistics, internal biblical evidence, and the epigraphic record. We address Neubauer's principal arguments in detail and also discuss features that we or others have identified as potentially diverging from biblical Hebrew norms. We conclude with some methodological comments.

6.1. Orthography

The orthography of V differs dramatically from that of the Masoretic Text (MT) and all known Hebrew manuscripts. Instead, it has much in common with epigraphic Hebrew. By Masoretic standards, V's spelling is extremely defective; final vowels are typically indicated, but medial vowels are far less likely to be marked by *matres lectionis* in V than in MT. However, just as in many First Temple–era inscriptions, such as the Arad and Lachish ostraca and the Siloam tomb inscription, medial vowels are occasionally indicated with a *yod* or *vav*.[5]

6.1.1. Diphthongs

In some cases, V's defective orthography is not merely conservative but rather reflects possible phonological variants vis-à-vis MT, especially in the realm of monophthongization. James Barr has noted that with very few exceptions **ay* > *ē* in MT is written with a *yod*, while **i* > *ē* is not.[6] For example, the construct forms *bēt* בֵּית "house," *yēn* יֵין "wine," the interrogative *ʾēk* אֵיךְ "how," and the negative existential *ʾēn* אֵין, among others, are always written with a *yod*, while *ḥēṣ* חֵץ "arrow," *qēn* קֵן "nest," and *šēn* שֵׁן "tooth" are never written with a *yod*. Many words whose counterparts in MT are typically written with a historical *vav* or *yod* lack these *matres* in V. This is true not only when MT pointing and other evidence suggests monophthongization, such as עוֹד (in V: עד) or מוֹתוֹ (in V: מתו), but also when MT pointing reflects a shift to hiatus. For example, where MT has דַּלְתַּיִם,

[5] See further in Angel Sáenz-Badillos, *A History of the Hebrew Language,* trans. John Elwolde (Cambridge: Cambridge University Press, 1996), 66.

[6] James Barr, *The Variable Spellings of the Hebrew Bible* (Oxford: Oxford University Press, 1989), 138ff.

שָׁמַיִם, and אֶפְרַיִם, V has דלתם, שמם, and אפרם.[7] In addition, V has ללה against MT's diphthonged לֵילָה. Some words show contraction in their inflected forms; ען but ענך (cf. Deut 19:13 עֵינְךָ).[8] Another example is בין (E 1:6, 8) "between," which is inflected as בנכם.[9]

Variation in the spelling of diphthongs is well attested in the epigraphic record. The word בית is always spelled with a *yod* in Hebrew inscriptions (although not in Moabite, Phoenician, etc.), but יין "wine" is always spelled ין in the Samaria ostraca.[10] Likewise, the Hebrew inscriptions from Kuntillet ʿAjrud contain the spelling תמן for תימן "south."[11]

-w *3ms Suffix on Plural Nouns (A 1:4 [שכנו], et passim)*

In V, the 3ms pronoun on plural nouns is always spelled *-w* (e.g., שכנו), whereas the common spelling in MT is *-yw* (e.g., שכניו).

Early scholars thought that *-yw* was the older of the two forms. For example, Bauer and Leander suggested that the glide in the original form **-ay-hū* was contracted, giving way to a new form, **-a-hū* > **-aū* > *-aw*.[12] They pointed to the nominal base with the 3mp possessive suffix as evidence of the originality of **-ay-*, e.g., *dibrē-hem*. According to this theory, the spelling *-yw* represents the older form, while the Masoretic vocalization (*-aw*) and the spelling *-w* – which appears occasionally in MT – represent innovations. The suggestion of a contraction of the glide in this context is, however, ad hoc and is otherwise unattested in Hebrew. As the decades passed and inscriptions featuring the spelling *-w* were discovered, the position that the short form was a late development became increasingly untenable. (See Lachish 3:18, אנשו "his men"; cf. Mhsh 1:13, אלו "to him.") Consequently, Cross and Freedman suggested that the singular ending, **a-hū* > **aw* >

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[7] מים, on the other hand, is written with a *yod* in V (D 3:7, E 2:5). While this discrepancy may seem unusual at first, Ugaritic presents precisely the same state of affairs: "water" is *my* in the singular and *mym* in the plural; heaven is *šmm*. Since מים is not attested in V in any inflected form, we cannot know if the *yod* would have been contracted in such a context.

[8] Similar to V, in Isa 3:8 a construct plural is spelled עֲנֵי.

[9] There are two possible instances of בין without a *yod* in MT: Job 16:21 (וּבֶן אָדָם לְרֵעֵהוּ; the pointing of בן with a *segol* reflects an apparent attempt to make sense of the defective spelling) and in some Masoretic manuscripts of Hos 13:15 (בֶּן אַחִים יַפְרִיא). See James Barr, "Some Notes on *bēn* 'between' in Classical Hebrew," *Journal of Semitic Studies* 23, no. 1 (1978): 1–22. Numerous manuscripts, including the Aleppo Codex, have the plene spelling for the Hosea passage; for Job, the plene is attested in Kennicott 1 and 147.

[10] The diphthong in construct בית, like analogous forms, is contracted in the Masoretic and Samaritan reading traditions but not in the written text. (The absolute form of בית also reflects monophthongization in the Samaritan oral tradition.) In V, the *yod* is elided.

[11] Outside Hebrew, we find variant spellings in, e.g., the Mesha inscription, where "his house" is spelled בתה in line 7 and ביתה in line 25.

[12] Hans Bauer and Pontus Leander, *Historische Grammatik der hebräischen Sprache des Alten Testaments* (Halle: Niemeyer, 1918–22), §25ℓ.

ō, was generalized to the plural.[13] According to their analysis, the plene spelling *-yw* represents a northern variant with a diphthong collapse **-ayhū* > **-ēhū* > *-ēw*, and the MT represents a Judahite variant *-aw*.[14] While Cross and Freedman took **-ay-hū* to be the original form in Northwest Semitic, they emphasized that, given the consistent spelling in the epigraphic material, **-aw* must be a very early Judahite form.[15] Garr similarly proposed that the original nominal ending before the suffix was *-ay*, and that the 3ms suffixed form developed into *-aw* already in the second millennium BCE via the following series of changes: **-ay-hū* > **-aw-hū* > **-aw-wū* > **-aw-w* > *-aw [āw]*.[16]

In a later work, Cross argued for the existence of an old Semitic plural ending *-aw*, a reflex of which was retained in Hebrew before pronouns: thus, **-aw-hū* > **-awhu* > **-aw-h* > *-aw*.[17] Wilson-Wright, however, argues that *-aw* was clipped from the broken plural form of III-weak nouns, like **ʾabaw* (< **ʾbw*) and reanalyzed as a plural morpheme.[18] This innovation took place in West Semitic, since *-aw* is attested as a plural morpheme in Geʿez, Syriac, and Arabic, but not in Akkadian and Eblaite.

There is additional evidence for the primacy of the spelling *-w*: on the hundred-odd occasions that this spelling appears in the MT *ketiv*, the marginal *qere* – which routinely features secondary forms – consistently has *-yw*. For example, in Lev 16:21, the *ketiv* is ידו (שתי) while the *qere* has the expected form, ידיו. The common spelling *-yw* in MT can be explained as a later graphic leveling on analogy to the other forms in the paradigm (e.g., 3fs **ay-hā* > *-ehā*, spelled *-yh*), rather than an improbable proto–Northwest Semitic atavism.

It is now clear that the spelling *-w* is very ancient and that *-yw* came to replace it in the Masoretic orthographic tradition. But since nineteenth-century scholars believed *-w* to be a relatively late innovation, we might have expected a contemporary forger attempting to simulate a First Temple–era text to include the

[13] Frank Moore Cross and David Noel Freedman, *Early Hebrew Orthography: A Study of the Epigraphic Evidence* (New Haven, CT: American Oriental Society, 1952), 47, 54.

[14] Note that Albright treats a final *-w* (*yrḥ-w*) in the Gezer calendar as representing *-ēw* (W. F. Albright, "The Gezer Calendar," *Bulletin of the American Schools of Oriental Research* 92, no. 1 [1943]: 16–26, at 22). He assumed that *-aw* was influenced by Aramaic (ibid., n27).

[15] Ibid., 68.

[16] Randall W. Garr, *Dialect Geography of Syria-Palestine, 1000–586* BCE (Winona Lake, IN: Eisenbrauns, 1985), 108. The same process accounts for the Byblian form ימו, according to Garr (ibid., 106).

[17] Frank Moore Cross, "Some Problems in Old Hebrew Orthography with Special Attention to the Third Person Masculine Singular Suffix on Plural Nouns [*-âw*]," in *Leaves from an Epigrapher's Notebook: Collected Papers in Hebrew and West Semitic Palaeography and Epigraphy*, HSS 51 (Winona Lake, IN: Eisenbrauns, 2003), 351–56. See also Rebecca Hasselbach, "External Plural Markers in Semitic: A New Assessment," in *Studies in Semitic and Afroasiatic Linguistics Presented to Gene B. Gragg*, ed. Cynthia L. Miller (Chicago: The Oriental Institute, 2007), 123–38.

[18] Aren Wilson-Wright, "Father, Brother, and Father-in-Law as III-w Nouns in Semitic," *Bulletin of the School of Oriental and African Studies* 79, no. 1 (2016): 23–32.

seemingly historical *yod*. The fact that V never has these *yod*s is consistent with what we now know to be the CBH convention, but not with what earlier scholars believed that convention to be.[19]

6.1.2. Word Division

Throughout the manuscripts, the text of V is written *scriptio continua*, with no spaces or marks between words. The only exception is the Decalogue, where words are terminated by dots and statements by paragraph breaks (*petuḥot*). Therefore, our ability to infer how the scribe perceived word divisions is limited to the lexical repertoire of V's Decalogue. There we find that two words are consistently treated as prefixes: לא and את.

Notably, both of these words are attested in the epigraphic record as prefixes. In Ugaritic and Aramaic inscriptions, לא is often written without an *aleph* and appended to the following word. However, in some cases, the negation appears with the *aleph* and is nevertheless prefixed, as it is in V.[20] In MT, לא is frequently prepended to the following word with a *maqqeph*, and it has been proposed that the written tradition of MT preserves cases of preformative aphetic לא.[21] Similarly, in several documents from the Judean desert, the *nota accusativi* is contracted to a *tav* and treated as a prefix.[22] First Temple–era inscriptions provide some support for the existence of this practice at an even earlier date. For instance, although word-separating dots are quite common in the Arad ostraca, it appears that the *nota accusativi* and לא are never followed by one.[23]

In the Mesha Stele, upon which the Shapira manuscripts are often said to have been modeled, the word division scheme differs from both the *scriptio continua* of most of V and the demarcation scheme found in its Decalogue. In Mesha, את is consistently followed by a word-separating dot,[24] and sentences are divided by

[19] It is worth noting that the form in V also differs from the Moabite convention attested in the Mesha Stele, which allegedly served as a blueprint for forgery. There we find *-h* in the same context. For instance, ימה "his days" (Mesha 8) and רשה "his commanders" (Mesha 20).

[20] See Eleazar L. Sukenik, "An Epitaph of Uzziahu King of Judah" (Hebrew), *Tarbiẓ* 2 (1931): 288–92, 382, at 290.

[21] See, especially, Raphael Weiss, "On the Use of the Negative לא in the Bible" (Hebrew), *Eretz-Israel* 14 (1978): 148–54. Weiss also notes (148n1) that other short negations are sometimes treated as prefixes in the Hebrew Bible.

[22] See Mur22, 5/6Hev44, 5/6Hev46. An analogue may be found in Punic and Neo-Punic, where the *nota accusativi* is often written as a proclitic *tav* when followed by a definite article (which is usually, but not always, elided). See Charles R. Krahmalkov, *A Phoenician-Punic Grammar* (Leiden: Brill, 2001), 281. The same phenomenon is also attested in spoken modern Hebrew. See, e.g., Rina Ben-Shahar, "The Phonetic Representation of Spoken Language in Modern Hebrew Literature," *Traduction, terminologie, rédaction* 8, no. 2 (1995): 249–73, at 262.

[23] For the *nota accusativi*, see Arad 5, 12, 16, 24 (the semantics of the *'et* in line 19 are disputed), 40, 111 (?). The one instance of negative לא in the Arad ostraca (16:10) likewise has no visible dot following it.

[24] See, e.g., Mesha line 5 (ויענו.את.מאב), line 6 (אענו.את.מאב), and line 9 (ואבן.את.בעלמען).

means of vertical strokes. Nevertheless, both schemes found in V are supported by epigraphic and biblical evidence.

6.1.3. Miscellaneous Orthographic Features

ישכר (G 3:11)

The name Issachar appears once in V (G 3:11), where it is spelled with a single *sin*; in MT, the name is almost always spelled with two *sin*s. V's orthography is, however, attested in 4Q522, as well as in some Masoretic manuscripts of 1 Chr 2:1.[25] It is also reflected in MT's standard *qere perpetuum* of the name, in which one *sin* is unpointed, and in LXX's transliteration of the name (Ισσαχαρ), which suggests a single elongated consonant in this position, which would ordinarily be represented by a sole Hebrew grapheme.[26]

אנך (E 1:3, et passim)

Throughout V, the independent 1cs pronoun is written as אנך. This may be contrasted with the Hebrew Bible, where we find either אָנֹכִי or אֲנִי. On the other hand, אנכי with a *yod* is unattested in Hebrew and Moabite inscriptions[27] and is found only in a small minority of Phoenician inscriptions.[28] The spelling אנך is, therefore, the standard form throughout the Northwest Semitic epigraphic record.

Regarding the pronunciation of Moabite אנך, Aḥituv writes:

> The absence of a final י could mean that the vocalization was *ʾanōḵ* but the 1 common singular suffix on the *qatal* verbal pattern suggests that the first common singular independent pronoun may also have been vocalized *ʿnōḵī* as in Hebrew. The verbal person marker is probably on analogy with the independent pronoun where the shift took place first: *ʾanâḵu* > **ʾanōḵu* > **ʾanōḵi* > *ʾanōḵī*.[29]

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[25] See note in BHS ad loc.

[26] Cf., e.g., צִלָּה (Σελλα) and חַנָּה (Αννα).

[27] In Lachish 6, line 8, the letters אנכ can be made out, but the area to the left of the *kaph* is not legible. It is therefore unclear whether or not the word was spelled with a *yod* here. See Shmuel Aḥituv, *Echoes from the Past: Hebrew and Cognate Inscriptions from the Biblical Period* (Jerusalem: Carta, 2008), 80.

[28] This does not mean that the Phoenician 1cs pronoun did not end with a high vowel. Poenulus transcribes 1cs perfects with a final *-thi* (e.g., Poen 940a/930). The change of the perfect ending from **-tŭ* to *-tĭ* reflects an earlier rounding and raising in the pronoun from *ʾanākŭ* to *ʾanōkŭ* to *ʾanōkĭ* (see Naʾama Pat-El and Aren Wilson-Wright, "The Features of Canaanite: A Reevaluation," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 166 [2016]: 41–55, at 42–43). The spelling אנכי is also attested in Samalian alongside אנך (KAI 215:19; cf. KAI 214:1; see Josef Tropper, *Die Inschriften von Zincirli: Neue Edition und vergleichende Grammatik des phönizischen, samʾalischen und aramäischen Textkorpus* [Münster: Ugarit-Verlag, 1993], 189).

[29] Aḥituv, *Echoes from the Past*, 395. On the Phoenician and Punic pronunciations of the pronoun, see Krahmalkov, *Phoenician-Punic Grammar*, 38–40.

In addition, *a-nu-ki* is attested in the Canaanite of the Amarna letters.[30] אנך in V may therefore be a purely orthographic variant, rather than reflecting a different pronunciation of the pronoun. Be that as it may, this spelling is entirely without parallel in the known manuscripts of the Hebrew Bible and is instead in line with the epigraphic norm.

ותשתחו (D 2:8)

In V, we find the plural form ותשתחו where we might expect to find ותשתחוו with two *vav*s. This anomalous orthography for the plural is, in fact, attested four times in the *ketiv* of MT: Gen 27:29a, 43:28; 1 Kgs 9:9; Neh 8:6. In each case, the *qere* reflects the conventional form.[31] Similarly, most MT manuscripts of 1 Sam 1:28 have וישתחו, even though its antecedent must either be plural or feminine singular. Several Hebrew manuscripts read וישתחוו with two *vav*s;[32] the Syriac, Vulgate, and Lucianic recension of LXX all reflect the plural as well.[33]

Also notable is the widely attested tendency in biblical Hebrew orthography to avoid two consecutive *vav*s. For example, the plural of מצוה appears 123 times in MT in its various inflections. Despite the feminine plural suffix almost always being written plene (ות), a full 122 occurrences of these 123 are written defectively: מצות. The sole exception is found in a decidedly Late Biblical Hebrew (LBH) context – the book of Nehemiah (9:14).[34] V's defective spelling of ותשתחוֿ is consistent with this orthographic convention.[35]

הוא (D 2:6, et passim)

Throughout V, the independent third-person singular pronoun is written הוא. This is true irrespective of the gender of the referent. Notably, this orthography differs from that of V's supposed model – the Mesha Stele – where the word is

[30] Anson F. Rainey, *Canaanite in the Amarna Tablets: A Linguistic Analysis of the Mixed Dialect Used by the Scribes from Canaan, Vol. 1: Orthography, Phonology, Morphosyntactic Analysis of the Pronouns, Nouns, Numerals* (Leiden: Brill, 1996), 48.

[31] This is hardly an isolated phenomenon. The form עתה appears more than 400 times in MT, whereas the common spelling in the epigraphic record is עת. The archaic form is attested twice in the *ketiv* (Ezek 23:43; Ps 74:6); in both cases, the *qere* provides the conventional form. For more on the modernizing tendency of the *qere*, see Maimon Cohen, *The Kethib and Qeri System in the Biblical Text* (Hebrew) (Jerusalem: Magnes, 2007), 312–13; Sáenz-Badillos, *History of the Hebrew Language*, 67.

[32] Kennicott 4, 95, 173.

[33] In 4Q51, the word in the position of וישתחו is mostly illegible, while an additional verb, seemingly ותשתחו, appears nearby: [...]הו שם ותשתח[ו].

[34] We thank Geoffrey Khan for bringing this phenomenon to our attention.

[35] See also the *ketiv* ויצו (*qere* וַיְצַוּוּ) in Judg 21:20. In MT, the tendency to avoid dual *vav*s is even more prominent in medial positions. Compare, for instance, תְּצַוֻּם in Deut 32:46 and תְּצַוֻּנִי in Isa 45:11 with וַיִּכֻּם וַיִּכֻּתוּם in Num 14:45.

spelled הוא. The defective spelling is also found in all other known inscriptions prior to the fifth-century BCE Aramaic Elephantine papyri.[36]

In most of the books of the Hebrew Bible, we find הוּא for masculine and הִיא for feminine, with almost no exceptions. In the Masoretic text of the Pentateuch, on the other hand, the pronoun pointed as *hī* is spelled with a medial *vav* 192 times vs. 19 times with a *yod*. (In SP, these are almost always spelled היא.)

In a recent article, Steven Fassberg provides new evidence that feminine/common הוּא reflects an early dialectal feature. He concludes:

> Because the 3fs *Kethiv* הוא is for all intents and purposes limited to the Pentateuch, and because the Pentateuch crystallized earlier than the Prophets and the Writings, one must deduce that the *Kethiv* הוא is evidence for an early dialectal form that later disappeared in Biblical Hebrew.[37]

The presence of the form הוּא for both male and female in V is consistent with Fassberg's analysis.[38] This spelling is not attested in known Hebrew inscriptions from the First Temple period. However, in the Old Aramaic inscription from Bukân, which Lemaire dates to ca. 700 BCE, we find a single instance of plene הוּא alongside three examples of defective הא.[39]

לקראת (D 1:2, 2:1, 7; H 1:7)

Most scholars believe the preposition לקראת is derived from the root *qry*.[40] The word is attested only once in the epigraphic record, where it is written without an *aleph* (Siloam 4, אש לקרת רעו). In all known versions of the Hebrew Bible, it is written systematically with an *aleph*.[41] The orthography in V here is thus consistent with that of Biblical Hebrew, but not with the sole attestation of the word in the ancient epigraphic corpus.

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[36] The spelling in the Elephantine corpus is almost always הו for male and הי for female.

[37] Steven E. Fassberg, "The Kethiv/Qere הִוא, Diachrony, and Dialectology," in *Diachrony in Biblical Hebrew*, ed. Cynthia L. Miller and Ziony Zevit (Winona Lake, IN: Eisenbrauns, 2012), 171–80, at 177–78.

[38] That הוּא was used for both male and female referents in antiquity was suggested at least as early as 1861. See William Henry Green, *A Grammar of the Hebrew Language* (New York: John Wiley, 1861), 96. For more literature, see the history of research cited in Fassberg, "The Kethiv/Qere הִוא," 171–73.

[39] See André Lemaire, "Une inscription araméenne du VIIIe siècle av. J.-C. trouvée à Bukân (Azerbaïdjan iranien)," *Studia Iranica* 27, no. 1 (1998): 15–30, at 21, et passim. The plene instance is at the end of a sentence, while the other three are not.

[40] See, e.g., BDB and HALOT, ad loc.

[41] 1QIsa[a] typically includes the *aleph*, with Isa 14:9 being the single exception. In the Masoretic vocalization scheme, this *aleph* is not articulated.

6.2. Verbal Morphosyntax

In this section we discuss various verbal morphosyntactic features in V that differ from the norm in the Hebrew Bible.

6.2.1. The *wəqāṭal* Construction

In D 2:6–3:3, V has a series of *wəqāṭal* forms indicating what appears to be the simple/narrative past tense, which is more commonly indicated by a *wayyiqṭōl* verb in CBH:

וְיָצְאוּ בעת ההוא בנת מאב ונשי מדין |[...] **וחרה** אף אלהם עלכם ויגף בכם בעת ההוא מגפה גדלה • **ושלחתי** מכם אנשם ללחם את המדינם **והכתם** אתם לפי חרב **ושבתם** מאתם שבי הרבה למאד ותעצר המגפה •

At that time, the daughters of Moab and women of Midian **came out** [...] Elohim's anger then **burned** against you, and he inflicted upon you at that time a great plague. I **sent** from among you people to fight the Midianites, and you **smote** them by the sword's edge, and you **took** from them a great many captives. The plague then ended.

Likewise, in E 3:2, we find the *wəqāṭal* verb ושבתי in a context in which we might have expected either ואשבת or וביום השבעי שבתי:[42]

|כי • ש|שת • ימם • עשתי • את השמם • ואת הארץ • וכל • אשר • בם • **ושבתי** • ביום • השבעי •

[For in s]ix days I made the heaven and the earth and all that is in them, and I **rested** on the seventh day.

The use of non-iterative simple past *wəqāṭal* is very rare in LBH, and nonexistent in postbiblical Hebrew.[43] Joosten argues that non-iterative past tense *wəqāṭal* is an internal Hebrew innovation that concludes in the Hellenistic period, and accordingly *wəqāṭal* and *wayyiqṭōl* "must be regarded as free variants representing different, though overlapping, periods of the Hebrew Bible."[44] Therefore, the appearance of *wəqāṭal* in V to express non-iterative simple past may appear to be late, or even modern.[45]

The use of *wəqāṭal* to indicate non-iterative simple past is, however, attested in the Hebrew Bible, as noted by a number of scholars, including Joosten, who

[42] Cf. Exod 20:11 (כִּי שֵׁשֶׁת יָמִים עָשָׂה |[...] וַיָּנַח) and Exod 31:17 (כִּי שֵׁשֶׁת יָמִים עָשָׂה |[...] וּבַיּוֹם הַשְּׁבִיעִי שָׁבַת וַיִּנָּפַשׁ). The suffix conjugation ושבתי could in fact be a perfect form preceded by a *vav*, rather than a simple past *wəqāṭal*. The verbs used in the passages leading up to the Decalogue in Deuteronomy also use the suffix conjugation (דִּבֶּר ... כָּרַת).

[43] Jan Joosten, *The Verbal System of Biblical Hebrew: A New Synthesis Elaborated on the Basis of Classical Prose*, Jerusalem Biblical Studies 10 (Jerusalem: Simor, 2012); Kasper Siegismund, "Anterior *Weqatal* in the Hebrew Bible and the Qumran Documents," *Hebrew Studies* 58 (2017): 199–220.

[44] Joosten, *Verbal System of Biblical Hebrew*, 225.

[45] Adolf Neubauer, "The Shapira Mss. of Deuteronomy," *The Academy* 589 (August 18, 1883), 116; Rabinowicz, "Shapira Forgery Mystery," 179; Jan Joosten, personal communication. Neubauer also argued ("Shapira Mss. of Deuteronomy," 116) that the verb שבת is semantically inapt here: "The root *shaboth* does not mean 'to rest' but 'to cease from work,' and in this sense only it is found in the Old Testament. The forger made a blunder in not leaving the root *noah*

observes that *wəqāṭal* can indicate a single event in the past.[46] The following are examples of *wəqāṭal* being used for the simple past in biblical narration:[47]

וְהוּרַד הַמִּשְׁכָּן **וְנָסְעוּ** בְּנֵי גֵרְשׁוֹן וּבְנֵי מְרָרִי נֹשְׂאֵי הַמִּשְׁכָּן׃

And the tabernacle **was taken down**, and the Gershonites and the Merarites, carriers of the tabernacle, **set out**. (Num 10:17)

וַיָּבֹא עַד הָאֹהֶל וַיַּכֵּהוּ וַיִּפֹּל וַיַּהַפְכֵהוּ לְמַעְלָה **וְנָפַל** הָאֹהֶל׃

It came to the tent and hit it. It turned it upside down, and the tent **collapsed**. (Judg 7:13)

There is some internal biblical evidence that past-tense *wəqāṭal* is a comparatively early feature that was displaced in later stages. One such example is found in 2 Kgs 18:36, which has *wəqāṭal* וְהֶחֱרִישׁוּ:

וְהֶחֱרִישׁוּ הָעָם וְלֹא עָנוּ אֹתוֹ דָּבָר כִּי מִצְוַת הַמֶּלֶךְ הִיא לֵאמֹר לֹא תַעֲנֻהוּ׃

And the people **kept silent** and did not answer a word, for the king's command was, "Do not answer him."

In the parallel passage in MT Isa 36:21, we find the standard *wayyiqṭōl* – וַיַּחֲרִישׁוּ – in what is likely an instance of linguistic updating:

וַיַּחֲרִישׁוּ וְלֹא עָנוּ אֹתוֹ דָּבָר כִּי מִצְוַת הַמֶּלֶךְ הִיא לֵאמֹר לֹא תַעֲנֻהוּ׃

And they **kept silent** and did not answer a word, for the king's command was, "Do not answer him."

The ancient editor responsible for this emendation in MT Isaiah may have shared the evaluation of Bernhard Stade, who wrote in 1886: "וְהֶחֱרִישׁוּ הָעָם וְלֹא עָנוּ

as in the received text." Neubauer may have overlooked Gen 2:2–3 and especially Exod 31:17, in both of which the verb שבת is applied to YHWH/Elohim in precisely the same context. In the latter of these two, שבת takes no complement (e.g., מִכָּל מְלַאכְתּוֹ אֲשֶׁר עָשָׂה) and is fully analogous to V's version. If the text in Exod 31:17 is not a blunder, then neither is that of V. Furthermore, as noted in all modern lexicons, שבת can indeed mean "rest," rather than "cease" – especially in relation to the Sabbath.

[46] Joosten, *Verbal System of Biblical Hebrew*, 223–25. See also Arie Rubinstein, "The Anomalous Perfect with Waw-Conjunctive in Biblical Hebrew," *Biblica* 44, no. 1 (1963): 62–69, at 68n2: "It is difficult to accept Driver's view that our anomalous construction [*wəqāṭal*] occurs only on 'exceedingly rare occasions' in the early books of the O. T. According to his own enumeration (*Tenses*, pp. 161–62), the construction occurs 36 times in the early books of the O. T. The two articles by Stade contain at least another 12 certain instances of the anomalous construction in 2 Kings. […] We thus obtain a total of 49 in the early books, which is not by any means a negligible number. Nor is our enumeration exhaustive (cf. GK, loc. cit.)."

[47] Other examples are Gen 15:6, 21:25, 31:7, 38:5; Exod 39:3; Num 10:17–18, 21–22, 25; Judg 16:18, 19:8; 1 Sam 1:12, 17:38; 2 Sam 13:18, 12:31, 13:18.

[ist] eine barbarische Construction."[48] 1QIsa[a], for its part, shows no sign of such updating:

והחרישו ולוא ענו אותוה דבר כיא מצות המלך היה לאמור לוא תענוהו׃

The version in 2 Kings provides clear precedent for the forms we find in V, and the Isaiah version illustrates how the biblical text undergoes updating. One can only speculate how many early and uncommon biblical Hebrew forms are unknown to us due to this process. Additional support for the existence of anterior *wəqāṭal* in Hebrew may be found in the epigraphic record. For instance, Arad 16, an early monarchic text, contains a temporal clause referring to a single past event followed by a *wəqāṭal* verb:

כצאתי מביתך • **ושלחתי** את ספ[ר] זכה •

When I left your house, I **sent** a written receipt.[49]

In biblical Hebrew, when past events are described, the temporal clause is never followed by a past-tense *wəqāṭal*, as it is in Arad 16:3.[50] See the following biblical examples, where the temporal clause is followed by a *wayyiqṭōl* verb indicating a single event in the past.

כִּשְׁמֹעַ עֵשָׂו אֶת דִּבְרֵי אָבִיו **וַיִּצְעַק** צְעָקָה גְּדֹלָה וּמָרָה עַד מְאֹד וַיֹּאמֶר לְאָבִיו בָּרֲכֵנִי גַם אָנִי אָבִי׃

When Esau heard his father's words, he **cried out** a terribly great and bitter cry, and he said to his father, "Bless me too, father!" (Gen 27:34)

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וַיְהִי **כְּהוֹצִיאָם** אֶת הַמְּלָכִים הָאֵלֶּה אֶל יְהוֹשֻׁעַ **וַיִּקְרָא** יְהוֹשֻׁעַ אֶל כָּל אִישׁ יִשְׂרָאֵל וַיֹּאמֶר אֶל קְצִינֵי אַנְשֵׁי הַמִּלְחָמָה הֶהָלְכוּ אִתּוֹ קִרְבוּ שִׂימוּ אֶת רַגְלֵיכֶם עַל צַוְּארֵי הַמְּלָכִים הָאֵלֶּה

When they brought out these kings to Joshua, Joshua **called** all the Israelites, and he said to the chiefs of the warriors who had gone with him, "Come hither and put your feet on the necks of these kings." (Josh 10:24a)

Another non-biblical example of anterior *wəqāṭal* is found in the Yavne-Yam ostracon, lines 4–5:[51]

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[48] Bernhard Stade, "Miscellen," *Zeitschrift für die alttestamentliche Wissenschaft* 6 (1886): 122–89, at 183.

[49] Arad 16:3–5. Transcription and translation following Anat Mendel-Geberovich et al., "A Brand New Old Inscription: Arad Ostracon 16 Rediscovered via Multispectral Imaging," *Bulletin of the American Schools of Oriental Research* 378 (2017): 113–25, at 114–18. See discussion of tense in ibid., 117.

[50] When *wəqāṭal* is used, it is modal and refers to future actions. See, for example, Jer 51:61: וַיֹּאמֶר יִרְמְיָהוּ אֶל שְׂרָיָה כְּבֹאֲךָ בָבֶל וְרָאִיתָ וְקָרָאתָ אֵת כָּל הַדְּבָרִים הָאֵלֶּה "And Jeremiah said to Seraiah: When you come to Babylon, see that you read all these words."

[51] Mhsh 1:5. Aḥituv, *Echoes from the Past*, 159.

ויקצר עבדך ויכל **ואסם** כימם • לפני שבת

And your servant harvested and finished/measured and **stored** in the granary as always before the Sabbath.

A number of scholars have struggled to explain the form ואסם. Naveh proposed that it is a 1cs imperfect form, but the shift from third person (ויכל, ויקצר) to first makes this interpretation unlikely.[52] Dobbs-Allsopp et al.[53] suggested that this is either an infinitive absolute[54] or a conjunction with the suffix conjugation, namely *wəqāṭal* for a single past event.

Rainey and Aḥituv argue for a different explanation. Rainey takes the verb ואסם to be a third-person suffix conjugation, but he interprets the verbal string as "measure in order to store."[55] According to this understanding, the *wəqāṭal* does not follow chronologically upon the preceding *wayyiqṭōl*. Aḥituv elaborates upon this idea:

> There is no biblical verb from this root [...] The attested form in this present text [...] is most likely third person form [*sic*] of the suffix conjugation, joined by the simple conjunction to the preceding verb וְאָסַם. By this means the forms represent an action that is coeval with the measuring. One measured in order to store. The storing was not looked upon as a further step in the process but as part of the same process (cf. Gen. 2:6).[56]

Rainey and Aḥituv both appear to be struggling here with the possibility that *wəqāṭal* might indicate anteriority, considering the widespread view that this function is reserved exclusively for *wayyiqṭōl* in Classical Biblical Hebrew. This interpretation is, however, improbable. There is no reason to suggest that the act of storing is coeval with the act of measuring (or with the completion of harvesting). The activities indicated in the inscription are successive actions in the past: "your servant harvested, measured, and stored."

The use of *wəqāṭal* to indicate simple past is not surprising from a comparative Semitic point of view. Past-tense *qāṭal* is an innovation of West Semitic[57] and is

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[52] Joseph Naveh, "A Hebrew Letter from the Seventh Century B.C.," *Israel Exploration Journal* 10 (1960): 129–39.

[53] F. W. Dobbs-Allsop et al., *Hebrew Inscriptions: Texts from the Biblical Period of the Monarchy with Concordance* (New Haven, CT: Yale University Press, 2005), 361.

[54] Following Frank Moore Cross, Jr.,, "Epigraphic Notes on Hebrew Documents of the Eighth-Sixth Centuries B. C.: II. The Murabba'ât Papyrus and the Letter Found near Yabneh-yam," *Bulletin of the American Schools of Oriental Research* 165 (1962): 34–46, at 44n43.

[55] Anson F. Rainey, "Syntax and Rhetorical Analysis in the Hashavyahu Ostracon," *Journal of the Ancient Near Eastern Society* 27, no. 1 (2000): 75–79, at 78.

[56] Aḥituv, *Echoes from the Past*, 161. Rainey ("Syntax and Rhetorical Analysis," 78) similarly interprets the verbal string as "measure in order to store."

[57] John Huehnergard and Na'ama Pat-El, "Introduction to the Semitic Languages and Their History," in *The Semitic Languages*, ed. John Huehnergard and Na'ama Pat-El, 2nd ed. (Milton: Routledge, 2019), 1–21, at 7.

attested in related languages as well as in our earliest Canaanite records,[58] and as shown above, it is also found in Classical and epigraphic Hebrew. The use of *wəqāṭal* for iterative past is likely an internal Hebrew development.[59] Past-tense *wəqāṭal* is, therefore, not necessarily a sign of lateness, but rather it can indicate conservativeness.

Neubauer suggested that V's use of *wəqāṭal* for past tense was evidence of forgery, writing sarcastically: "Evidently the Moabite writer did not make use of Dr. Driver's excellent work on the Hebrew tenses."[60] True enough. Neither did the author of Arad 16, for that matter, or those of the other ancient texts in which past-tense *wəqāṭal* is found.

6.2.2. The *(wə-)yiqṭōl* Construction

V's use of *wəqāṭal* where MT would typically have *wayyiqṭōl* is mirrored in its use of *(wə-)yiqṭōl* where the Masoretic norm is *wəqāṭal*. In MT, future events (whether indicative or subjunctive) are typically indicated with *wəqāṭal* verbs in initial position. For instance, in Gen 13:16 we find: **וְשַׂמְתִּי** אֶת זַרְעֲךָ כַּעֲפַר הָאָרֶץ "I *will make* your offspring like the dust of the earth," and in Isa 11:1: **וְיָצָא** חֹטֶר מִגֵּזַע יִשָׁי "A shoot **shall come out** from the stump of Jesse." This is generally true also for the Hebrew of V, as in the following example:

וענו כל העׄם׀ ואמרו אמן

And all the peo[ple] shall call out "Amen." (G 4:1, et passim)

Nevertheless, there are several cases in which V instead has *(wə-)yiqṭōl* for future events:

ויספו הלוים **ויענו ויאמרו** בקל ׀רם׀

The Levites **shall continue** and **call out** in a [loud] voice.[61] (G 4:10–11)

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[58] In Amarna, statives of transitive verbs are used to mark the past, which is not their function in Akkadian (William L. Moran, "A Syntactical Study of the Dialect of Byblos as Reflected in the Amarna Tablets" [PhD diss., Johns Hopkins University, 1950], 51). In the Deir ʿAlla inscription, which dates to the ninth or eighth century BCE, we find a series of *wəqāṭal* verbs that are understood to be preterites: אל׀ה׀ן • אתיחדו ונצבו • שדין • מועד • ואמרו "The go[d]s congregated; SHDYN stood in assembly. And they said…"

[59] See Jan Joosten, "The Disappearance of Iterative WEQATAL in the Biblical Hebrew Verbal System," in *Biblical Hebrew in Its Northwest Semitic Setting: Typological and Historical Perspectives*, ed. Steven E. Fassberg and Avi Hurvitz (Winona Lake, IN: Eisenbrauns, 2006), 135–48, at 136–37 for a possible path.

[60] Neubauer, "Shapira Mss. of Deuteronomy," 116.

[61] It is not impossible that ויספו is *wəqāṭal* וְיָסְפוּ, but the other verbs are unambiguously prefix conjugation. Furthermore, in serial verb chains with two finite verbs, such as these, all verbs typically agree in form. It is, therefore, likely that all verbs in this example are in fact prefix conjugation.

ויתרך אלהם רק לטבה על האדמה |הטבה אשר אלהם אלהי א]בתכם נתן לכם

Elohim **will make you abound** only in goodness upon the [good] land [that Elohim, god of your fa]thers, is giving you. (G 5:6–7)

ויסבו הלוים את פנהם נגד הר עב|ל| **ויענו ויאמרו** בקל רם

The Levites **shall then turn** to stand opposite Mount Eb[al] and **call out** in a loud voice. (G 5:7–8)

ויספו הלוים לקרא בקל רם **ויאמרו**

The Levites **shall continue** calling out in a loud voice and **say**… (H 1:7)

Fortuitously, these passages have counterparts in Deuteronomy, allowing us to straightforwardly compare the forms. Indeed, where V has *(wə-)yiqṭōl*, Deuteronomy has *wəqāṭal*:[62]

וְעָנוּ הַלְוִיִּם **וְאָמְרוּ** אֶל כָּל אִישׁ יִשְׂרָאֵל קוֹל רָם׃

The Levites **shall then call out** in a loud voice to all the Israelites. (Deut 27:14)

וְהוֹתִרְךָ יְהוָה לְטוֹבָה בִּפְרִי בִטְנְךָ וּבִפְרִי בְהֶמְתְּךָ וּבִפְרִי אַדְמָתְךָ עַל הָאֲדָמָה אֲשֶׁר נִשְׁבַּע יְהוָה לַאֲבֹתֶיךָ לָתֶת לָךְ׃

YHWH **shall make you abound** in goodness, in the fruit of your womb, in the fruit of your livestock, and in the fruit of your ground in the land that YHWH swore to your ancestors to give you. (Deut 28:11; cf. Deut 30:9)

The functional overlap between *wəqāṭal* and *(wə-)yiqṭōl* in MT is well documented. Joosten notes not only the various functions these two forms share, but also the fact that they often co-occur.[63] Since the two are never in functional opposition, he concludes that they are allomorphs, occupying different positions in the sentence: "WEQATAL occupies the first position in the clause, YIQTOL in

[62] It must be noted that the first in the series of four speech acts by the Levites in V appears with *wəqāṭal* verbs, unlike the following three. Deuteronomy, which lacks the list of blessed behaviors and puts the blessings and curses themselves in Moses's mouth, preserves only one of the four Levitical speech acts.

[63] Jan Joosten, *The Verbal System of Biblical Hebrew: A New Synthesis Elaborated on the Basis of Classical Prose* (Jerusalem: Simor, 2012), 263.

principle a non-first position."[64] There are, however, examples of initial future *(wə-)yiqṭōl* in MT. For instance:

וְעָשׂוּ בְּנֵי יִשְׂרָאֵל אֶת הַפָּסַח בְּמוֹעֲדוֹ׃

The Israelites **shall keep** the passover at its appointed time. (Num 9:2)

וְיִשְׁמְעוּ הַכְּנַעֲנִי וְכֹל יֹשְׁבֵי הָאָרֶץ וְנָסַבּוּ עָלֵינוּ וְהִכְרִיתוּ אֶת שְׁמֵנוּ מִן הָאָרֶץ וּמַה תַּעֲשֶׂה לִשְׁמֶךָ הַגָּדוֹל׃

The Canaanites and all the inhabitants of the land **will hear** of it, and surround us, and cut off our name from the earth. Then what will you do for your great name? (Josh 7:9)

וְיִתֵּן יְהוָה גַּם אֶת יִשְׂרָאֵל עִמָּךְ בְּיַד פְּלִשְׁתִּים וּמָחָר אַתָּה וּבָנֶיךָ עִמִּי גַּם אֶת מַחֲנֵה יִשְׂרָאֵל יִתֵּן יְהוָה בְּיַד פְּלִשְׁתִּים׃

YHWH **will give** Israel along with you into the hands of the Philistines; and tomorrow you and your sons shall be with me; YHWH will also give the army of Israel into the hands of the Philistines. (1 Sam 28:19)

וְיִתְּנוּ לָנוּ שְׁנַיִם פָּרִים **וְיִבְחֲרוּ** לָהֶם הַפָּר הָאֶחָד **וְיְנַתְּחֻהוּ וְיָשִׂימוּ** עַל הָעֵצִים וְאֵשׁ לֹא יָשִׂימוּ וַאֲנִי אֶעֱשֶׂה אֶת הַפָּר הָאֶחָד וְנָתַתִּי עַל הָעֵצִים וְאֵשׁ לֹא אָשִׂים׃

Two bulls **shall be given** to us; **they shall choose** one bull for themselves, *they shall cut it* in pieces, and *they shall lay it* on the wood, but put no fire to it. I will prepare the other bull and lay it on the wood, but put no fire to it. (1 Kgs 18:23)

וְיָבֹא שֹׁדֵד אֶל כָּל עִיר וְעִיר לֹא תִמָּלֵט וְאָבַד הָעֵמֶק וְנִשְׁמַד הַמִּישֹׁר אֲשֶׁר אָמַר יְהוָה׃

The destroyer **shall come** upon every town, and no town shall escape; the valley shall perish, and the plain shall be destroyed, as YHWH has spoken. (Jer 48:8)

וְאֶתְּנֵךְ לְחָרְבָּה וּלְחֶרְפָּה בַּגּוֹיִם אֲשֶׁר סְבִיבוֹתָיִךְ לְעֵינֵי כָּל עוֹבֵר׃

I **will make** you a desolation and an object of mocking among the nations around you, in the sight of all that pass by. (Ezek 5:14)

That the future/modal semantics of both *yiqṭōl* and *wəqāṭal* forms is to be dated to proto-Hebrew is not in question.[65] Notarius demonstrates that most occurrences of *yiqṭōl* in archaic biblical poetry express the "imperfective," which covers present/immediate future.[66] In any case, occurrences of prospective future, and future more generally, are not very common in the MT.[67] Like MT, V

[64] Ibid., 264.

[65] Tania Notarius, "Prospective 'weqatal' in Biblical Hebrew: Dubious Cases or Unidentified Category?" *Journal of Northwest Semitic Languages* 34, no. 1 (2008): 39–55; Bo Isaksson, "The So-called *we-qatal* Conjugation in Biblical Hebrew Once Again," *Kleine Untersuchungen zur Sprache des Alten Testaments und seiner Umwelt* 19 (2015): 71–117.

[66] Tania Notarius, *The Verb in Archaic Biblical Poetry: A Discursive, Typological, and Historical Investigation of the Tense System* (Leiden: Brill, 2013), 282. Notarius further argues that the prospective uses of *qāṭal* in her corpus (e.g., in Deut 32:22) is discourse conditioned, for example, within a prophetic poetic speech (ibid., 268).

[67] Notarius, "Prospective 'weqatal,'" 41.

preserves some archaic functions of these forms. And although *yiqṭōl* is not common in V, it nevertheless appears in contexts where MT would generally have a *wəqāṭal* verb.

Already in LBH, the use of *yiqtōl* increases at the expense of *wəqāṭal*, foreshadowing the disappearance of *wəqāṭal* in Mishnaic Hebrew. The first semantic feature to be lost was iterative *wəqāṭal*,[68] followed by the decline and subsequent disappearance of modal and prospective *wəqāṭal* in postbiblical Hebrew.[69] In Mishnaic Hebrew, *yiqṭōl* and *qāṭal* are in functional opposition; *wəqāṭal* does not indicate futurity/modality, but rather a combination of the coordinating particle *wə-* and a following past tense verb.[70] The only context in which *qāṭal* can have non-past reference in Mishnaic Hebrew is in conditional sentences.[71]

It is worth noting that the use of *yiqṭōl* for future is attested in the epigraphic record. For example:

ובזרח אל בר[...] **וימסן** הרם [...] **וידקן** גבנם

When El rises [...] the mountains **shall melt** [...] the peaks **shall be crushed**. (Kuntillet ʿAjrud 15:1–3)

Were this a biblical (MT) text, we would expect to find ונמסו הרים, etc., in the *wəqāṭal*. For instance, Isa 34:2 contains the very same idiom, reading: וְחַלְלֵיהֶם יֻשְׁלָכוּ וּפִגְרֵיהֶם יַעֲלֶה בָאְשָׁם וְנָמַסּוּ הָרִים מִדָּמָם, "Their slain shall be cast out, the stench of their corpses shall rise, and the mountains shall melt from their blood."[72]

Since the future semantics of *yiqṭōl* and verb-first word order are both West Semitic features, it is possible that the prevalence of the non-initial position of *yiqṭōl* in MT is an innovation of standard Biblical Hebrew.

In summary, V's use of the *(wə-)yiqṭōl* is somewhat anomalous in an MT context but is plausible for a First Temple–era text.

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[68] Joosten, "The Disappearance of Iterative WEQATAL," 135–48.

[69] Edward Yechezkel Kutscher, *The Language and Linguistic Background of the Isaiah Scroll* (Hebrew) (Jerusalem: Magnes, 1959), 269; Uri Mor, *Judean Hebrew: The Language of the Hebrew Documents from the Judean Desert* (Hebrew) (Jerusalem: The Academy of the Hebrew Language, 2015), 280–81; Elisha Qimron, *The Hebrew of the Dead Sea Scrolls* (Leiden: Brill, 2018), 369–70.

[70] Moses H. Segal, *A Grammar of Mishnaic Hebrew* (Oxford: Clarendon, 1927), 150.

[71] Moshe Azar, *The Syntax of Mishnaic Hebrew* (Hebrew) (Jerusalem: The Academy of the Hebrew Language, 1995), 7.

[72] See also Samaria 111:3. In many cases, V has *yiqṭōl* + *(wə-)yiqṭōl*, where the familiar Hebrew Bible manuscripts would have *yiqṭōl* + *wəqāṭal*. Compare H 1:3–4 (**ארר האיש אשר יחמד וישאֵ** עָנְיָוֹ אל אשת רעהו "Cursed is the man who *desires* and *lusts after* the wife of his fellow") and Josh 6:26 (אָרוּר הָאִישׁ לִפְנֵי יְהוָה אֲשֶׁר **יָקוּם וּבָנָה** אֶת הָעִיר הַזֹּאת אֶת יְרִיחוֹ "Cursed before YHWH is the man who *rises* and *builds* this city, Jericho"). Cf. also G 4:1–2 vs. Lev 20:18 and H 2:2 vs. Isa 27:6. There are no conclusive examples of *yiqṭōl* + *wəqāṭal* in the epigraphic record. (See Sandra Landis Gogel, *A Grammar of Epigraphic Hebrew* [Atlanta: Scholars Press, 1998], 262–63.)

6.2.3. ללחם (D 3:1)

In V (D 3:1), we find ללחם in the G-stem (*qal*), not the expected N-stem (*niphal*) להלחם.[73] The use of G in the Hebrew Bible for this root (in the sense "to do battle") is exclusive to BH poetry (Pss 35:1; 56:2, 3). This is consistent with the form being an ancient one, considering that even late poems often preserve archaic forms, due to the conservative nature of the genre.[74] More direct evidence is found in the epigraphic record: the G is attested in the ninth-century BCE Phoenician KLMW inscription,[75] while the Gt is attested in the ninth-century BCE Mesha Stele[76] and apparently also the Aramaic Tel Dan inscription, which dates to the same period.[77] In LBH, the root is always in N, with the exception of one or two G forms in Qumran.[78] Typically, N has been seen as originally a middle or reflexive stem, which acquired a passive meaning as the G passive became increasingly rare and eventually disappeared. Since the N-stem produces low transitivity verbs,[79] the preference for G in V, if it is diachronically meaningful, could be an indication of the early use of this stem.[80]

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[73] We thank Peter Machinist for bringing this example to our attention.

[74] Bruce K. Waltke and Michael Patrick O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, IN: Eisenbrauns, 1990), 58–59.

[75] בת אבי • במתכת • מלכם • אדרם • וכל • שלח • יד ללח|ח]ם "My father's house was in the midst of great kings, and each of them was about to fight" (KLMW 5–6). We find the suggestion that לחם here refers to bread or eating unlikely. (See Terence Collins, "The Kilamuwa Inscription: A Phoenician Poem," *Die Welt des Orients* 6, no. 2 [1971]: 183–88, at 184n8.) The KLMW inscription was discovered during the 1888–1902 German expedition to Sam'al, after V was already known in Europe. KLMW shares other features with V: 1cs pronoun אנך, contracted diphthong in בית, word-separating dots, etc.

[76] ואהלך • בלילה • ואלתחם • בה • מבקע • השחרת • עד • הצהרם (l. 15), "I went by night and fought against it from the crack of dawn till noon."

[77] אבי • יסק |• עלוה • בה|תלחמה, "my father went against him as they did battle" (Tel Dan 2).

[78] There is one certain and one potential instance of G among the Dead Sea Scrolls: 4Q468g f1 2:4–5 (| -- לחם את הכרכים|ן -- | בני קטורא פלטח|ן) and 4Q161 f5 6:10 (בעלותו מבקעת עכו ללחם בי). An elision of the aspirant of the N infinitive may explain the latter example (for more on this phenomenon, see Eric D. Raymond, *Qumran Hebrew: An Overview of Orthography, Phonology, and Morphology* [Atlanta: Society of Biblical Literature, 2013], 100ff.; Elisha Qimron, *A Grammar of the Hebrew of the Dead Sea Scrolls* [Jerusalem: Yad Yizhak Ben-Zvi, 2018], 178–80), but the verb לחם (4Q468g f1 2:4–5) must be G. While aspirant elision cannot be ruled out for KLMW, this would seem to be uncharacteristic for the period. Such elision would likewise be out of place in V's orthographic/phonological scheme. Be that as it may, the forms in V and KLMW are identical, against MT's 43 instances of להלחם and zero instances of ללחם.

[79] Øyvind Bjøru, "Transitivity and the Binyanim," in *Proceedings of the Oslo-Austin Workshop in Semitic Linguistics*, ed. Lutz Edzard and John Huehnergard (Wiesbaden: Harrassowitz, 2014), 48–63, at 55ff.

[80] According to Staps's recent survey of the biblical evidence on לחם (Camil Staps, "A Case Study of Reciprocal Middles in Biblical Hebrew: The Niphal of לחם," *Orientalia* 87, no. 2 [2018]: 159–87), direct objects designating humans are found exclusively with the *qal* form of the verb (ibid., 163). The same correspondence is evident in V; the *qal* verb לחם is followed by the direct object marker את, rather than the preposition *bə-* that is found with the N-stem (*niphal*) verb

6.2.4. Negation of the Jussive

In V, we find לא negating the jussive, rather than the typical BH אל. For example, V has לא תצרם ולא תתגר בם מלחמה (D 1:6–7; cf. C 1:2, 6–7), whereas the corresponding Deuteronomic passage has אַל תְּצָרֵם וְאַל תִּתְגָּר בָּם (Deut 2:19; cf. 2:5, 9). Since the jussive is typically negated with אַל, the use of לא could be seen as problematic for the claim that V is an ancient Hebrew text.[81]

The jussive is, however, attested with לא in CBH. See, for example, לֹא תָשֻׁב (Gen 24:8), לֹא תָחֹס (Deut 7:16), and וְלֹא יָמֵר (Ezek 48:14).[82] While some instances of the jussive in MT have been claimed to be a result of reanalysis,[83] others – such as the aforementioned three examples – are unlikely to be mispointed indicatives.[84] The possible usage of both אַל and לא with the jussive is noted in a number of grammatical works.[85] Joosten notes that "there is a certain amount of amalgamation" between the indicative and jussive.[86] He mentions the use of the negation לא with jussive forms, against expectations, as one of the clear signs of this merger.

Furthermore, the negation of the volitive jussive in LBH is אַל, although the syntax is freer: while negated jussives in CBH are overwhelmingly clause-initial, in LBH they are clause-internal in 50 percent of cases.[87] This is essentially the only context in which the jussive is kept functionally distinct from the indicative; in other positions they are largely conflated. In that sense, the syntax of the negated volitive subjunctive in V differs from LBH and is more similar to the syntax of CBH.

נלחם in the Hebrew Bible. It is possible that orthographic ambiguity allowed some *qal*s to be reinterpreted in MT as *niphal*s, e.g., וילחם את אפרים in Judg 12:4 and וילחמו את יואב in 2 Sam 11:17. (Both the verb forms and the את particles in these examples are ambiguous.)

[81] Thus Jan Joosten, personal communication.

[82] There are significantly more examples than are acknowledged in Ahouva Shulman, "The Function of the 'Jussive' and 'Indicative' Imperfect Forms in Biblical Hebrew Prose," *Zeitschrift für Althebraistik* 13, no. 2 (2000): 168–80, at 169n7). Others are found in Gen 4:12; Deut 7:16, 13:1, 9, 18:16; 1 Sam 14:36; 1 Kgs 2:6; Hos 9:15; Ezek 5:11, 48:14; Joel 2:2. Most of these are listed in Gesenius, along with non-negated jussives for which the indicative is expected (§109d).

[83] At least some C-stem forms of the root *ysp* (יסף) are assumed to be an original *qal* imperfect indicative (**yawsup*), which through a series of sound changes ended up merging with the C-stem indicative *yōsip* (Gesenius §109d).

[84] All three verbs are written defectively, despite being hollow roots; plene spelling is typical for such roots in the indicative.

[85] E.g., Gesenius §109d; Waltke and O'Connor, *Introduction to Biblical Hebrew Syntax*, 567d; Joosten, *Verbal System of Biblical Hebrew*, 156–57; Steven E. Fassberg, *An Introduction to the Syntax of Biblical Hebrew* (Hebrew) (Jerusalem: Bialik Institute, 2019), 77 (§170).

[86] Joosten, *Verbal System of Biblical Hebrew*, 334–35.

[87] Jan Joosten, "The Syntax of Volitive Verbal Forms in Qoheleth in Historical Perspective," in *The Language of Qohelet in Its Context: Essays in Honour of Prof. A. Schoors on the Occasion of His Seventieth Birthday*, ed. Angelika Berlejung and Pierre van Hecke (Leuven: Peeters, 2007), 47–61, at 53.

6.2.5. Verbal Forms Following עד "Until"

There are a number of instances in V where the particle is followed by a conjugated verb:[88] עד תמו (B 1:9); עד אבד יאבד (G 1:6); and possibly עד לא השאר לו שרד (D 1:3, 2:1–2).[89] In CBH, the particle עד is typically followed by an infinitive construct.[90] There are, nevertheless, a number of instances of a conjugated verb in this position in CBH, similar to the usage exhibited in V. For example: עַד שָׁבוּ הָרֹדְפִים (Josh 2:22; cf. עַד שׁוֹב הָרֹדְפִים in 2:16) and עַד יָבוֹא (Hos 10:12).[91] Already in BH, and even more so in later Hebrew chronolects, the tendency is for a relative pronoun to follow עד when a conjugated verb is used; the use of עד with a conjugated verb and no relative particle in LBH is very rare. The syntax of the particle in V is thus consistent with CBH usage, but not with Second Temple or later Hebrew.[92]

6.2.6. ונכה עד (D 1:3)

The phrase ונכה עד לא השאר לו שרד lacks the expected accusative suffix or אותו and may therefore be seen as problematic. (The corresponding passage in Deut 2:33 has וְנָכֵּ֥ךְ אֹתוֹ.)

The absence of accusative suffixes, however, is well attested in all Semitic languages when the referent is recoverable from context.[93] For instance, in 2 Kgs 7:8, we find: וַיִּשְׂאוּ מִשָּׁם כֶּסֶף וְזָהָב וּבְגָדִים וַיֵּלְכוּ **וַיַּטְמְנוּ**, where we might have expected וַיַּטְמִנוּם. See also the *ketiv* in 1 Sam 7:9: ויעלה עולה; the *qere*, וַיַּעֲלֵהוּ, may reflect a "correction." The same phenomenon is found in the Yavne-Yam ostracon, a First Temple–era text:[94]

כאשר כל ע]בדך את קצר **ואסם** כימם...

When your [se]rvant had measured <his> harvest and **stored <it>** in the granary as always...

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[88] The form עד תם in B 1:7 is ambiguous due to the defective spelling in V and can be read as either a suffix-conjugation *tām* or an infinitive *tōm*.

[89] Cf. MT בַּלְתִּי הַשְׁאִיר (Deut 3:3) but LXX μη καταλιπειν with an aorist infinitive. The orthographic form השאר is ambiguous; it can be read as either *hiš'ir* (*hiphil*, 3ms pf) or *haš'ēr* (*hiphil*, infAbs).

[90] Joüon and Muraoka §166k; Williams §311.

[91] See also KAI 224:6: והן לי]שב[ן בארקך רקו שם **עד אתך** אנה וארקהם "And if they [do] not [dwell] in your land, *placate* (them) there, **until I come** and *placate* them." (See Joseph A. Fitzmyer, *The Aramaic Inscriptions of Sefire* [Rome: Pontifical Biblical Institute, 1995], 136–37. Italics in original; boldface ours.)

[92] For more on the antiquity of this construction, see Na'ama Pat-El, "Historical Syntax of Aramaic: A Note on Subordination," in *Aramaic in Its Historical and Linguistic Setting*, ed. Holger Gzella and M. L. Folmer (Wiesbaden: Harrassowitz, 2008), 55–76, at 60.

[93] See Kyoji Tsujita, "The Retrospective Pronoun as Direct Object in Relative Sentences in Biblical Hebrew," in *Semitic Studies in Honor of Wolf Leslau on the Occasion of His Eighty-fifth Birthday*, ed. Alan S. Kaye (Wiesbaden: Harrassowitz, 1991), 1577–82.

[94] Mhsh 1:5. Aḥituv, *Echoes from the Past*, 159–60.

6.2.7. לתת מפת (E 1:6)

Dershowitz reconstructs והיו לתת מֹפֶת בין עינך in E 1:6 (cf. Deut 6:8, וְהָיוּ לְטֹטָפֹת בֵּין עֵינֶיךָ).[95] The position of the infinitive construct directly after the verb היה is unusual. A more typical formulation is found in יְהִי מְאֹרֹת בִּרְקִיעַ הַשָּׁמַיִם לְהַבְדִּיל בֵּין הַיּוֹם וּבֵין הַלָּיְלָה (Gen 1:14), for instance, where a noun phrase precedes the infinitive. Similar constructions are, however, found in MT. For example, וְהָיְתָה לְהֶם מָשְׁחָתָם לְכְהֻנַּת עוֹלָם לְדֹרֹתָם (Exod 40:15) and וְהָיוּ לַעֲבֹד אֶת עֲבֹדַת יְהוָה (Num 8:1).[96] In addition, Dershowitz's reading produces a parallel in V between אות and מפת: "Tie them as an אות upon your arms, and they shall serve as a מפת between your eyes." אוֹת and מוֹפֵת are a common word-pair in the Hebrew Bible – particularly in Deuteronomy[97] – and the pair also appears elsewhere in V (B 1:2). It is noteworthy that נתן is the standard verb in the context of מופת. For example, **וַיִּתֵּן** יְהוָה **אוֹתֹת** וּ**מֹפְתִים** גְּדֹלִים וְרָעִים בְּמִצְרַיִם (Deut 6:22).[98]

6.3. Nominal Morphosyntax

In this section we review features of nominal morphosyntax that are unusual or may reflect an erroneous use of Hebrew.

6.3.1. בלתי טפכם (B 1:5)

In MT, בלתי may occur with an infinitive as a negation of purpose or result clause (e.g., לְבִלְתִּי שַׁלָּחָם in Exod 19:17), in which case it is equivalent to the simple negation, לא.[99] However, it can also negate nouns directly as a privative negation (e.g., בִּלְתִּי כֶּלֶב בֶּן יְפֻנֶּה הַקְּנִזִּי וִיהוֹשֻׁעַ בִּן נוּן in this passage's analogue in Num 32:11–12). The same usage is also documented in Phoenician (בלתי אנך, KAI 13:5). This is likely the original function of the preposition; it is neither a late innovation nor is it erroneous.[100]

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[95] Previous reconstructions were לתתוֹכֹת (Guthe) and לתתוהת (Shapira and Ginsburg). For more, see the note on this phrase in the critical edition in chapter 7, 141n91.

[96] See also Num 7:5, 24:22; Deut 19:3; Judg 3:4, etc.

[97] Exod 7:3; Deut 4:34, 6:22, 7:19, 13:1–2, 26:8, 28:46, 29:3, 34:11; Isa 8:18, 20:3; Jer 32:20–21; Pss 78:43, 105:27, 135:9; Neh 9:10.

[98] See also Exod 7:9; Deut 13:1; 1 Kgs 13:3, 5; Isa 8:18; Ezek 12:6; Joel 2:30; Neh 9:10; 2 Chr 32:24. Cf. Deut 28:46, where it is said of those who are cursed for not keeping the laws: וְהָיוּ בְךָ לְאוֹת וּלְמוֹפֵת. We discuss the semantics of אות and מ(ו)פת in V and the Hebrew Bible in a future article.

[99] This is its only function in Deuteronomy.

[100] Na'ama Pat-El ("On Negation in Phoenician," in *Linguistic Studies in Phoenician*, ed. Robert D. Holmstedt and Aaron Schade [Winona Lake, IN: Eisenbrauns, 2013], 47–67, at 56 and 63, table 2) suggests that בלתי is a derivation from the negation particle *bal* with a final *t*, which is resolved in proto-Hebrew as **bilt*, and in construct can assume the form *biltī*. The particle *bal* is attested in all branches of Semitic as a nominal negation.

6.3.2. למאד (D 3:2; E 1:2–3)

This complex adverb occurs only in 2 Chr 16:14, where the preposition *lə-* is part of the complex preposition *ʿad lə-* (וַיִּשְׂרְפוּ לוֹ שְׂרֵפָה גְּדוֹלָה עַד לִמְאֹד "they made a large fire for him").[101] The adverb does not occur in the immediate subsequent Hebrew chronolects.[102]

While למאד is a hapax legomenon, the combination of the preposition *lə-* with an adverb is not uncommon in biblical texts from any period. See, for example, לָכֵן "therefore," לְאַט "gently, slowly," לְמָחָר "tomorrow," לְמַטָּה "below," and לִבְלִי "without." The same phenomenon is attested in Northwest Semitic inscriptions as well.[103] The combination of adverbs with prepositions is natural, and the use of למאד in V is not diachronically significant.

6.3.3. בעת הזאת (E 1:9)

A common biblical phrase for far temporal deixis, whether past or future, is בעת ההוא, and this is found several times in V (D 2:6, 10; D 3:3; G 2:2, 3). There is also a single instance of בעת הזאת in V: ואנך עמדת בין אלהם ובנכם בעת הזאת כי פחדת מפני האש (E 1:8–9). In the corresponding passage in Deuteronomy, we find אָנֹכִי עֹמֵד בֵּין יְהוָה וּבֵינֵיכֶם בָּעֵת הַהִוא (Deut 5:5; cf. Deut 10:10). Is בעת הזאת then a non-CBH feature? Hardly. Temporal phrases are not referential in the same way that nouns are, and זה and זאת function as both distal and proximal demonstratives almost interchangeably. For example, היום הזה and היום ההוא are used in comparable contexts: בַּיּוֹם הַזֶּה בָּאוּ מִדְבַּר סִינָי. (Exod 19:1; cf. Gen 7:11) vs. בַּיּוֹם הַהוּא כָּרַת יְהוָה אֶת אַבְרָם בְּרִית (Gen 15:18). Likewise, for instances such as וַיְהִי בְּעֶצֶם הַיּוֹם הַזֶּה הוֹצִיא יְהוָה אֶת בְּנֵי יִשְׂרָאֵל מֵאֶרֶץ מִצְרַיִם (Exod 12:51) one might have expected בעצם היום ההוא, just as we would have expected בעת ההוא in V E 1:9. Similarly, there is no semantic difference between בפעם הזאת in וַיַּכְבֵּד פַּרְעֹה אֶת לִבּוֹ גַּם בַּפַּעַם הַזֹּאת וְלֹא שִׁלַּח אֶת הָעָם (Exod 8:28) and בפעם ההיא in וַיִּשְׁמַע יְהוָה אֵלַי גַּם בַּפַּעַם הַהִוא (Deut 9:19, 10:10).[104]

6.3.4. Plural of אב "Father"

According to some reports, the two manuscripts of V diverge on the form the plural of אב "father" takes in E 4:2, with V^{b} containing the unexpected form אבם

[101] The book of Chronicles is replete with the *ʿad lə-* construction, which is absent in V. Indeed, 21 of 28 examples of *ʿad lə-* in MT are found in Chronicles.

[102] This adverb is attested in the Palestinian *piyyut* literature (Michael C. Rand, *Introduction to the Grammar of Hebrew Poetry in Byzantine Palestine* [Piscataway, NJ: Gorgias, 2006], 376), but as a verbal modifier, unlike the syntax of the adverb in V.

[103] E.g., in Phoenician: אל יכן לם שרש למט ופר למעל "They shall not have a root below nor fruit above" (KAI 14:11–12; early 5th c. BCE).

[104] בעת הזאת appears only once in MT, and it is in an LBH text: Esth 4:14. The usage there is not comparable, however. Unlike in V, where the phrase means "then" (far deixis), in Esther it means "now" (near deixis).

ʾăbīm and V[a] the typical אבת *ʾăbōt*.[105] The latter is the attested plural of this noun in all stages of Hebrew. The noun "father" is marked with a "feminine" plural in many other Semitic languages, including Aramaic (e.g., BibA *ʾăbāhātā*, Qumran *ʾbhtʾ*) and Sabaic (*ʾbwt* "elders" /*ʾabawāt*/?).[106] The only exceptions are Akkadian *abbū*[107] and Syriac, which allows a less common form *ʾabāhe* – likely a backformation from *ʾabāhātā*. While it is possible that אבם too is a backformation, it is not unlikely that it is erroneous, either a mistaken reading on the part of modern transcribers[108] or possibly an ancient scribal error.

6.3.5. Plural of Ethnonyms

In V, we find two plural construct chains in which an ethnonym is pluralized: נשי המדינם (D 2:9) and ערי הפרזם (D 2:3). For the first example, "Midianite women," one would expect either נָשִׁים מִדְיָנִיּוֹת or נְשֵׁי מִדְיָן (cf. Num 31:9). The second example requires some unpacking. In MT, the *resh* is pointed with a *qamets*, פָּרָזִי, giving us a phrase meaning "unwalled cities." However, in all but one of its other 24 occurrences in MT, פרזי unambiguously refers to the Perizzites and is pointed פְּרִזִּי.[109] One of these occurrences is particularly instructive; Josh 17:15 includes the phrase "the land of the Perizzites and the Rephaites":

וַיֹּאמֶר אֲלֵיהֶם יְהוֹשֻׁעַ אִם עַם רַב אַתָּה עֲלֵה לְךָ הַיַּעְרָה וּבֵרַאתָ לְךָ שָׁם בְּאֶרֶץ **הַפְּרִזִּי וְהָרְפָאִים** כִּי אָץ לְךָ הַר אֶפְרָיִם׃

And Joshua said to them, "If you are indeed a large people, go up to the forest, and clear an area for yourselves there in **the land of the Perizzites and the Rephaites**, since the hill country of Ephraim is too narrow for you."

Compare this with D 2:3–5 in V:

לבד מערי הפרזם הרבה מאד וכל ערי המשר וכל הגלעד וכל הבשן עד סלכה ואדרעי • **ארץ רפאם** יקרא גם הוא כי ענ מלך הבשן מיתר הרפאים נשאר

Besides the פרזם cities, very many, and all the towns of the tableland, the whole of the Gilead, and all of the Bashan, as far as Salecah and Edrei. (It too is called a **land of Rephaites**, for Og, King of the Bashan, had been one of the last remaining Rephaites.)

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[105] See, e.g., Ginsburg, who wrote: "Instead of אבת [...] one recension seems to have אבם" (Christian David Ginsburg, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2911 [August 11, 1883], 178). For more on the two manuscripts of V, see critical edition of V (chapter 7).

[106] The plural is not attested in Ugaritic.

[107] For the gemination, see Wilson-Wright, "Father, Brother, and Father-in-Law," 28.

[108] Hermann Guthe (*Fragmente einer Lederhandschrift enthaltend Mose's letzte Worte an die Kinder Israel, mitgeteilt und geprüft von Hermann Guthe* [Leipzig: Breitkopf & Härtel, 1883], 79) considers אבם but opts for the reading אבך with a *kaph*. Shapira wrote in a letter that the genesis of the reading אבם was an erroneous transcription on his part (BL Ms. Add. 41294 [Papers relative to M. W. Shapira's forged MS. of Deuteronomy], 28r).

[109] Gen 13:7, 15:20, 34:30; Exod 3:8, 17, 23:23, 33:2, 34:11; Deut 7:1, 20:17; Josh 3:10, 9:1, 11:3, 12:8, 17:15, 24:11; Judg 1:4–5, 3:5; 1 Kgs 9:20; Ezra 9:1; Neh 9:8; 2 Chr 8:7. The exception is 1 Sam 6:18. For similar forms, see Judg 5:7,11; Ezek 38:11; Zech 2:8; Esth 9:19.

V here places "the cities of the פרזם" in the list of conquered territories in a "land of the Rephaites."[110] In light of Josh 17:15, it seems likely that ערי הפרזם does not mean "unwalled cities," but rather "Perizzite cities," even if the Perizzites may themselves have been associated with unfortified settlements.[111]

Having determined that the pluralized head nouns in both ערי הפרזם and נשי המדינם are ethnonyms, we may compare them to the biblical Hebrew norm. Since head nouns in such construct chains are typically singular in the Hebrew Bible (e.g., לְבַד מֵעָרֵי הַפְּרָזִי in Deut 3:5), V's pluralized forms may be seen as curious.[112] But plural ethnonyms are, in fact, attested in the Bible, including in comparatively early texts. Examples include אֶרֶץ הָעִבְרִים (Gen 40:15), אֶרֶץ הַחִתִּים (Josh 1:4; Judg 1:26), עָרֵי הַלְוִיִּם (Lev 25:32–33; Josh 21:41), and מַלְכֵי הַחִתִּים (1 Kgs 10:29; 2 Kgs 7:6; 2 Chr 1:17).[113] V's forms are thus consistent with CBH.

6.3.6. Disagreement of Suffixed Pronoun with Its Referent

D 3:5 has ולא תגרעו **ממנו לא תספו אל מצותיְ**. The expected form is מהן, considering that the pronoun refers to the feminine plural מצותיְ. However, in the Hebrew Bible, the suffixed pronoun on ממנו does not always agree with its referent in terms of gender and number. See, for instance:

וְאֶת **מַתְכֹּנֶת הַלְּבֵנִים** אֲשֶׁר הֵם עֹשִׂים תְּמוֹל שִׁלְשֹׁם תָּשִׂימוּ עֲלֵיהֶם לֹא תִגְרְעוּ **מִמֶּנּוּ** כִּי נִרְפִּים הֵם עַל כֵּן הֵם צֹעֲקִים לֵאמֹר נֵלְכָה נִזְבְּחָה לֵאלֹהֵינוּ׃

And their previous **quota of bricks [fs]** you shall impose upon them; do not lessen **it [ms]**, for they are slackers. This is why they cry, "Let us go sacrifice to our god." (Exod 5:8)

כֵּן תָּרִימוּ גַּם אַתֶּם **תְּרוּמַת יְהוָה מִכֹּל מַעְשְׂרֹתֵיכֶם** אֲשֶׁר תִּקְחוּ מֵאֵת בְּנֵי יִשְׂרָאֵל וּנְתַתֶּם **מִמֶּנּוּ** אֶת תְּרוּמַת יְהוָה לְאַהֲרֹן הַכֹּהֵן׃

In this way you too shall set apart the gift for YHWH from all **your tithes [fp]** that you take from the Israelites; from **it [ms]** you shall give the gift for YHWH to Aaron, the priest.[114] (Num 18:28)

Although we have seen that the same phenomenon is attested numerous times in MT, the Deuteronomic passages corresponding to this V text (Deut 4:2, 13:1)

[110] Gen 15:20 also juxtaposes the Perizzites with the Rephaites.

[111] It has been suggested that "Perizzites" originally denoted people living in exposed towns. See, e.g., Tomoo Ishida, "The Structure and Historical Implications of the Lists of Pre-Israelite Nations," *Biblica* 60, no. 4 (1979): 461–90, at 478–79 and the literature cited therein.

[112] Jan Joosten, personal communication. Note that the singular construction is also found in V (נשי מדין D 2:7).

[113] Note that we are only referring to plural of the ethnonym in a construct. For evidence that the pluralization of head and dependent is attested in other Northwest Semitic languages, see Stanley Gevirtz, "Of Syntax and Style in the 'Late Biblical Hebrew' – 'Old Canaanite' Connection," *Journal of the Ancient Near Eastern Society* 18 (1986): 25–29, at 28.

[114] See also Exod 25:15; Lev 6:7–8; Num 18:28; Josh 1:7, 23:14. The pattern לא/אל ... ממנו, which is found in the V passage, is also overrepresented in these biblical examples. We thank Noah Feldman for this observation.

have masculine singular דבר, rather than the feminine plural מצות found in V. It is possible that these are instances of linguistic updating, bringing the somewhat anomalous text of V in line with the contemporary norm.

6.4. Lexicon

In the following we offer comments on possible instances of lexical deviation from normative Classical Biblical Hebrew.

6.4.1. הון (E 3:8)

הון "wealth" occurs in the Hebrew Bible only in exilic and post-exilic contexts (Ezek 27:12; Prov 1:13). Its appearance in V has thus been cited as evidence that it cannot be a pre-exilic composition.[115]

However, we have no reason to assume a priori that the word's attestation in the exilic book of Ezekiel marks its *terminus post quem* in the Hebrew language. The etymology of this word is unclear; Koehler-Baumgartner's suggestion that it is related to Aramaic *hawn* "mind" is unlikely. Despite their superficial consonantal similarity, the lexemes have nothing in common semantically, calling into question the etymological association.[116] This lexeme also appears in Qumran Hebrew prose,[117] but is not attested in other post-Biblical Hebrew chronolects and the date of its entrance into the lexicon cannot be confidently determined.[118] It, therefore, cannot be used as a mark of late texts, as its origin and distribution remain a desideratum.

6.4.2. יבעל עם כל בהמה (G 5:12)

There are two potential issues with the use of the verb בעל in this phrase. First, the verb is transitive in MT, but in V it occurs with the preposition עם. Second, most dictionaries suggest that the primary meaning of the word is "to own," with a secondary meaning of "to marry, to take possession of a woman."[119] In V, on

[115] Neubauer, "Shapira Mss. of Deuteronomy," 116; Jan Joosten, personal communication.

[116] See Benjamin J. Noonan (*Non-Semitic Loanwords in the Hebrew Bible: A Lexicon of Language Contact* [University Park, PA: Eisenbrauns, 2019]), who does not list הון as a borrowed lexeme.

[117] Joosten ("The Evolution of Literary Hebrew in Biblical Times: The Evidence of Pseudo-classicisms," in Miller and Zevit, *Diachrony in Biblical Hebrew*, 286) lists הון as a poetic biblical lexeme, which alternates with the more common הָמוֹן in Qumran.

[118] הון is not listed as a late term in Avi Hurvitz, *A Concise Lexicon of Late Biblical Hebrew: Linguistic Innovations in the Writings of the Second Temple Period*, Supplements to Vetus Testamentum 160 (Leiden: Brill, 2014).

[119] Koehler-Baumgartner, vol. 1, 142b.

the other hand, בעל carries an evident sexual connotation, which is similar to its use in post-biblical Hebrew.

Regarding the first matter, free alternation of direct object and the preposition "with" is well attested for a number of Hebrew verbs, such as דִּבֵּר.[120] Notably, the same is true for the verb שָׁכַב, the common biblical verb denoting "to lie with." This verb can occur with either a direct object (e.g., Gen 34:2; Lev 15:18; Num 5:19, etc.) or the preposition "with" (Gen 39:7; Exod 22:15; Deut 22:22).[121] The MT parallel to G 5:12 uses a similar construction to V, but with the expected biblical verb: אָרוּר שֹׁכֵב עִם כָּל בְּהֶמָה (Deut 27:20). It is, therefore, likely that the verb בעל could occur with the same syntactic alternates.

As for the semantics of the verb, there are several passages in the Hebrew Bible in which בעל likely has a sexual implication, as it clearly does in V. An example is found in the slave laws of Deut 21:10–14:

כִּי תֵצֵא לַמִּלְחָמָה [...] וְרָאִיתָ בַּשִּׁבְיָה אֵשֶׁת יְפַת תֹּאַר וְחָשַׁקְתָּ בָהּ וְלָקַחְתָּ לְךָ לְאִשָּׁה: וְהֵבֵאתָהּ אֶל תּוֹךְ בֵּיתֶךָ [...] וְיָשְׁבָה בְּבֵיתֶךָ [...] יָרַח יָמִים וְאַחַר כֵּן תָּבוֹא אֵלֶיהָ **וּבְעַלְתָּהּ וְהָיְתָה לְךָ לְאִשָּׁה**:

When you go to war [...] should you notice among the captives a beautiful woman and desire her and take her to be a wife, you shall bring her to your house [...] and she shall stay in your house [...] for a month, after which you shall draw near to her and **have sex with her; then she shall become your wife**.

This passage discusses the legal procedure by which an Israelite man could acquire a captive woman for sexual purposes. According to this law, she must first be allowed to mourn her old life for a month, after which the man has sex with her (וּבְעַלְתָּהּ), and she becomes his wife or concubine (וְהָיְתָה לְךָ לְאִשָּׁה).[122] It thus appears that וּבְעַלְתָּהּ is not synonymous with וְהָיְתָה לְךָ לְאִשָּׁה. Rather than denoting marriage, בעל here suggests the *consummation* of marriage.

Another possible example is found in Deut 22:22–24, where two cases of extramarital sex are discussed. In the first, the man lies with "a בְּעֻלַת בַּעַל woman"; in the second, the woman is defined as נַעֲרָ בְתוּלָה מְאֹרָשָׂה לְאִישׁ "a virgin betrothed to a man." The difference between these cases appears to be that in the first, the woman has already had sex with her husband, while in the second, the marriage

[120] Aren Wilson-Wright, "A Reevaluation of the Semitic Direct Object Markers," *Hebrew Studies* 57 (2016): 7–15, at 10–11.

[121] Mishnaic Hebrew only allows direct objects with this verb.

[122] אִשָּׁה does not always refer to a legal wife. (See Bernard S. Jackson, "The 'Institutions' of Marriage and Divorce in the Hebrew Bible," *Journal of Semitic Studies* 56, no. 2 [2011]: 221–51, esp. 234–35.) The inferior status of the woman is clear from v. 14, which specifies that if the man decides to end the relationship, he should set the woman free rather than sell her. Relying in part on this passage, Jay Caballero has recently argued that in the Deuteronomic law code, concubinage is possible only for unmarried female slaves, but not for debt slaves (Jay Caballero, "When a Man Wrongs a Woman: Slavery, Concubinage, and Divorce in the Covenant Code and Deuteronomy" [paper presented at the Annual Meeting of the Society of Biblical Literature, San Diego, CA, November 2019]). The verb עִנָּה is used elsewhere in Deuteronomy in reference to forced sex (Deut 22:24, 29).

has not yet been consummated, and the woman is still a virgin when she has illicit (but presumed consensual) intercourse.[123] That intercourse, rather than marriage, is the distinguishing factor between the cases is inferable from the fact that the second woman, who is said to be מְאֹרָשָׂה לְאִישׁ "*betrothed* to a man," is also described as אֵשֶׁת רֵעֵהוּ "the *wife* of his fellow" (v. 24). As Tigay writes: "she is considered her fiancé's wife (v. 24), and sexual relations with another man are considered adulterous."[124]

These examples suggest that one need not turn to rabbinic or later literature to find *comparanda* for V's usage of the verb בעל.

6.4.3. החרתך (E 2:1)

The root חרר is only attested in nominal forms in MT (1 Kgs 21:8, 11; Isa 34:12; Jer 27:20, 39:6; Eccl 10:17; Neh 2:16, 4:14, 19, 5:7, 6:17, 7:5, 13:17). The absence of any biblical instances of this root in verbal forms has been cited as evidence for the forgery of V.[125] There are two objections to this assessment. First, the morphology of the verb in V is what we would expect for a Hebrew geminate root in the C-stem (*hiphil*). Furthermore, it is likely that verbs derived from this root were in use in Hebrew without being attested in MT, since in Mishnaic Hebrew the root is found as a *qal* participle (חרור "freed slave"; e.g., m. Qidd. 4:1), a *pual* participle (מחורר "free asset"; baraita cited in b. Ketub. 51b), and in various derivations of *šif'el* (e.g., m. Yebam. 11:5). This diverse usage indicates that the root was quite active in some Hebrew dialects with a meaning associated with the nominal forms found in MT.[126] Second, the root is productive in other Semitic languages, including Arabic (*ḥurrun*), Ethiopic (*ḥarrāwī*), and Aramaic (*ḥērē*),[127] and is therefore likely a shared inheritance. Therefore, the root and its inflection should be considered native Hebrew.

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[123] Bruce Wells (personal communication) suggests that the verb בעל in Prov 30:23 (תַּחַת שְׂנוּאָה כִּי תִבָּעֵל) also means sexual relations. He notes that שנואה typically refers to the lower ranking wife (Gen 29:31; Deut 21:15). Thus, in the upside-down world described in Prov 30:21–23, the detested wife becomes sexually desirable. (Cf. DCH, which includes the definition "take woman as sexual partner.")

[124] Jeffrey H. Tigay, *Deuteronomy*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 207. Tigay adds that "the same view is found in Mesopotamian law" (ibid.).

[125] Neubauer, "Shapira Mss. of Deuteronomy," 116; Rabinowicz, "Shapira Forgery Mystery," 179.

[126] Semantically, V's version corresponds to Deut 7:8 (וַיִּפְדְּךָ מִבֵּית עֲבָדִים), Deut 13:6 (וְהַפְדְּךָ מִבֵּית עֲבָדִים), and Mic 6:4 (וּמִבֵּית עֲבָדִים פְּדִיתִיךָ).

[127] See Carl Brockelmann ("Semitische Analogiebildungen," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 67, no. 1 [1913]: 107–12, at 108) for the Aramaic form, and Chaim Rabin ("The Nature and Origin of the *šaf'el* in Hebrew and Aramaic," *Eretz-Israel* 9 [1969]: 148–58, at 149) for חרר in Semitic.

6.4.4. וכל אשר לך/לו (E 3:3–4, 4:6–7)

Neubauer, who believed the Shapira manuscripts to be clumsy forgeries, argued as follows: "The expressions 'and all thou hast' [וכל אשר לך] and 'anything that is his' [וכל אשר לו] are not classical Hebrew."[128] It is unclear what Neubauer found troubling about these ordinary CBH formulations. Both are attested in the Bible with identical forms and syntax, complete with pronominal suffixes and initial *vav* conjunctions. Some Pentateuchal examples follow:

וְעַתָּה הָשֵׁב אֵשֶׁת הָאִישׁ כִּי נָבִיא הוּא וְיִתְפַּלֵּל בַּעַדְךָ וֶחְיֵה וְאִם אֵינְךָ מֵשִׁיב דַּע כִּי מוֹת תָּמוּת אַתָּה **וְכָל אֲשֶׁר לָךְ**׃

Now return the man's wife, for he is a prophet. He will pray for you, and you will live. But if you do not return her, know that you will surely die – you **and all that you have**. (Gen 20:7)

וַיִּבְרַח הוּא **וְכָל אֲשֶׁר לוֹ** וַיָּקָם וַיַּעֲבֹר אֶת הַנָּהָר וַיָּשֶׂם אֶת פָּנָיו הַר הַגִּלְעָד׃

And he fled – he **and all that he had**. He started and crossed the river, and he set his face toward the hill country of Gilead. (Gen 31:21)

וְכִלְכַּלְתִּי אֹתְךָ שָׁם כִּי עוֹד חֲמֵשׁ שָׁנִים רָעָב פֶּן תִּוָּרֵשׁ אַתָּה וּבֵיתְךָ **וְכָל אֲשֶׁר לָךְ**׃

I will provide for you there, for there remain five years of famine, so that you, your household, **and all that you have** will not become destitute. (Gen 45:11)

וַיִּסַּע יִשְׂרָאֵל **וְכָל אֲשֶׁר לוֹ** וַיָּבֹא בְּאֵרָה שָׁבַע וַיִּזְבַּח זְבָחִים לֵאלֹהֵי אָבִיו יִצְחָק׃

Israel set out with **all that he had**, then he arrived in Beer-sheba, and he offered sacrifices to the God of his father Isaac. (Gen 46:1)

Indeed, even the canonical Decalogues include the idiom, with only the complement following the *lə-* preposition differing:

לֹא תַחְמֹד בֵּית רֵעֶךָ לֹא תַחְמֹד אֵשֶׁת רֵעֶךָ וְעַבְדּוֹ וַאֲמָתוֹ וְשׁוֹרוֹ וַחֲמֹרוֹ **וְכֹל אֲשֶׁר לְרֵעֶךָ**׃

You shall not covet your fellow's house; you shall not covet your fellow's wife, or his male slave, or his female slave, or his ox, or his donkey, **or anything that is your fellow's**. (Exod 20:17)

וְלֹא תַחְמֹד אֵשֶׁת רֵעֶךָ וְלֹא תִתְאַוֶּה בֵּית רֵעֶךָ שָׂדֵהוּ וְעַבְדּוֹ וַאֲמָתוֹ שׁוֹרוֹ וַחֲמֹרוֹ **וְכֹל אֲשֶׁר לְרֵעֶךָ**׃

And you shall not covet your fellow's wife, and you shall not desire your fellow's house, his field, or his male slave, or his female slave, his ox, or his donkey, **or anything that is your fellow's**. (Deut 5:21)

More generally, the use of אֲשֶׁר to nominalize a prepositional phrase is very common in Biblical Hebrew (e.g., וַאֲשֶׁר אִתּוֹ בַּתֵּבָה [Gen 7:23], וְאֶל כָּל אֲשֶׁר עִמּוֹ [Gen

[128] Neubauer, "Shapira Mss. of Deuteronomy," 116.

35:2]).[129] These expressions are attested in many Semitic languages, including Classical Hebrew, Aramaic, Akkadian, and Arabic.[130]

6.4.5. עדת שקר (E 4:4; H 1:2)

In the biblical versions of the Decalogue, we find לֹא תַעֲנֶה בְרֵעֲךָ **עֵד** שָׁקֶר (Exod 20:16) and וְלֹא תַעֲנֶה בְרֵעֲךָ **עֵד** שָׁוְא (Deut 5:20). V, on the other hand, has **עדת** שקר in this context (E 4:4; H 1:2). The word in question has been parsed by scholars as the abstract noun עֵדוּת. This, in turn, was deemed by Neubauer to be impossible in a pre-rabbinic context.[131] Neubauer wrote: "The word *eduth*, עדות, is […] a rabbinical form."[132] This is incorrect; the form עדות appears in the Hebrew Bible, as well as in Sirach (see below). Others have made a more nuanced claim, namely that while the form עדות is attested in the Bible, it never conveys "testimony" in that corpus, as it commonly does in post-biblical Hebrew (e.g., פסולי עדות "unfit for testimony" Ket. 2:3), but rather connotes "covenant," "law," etc. Martin Heide, for instance, writes: "עדות in the general meaning of 'evidence' or 'testimony' occurs for the first time in post-biblical Hebrew, such as Sirach utters [sic] the invitation תן עדות למראש מעשיך 'give evidence of your deeds of old' (Sir 36:15)."[133] According to this interpretation, V uses an abstract noun "testimony," whereas MT prefers the concrete noun "witness." The ostensible fact that the meaning "testimony" is unattested in early texts has similarly been cited as evidence that the Shapira manuscripts are forged.

We suggest that this matter is moot; the word in question should be read as עֲדַת (construct of עֵדָה) "judgment, judicial decision," and not עֵדוּת "testimony."[134] The prohibition in V is against perverting court decisions by a presiding judge, not perjury by a witness. There are several internal and external lines of support for this position.

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[129] That the relative particle can introduce an independent clause is quite well established. See Gesenius §138e.

[130] Na'ama Pat-El and Alexander Treiger, "On Adnominalization of Prepositional Phrases and Adverbs in Semitic," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 158, no. 2 (2008): 265–83.

[131] Neubauer, "Shapira Mss. of Deuteronomy," 116; Rabinowicz, "Shapira Forgery Mystery," 179. For a critique of this argument, see also Menahem Mansoor, "The Case of Shapira's Dead Sea (Deuteronomy) Scrolls of 1883," *Wisconsin Academy of Sciences, Arts and Letters* 47 (1958): 183–225, at 211–12.

[132] Neubauer, "Shapira Mss. of Deuteronomy," 116.

[133] Martin Heide, "The Moabitica and Their Aftermath," in *New Inscriptions and Seals Relating to the Biblical World*, ed. Meir Lubetski (Atlanta: Society of Biblical Literature, 2012), 193–241, at 226.

[134] This noun should be kept distinct from the עֵדָה "congregation," which is derived from the root יעד, not עוד. The pattern of the proposed noun עֵדָה is **qitl* > **qīl* for II-weak roots > **qil(-at)* (cf. גֵּר) > Hebrew *qēl*, fs. *qēlā*.

First, the cursed man corresponding in V to E 4:4 reads as follows: ארר לקח שחד להה|עד| עדת שקר בעמתו (H 1:2–3).[135] Courtroom bribery is consistently associated in the Bible with judges, not witnesses.[136] This curse also appears to include the same construct noun, עדת, but a different verb, the causative of עוד.[137] Typically, verbs (like nouns) derived from the root עוד are assumed to mean "to be a witness." The causative stem, however, often describes the acts of judgment or commandment, in the sense of giving law, rather than the act of testifying. See, for example, שִׂימוּ לְבַבְכֶם לְכָל הַדְּבָרִים אֲשֶׁר אָנֹכִי מֵעִיד בָּכֶם הַיּוֹם (Deut 32:46), where כָּל הַדְּבָרִים refers to the law, which is elaborated in the second part of the verse as דִּבְרֵי הַתּוֹרָה הַזֹּאת. Another example is עַל כִּי יְהוָה הֵעִיד בֵּינְךָ וּבֵין אֵשֶׁת נְעוּרֶיךָ (Mal 2:14), where "judge" is a far better fit than the common interpretation "witness," especially considering that the concomitant preposition is בין.[138] In Exod 19:23, we find וַיֹּאמֶר מֹשֶׁה אֶל יְהוָה לֹא יוּכַל הָעָם לַעֲל�ֹת אֶל הַר סִינָי כִּי אַתָּה הַעֵדֹתָה בָּנוּ לֵאמֹר הַגְבֵּל אֶת הָהָר וְקִדַּשְׁתּוֹ, with הַעֵדֹתָה meaning "commanded." 2 Kgs 17:15 is clearer still: וַיִּמְאֲסוּ אֶת חֻקָּיו וְאֶת בְּרִיתוֹ אֲשֶׁר כָּרַת אֶת אֲבוֹתָם וְאֶת עֵדְוֹתָיו אֲשֶׁר הֵעִיד בָּם "They despised his statutes, and his covenant that he made with their ancestors, and the commandments that he commanded them."[139]

This brings us to the noun עֵדָה in the Hebrew Bible. This lexeme is attested in MT only in the plural עֵדוֹת/עֵדֹת.[140] Lexicographers disagree on the form and

[135] While V's blessings and curses (better: lists of blessed and cursed men) clearly correspond to the ten proclamations, it is worth noting that the behaviors listed in the former are not always precise fulfillments/transgressions of the laws included in the latter. For example: לא תשנא את אחך בלבבך (E 4:8) vs. |ברך| האיש אשר יאהב את רעהו (G 4:8–9); one can refrain from hating his fellow without loving him. Likewise, the blessed man corresponding to לא תענו באחך עדת שקר (E 4:4) is ברך האיש אשר לא יכחש ולא |ין|שקר ברעהו (G 4:5–7), which is not necessarily an instance of either false testimony or false judgment.

[136] Exod 23:6–8, Deut 10:17–18; 16:17–20; 1 Sam 8:1–3; 2 Chr 19:5–7. Similar prohibitions are known from other ancient Near Eastern law codes. In Egyptian sources, judicial corruption was punishable at the same level as conspiracy to assassinate the king. (See Russ VerSteeg, *Law in Ancient Egypt* [Durham: Carolina Academic Press, 2002], 154–55.) In Mesopotamian sources, judges who mishandled cases were penalized with disbarment and a heavy fine. (See Raymond Westbrook, "Judges in the Cuneiform Sources," *Maarav* 12, no. 1–2 [2005]: 27–39; Samuel Greengus, *Laws in the Bible and in Early Rabbinic Collections: The Legal Legacy of the Ancient Near East* [Eugene, OR: Cascade, 2011], 280–81.)

[137] Also, within V, the prohibition against false witness may be covered by לא תשבע בשמי לשקר (E 4:1) and the corresponding curse ארר האיש אשר ישבע בשמי לשקר (H 1:1–2). If court testimony was taken under oath, then the prohibition in E 4:4 is redundant.

[138] See also, especially, Gen 43:3; Exod 19:23; Jer 6:10; 11:17; 32:10, 25, 44; Zech 3:6–7. In 1 Sam 8:9 (כִּי הָעֵד תָּעִיד בָּהֶם וְהִגַּדְתָּ לָהֶם מִשְׁפַּט הַמֶּלֶךְ אֲשֶׁר יִמְלֹךְ עֲלֵיהֶם), Samuel is instructed to impart the royal decree, i.e., law (משפט), rather than bear witness. (The familiar translation "warn" is never as apt as "command.")

[139] Timo Veijola ("Zu Ableitung und Bedeutung von *hēʾīd* im Hebräischen: ein Beitrag zur Bundesterminologie," *Ugarit-Forschungen* 8 (1976): 343–51, at 349, et passim) makes a very similar argument.

[140] See previous note. A possible instance of singular עדת from the root עוד may be found in Ps 82:1. That psalm is set in a (divine) courtroom, and the counterpart of בעדת אל is the verb

meaning of עֵדֹת: HALOT assumes that it is a variant of עֵדָת and translates "testimony," accordingly. BDB acknowledges that the underlying form is a singular עֵדָה but still translates "testimony." DCH, on the other hand, offers the meaning "statute."[141] Support for this meaning can be restored from the context in which the lexeme is used. The plural עֵדֹת occurs with one or both nouns חֹק "statute" and מִשְׁפָּט "judgment, law." For example, מָה הָעֵדֹת וְהַחֻקִּים וְהַמִּשְׁפָּטִים אֲשֶׁר צִוָּה יְהוָה אֱלֹהֵינוּ אֶתְכֶם (Deut 6:20).[142] In addition, the repeated use of this noun as the object of verbs such as שָׁמַר (e.g., 2 Kgs 23:3) and נָצַר (e.g., Ps 119:2) is illogical if we assume the lexeme means "testimony." Note especially the following where the noun is paired with "covenant": כָּל אָרְחוֹת יהוה חֶסֶד וֶאֱמֶת לְנֹצְרֵי בְרִיתוֹ וְעֵדֹתָיו (Ps 25:10). The lexeme should, therefore, be understood in both MT and V as "decree," which – like the noun מִשְׁפָּט – refers to a judiciary decision or law, not to the statement of a participant in a legal process.[143] The proposed noun עֵדָה "decree" is therefore semantically grounded in both MT and V.

We thus see that the form עדת in V is appropriate in its context; it simply means something other than what has been presumed.

6.4.6. חגהן (D 2:7–8)

In D 2:8, sacrifices are referred to using the common term זבח, which is inflected as מזבחהן. Just a few words earlier, however, we find a partially reconstructed word that may have read מחגהן. This reading is uncertain; Shapira and Ginsburg both transcribe מזבחהן there too. Guthe's reading, מ[ח]ג[*]הן, has the benefit of being the *lectio difficilior*. Guthe himself notes in his comments that such usage is unattested.[144] It may well be that Guthe's tentative reconstruction is incorrect. Nevertheless, it should be noted that חג is occasionally used in the Hebrew Bible to mean "sacrificial animal." See especially Exod 23:18 (לֹא תִזְבַּח עַל חָמֵץ דַּם זִבְחִי וְלֹא

ישפט.

[141] See also David Talshir ("אָחוֹת and עֵדוֹת in Ancient Hebrew," *Zeitschrift für Althebraistik* 15–16 [2002–3]: 108–23), who argues that the form עֵדוּת derives secondarily from עֵדוֹת, a *plurale tantum*, which means "decrees." Talshir also argues that the change of עֵדֹת to עֵדָת is late. This is supported by the ancient translations, which do not distinguish between עֵדֹת and עֵדָת and translate both as עֵדָת. Talshir further shows that the original עֵדֹת was reanalyzed at a later point as עֵדָת.

[142] Deut 4:45, 6:7; Ps 99:7.

[143] See also Ps 119:2, 22, 146, 167, 168; 132:2. David Talshir ("Is the Jehoash Inscription Genuine? A Philological Analysis" [Hebrew], *Leshonenu La'am* 54, no. 1 [2003]: 3–10, at 8–9) argues that all occurrences of עדת in MT have this meaning, whereas the meaning "testimony" is not biblical. Elisha Qimron ("Waw Denoting a Glide" [Hebrew], in *Homage to Shmuel: Studies in the World of the Bible* [Hebrew], ed. Zipora Talshir, Shamir Yona, and Daniel Sivan (Beer Sheva: Ben-Gurion University of the Negev Press, 2001), 362–75, at 375) demonstrates that the /ū/ is more likely to be represented plene, while the opposite is true for /ō/, which is far more likely to be written defectively. He therefore suggests that the spelling עדת should be read עֵדֹת throughout, and not עֵדָת.

[144] Guthe, *Lederhandschrift*, 81.

לֹא תִזְבַּח עַל חָמֵץ דַּם זִבְחִי וְלָא יָלִין חֵלֶב חַגִּי עַד בֹּקֶר "You shall not offer the blood of my sacrifice with anything leavened, or let the fat of my *offering* remain until the morning;" cf. Exod 34:25), Mal 2:3 (וְזֵרִיתִי פֶּרֶשׁ עַל פְּנֵיכֶם פֶּרֶשׁ חַגֵּיכֶם וְנָשָׂא אֶתְכֶם אֵלָיו "I will strew dung upon your faces, the dung of your *offerings*, and you shall be carried out to it"), and Ps 118:27 (אִסְרוּ חַג בַּעֲבֹתִים עַד קַרְנוֹת הַמִּזְבֵּחַ "bind the *offering* with cords to the horns of the altar").[145]

6.4.7. שארתך (G 5:1 [?]; H 1:9)

MT uses a nominal derivation with a prefix *m-*, מִשְׁאֶרֶת "kneading trough" (Deut 28:5, 17). The word found in this position in V, שְׁאֵרֵת, is common in MT, although the meanings of biblical שְׁאֵרִית and מִשְׁאֶרֶת are quite different, raising the distinct possibility that V refers in these verses to something other than vessels. Be that as it may, V's form is likely a derivation from a nominal pattern without the preformative. Variants with and without preformative *m-* are well attested in Hebrew, and the noun without the preformative is sometimes older.[146]

We should note that nominal derivations from II-ʾ roots show reduction of the medial glottal stop in Hellenistic and post-biblical Hebrew,[147] and the word שארית is often spelled שרית.[148] V reflects the earlier orthography.

6.4.8. גם (E 3:3)

In V, the reasoning for the Sabbath law is given as follows (E 2:8–3:4):

[כי • ש]שת • ימם • עשתי • את השמם • ואת הארץ • וכל • אשר • בם • ושבתי • ביום • השבעי • על • כן • תשבת • גם • אתה • ובהמתך • וכל • אשר • לך •

[For in s]ix days I made the heavens and the earth and all that is in them, and I rested on the seventh day. Therefore you too shall rest, along with your livestock and all that you have.[149]

Neubauer argued that this is problematic: "The word *gam* ought to be repeated according to classical Hebrew."[150] That is, Neubauer's view of correct Hebrew is

[145] Cf. Kennicott 131, 133, 681; T-S AS 110.121; BL Or. 5557A.74 – all of which read על, rather than MT's עד, rendering: "Bind the חג with cords to the horns of the altar."

[146] One such example is early דֵּעָה or דַּעַת vs. LBH מַדָּע. This word is likely a loan from Aramaic or is at least influenced by the Aramaic nominal pattern (Hurvitz, *Concise Lexicon*, 159–60). Another such example is חֹשֶׁךְ vs. מַחְשָׁךְ "darkness." The propensity to replace simple nouns and adjectives with *m*-prefixed ones is also related to the increase in the use of the *pual* participle in post-biblical Hebrew (e.g., CBH רַב vs. PBH מְרֻבֶּה).

[147] Qimron, *Grammar of the Hebrew*, 322–33.

[148] Viz. שְׁרִית in 1 Chr 12:39 (LBH), ושריתו in 1QIsa[a] (MT Isa 44:17 וּשְׁאֵרִיתוֹ), and שרית in 1QS, 1QH[a], 4Q158, 4Q280, 4Q374, 4Q381, 4Q427, 4Q431, and 4Q496. The other noun in this pair, טֶנָא, is regularly spelled without the *aleph* in Rabbinic Hebrew (טני). In V the spelling matches MT.

[149] The translations in this section render Hebrew גם literally as "also."

[150] Neubauer, "Shapira Mss. of Deuteronomy," 116.

that גם should precede not only אתה but also בהמתך and כל אשר לך.[151] As proof, he cited Exod 12:31–32:[152]

וַיִּקְרָא לְמֹשֶׁה וְלְאַהֲרֹן לַיְלָה וַיֹּאמֶר קוּמוּ צְאוּ מִתּוֹךְ עַמִּי **גַּם** אַתֶּם **גַּם** בְּנֵי יִשְׂרָאֵל וּלְכוּ עִבְדוּ אֶת יְהוָה כְּדַבֶּרְכֶם׃
גַּם צֹאנְכֶם **גַּם** בְּקַרְכֶם קָחוּ כַּאֲשֶׁר דִּבַּרְתֶּם וָלֵכוּ וּבָרַכְתֶּם **גַּם** אֹתִי׃

And he summoned Moses and Aaron at night and said, "Get up and withdraw from amidst my people, **also** you and **also** the Israelites. Go, worship YHWH, as you said. Take **also** your flocks and **also** your herds, as you said, and leave. And bless me too."

But verses where the syntax of גם is similar to V's are quite frequent in the Bible.[153] Contra Neubauer, it is not necessary to repeat the conjunction before each constituent as in Exod 12:31 above. For example:

וְ**גַם** עֵרֶב רַב עָלָה אִתָּם **וְצֹאן וּבָקָר** מִקְנֶה כָּבֵד מְאֹד׃

Also a mixed multitude went up with them, **and sheep and cattle**, very heavy livestock. (Exod 12:38)

וַתִּגַּשׁ **גַּם** לֵאָה **וִילָדֶיהָ** וַיִּשְׁתַּחֲווּ וְאַחַר נִגַּשׁ יוֹסֵף וְרָחֵל וַיִּשְׁתַּחֲווּ׃

Also Leah **and her children** drew near and bowed down; finally Joseph and Rachel drew near and bowed down. (Gen 33:7)

וְ**גַם** תֶּבֶן **גַּם** מִסְפּוֹא יֵשׁ לְחֲמוֹרֵינוּ וְ**גַם** לֶחֶם **וְיַיִן** יֶשׁ לִי וְלַאֲמָתֶךָ וְלַנַּעַר עִם עֲבָדֶיךָ אֵין מַחְסוֹר כָּל דָּבָר׃

We have also straw and also fodder for our donkeys, and also bread **and wine** for me and your handmaiden and the pageboy with your servants. Nothing is lacking. (Judg 19:19)

וַיֹּאמֶר אֵלָיו דָּוִד מָה הָיָה הַדָּבָר הַגֶּד נָא לִי וַיֹּאמֶר אֲשֶׁר נָס הָעָם מִן הַמִּלְחָמָה וְ**גַם** הַרְבֵּה נָפַל מִן הָעָם וַיָּמֻתוּ וְ**גַם** שָׁאוּל **וְיהוֹנָתָן בְּנוֹ** מֵתוּ׃

And David said to him, "What happened? Tell me!" And he told him how the people had fled the battle, and also many of the people had fallen and died, and also Saul **and his son Jonathan** were dead. (2 Sam 1:4)

The syntax of גם is altogether more flexible than Neubauer suggests. For instance, גם is not necessarily positioned before the first constituent in a sequence, either:

וְאִם שׁוֹר נַגָּח הוּא מִתְּמֹל שִׁלְשֹׁם וְהוּעַד בִּבְעָלָיו וְלֹא יִשְׁמְרֶנּוּ וְהֵמִית אִישׁ אוֹ אִשָּׁה **הַשּׁוֹר** יִסָּקֵל **וְ**גַם בְּעָלָיו יוּמָת׃

And if it is a goring ox from before, and its owner has been warned but has not guarded it, and it kills a man or a woman, **the ox** shall be stoned, **and also** its owner shall be executed. (Exod 21:29)

The variation highlighted above obscures a contextual factor, which provides additional support for the absence of the word גם before בהמתך and כל אשר לך.

[151] On Neubauer's objection to the phrase כל אשר לך, see §6.4.4.

[152] Erroneously given as Exod 17:31–32.

[153] Waltke and O'Connor (*Introduction to Biblical Hebrew Syntax*, 663) note that the use of גם and other coordinators is much more flexible than the roles typically assigned to them in Hebrew grammars.

When גם does appear in biblical texts, it often creates an appositional structure. In the aforementioned example from Gen 33:7, for instance, גם precedes the phrase לְאָה וִילָדֶיהָ to indicate that not only the handmaidens and their children (who are mentioned in the previous verse) bowed before Esau, but Leah and her children did as well. The operative units in that passage are [mother-cum-children]. Had a גם appeared before יִלָּדֶיהָ, it would have changed the emphasis; rather than juxtapose [handmaidens-cum-children] with [Leah-cum-children], it would instead have inaptly juxtaposed [Leah] with [children]. Likewise, the relevant units in V's Sabbath law are Elohim, on the one hand, and [man-cum-possessions], on the other. Breaking up the latter unit with additional גם particles would therefore have been particularly gratuitous.

6.4.9. מעלם (C 1:4, 8; D 1:8)

It has been suggested that V's use of מעלם where Deuteronomy has לפנים is problematic. Thus, Lemaire writes:

> The text contains variants from the standard Hebrew text known as the Masoretic text that are easily explained as having been made under the influence of the Mesha Stele. For example, in the Shapira strips *Deuteronomy 2:12* reads "The Horites lived in Seir from of old (*M'LM*)," instead of the Masoretic text's "at one time (*LPNYM*)." This is based on line 10 in the Mesha Stela, which reads "The men of Gad lived in the land of Ataroth from of old (*M'LM*)."[154]

There is some circularity to this argument. True, if V is a modern forgery and the forger used the Mesha Stele as a template, he or she might have copied מעלם from that document. But מעלם is an archaic phrase. In addition to the Mesha Stele, the term appears in biblical passages from all periods,[155] and it is apparently attested also in eighth-century BCE Aramaic.[156] If V is a genuine ancient text, we should not be surprised by the appearance of an attested ancient form in precisely the place context calls for it.

The use of the phrase מעלם in V is thus not an aberration. The suggestion that its presence in this text is due to the influence of the Mesha Stele *presupposes* that the Shapira manuscripts are forgeries; it is not *evidence* of inauthenticity.

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[154] André Lemaire, "Paleography's Verdict: They're Fakes!" *Biblical Archaeology Review* 23, no. 3 (1997): 36–39, at 38. See also Neubauer, "Shapira Mss. of Deuteronomy," 130.

[155] Gen 6:4; Josh 24:2; 1 Sam 27:8; Isa 42:14, 46:9, 57:11, 63:16, 19; 64:3; Jer 2:20, 5:15, 7:7, 25:5; Ezek 26:20; Pss 25:6, 90:2, 93:2, 103:17, 119:52; Prov 8:23; 1 Chr 29:10.

[156] KAI 224:23–24. See Joseph A. Fitzmyer, *The Aramaic Inscriptions of Sefire* (Rome: Pontifical Biblical Institute, 1995), 160. **מן] עלם** וביתה ולו]לאבי ובנבלה ובעליה וכפריה ו]תלאי[ם "[Tal'ay]im, its villages, its lords, and its territory (once belonged) to my father and to [his house **from] of old**." The preposition מן is reconstructed.

6.5. Summary

The linguistic evidence discussed here accords with the conclusions of Dershowitz's literary-critical analysis of the Shapira Deuteronomy manuscripts in this volume and corroborates a monarchic date for V.

According to the principle of consilience, as recently laid out by Hendel and Joosten,[157] a given claim regarding the date of a text is validated by the convergence of diverse lines of evidence. They write, "Consilience in our scholarly models is the best we can achieve, and it is enough,"[158] commenting on their own argument that "the linguistic and historical inferences are consilient, indicating the correctness of the theory."[159] Similarly, the linguistic and literary data in the case of V are convergent, attesting to the likely correctness of the hypothesis that it antedates the biblical Deuteronomy.

Furthermore, nothing in the language of the Valediction of Moses is suggestive of either forgery or Hellenistic composition. On the contrary, the language of V is consistent with pre-exilic Hebrew, especially as attested directly in the epigraphic corpus. Moreover, the text includes no obvious late features or Aramaisms, which is especially notable, considering how difficult it would have been for anyone educated in Hebrew in the Hellenistic period (or the nineteenth century) to do so.[160] Since the 1960s, research on Late Biblical Hebrew has exposed a large number of lexical, orthographic, and morphosyntactic features that first appear in Persian period texts, and our understanding of the grammar of LBH and post-biblical Hebrew has likewise expanded and changed. These post-exilic features and their relevance for dating biblical texts were largely unknown to scholars in the nineteenth century, yet V contains none of them. This weighs strongly against the possibility of a forgery.

The orthography of V is also significant. Almost no Hellenistic period manuscripts are orthographically conservative, and post-biblical texts consistently present fuller and more liberal spelling practices than their MT parallels.[161] V, on the other hand, presents an orthography that is considerably more conser-

[157] Ronald S. Hendel and Jan Joosten, *How Old Is the Hebrew Bible? A Linguistic, Textual, and Historical Study* (New Haven, CT: Yale University Press, 2018), 98–125.

[158] Ibid., 122.

[159] Ibid., 125.

[160] Aramaic had a significant impact on the lexicon and syntax of LBH (Avi Hurvitz, "Hebrew and Aramaic in the Biblical Period: The Problem of 'Aramaisms' in Linguistic Research on the Hebrew Bible," in *Biblical Hebrew: Studies in Chronology and Typology*, ed. Ian Young, JSOTSup 369 [London: T&T Clark, 2003], 24–37) and postbiblical Hebrew (Frank H. Polak, "Sociolinguistics and the Judean Speech Community in the Achaemenid Empire," in *Judah and the Judeans in the Persian Period*, ed. Oded Lipschits [Winona Lake, IN: Eisenbrauns, 2006], 589–628; Talya Shitrit, "Aramaic Loanwords and Borrowing," *Encyclopedia of Hebrew Language and Linguistics*, ed. Geoffrey Khan et al. [2013]).

[161] Aaron Hornkohl, "Hebrew Diachrony and the Linguistic Periodisation of Biblical Texts: Observations from the Perspective of Reworked Pentateuchal Material," *Journal for Semitics* 25, no. 2 (2016): 1004–63, at 1025.

vative and defective than MT, and it is similar, with only minor variations, to the monarchic epigraphic material. This too constitutes a strong counterargument to claims of a Hellenistic composition.

Despite many similarities outlined above, the Hebrew of the Valediction of Moses nevertheless deviates from that of the Masoretic Text in various ways and appears to reflect a dialect other than standard CBH. This is to be expected, especially if the Shapira manuscripts are pre-exilic artifacts, which would leave little opportunity for V to have undergone the sort of linguistic updating that is so prevalent in the texts of later Hellenistic, let alone Masoretic, biblical manuscripts. When the apparent linguistic anomalies in V correspond to attested ancient usage – particularly when this ancient usage was not known to nineteenth-century scholars – it militates against forgery. Furthermore, we should be careful before concluding that a feature is anachronistic just because it is otherwise attested only in later texts. To illustrate, Arad 1:4 and 5:2, both of which date to the First Temple period, contain the noun עוד "surplus." This noun is never found in the Hebrew Bible, even in LBH texts, but it is attested later in Mishnaic Hebrew (m. Ter. 4:7). Surely our conclusion should not be – and indeed is not – that the Arad ostraca are modern forgeries. Rather, these ancient inscriptions add a new piece of information to the unfolding story of Hebrew.

A similar cautionary lesson may be learned from previously unverified texts that have stood the test of time, such as the Dead Sea Scrolls. In 1953, Solomon Zeitlin argued *on linguistic grounds* that a Bar Kokhba letter could not be ancient:

> The letter begins with the word משמעון "from Simon." This opening word of address proves beyond any shadow of doubt that this letter was neither written by Simon the leader of the revolt against the Romans, nor by any one of that period. We have a considerable number of letters which have come down to us from antiquity [...] None of them has the prefixal *mem* to indicate "from." [...] The letter *mem* prefixed to the author's name came into use in the Middle Ages. Hence we may say with certainty that the word משמעון "from Simon" shows that this letter was written in the Middle Ages.[162]

Zeitlin may well have been correct that prefixed *mem*s were unattested in the relevant period, but the conclusion he drew from this fact was dramatically wrong, as we now know. Given the severe paucity of data regarding early Hebrew, countless features that were alive and well at the time – many of which are attested in later Hebrew chronolects – are unknown to us due to accidents of history. Occasionally, we are lucky enough to make discoveries that, if not incautiously disregarded, fill in some of the gaps in our knowledge.

The Valediction of Moses – being neither a late forgery nor a Hellenistic composition, but rather a pre-biblical book – is of immense value for establishing the early history of the Hebrew language. The work we have done here on V's linguistic character is preliminary; we expect that future linguistic studies will shed much light on the both the Valediction of Moses and Classical Biblical Hebrew.

[162] Solomon Zeitlin, "The Fiction of the Recent Discoveries near the Dead Sea," *Jewish Quarterly Review* 44, no. 2 (1953): 85–115, at 89–90.

7. Annotated Critical Edition

7.1. Manuscripts

Among the leather fragments purchased by Moses Wilhelm Shapira were substantial portions of at least two manuscripts containing a literary work affiliated with parts of the Pentateuch, especially the narrative portions of Deuteronomy. I refer to the two known manuscripts of the Valediction of Moses – neither of whose whereabouts are known today – as "V^a" and "V^b."[1] Both are written in Paleo-Hebrew script, with words routinely broken between lines. With the exception of the Decalogue, the text is written *scriptio continua* with no spaces and with dots to mark the ends of sentences. The Decalogue (only the version of V^a is known to have been transcribed) is presented uniquely; it is written in larger script, with dots between words, and paragraph breaks (*petuḥot*) before and after each divine proclamation (דברה). The spelling throughout is highly defective (*ḥaser*), although it is not necessarily conservative, per se. Indeed, historically consonantal *vav* and *yod* are often elided in the text of V, attesting to an updated orthography following a process of monophthongization (e.g., ללה, rather than לילה).[2] Although the manuscripts are commonly referred to as the "Shapira scrolls," neither is, in reality, a scroll. Rather, both manuscripts were consistently described and depicted as folded up like accordions – with creases between the columns – showing no signs of previous rolling.[3] Vertical dry-point lines were scored into the leather on either side of the creases. The manuscripts were found with linen backing, with a sticky black substance binding the leather to the fabric.[4] In all extant photographs and drawings of V^a (Fragment E), the manuscript is substantially warped.[5] The

[1] Each of the manuscripts appears to have covered most of the text of V. (Hermann Guthe, *Fragmente einer Lederhandschrift enthaltend Mose's letzte Worte an die Kinder Israel, mitgeteilt und geprüft von Hermann Guthe* [Leipzig: Breitkopf & Härtel, 1883], 63.) However, in most cases, transcriptions of only one or the other are available.

[2] For more on this and other linguistic phenomena in V, see excursus in chapter 6.

[3] Guthe, *Lederhandschrift*, 17.

[4] Guthe, *Lederhandschrift*, 4, 9; "Mr. Shapira's Manuscript," *The Times* (August 8, 1883), 11. Cf. Roland de Vaux, "Post-Scriptum: La Cachette des Manuscrits Hébreux," *Revue Biblique* 56, no. 2 (1949): 235.

[5] British Library Ms. Add. 41294, "Papers relative to M. W. Shapira's forged MS. of Deuteronomy," 33–38; Christian David Ginsburg, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2915 (September 8, 1883), 305; idem, "The Shapira Manuscript of Deuteronomy," *The Graphic* (September 1, 1883), 224.

one known drawing of V^b, on the other hand, shows no signs of such warping.[6] The fragments of the two manuscripts range in height between 7.6 cm and 9.7 cm,[7] with V^a segments at the shorter end and V^b segments at the longer end. The width of columns, from fold to fold, is 15 to 18 cm, with V^a fragments again reflecting the lower end of the spectrum. The scribes of the two manuscripts maintained substantially straight margins, although the dry-point lines were ignored, with the exception of the right margin of the first column – the beginning of the manuscript.[8]

V^a contains ten unruled lines per column, barring the Decalogue, which is written in larger script that allows for fewer lines. The columns of V^b typically contain twelve wider unruled lines.[9] The two manuscripts differ from one another in terms of handwriting, paleography, and text.[10] Care has been taken to reconstruct the layout of each column in the critical edition that follows. In some cases, which are noted below, the exact position of the line break is uncertain.

7.2. Sources and Method

In preparing the critical edition below, I made use of several resources. The published transcriptions of Hermann Guthe[11] and Christian David Ginsburg[12] are the most comprehensive, although neither is complete. I supplemented these with an annotated rough transcription by Moses Wilhelm Shapira, leaves of which I found scattered throughout an unpublished volume consisting primarily of his catalogs of manuscripts for sale.[13] I also made use of Ginsburg's unpublished par-

[6] William Simpson (artist), "Alleged Text of Deuteronomy," *The Illustrated London News* (August 25, 1883), 181–82.

[7] Guthe, *Lederhandschrift*, 3.

[8] Ibid. (Guthe may be referring solely to V^a, which is what he transcribes in this section.) Dry-point lines were also ignored in several Dead Sea Scrolls, including all or parts of 1QS, 11Q Temple^a (11Q19), 1QpHab, 4Q Shirot 'Olat HaShabbat (4Q405), and 11QPaleoLev^a (11Q1).

[9] The layout of the Decalogue in V^b is unknown. As discussed in notes 132 and 208, it appears that V^b G 5 contained thirteen lines, rather than the twelve that typify this manuscript.

[10] Christian David Ginsburg: "We mentioned on a former occasion that part of the matter is in duplicate, there being two hand-writings of the same archaic script. It now appears that there is also a difference of form between the two copies. In one copy the columns consist of ten lines, in the other of twelve. There are also variations between them" ("Mr. Shapira's Manuscript," *The Times* (August 17, 1883), 8).

[11] See note 1. Some parts (F, G 1–2, and H) were transcribed by Eduard Meyer (Guthe, *Lederhandschrift*, 20–21).

[12] Christian David Ginsburg, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2911 (August 11, 1883), 178–79; idem, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2912 (August 18, 1883), 206; idem, "The Shapira Ms. of Deuteronomy," *The Athenæum* 2913 (August 25, 1883), 242–44.

[13] Staatsbibliothek, Ms. or. fol. 1342, *Eigenhändiges Verzeichnis der von Shapira gesammelten hebräischen Handschriften* (henceforth *Verzeichnis*). This handwritten transcription appears to be quite preliminary (see chapter 2). The extant portions include Fragments A–D of V^a, as well

tial transcription,[14] Shapira's letters and notes,[15] a drawing of Fragment E (V^a) published by Ginsburg in *The Athenæum*,[16] and multiple drafts of a drawing of the same fragment, which are currently housed at the British Library.[17] Lastly, Ginsburg's and Guthe's translations, as well as Guthe's column of biblical correspondences, were useful for detecting occasional editing errors in the transcriptions. I follow the transcribers' secure and tentative readings but not their bracketed reconstructions – except to assist in ascertaining the letters that were visible to each of them, when that is in doubt.

Where available, I generally give preference to the transcriptions of Guthe and Shapira, since both were comparatively diligent about indicating uncertain readings and reconstructions. Ginsburg's published transcription leaves several reconstructions unmarked; his unpublished partial transcription, however, is meticulous.[18]

Letters that seem to have been unclear to all the transcribers are marked with a superscript circlet. My reconstructions appear between square brackets, and disagreements with the previous transcribers are noted. Where Guthe, Shapira, or Ginsburg in his unpublished transcription provides a confident reading, I typically refrain from using brackets. In these cases, it is likely that only one of the transcribers was able to make out the black ink against the blackened leather.[19] Where the unbracketed reading appears only in Ginsburg's less detailed *Athenæum* transcription, I generally follow the others. Exceptions to this heuristic are discussed in the footnotes.[20]

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as a hybrid V^a–V^b transcription of E 1:1–4:2.

[14] BL Ms. Add. 41294, 39–40. This transcription is more detailed than the one published in *The Athenæum* and follows V^b exclusively.

[15] BL Ms. Add. 41294, passim.

[16] Ginsburg, *Athenæum* 2915, 305.

[17] BL Ms. Add. 41294, 33–38.

[18] It appears that Guthe and Ginsburg were occasionally influenced by Shapira's readings and transcriptions. Guthe reported (*Lederhandschrift*, 63) that he had access to two transcriptions by Shapira – one from 1878 and another from 1883 – and Shapira is known to have conversed and corresponded with Ginsburg during the latter's preparation of his transcription.

[19] Guthe describes his method: "We were only able to read small parts without any kind of aid. Usually, we applied some alcohol (spirit) with a small brush to sections of the manuscript and then tried to identify the letters that glistened from the moisture. Unfortunately, this was not always possible, even with help of a magnifying glass. This explains the various large and small gaps that the reader will encounter when reading the text of the leather manuscript" (*Lederhandschrift*, 21; translation mine). Only a few of the lacunae were due to holes in the manuscripts, and these are noted.

[20] Depending on perspective, this edition can be viewed as either diplomatic or eclectic. At any given point, I present a single manuscript in the main body – V^a for Fragments A–E; V^b for Fragments F–H – with variants discussed in the notes. However, in the absence of the originals, the nineteenth-century transcriptions may be viewed as quasi-manuscripts, making this an eclectic enterprise.

7.3. Text and Notes

Fragment A, column 1 of 1 (V^a)[21]

1]אלה הדב]רם אשר דבר משה על פי יהוה אל כל בני
2]י]שראל במ]דב]ר בעבר הירדן]בע]רבה • אלהם אל
3 הנו דבר אל]נו] בחרב לאמר • רב לכם שבת בהר הז
4 ה פנו וסעו]לכ]ם ובאו הר האמרי ואל כל שכנו בע
5 רבה בהר וב]שפ]לה ובחף הים • ונסע מחרב ונלך[22] א
6 ת[23] כ]ל המדבר הׄ]גד]ל והנרא הזה אשר[24] ראתם ונבא
7]עד] קדש]ברנע • ו]אמר אלכם באתם היום עד הר
8 האמ]רי] ע]לו ור]שו את הארץ כאשר דבר אלׄהׄםׄ
9]אלהי[25] אבתכם לכם • ולא] אׄבׄתׄםׄ לעלת ותרגנו ותׄאׄמׄ
10 רו בש]נאת אלהם אתנו נתן אתנו ביד האמרי][26]

Fragment B, column 1 of 1 (V^a)[27]

1 לאבדנו וי]חר] אף[28] אלהם וי]שבע] לאמר חי]אני]

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[21] Sources for transcription: primarily Shapira (*Verzeichnis*, 213) and Ginsburg (*Athenæum* 2912, 206). Guthe (*Lederhandschrift*, 22–23) was able to read very little of this column. All three were reading from V^a and do not appear to have consulted V^b. From Guthe (*Lederhandschrift*, 64–65) and Shapira (*Verzeichnis*, 207, 213), it appears that the handwriting of V^a, Fragments C and D, differs from the remainder of V^a. However, Guthe notes that the differences are minute and may be due to different textures of leather, different seating positions, etc. The script of V^b, on the other hand, differs substantially from that of V^a.

[22] Guthe had difficulty reading this phrase and reconstructs, rather improbably, ונסע כׄלׄ חׄתׄ ונׄלׄךׄ.

[23] Shapira reconstructs ונלך א]לכ]ל.

[24] Guthe reconstructs כל המדבר הׄ]....]ל הנרא [..] הׄאשר, incorrectly assigning the final *he* of הזה to the following word.

[25] Reconstruction based on Deut 1:21. Shapira proposes לׄכׄםׄ as the first word of the lacuna, but this would produce an anomalously short line.

[26] Reconstruction based on Deut 1:27, accounting for space constraints. Alternative reconstruction: בש]נאת אלהם אתנו הצא אתנו מארץ מצרם].

[27] Sources for transcription: primarily Shapira (*Verzeichnis*, 213) and Ginsburg (*Athenæum* 2912, 206). Guthe (*Lederhandschrift*, 22–23) could read only line 2 and first two words of line 3. All three read from V^a and do not appear to have consulted any other manuscripts.

[28] Possibly וינאף (metathesis of ויאנף). This is what Shapira settled on in his transcription, and he may have proposed this reading to Ginsburg. The same metathesis in *hithpael* form, ויתנאף, is attested twice in the mss.: once in Kennicott 221, a Samaritan ms. of Deut 9:8 (corresponding in part to this section of V), and once in Kennicott 96 on 2 Kgs 17:18. Two graphically similar alternatives are וינאץ and ויקצף, the latter of which has the benefit of appearing in the corresponding passage in Deut 1:34. The most probable reconstruction, in my view, is ויחר אף, which is the final of three readings proposed by Shapira, this one in a letter to Edward Bond, chief librarian of the British Museum, currently found in BL, Ms. Add. 41294, 21, after the manuscripts had been deemed forgeries. Guthe could not read the first line of this fragment at all, and Shapira first considered וימאר (metathesis of ויאמר, it would seem), before opting for וינאף. In multiple letters, Shapira wrote that the *nun* was a reconstruction, meaning that he could read only וי]...]אף. In his

2 כי כל העם הראם את אתתי ואת מפתי[29] אשר עשתי
3 זה עשר[30] פעמם ולא הֲאֲמָנוֹ ולא שמעו בקלי
4 אם יראו את הארץ הטבו]ה א[שר נשבעתי לת
5 ת לאבתהם[31] בלתי [עבדי כלב][32] בן יפנה ויהשע
6 בן נן העמד לפנך המה יְבָאוֹ שמה ולהם אתננה •
7 ואתם פנו ל[כ]כם וסעו המ[דברה] דרך ים סף עד תם
8 כל הדר א[נ]שי המרבה מק[ר]ב המחנה ו[נסע מן][33]
9 קדש ברנע עד תמו אנשי המרבה למת מקרב ה
10 מחנה [ונפן ונסע קדשה • ויאמר אלהם אלי][34]

Fragment C, column 1 of 1 (V^a)[35]

1 אתם עברם היום את גבל בני עשו הישבם
2 [בש]עיר לא תצרם ולא תתגר בם מלחמה כי לא
3 אתן מארצם לכם ירשה[36] • כי לבני עשו נתתה ירשה
4 הָחֳרֹם מעלם ישבה[37] בה ובני עשו ירשם וישבו תחת

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letter to Bond, Shapira wrote that upon careful inspection, he found there to be sufficient space for two damaged letters – there were no spaces or other word dividers here – one of which he thought might be a *resh*. Shapira therefore proposed reconstructing חר. It would indeed seem that ויחר אף is a perfect fit. Cf. Num 32:10–12, where we find the same sequence in the same context: ויחר אף יהוה ביום ההוא וישבע לאמר אם יראו האנשים וגו׳.

[29] Following Shapira and Ginsburg, neither of whom notes any difficulty reading this section. Guthe reconstructs את אתתי וֹמְפֹתי.

[30] Guthe suggests עטן and notes that he can read no further in Fragment B.

[31] For this form, see, e.g., 1 Kgs 14:15, Jer 19:4.

[32] Guthe did not read or reconstruct this section. Ginsburg, who often did not mark reconstructions, has בלתי טפכם וכלב. Shapira has the same, but he writes וכלב in pencil and marks טפכם in three distinct ways: a superscript line, a subscript question mark, and parentheses (which he uses nowhere else). This reading seems to be an incorrect reconstruction under the influence of the phrase וטפכם אשר אמרתם לבז יהיה, which appears verbatim in both Num 14:31 (P; cf. Num 14:3) and Deut 1:39 (widely acknowledged as a post-P insertion in Deut; it is absent in LXX). Although טפכם is apt in the biblical passages, both which are spoken (or to be spoken) by Moses to the Israelites, it does not fit the context of V, where these are Elohim's words to Moses. In V, any reference to the Israelites' children would be in the third – not second – person.

[33] Identical error in the transcriptions of Ginsburg and Shapira: תשבו ב[קדש]ו, following Deut 1:46. The commandment was to journey until the people of the conflict had all died off – not to settle in Kadesh.

[34] Reconstruction based on Deut 2:1–4.

[35] Sources for transcription: Shapira (*Verzeichnis*, 207) and Ginsburg (*Athenæum* 2912, 206), both of whom read from the same manuscript. Guthe was unable to read any of this column.

[36] SP (ad loc. and in the corresponding plus in Num 20:13) and Syriac also have ירשה, which is absent in MT.

[37] ישבה appears to be ungrammatical; ישבו – as in V^a C 1:8 and V^a D 1:8 – would be expected. This could be a case of proleptic dittography, given that the following two letters – which are not separated with spaces or other dividers – are also בה. Alternatively, cf. Deut 21:7: ידינו לא שפכה (MT *ketiv*; the *qere*, 4Q33, etc. read שפכו).

5 ם[38] • ונפן ונעבר את מדבר מאב • ויאמר אלהם אלי אתם
6 עברם היום את גבל מאב לא תצרם ולא תתגר בם מל
7 חמה כי לא אתן מארצם לכם ירשה כי לבני לט נת
8 תי ער ירשה • רפאם מעלם ישבו בה[39] והמאבם יקראו
9 להם אמם וישמדם אלהם ויישבו תחתם • ונפן
10 ונעבר את נחל זרד ויאמר אלהם אלי לאמר קמו

Fragment D, column 1 of 3 (V^a)[40]

1 ועברו את נחל ארנן היום החלתי לתת לפנך את סיחן מ
2 לך חשבן האמרי[41] ואת ארצו • ונצא לקראת סיחן יהצ
3 ה[42] ונכה[43] עד לא השאר לו[44] שרד ונלכד את כל ערו מערער א
4 שר על שפת[45] נחל ארנן עד הנלעד ועד נחל יבק הכל נתן אלה
5 ם אלהנו לפננו • ונפן ונעבר דרך נחל יבק ויאמר אלהם
6 אלי לאמר אתם עברם היום את גבל ארץ בני עמן לא תצ
7 רם ולא תתגר בם מלחמה[46] כי לבני לט נתתי ארץ בני עמן ירשה
8 [רפ]אם מעלם ישבו בה והעמנם[47] יקראו להם עזמזמם ויישמ
9 [ד]ם[48] אלהם[49] מפנהם וישבו תחתם[50] • ויאמר אלהם אלי שלח אנ
10 שם לרגל[51] את יעזר ונלכד את יעזר ונשב בערי האמרי • ויצא

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[38] Shapira transcribes תתחם, perhaps reflecting a scribal error in the original. See note 50.

[39] SP lacks part of the plus appearing here in MT (viz. רפאים יחשבו אף הם כענקים), bringing SP into closer accord with V.

[40] Sources for transcription: Shapira (*Verzeichnis*, 213), Guthe (*Lederhandschrift*, 24–29), and Ginsburg (*Athenæum* 2912, 206; *Athenæum* 2913, 242–43), all of whom read from the same manuscript.

[41] LXX and SP have "king of Heshbon, the Amorite" – contra MT, and with V.

[42] Following Shapira for line break; Guthe places it after the *he*. Given that Guthe marks line breaks with an easily misplaced "|" and keeps the word intact, whereas Shapira breaks the word and places the *he* at the beginning of the next line, Shapira's transcription seems more reliable on this point.

[43] Shapira's note: לא יש ואו בסוף [ונכה] אבל במקומות אחרים יש ואפשר שיש בכאן טעות סופר.

[44] Various SP mss. have השאיר לו, rather than השארנו, with V.

[45] Guthe read this as שנת; in the script of these mss., *gimel* and *pe* were similar. It is possible that Guthe read correctly and that the error was already present in V^a. While שפת is absent in MT here, it is present in SP. LXX has χείλους, which may reflect the same *Vorlage*.

[46] LXX, Neofiti, and Ps-J all reflect מלחמה, which is absent in MT.

[47] Following Guthe and Ginsburg; Shapira transcribes והעמנים with a *yod*.

[48] Shapira erroneously reconstructs ם[את], thinking וישמ a complete word, due to וישמדם being broken between two lines and there being no terminal letterforms in Paleo-Hebrew script. Ginsburg reconstructs ם[וישמד], and Guthe transcribes וישמ[...] with a medial *mem*.

[49] Following Guthe and Ginsburg; Shapira read אלהים.

[50] According to Guthe (*Lederhandschrift*, 79), this word was misspelled in V^a as תתחם, with an interlinear correction appearing above the middle two letters. It is possible that Guthe confused this appearance of the word with the one in C 1:4–5, which Shapira transcribes without comment as תתחם. See note 38.

[51] Guthe and Ginsburg both read לרגל. Shapira reconstructs וַיִּרְגְּלוּ, with the first two letters marked as uncertain.

Fragment D, column 2 of 3 (V^a)[52]

1 עג מלך הבשן לקראתנו למלחמה ונכהו עד לא השאר לו ש
2 רד ונלכד מאתם ששם ער כל גבל[53] הארגב בצרת חמה דלת
3 ם וברי֯חם[54] • לבד מערי הפרזים הרבה מאד וכל[55] ערי המשר
4 וכל הגלעד וכל הבשן עד[56] סלכה ואדרעי • ארץ רפאם ׳קָרְאָ[57]
5 גם הוא כי עג מלך הבשן מיתר הרפאם[58] נשאר • ונפן
6 ונסע נגבה ונשב מול בת פער • ויצאו[59] בעת ההוא בנת
7 מאב ונשי מדין לקראתכם ותקראן לכם[60] לאכל מחג

[52] Sources for transcription: Shapira (*Verzeichnis*, 207), Guthe (*Lederhandschrift*, 28–33), and Ginsburg (*Athenæum* 2913, 242–43), all of whom seem to have been reading from V^a.

[53] This was read as כבל by Ginsburg and Guthe, as well as Shapira in his transcription. In a letter, Shapira later proposed גבל – *gimel* and *kaph* being quite similar – and this is a more probable reading. In the notes to his preliminary transcription, Shapira writes: "so [כבל] and not חבל." Despite claims to the contrary, כבל is not a logical misspelling of חבל for a European Jew, since it does not follow a vowel and would therefore have been perceived as reflecting the phoneme /k/. Mansoor wrote that a BM photograph supports the reading גבל, but it is not clear what he was referring to. גבול and חבל ארגב appear together in Deut 3:14. Cf. Judg 11:22: ויירשו את כל גבול האמרי.

[54] Guthe and Shapira – both reading from V^a– transcribe וברי֯חם here, but Ginsburg's transcription lacks the *yod*.

[55] Kennicott 232 has וכל, as here, as opposed to כל, as in most MT mss.

[56] Shapira has על.

[57] Shapira transcribes ׳קָרְאָ֯, with the final *vav* crossed out; Ginsburg and Guthe only note an illegible word. Cf. Deut 3:13.

[58] Following Ginsburg; Guthe and Shapira transcribe a *yod*, but this word never appears elsewhere with a plene spelling in V. Indeed, the masculine plural suffix is never transcribed by all three with a *yod*; when they disagree, it is likely that one or two inserted the *yod* out of habit.

[59] This verb appears to be *wəqāṭal*, not *wayyiqṭōl*. Cf. וחרה (V^a D 2:10), ושלחתי (V^a D 3:1), והכתם (V^a D 3:1–2), etc. See discussion in §6.2.1.

[60] MT of Num 25:2 reads לעם. However, LXX there reads αὐτοὺς, reflecting a *Vorlage* of להם, in agreement with V (accounting for the requisite alternation in person).

8 הן[61] ותאלו[62] מזבחהן ותשתו מנסכהן[63] ותשתחו[64] לאלה
9 הן ותזנו את נשי המדינם[65] ותצמדו לבעל פער ביום
10 ההוא וחרה אף אלהם עלכם ויגף בכם בעת[66] ההוא

Fragment D, column 3 of 3 (V^a)[67]

1 מגפה גדלה • ושלחתי מכם אנשם ללחם[68] את המדינם ו

[61] Shapira and Ginsburg transcribe מזבחהן, which is possible. Guthe's reading, מחנ[*]הן, has the benefit of being the *lectio difficilior*. Guthe notes in his comments (*Lederhandschrift*, 81) that such usage is unattested. חנ is, however, occasionally used to mean "sacrificial animal," or something to that effect, in the Hebrew Bible. See, especially, Exod 23:18 (cf. Exod 34:25), Mal 2:3, and Ps 118:27 (cf. Kennicott 131, 133, 681; T-S AS 110.121; BL Or. 5557A.74 – all of which read על, rather than MT's עד, rendering: "Bind the חג with cords to the horns of the altar"). See further in §6.4.6.

[62] In a comment on his transcription (*Verzeichnis*, 207), Shapira addresses the apparent scribal error here: "perhaps ותאכלו and only טעות סופר." Guthe transcribes ות[*]לו, possibly indicating, in this case, that ותאלו lacked an expected letter. Alternatively, perhaps Guthe believed that the *kaph* had been written by the scribe of V^a but was illegible due to damage. Ginsburg reads ותאכל, which – as the *lectio facilior* – is likely imprecise.

[63] Abnormal orthography: *khet* replaces *kaph* in the transcriptions of Shapira (who does not comment on the anomaly) and Ginsburg. Such substitutions are attested in ancient times – לתך corresponds to Ugaritic *lth*, for instance, and 4Q540 has כסר for חסר – and here we also have מזבחהן, which too could have had an influence, given its final three letters (and corresponding phonemes). Perhaps, however, it is an error of transcription, which would explain why Shapira does not note the unusual spelling here, as he does elsewhere. Guthe, working from the same manuscript, transcribes מנת[*]הן, indicating that the letter in question was entirely illegible to him. (The third letter was damaged and unclear; the top of a *samek* in the Paleo-Hebrew script of V looks like a *tav*, which is what Guthe transcribes.) Given that Shapira and Ginsburg are known to have conversed while the latter prepared his transcription, it is possible that an error of Shapira's was propagated in Ginsburg's version, as appears to have happened with the seemingly incorrect reconstruction וין|נאף in V^a B 1:1.

[64] This anomalous orthography for the plural is attested four times in the *ketiv* of MT: Gen 27:29a, 43:28, 1 Kgs 9:9, Neh 8:6. In each case, the *qere* reflects the conventional form. 1 Sam 1:28 may reflect a similar phenomenon; in most MT mss., the verb there is spelled וישתחו, even though its antecedent must either be plural or feminine singular. Indeed, several Hebrew mss. read וישתחוו with two *vav*s (Kennicott 4, 95, 173); the Syriac, Vulgate, and Lucianic recension of LXX all reflect the plural as well. (In 4Q51, the word in the position of וישתחו is mostly illegible, while an additional verb, apparently ותשתחו, appears close by: ו]הו שם ותשתח[ו...].)

[65] Following Shapira and Ginsburg; Guthe transcribed המדין.

[66] Shapira could not read past the *bet* and suggests either עת or יום. Neither Guthe nor Ginsburg indicate any uncertainty in their readings, and Guthe – who appears to have been quite precise about marking reconstructions – was reading from the same manuscript (V^a) as Shapira.

[67] Sources for transcription: Shapira (*Verzeichnis*, 207), Guthe (*Lederhandschrift*, 32–34), and Ginsburg (*Athenæum* 2913, 242–43), all of whom were reading from V^a.

[68] The *niphal* might have been expected for this verb. The *qal* is, however, attested in Ps 35:1, 56:2–3, as well as line 6 of the KLMW inscription (KAI 24).

2 הכתם אתם לפי חרב ושבתם מאתם שבי הרבה[69] למאד[70] ות
3 עצר המגפה • ואתי צוה אלהם בעת ההוא ללמד אתכם חקם ומ
4 שפטם לעשתם[71] בארץ אשר[72] עברם שמה לרשתה • השמרו לכם
5 לא תספו אל[73] מצות̊[74] ולא תגרעו ממנו[75] • השמרו לכם פן תשכחו ו
6 עשתם לכם פסל[76] ותמנה תבנת כל סמל אשר בשמם ממעל ואשר באר
7 ץ[77] מ[תח]ת ואשר במים מתחת לארץ • וחרה אפי̊[78] בכם ואֹשמ[ד][79]
8 [את]כם מהרה מן[80] הארץ הטבה הֹזאת • וידעת היום ו
9 [שמ]רת את חקתו ומצותו[81] למען יטב לכם ו
10 למען תארכו[82] ימם על האדמה אשר אלהם אלהך

[69] Following Ginsburg. Parsed by Guthe as שביה רבה, which is possible. (It is not entirely clear if Shapira writes שבי הרבה or leaves the question open by writing שביהרבה without a space.)

[70] למאד appears once more in V (V[a] E 1:2–3). It is also attested once in MT (2 Chr 16:14).

[71] Kennicott 129 has לעשתם, as opposed to לעשתכם, as in MT mss. Kennicott 81 does not have אתם before בארץ, as here.

[72] The expected word, אתם, is absent.

[73] Following Shapira and Ginsburg; Guthe transcribes על.

[74] Tentatively following Guthe; Shapira and Ginsburg transcribe מצותו, which may indeed be the correct reading here. See notes on אפי̊ and [ואֹשמ]ד in line 7, below.

[75] ממנו does not always agree with its antecedent in terms of gender and number. See, e.g., Exod 5:8, 25:15; Lev 6:7–8; Num 18:28; Josh 1:7.

[76] Guthe reads כל פסל [**]ועשתן. Given that he counts two letters after the *tav* and before the *kaph*, it seems most likely that the letter Guthe takes for a *lamed* was in fact a *mem*, as read by Ginsburg.

[77] Shapira reconstructs [באר]ץ, with the line breaking one letter before it does in Guthe's transcription. Since Shapira was unable to read past the *aleph*, while Guthe indicates no such difficulty, I have followed the latter. It is possible that the first of the two letters that were illegible to Shapira appears at the end of line 6, while the second begins line 7.

[78] Following Ginsburg, who transcribes אפי, and Shapira, who initially read אפו but then modified the *vav* to a *yod*. Guthe transcribes אפֹו, with the *vav* marked as uncertain.

[79] Following Shapira, who corrects [...]והשמ to [...]ואשמ.

[80] Tentatively following Shapira, who reconstructs מֹן, and Ginsburg, who firmly transcribes the same. Guthe has מעל.

[81] Following Shapira and Ginsburg; Guthe transcribes חקו ואת מצותו.

[82] Following Shapira and Ginsburg; Guthe transcribes תארכן.

Fragment E, column 1 of 4 (V^a)[83]

1 נתן לכם[84] • שמע ישראל אלהם אלהנו אלהם אחד
2 ואהבת[85] את אלהם אלהך בכל לבבך ובכל נפשך למ
3 אד[86] מאד[87] והיו הדברם האלה אשר אנך מצוך היו
4 ם על לבבך ושננתם לכל[88] בנך ודברת אתם בשבת[89]
5 ך בבתך ובלכתך בדרך בשכבך[90] ובקמך וקשרת

[83] Sources for transcription: Shapira (*Verzeichnis*, 3), Guthe (*Lederhandschrift*, 34–35), Ginsburg (*Athenæum* 2913, 242–43), and Ginsburg's drawings. Both manuscripts for this section were extant. Guthe's transcription is of V^a, as are Ginsburg's drawings. Shapira's transcription is a hybrid (and he therefore does not indicate line breaks), and Ginsburg's appears to be one as well.

[84] Guthe transcribes תן|*|ך. Both Shapira and Ginsburg record a *mem*.

[85] Shapira appears to have transcribed ואהבתי.

[86] למאד appears once more in V (V^a D 3:2), and it appears also in 2 Chr 16:14. Whereas מאד as an adverb is attested 298 times in MT, it appears as a noun only in the corresponding verse (Deut 6:5) and in 2 Kgs 23:25, which may well be dependent on the Deuteronomic passage: וכמהו לא היה לפניו מלך אשר שב אל יהוה בכל לבבו ובכל נפשו ובכל מאדו ככל תורת משה ואחריו לא קם כמהו.

[87] Following Shapira, Ginsburg, and Ginsburg's drawings; Guthe has מת|.....|למ¶.

[88] Guthe parses this as לך לבנך, which is not impossible. It seems that V^b lacks כל (or לך) and reads ושננתם לבנך. Guthe's transcription and Ginsburg's drawings have those two letters, while the transcriptions of Shapira and Ginsburg do not.

[89] Following what appears to be the final draft of Ginsburg's drawing (BL Ms. Add. 41294, 34) for line break. (The earlier drafts are inconsistent with the final one and with Guthe and appear to be imprecise with regard to layout.) In Guthe's transcription, the break appears one letter earlier. Shapira's transcription of this section is a hybrid and therefore does not indicate line breaks.

[90] V^b apparently had ובשכבך, with the initial *vav*. The transcriptions of Shapira and Ginsburg have the letter *vav*, while Guthe's transcription and the third (lower image) and final drafts of Ginsburg's drawing (BL Ms. Add. 41294, 36, 34) do not. The other versions and earlier drafts, which do not appear to be as accurate (BL Ms. Add. 41294, 35, 37; *Athenæum* 2915, 305), also have the *vav*, perhaps under the influence of MT.

6 ם אתם לאות על ידך והיו לתת מְפֻּת[91] בין ענך[92] וכת
7 בת אתם[93] על מזזת בתך ושערך[94] כי אלהם כרת עמ

[91] Guthe transcribes לתתוּכֻתּ, marking the three letters after לתת as damaged. Shapira suggests לתתוהת. Ginsburg alternates between לתתוהת (*Athenæum* 2913, 242) and לתתהות (*Athenæum* 2915, 304), although the latter may be an editing error. All these options are unintelligible and morphologically suspect. לתת מפת, on the other hand, is coherent and aptly fits the context. There are no word dividers in this section, so these six letters could very well have represented two lexemes. The likelihood of this is increased by the prevalence of the infinitive construct verb לתת in V and throughout the Hebrew Bible. All three nineteenth-century transcribers agree on the first three letters, and Guthe does not mark them as damaged, so we may be reasonably confident that this part of the sequence in question was read correctly. This leaves the partially illegible final three letters, which Shapira, Guthe, and Ginsburg transcribe variously as וכת, והת, or הות. These reconstructions all have the final *tav* in common. The two remaining letters – *vav* and *he*, *vav* and *kaph*, or *mem* and *pe* – have descenders in Paleo-Hebrew and could have been confused if damaged, which Guthe indicates they indeed were. Some of Ginsburg's drawings supply important data regarding the forms of the letters in question. In particular, the upper image in BL Ms. Add. 41294, 36 indicates that the letters read by Ginsburg as *vav* and *he* were somewhat unclear. The top of the putative *vav* includes a horizontal stroke extending to the left of the descender, and the bottom of the descender curves to the left. In addition, Ginsburg (or the artist he commissioned) could make out only one of two medial horizontal strokes on the presumptive *he*. These features bring the characters in question into closer alignment with *mem* and *pe*, respectively. The transcribers were likely influenced here, as elsewhere, by MT, where only a single word appears in this position, and the presence of two *holem*s in MT may have also impacted their reconstruction of a *vav* here. אות and מופת are a common word-pair in the Hebrew Bible – especially in Deuteronomy – appearing in Exod 7:3; Deut 4:34, 6:22, 7:19, 13:1–2, 26:8, 28:46, 29:3, 34:11; Isa 8:18, 20:3; Jer 32:20–21; Pss 78:43, 105:27, 135:9; Neh 9:10; and the pair also appears elsewhere in V (V^{a} B 1:2). All this is especially pertinent in light of the parallelistic construction here. Also, it is noteworthy that נתן is the standard verb in the context of מופת. (Cf. Exod 7:9; Deut 6:22, 13:1; 1 Kgs 13:3, 5; Isa 8:18; Ezek 12:6; Joel 2:30; Neh 9:10; 2 Chr 32:24.) Cf. especially Deut 28:46, where it is said of those who are cursed for not keeping the laws: והיו בך לאות ולמופת. The word טוטפות is difficult and of unclear etymology, and it is attested in the Hebrew Bible only in the corresponding verse (Deut 6:8) and in the parallel passages in Deut 11:18 and Exod 13:16. An additional parallel text reads: והיה לך לאות על ידך ולזכרון בין עיניך (Exod 13:9). Here, too, the corresponding (singular) noun, זכרון, is an attested word-pair together with אות – like מופת, but unlike טוטפות (cf., e.g., Num 17:3–5; Josh 4:6–7). All of this raises the possibility that the word in question is the consequence of an early scribal error. See further in §6.2.7.

[92] Following Guthe and all of Ginsburg's drawings. Guthe also addresses this word's defective spelling in his discussion (*Lederhandschrift*, 74). Ginsburg's transcription in *The Athenæum* and Shapira's handwritten one both have עינך with a *yod*, probably under the influence of MT or standard orthography.

[93] Following Guthe and the third (lower image) and final drafts of Ginsburg's drawing (BL Ms. Add. 41294, 36, 34). (Other versions of his drawing do not contain text in this section.) Ginsburg reconstructs וכתב|תם על; Shapira reconstructs וכתבתם |אתם על, although he places the reconstructed *aleph* beneath the final *mem*, perhaps indicating that the *mem* reading was insecure.

[94] Kennicott 69 (cf. LXX and Vulgate) reads ושעריך, with V.

8 ך[95] בָּרִ֖ת[96] בחרב ביום הקהל ואנך[97] עמדתי בין אלהם
9 ובנכם[98] בעת הזאת כי פחדת[99] מפני האש ולא [עלתם]
10 ההר[100] להגד לכם[101] דבר אלהכם לאמר[102] [*vacat*]

Fragment E, column 2 of 4 (V^a)[103]

1 אנך • אלהם • אלהך • אשר • החרתך[104] • מא

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[95] Shapira reads עמנו, possibly under the influence of MT.

[96] Shapira tentatively reconstructs plene ברית (marking either the *yod* or the entire word with a question mark), again perhaps influenced by MT.

[97] Shapira transcribes ואנכי with a *yod*, possibly under the influence of MT. 4Q41, 4Q129, and 4Q134 read ואנכי with the initial *vav*, in agreement with V. 4Q134 also has אלהים here, rather than the Tetragrammaton, and it lacks the words: להניד לכם את דבר יהוה כי יראתם מפני האש ולא עליתם בהר.

[98] Following Guthe and the third (lower image) and final drafts of Ginsburg's drawing (BL Ms. Add. 41294, 36, 34) for orthography. Earlier drafts leave the beginning of line 9 blank, due to illegibility, and Ginsburg's transcription reads ובינכם with a *yod*. Shapira's transcription reads |...|ובנ, and some of Ginsburg's drawings place those two letters at the end of line 8. Guthe transcribes בנכם|...| for the start of line 9. The later versions of Ginsburg's drawings do not indicate the *vav*.

[99] Following Guthe and the third (lower image) and final drafts of Ginsburg's drawing (BL Ms. Add. 41294, 36, 34). Earlier drafts, as well as his and Shapira's transcriptions, read פחדתם.

[100] Following Shapira; Ginsburg's transcription reads ההד with a *dalet*. This does not appear to be a printing or editing error, given that several of Ginsburg's drawings indicate a (Paleo-Hebrew) *dalet* as well. It therefore seems most likely that Ginsburg could not make out the descender of the *resh*. Alternately, a scribal error may be present in V^a, in which case Shapira either glosses over it, or else he follows the reading of V^b. (As noted above, Shapira's transcription of this section is a V^a–V^b hybrid.) As discussed below, Guthe appears to have read this letter as a *qoph*, supporting the case for a (partially damaged) *resh*, considering the relative similarity of these two letters. For ההר, rather than ההרה or בהר, cf. Hag 1:8: עלו ההר. Cf. also V^b G 3:8: שם, according to Guthe; שמה, per Ginsburg.

[101] Guthe, who had great difficulty reading this section, transcribes [...] הקל[*|]גדל [...], seemingly mistaking the *resh* of ההר for a *qoph*, and then parsing accordingly. Guthe may have been influenced by Deut 5:22. Guthe also transcribes a lone *tav* between here and the end of the line; the rest was illegible to him.

[102] Shapira's transcription and Ginsburg's drawings end the column here. Ginsburg's transcription includes an ellipsis after לאמר, but this is likely simply to mark the elided Decalogue, which had been published in a previous issue of *The Athenæum*.

[103] Sources for transcription: Shapira (*Verzeichnis*, 3), Guthe (*Lederhandschrift*, 34–37), Ginsburg (*Athenæum* 2911, 178–79). Both manuscripts for this section were extant. The Decalogue appears in larger script than that of the other text, and it features dots after all words, with the notable exception of את and לא. Each proclamation begins a new line in V^a.

[104] This reading – "freed you," rather than "brought you out" (MT הוצאתיך; LXX ἐξαγαγών) – is unattested in extant manuscripts. However, the Nash Papyrus – which is damaged in the middle of the corresponding word – could not have read הוצאתיך, despite having been reconstructed as such, in accordance with the familiar versions, since Cook in 1903. (Stanley A. Cook, "A Pre-Massoretic Biblical Papyrus," *Proceedings of the Society of Biblical Archaeology* 25 [1903], plate 2.) The space between the *he* and *tav* there is insufficient for יצא, and no corrections above the line are apparent. (A defective spelling such as הצתיך or הוצתיך is unlikely, given the plene or-

2 רץ • מצרם • מבת • עבדם • לא יה]יה •[105 לכם •
3 אלהם • אחרם • לא תעשן[106] • לכם • פסל • וכל[107] • תמ
4 נה • אשר • בשמם • ממעל • ואשר • בארץ • מ
5 תחת • ואשר • במים • מתחת • לארץ • לא תש
6 תחו[108] • להם • ולא תעבדם • אנך • אלהם •
7 אלהך • [*vacat*]
8 קדש[109] • [את יום • השבעי • ושבת • בו • כי • ש][110]

Fragment E, column 3 of 4 (V^a)[111]

1 שת • ימם[112] • עשתי • את השמם • ואת הא
2 רץ • וכל • אשר • בם • ושבתי • ביום[113] • השבעי •
3 על • כן • תשבת • גם • אתה • ובהמתך • וכל • אשר •
4 לך • אנך • אלהם • אלהך • [*vacat*]
5 כבד • את אבך • ואת אמך[114] • אנך • אלהם • אלהך •

---

thography that typifies the papyrus – especially considering that the *vav* and *aleph* are both historical consonants here.) V's reading would fit comfortably in the available space. While החר – a cognate of Aramaic (and Mishnaic Hebrew) שחרר – does not appear in MT, it is what would be expected in BH, and the root is well represented throughout the Semitic languages. חר, meaning "freeman" or "nobleman," is widely attested in MT (1 Kgs 21:8, 11; Isa 34:12; Jer 27:20, 39:6; Ecclesiastes 10:17; Neh 2:16, 4:14, 19, 5:7, 6:17, 7:5, 13:17). In addition, the passive *qal* participle חרור and the *pual* participle מחורר are both attested in Mishnaic Hebrew. Semantically, V's version corresponds to Deut 7:8 (ויפדך מבית עבדים), Deut 13:6 (והפדך מבית עבדים), and Mic 6:4 (ומבית עבדים פדיתיך).

[105] Alternatively: יהיו. Guthe notes a hole here, which is also visible in photographs and in Ginsburg's drawings.

[106] Shapira and Ginsburg both reconstruct תעשה in the singular, following MT. However, in MT, this verb agrees with the singular לך that follows it, as opposed to the plural לכם found here. I have opted, provisionally, for an internally consistent reading. Guthe notes a hole here, and damage is also indicated in Ginsburg's drawings.

[107] MT does not have a *vav* here, but Exod 20:4 and several Dead Sea Scrolls on this verse in Deut (4Q41, 4Q134, 4Q137, XQ3) read וכל with an initial *vav*.

[108] See note 64.

[109] This word is recorded in the transcriptions of Shapira and Ginsburg, but not in Ginsburg's drawings or in Guthe's transcription.

[110] Reconstruction based on parallel in V^b G 4:1–2.

[111] Sources for transcription: Shapira (*Verzeichnis*, 3), Guthe (*Lederhandschrift*, 36–39), and Ginsburg (*Athenæum* 2911, 178–79).

[112] Following Guthe, Ginsburg, and Ginsburg's drawings; Shapira transcribes ימים with a *yod*.

[113] Ginsburg's transcription lacks this word separator, although it appears in Guthe's edition. Some of Ginsburg's drawings include it and others do not.

[114] V^b: plus • למען • יארכן • ימך. The phrase ולמען ייטב לך – which appears in MT Deut 5:16 but is present in neither V^a nor V^b – is also absent in the MT Exodus version of the Decalogue and in 4Q134, where the Decalogue appears in a Deuteronomic context. These two phrases appear in reverse order in the LXX versions of Exod 20:12 and Deut 5:16, as well as in the Nash

6 לא תר[צח] • את נ̇פש[115] • אחך • אנך • אלהם • אלהך •
7 לא תנאף • את אשת[116] • רעך • אנך • אלהם • אלהך • [*vacat*]
8 לא תגנב • את הן • אחך[117] • אנך • אלהם • אלהך • [*vacat*]

Fragment E, column 4 of 4 (V^a)[118]

1 לא תשבע • בשמי • לשקר • כי • אנך • אקנא • את

Papyrus. All of this is consonant with ולמען ייטב לך being a secondary (or tertiary) insertion, perhaps under the influence of V^a D 3:9–10: למען ישב לכם ולמען תארכן ימם וגו׳.

[115] Guthe transcribes את, and Ginsburg reconstructs it between brackets. The ellipsis in Shapira's transcription seems to allow enough space to accommodate the word. However, Ginsburg's drawings lack the word and do not have a sufficiently wide gap for these two letters. Ginsburg's original transcription reads נפשי (*Athenæum* 2911, 178), but he later writes that a word-separating dot had been erroneously transcribed as a *yod* (*Athenæum* 2912, 206).

[116] In his final *Athenæum* installment, Ginsburg writes that he had recently realized that in line 7, an alternate form of לא תגנב was written and crossed out: • רעך • אנך • הן [..] מן מ[...] לא אלהם • אלהך (*Athenæum* 2915, 304). (This same reading is reflected in several of his drawings.) Ginsburg apparently mistook a partially illegible fifth proclamation (לא תנאף) for an alternate version of the sixth (לא תגנב). His early drawings are consonant with Guthe's transcription of Proclamation 5, and in the illustration that accompanies Ginsburg's final *Athenæum* report, the supposedly canceled line takes the place of לא תנאף, which is nowhere represented visually, despite being transcribed in the texts of Ginsburg, Shapira, and Guthe. The evidence suggests that there was only ever one version of the לא תגנב injunction in V^a.

[117] Guthe reads ר[*]ך, possibly confusing a partially illegible *aleph* for a *resh*. Both Ginsburg and Shapira read אחך.

[118] Sources for transcription: Shapira (*Verzeichnis*, 3, covering the first ten words of the column), Guthe (*Lederhandschrift*, 38–39), and Ginsburg (*Athenæum* 2911, 178–79). Both manuscripts for this section were extant. Guthe consulted this column's corresponding section in V^b (*Lederhandschrift*, 63).

2 עון • אבת[119] • על • בנם • על • שלשם • ועל[120] • רבעם • לנ֯
3 שאי[121] • שמי • לשקר • אנך • אלהם • אלהך • [*vacat*]
4 לא תענו[122] • באחך • עדת[123] • שקר[124] • אנך • אלהם • אל
5 הך • [*vacat*]
6 לא תחמד • אשת • [רעך] • עבדו[125] • ואמתו • וכל • אש
7 ר • לו • אנך • אלהם • אלהך • [*vacat*]
8 לא תשנא • את אחך • בלבב[ך] • אנך • אלהם • אלהך •
9 את עשרת הדברם האל[ה] דבר [אלהם עמכם בהר מתך האש][126]

Fragment F, column 1 of 4 (V^b?)[127]

1 .....
2 [כשמעכם את הקל]|.....[128]

[119] V^b may have read אבם, which is an otherwise unattested plural form of אב. Cf. הוֹר, which is occasionally pluralized as הוֹרִים (Isa 51:8; Ps 72:5, 102:24). In both a note on his transcription and a letter to Hermann Strack preserved in BL Ms. Add. 41294, 5, Shapira indicates that while the *mem* was not altogether clear, it seems that one of the manuscripts indeed read אבם. *Mem* and *tav* are not especially similar in Paleo-Hebrew. Guthe (*Lederhandschrift*, 79) suggests the reading אבך, although he notes that the final letter could have been a *mem*. Alternatively, it may be that damage to this section of V^b led both Guthe and Shapira to misread the text (somewhat differently from one another). Shapira's transcription after this point is not extant.

[120] Following Ginsburg and the second, third, and final drafts of Ginsburg's drawing (BL Ms. Add. 41294, 35, 36, 34); this word-separating dot is not indicated in Guthe's transcription or in the other versions of Ginsburg's drawing.

[121] Guthe transcribes לנשאי and Ginsburg לנשא. However, Ginsburg's drawings show a large space after the *aleph* of this word and before the *sin* of the next, befitting an illegible letter. Cf. MT לשנאי (Exod 20:5, Deut 5:9).

[122] This may be a case of grammatical disagreement between the verb and the singular suffix of the next word. This phenomenon is attested elsewhere in V, e.g., V^b G 1:9–10: את ממרם היתׄ|ם אלהם אלהך. Alternatively, the *vav* of תענו could be a 3ms pronominal suffix, as in Exod 2:6: ותפתח ותראהו את הילד.

[123] See discussion of this word in §6.4.6.

[124] Exod 20:16 in MT and XQ3 have שקר, rather than שוא of MT here, and the same is reflected in LXX.

[125] Guthe identifies only three illegible letters between אשת and ואמתו, but Ginsburg's drawings clearly indicate a larger lacuna, and he transcribes אשת • [..] • עבדו • ואמתו in that space. Guthe's reading would produce an anomalously short line.

[126] Reconstruction based on Deut 5:22 and V^b G 1:11.

[127] Source for transcription: Guthe (*Lederhandschrift*, 38–41; transcribed by Eduard Meyer). The scope and position of this fragment are not entirely certain. Only an extremely incomplete transcription by Meyer is available. Guthe and Meyer note that they switched here to the second manuscript (ibid., 38, n. 1) – in other words, V^b. They also write that Fragment F is followed by Fragment G (ibid., 40), suggesting that both belonged to the same manuscript. As discussed in the notes below, Fragments G–H derive from V^b. Presuming Fragment F indeed derives from the second manuscript, this suggests that the illegible columns 2–4 are lost and do not overlap with the transcribed portion of V^a.

[128] Reconstructions in this fragment are speculative and are based on Exod 20:19–20; Deut

3 [מתך האש ותאמרו אלי דבר א]תה עמנ[ו ונשמ]ע ואֹ[ל] ידבר[129] עמ[נו אל]
4 [ה]ם[130] ולא נָמת • וישמע אלהם את דְּבר[כם בדברכם אלי בעת ההוא ויא]
5 מ[ר הטבו אשר דב]רו[131] • מי י[תן והיה לבבם זה ליראה אתי ולשמר את כל מ]
6 [צותי כל ה]ימם [ל]מע[ן ל[א]].....
7 .....
8 .....
9 .....
10 .....
11 .....
12 .....

Fragment F, column 2 of 4 (V^b?)

1 .....
2 .....
3 .....
4 .....
5 .....
6 .....
7 .....
8 .....
9 .....
10 .....
11 .....
12 .....

Fragment F, column 3 of 4 (V^b?)

1 .....
2 .....
3 .....
4 .....
5 .....
6 .....
7 .....
8 .....
9 .....
10 .....
11 .....

5:23–29, 18:16–17.

[129] Meyer transcribes ואֹ ידבר, without reconstructing the *lamed*; this is likely an editing error.

[130] Meyer reconstructs a provisional *kaph* where I conjecturally propose a *he*, based on context. My reconstruction of אלהם here agrees with that in Meyer and Guthe's translation.

[131] Meyer: דְּבר[*]רו.

12 .....

Fragment F, column 4 of 4 (V^b?)

1 .....
2 .....
3 .....
4 .....
5 .....
6 .....
7 .....
8 .....
9 .....
10 .....
11 .....
12 .....

Fragment G, column 1 of 5 (V^b)[132]

1 |מ]ם[133] על ה̇אֲדמה אשר נשבעתי לתת להם ולבנהם אחרהם • שמע ישׂ|ראל|
2 אתם עברם היום את הירדן לבא לרשת גוים רבם ועצמם ערם נדלת̇ ובצ
3 רת חמה[134] לא תאמרו בלבבכם ר̇בם המה הגוים האלה לא נכל להרשם לא תירא[135] מה
4 ם זכר א̇ת אשר עשׂה אלהם לפרעה ולכל מצרם כן יעשה אלהם לכל איבך •
5 כי א̇לה̇ם הוא העבר לפנך אש אכ̇לה הוא • הוא ישמדם ויכנעם מהרה לפ̇
6 נך • גם את ה|צ|רעת[136] ישלח |אל|הם בם[137] עד אבד̇ יאבד הנ̇סתרם הנשארם מלפ̇

[132] Sources for transcription: Guthe (*Lederhandschrift*, 40–43; transcribed by Eduard Meyer), Ginsburg (*Athenæum* 2913, 242–44), and Ginsburg's more detailed unpublished alternate transcription in BL Ms. Add. 41294, 39–40. As noted above, Fragments G and H (V^b) are different in form from the others (V^a): rather than ten short lines, they had twelve longer ones. (V^b G 5 may have had thirteen lines; see note 208.) In Ginsburg's unpublished transcription, this is (by inference; see note on next column) column 3, not 1, and he was clearly reading from V^b in the alternate transcription, given its agreement with that of Guthe and Meyer vis-à-vis line numbers, line breaks, and damage. This is difficult to make sense of and may be an error on the part of Ginsburg or an assistant. Ginsburg's transcription in *The Athenæum* may be a conflation of the two manuscripts, considering their occasional agreement regarding damage, on the one hand, and substantial divergence in readings (and disagreement regarding damage), on the other.

[133] Meyer marks one illegible letter at the beginning of this line, which I have reconstructed as a *mem* (ימם). Another possibility is *he* (ימהם).

[134] Following Ginsburg; Meyer transcribes |...|ובצ¶רת כ̇מ.

[135] Ginsburg reads תרא here.

[136] Ginsburg transcribes צרעת..ה in his *Athenæum* transcription, but his alternate transcription has צ|רעת|ה, and Meyer transcribes עת|**|ה, indicating just two letters between the *he* and the *tsade*. MT (Deut 7:20) reads צרעה. Ibn Ezra ad loc. (cf. Exod 23:28): "A bodily affliction. From the form צרעת" (my translation).

[137] Meyer transcribes a dot, but it is not recorded in either of Ginsburg's transcriptions.

7 נך רק אם תשמרו[138] את מצ[ותו][139] ומשפטו וחקתו אשר אנך מצוך היום ו
8 ידעת[140] היום[141] כי לא בצדקתן[ך][142] אלהם אלהך נתן לפנך את הארץ הזאת לרשתה
9 כי עם קשה ערף הית מן היום אשר יצאת ממצרם עד היום ממרם הית
10 [ם] את אלהם אלהך • בחרב ביום עלתי ההר לקחת את שני לחת האבנם[143] ועלהם[144]
11 כתבם[145] [כל הדברם אשר דבר][146] אלהם[147] עמכם בהר מתך האש ביום הקהל
12 [ה]קצפתם [את אלהם ועשתם לכם ענל מ]סכה[148] [ואתנפל לפני אלהם ב]הר[149] הבער כאש[150]

[138] Meyer transcribes תשמר, while Ginsburg's *Athenæum* transcription (*Athenæum* 2913, 242) and unpublished alternate transcription (BL Ms. Add. 41294, 39) both have תשמרו.

[139] While Ginsburg does not bracket these letters in his transcription in *The Athenæum*, they are marked as a reconstruction in his unpublished alternate transcription (BL Ms. Add. 41294, 39). The same letters are marked as illegible by Meyer.

[140] Meyer notes an illegible letter after the *tav*, but Ginsburg makes no such indication in either transcription.

[141] MT lacks the word היום, whereas LXX has σήμερον (today), in agreement with V.

[142] Ginsburg does not bracket the final letter of this word in his *Athenæum* transcription, but it is marked as a reconstruction in his unpublished alternate transcription (BL Ms. Add. 41294, 39). Meyer marks the same letter as illegible.

[143] Following Ginsburg; Meyer reads לח[**]בנם. If Meyer's count of illegible letters is correct, this suggests the reading לחת אבנם.

[144] Meyer indicates that he identified an illegible character following the *mem*, but given the context, this seems unlikely.

[145] Meyer indicates that he identified another illegible character before the the *kaph*, which seems improbable as well.

[146] While Ginsburg does not bracket these four words in his *Athenæum* transcription, they are marked as a reconstruction in his unpublished alternate transcription (BL Ms. Add. 41294, 40). Meyer marks the same sequence as illegible, as well as the final *mem* of כתבם.

[147] Ginsburg's alternate transcription (BL Ms. Add. 41294, 40) has אלהך as the first word after the lacuna, but it is absent in the transcription he published in *The Athenæum* (as well as the translation there). In Guthe (*Lederhandschrift*, 42), the *mem* is marked as uncertain. It therefore seems likely that Ginsburg initially misread a damaged *mem* as a *kaph*, given their similarity in the Paleo-Hebrew script of V. Alternatively, the text may have read אלהם אלהך. Cf. notes 203 and 219.

[148] Brackets follow Ginsburg's alternate transcription (BL Ms. Add. 41294, 40).

[149] Brackets follow Ginsburg's alternate transcription (BL Ms. Add. 41294, 40).

[150] Following Ginsburg in both his transcriptions. Meyer, who had great difficulty reading this line, transcribes באש, in accordance with MT. Ginsburg has an ellipsis following this word in his *Athenæum* transcription, but no lacuna is noted in his more detailed alternate transcription, nor is there one in Meyer's transcription.

Fragment G, column 2 of 5 (V^b)[151]

1 ושני לחת[152] בידי וארא חטאתכם[153] ואשבר את שני הלחת[154] לע
2 ינכם ואֶתפלל בעדכם בעת ההוא ארבעם יום וארבעם לילה • ובתבערה
3 ובמסה ובקברת התאוה ממרם היתם את אלהכם • בעת ההוא אמר אל
4 הם אלי |פסל ל|ך שנ|ו לחת אבנם כְּרֹאשנם ועלֵה[155] אלי ההרה ואעל ההרה ושני
5 הלחת בידי • ויכתב אלהם על הלחת א|ת עשרת| הדברם אשר דבר אלכם בְּהָרֹ בי
6 ום[156] הקהל ויתנ|ם| אלי והנם[157] בארן אשר עשתי ובקדש ברנע באמר אלי אלה[158]
7 ם[159] עלו ורשו את הארץ ממרם היתם את אלהכם ולא עלתם ולא שמעתם בק
8 לו וַיֹּאמֶרֹ אלהם להשמד א|תכ|ם[160] ואת|נ|פל[161] בעדכם בעמדי|ן|[162] בהר ארבעם יוֹם
9 |ואר|בע|ם ל|ילה בעדכם[163] וישמע[164] אל|הם גם בפעם ההוא ולא השחת| אתכם כ|רגע •
10 לא בצדקתך אלהך נתן לך כח לעשת חיל[165] [.....] רק |חשק אלהם| באב
11 תכם לאהבה אתם ויבחר בז|ר|עם אחר|הם| מכל |העמ|ם • כי אלה|ם

[151] Sources for transcription: Guthe (*Lederhandschrift*, 44–47; transcribed by Eduard Meyer), Ginsburg (*Athenæum* 2913, 242–44), and Ginsburg's alternate transcription (BL Ms. Add. 41294, 40), according to which this is column 4.

[152] Meyer notes the presence of a missing letter before לחת, which would be a *he*, but he could not clearly see the two previous letters, so this may be conjectural. Ginsburg has no *he*.

[153] Meyer has a plus here: ואקצף. However, this word is absent in Ginsburg's alternate transcription, which follows V^b. It is also absent in Ginsburg's *Athenæum* transcription (which may conflate the two manuscripts) and in his translation.

[154] לחת in Ginsburg's *Athenæum* transcription, although in his notes (BL Ms. Add. 41294, 40), he reconstructs the *he*.

[155] Meyer marks an additional line break after the *vav* of ועלה, likely in error.

[156] Meyer reads וביום.

[157] Meyer transcribes והם, although he had difficulty reading this part of the fragment.

[158] Precise line break location unknown. Meyer's transcription is incomplete and does not indicate the line break here, Shapira's transcription is not extant, drawings are unavailable, and Ginsburg does not record line breaks.

[159] Meyer had difficulty reading this section and reconstructs ובקדש הֹ|...|בְּא|..|בְּראהם. My reconstruction follows Ginsburg.

[160] Ginsburg reads להשמדכם, which may be a variant. While Meyer had great difficulty reading this line, Ginsburg reconstructs it almost in its entirety. Alternatively, rather than variants, these may simply be divergent reconstructions.

[161] Ginsburg reads ואתפלל, possibly a variant. Considering that Meyer was able to read very little from this point till the end of the line, I follow Ginsburg for this section.

[162] Only Ginsburg reconstructs this word, and he does not record the expected *yod*. However, his English translation appears to reflect בעמדי.

[163] Meyer reads באמם, and Ginsburg marks the word with a question mark, perhaps due to this word's redundancy here.

[164] Meyer transcribes וישע.

[165] Following Ginsburg. Meyer had much difficulty reading this section and unintelligibly transcribes |.....|אבשמר|..|.

12 אלהכם הוא אל האלהם[166] ואו[ד]נ֯י ה[אדנם |האל הגבר][167] והנרא הו[א ת]הלתך

Fragment G, column 3 of 5 (V^b)[168]

1 והוא אשר עשה אתך[169] את הגדלת ואת הנראת • בשבעם נפש ירדו אבתך[170] למצר
2 ם וע[תה היתמ֯[171] לעם עצם ורב • כי אֹם תשמ[ר]ן[172] א[ת] כל ה[מ]צוה אשר אנך צותך[173] ה
3 יום[174] לעשתה[175] לאהבה את אלהכם[176] ללכת בכל דרכו ובכל חקתו • והרש א[ל]הם את כ
4 [ל אנשי] המקם כל אשר תדרך[177] כ֯ף רגלכם בו • [ל]א יתיצב איש בפֹנכם[178] כי [פחדכ]
5 ם ומראכם יהיה על פני כל הארץ אשר תדֹרכו בו • ראה אנך נתן לפנ]כם היום בר
6 כה וקללה את הברכה אם תשמעו אל מצות אלהם[179] והקללה אם לא תשמעו וסרתם
7 מהדרך אשר אנך מצוה אתכם היום |• והיה כי יב]אך אלהם אל הארץ אשר[180] את
8 ה בא שמה[181] לרשתה ונתת את הברכה על הר [גרזם][182] והקללה על הר עבל • הלא המה בעבר

[166] Following Meyer; Ginsburg reads אלהם[?]אלה, suggesting he was unsure what the correct parsing was. In Guthe's discussion of this phrase (*Lederhandschrift*, 71), he too wavers on the parsing of these two words. I have opted for אל האלהם, given that it is a closer parallel to ואדני האדנם than אלה אלהם is. The latter phrase is also grammatically atypical.

[167] Ginsburg transcribes these two words without brackets; Meyer transcribes .....אֹ.

[168] Sources for transcription: Ginsburg (*Athenæum* 2913, 242–44) and Guthe (*Lederhandschrift*, 46–51), which is less complete. Guthe notes (*Lederhandschrift*, 21) that he was unable to review his transcription of G 3–5 due to poor light during a thunderstorm.

[169] Guthe indicates a line break here. This is likely a printing error, given that this would produce two unusually short lines, which together make up the length of a single line.

[170] Ginsburg transcribes אבתכם, possibly reflecting a variant in V^a.

[171] Ginsburg transcribes היתֹ, possibly reflecting a variant in V^a, although Guthe marks the *mem* as partially illegible.

[172] Following Guthe; Ginsburg reconstructs כי אך |אם] תשמר|ו.

[173] Ginsburg reads מצוה, perhaps following V^a.

[174] The word היום, which is absent in MT, appears in SP. LXX has σήμερον (=today), likely reflecting the same *Vorlage*.

[175] Ginsburg's transcription lacks the *he*.

[176] Following Ginsburg; Guthe could not read the end of the word clearly and reconstructs אלהֹם.

[177] Guthe transcribes תֹּם.

[178] Following Guthe. Ginsburg reads לפנכם, which corresponds to SP, against MT. Cf. Josh 1:5.

[179] Ginsburg reconstructs מצות]י וחקתי, but Guthe appears to have been able to read both words and transcribes מצות אלהם.

[180] Following Ginsburg. אשר is absent in Guthe's transcription, but the word is underlined in his column of biblical correspondences, suggesting that this is an editing error.

[181] Guthe transcribes שם.

[182] Guthe indicates a hole here.

9 ה[ירד]ן דרך מבא השמש בארץ הכנעני בע[רבה נג]ד הגלגל[183] אצל אלני מרא[184] • ואלה
[עמדו]
10 [על הר עבל] ראובן זבולן וגד אשר ד[ן ונ]פתלי[185] • ואלה יעמדו על הר גרזם שמ[186]
11 ען ויהודה וישכר[187] מנשה ואפרם ובנימן[188] • ועמדו[189] הלוים נגד הר גרזם ו
12 [ענ]ו ואמרו בקל רם[190] ברך האיש אשר יה[יה][191] אלהם אלהו[192] ולו לבדו ישתחו ואתו

Fragment G, column 4 of 5 (V^b)[193]

1 לבדו יעבד וענו כל הע[ם] ואמרו[194] אמן • ברך הא[יש אשר י]קדש את היום השבעי

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[183] Following primarily Guthe, who transcribes הגלגל |.....בארץ הכנעני בע. Ginsburg reconstructs בארץ הכנעני ב[נג]ד גלגל. I tentatively accept Ginsburg's נגד – as opposed to מול, as in MT, SP, 1QDeut[a] (1Q4), and 1QDeut[b] (1Q5) – due to the fact that he saw a *dalet* there. Unlike Guthe, Ginsburg does not record a *he* before גלגל. The two transcriptions of this passage are not altogether reconcilable.

[184] Following Ginsburg. Guthe transcribes אל[*]רא with a single asterisk. Given the absence of final forms and word dividers, it seems probable that Ginsburg – who expresses no reservations about his reading here – was able to make out two letters where Guthe saw traces of only one. SP and Kennicott 69 read מרא, with V.

[185] Structure of V matches LXX and SP, against MT: A, B, *ve*-C.

[186] Precise line break location unknown. Guthe marks a break in this general area, but he is unable to make out the text near the margins.

[187] V[b]'s spelling of Issachar is attested in 4Q522 and some mss. of 1 Chr 2:1. It is also reflected in the *qere perpetuum* of many MT mss., in which one *sin* is unpointed, and in LXX's transliteration of the name.

[188] Following Ginsburg, who appears to have had little difficulty reading this sentence and transcribes it without brackets. The idiosyncratic orthography of Issachar suggests that Ginsburg was not merely reconstructing from context. Guthe's less complete reconstruction is in full accordance with Ginsburg's readings.

[189] Following Ginsburg. Guthe tentatively reconstructs וְעָמְדוּ, although his German translation of this word is "anheben," which corresponds to וענו.

[190] Following Ginsburg from the beginning of this line. He indicates only two illegible letters, whereas Guthe was unable to read much of the text.

[191] Ginsburg has יאהב; Guthe reads יה[**]. Guthe's reading is more plausible, given the absence of the object marker את, which would be expected following יאהב, and given its correspondence to this blessed man's counterpart in V[a] E 2:2.

[192] Following Guthe; Ginsburg transcribes אלהנו.

[193] Sources for transcription: Ginsburg (*Athenæum* 2913, 243–44) and Guthe (*Lederhandschrift*, 50–53), which is less complete. Both manuscripts for this section were extant at the time. Guthe consulted this column's corresponding section in V[a] (*Lederhandschrift*, 63).

[194] Following Ginsburg; Guthe transcribes ועגו כלה ואמרו. In his discussion, Guthe notes that the sequence כלה, rather than כל העם, appears three times in this fragment. However, Ginsburg reads כל ה[ע]ם here, and in the other two cases (V[b] G 4:2,5), Guthe was unable to read the characters following the *he*, allowing for the standard idiom to have, in fact, appeared.

2 וישבת בו וענו[195] כל העם[196] ואמרו אמן • |ברך] מכבד אבו ואמו וענו כל ה[197]
3 עם ואמרו אמן • ברך |ה]איש אשר לא יקם ולא יסר את נפש אחו ו[198]
4 ענו אמן • ברך האיש אשר לא יטמא את אשת רעהו וענו כל העם ואמרו א
5 מן • ברך האיש אשר לא י|נ]ה[199] את רעהו וענו כל ה]עם ואמרו אמן •] ברך האיש
6 אשר לא ישבע בשמי לשקר וענו כל העם ואמרו אמן • ברך האיש אשר לא
7 יכחש ולא י|שָּׁקר ברעהו וענו כל העם ואמרו אמן • ברך[200] אשר לא נשא
8 עינו אל |כל נפ]ש[201] רעהו וענו כל העם ואמרו אמן • |ברך] האיש אשר יאה
9 ב את רעהו וענו כל העם ואמ|ר]ו אמן • ברך האיש אשר יקם את כל דב
10 רי התרה הזאת לעשת אתם וענו כל העם ואמרו אמן • ויספו הלוי
11 ם ויענו ויאמרו בקל |רם] ראה א|ם] שמע תשמע בקל אלהך לשמר לעש
12 ת את כל מצותו ובאו עלך כל הברכת האלה ברך אתה בער ברך אתה

Fragment G, column 5 of 5 (V^b)[202]

1 בשדה ברך טנאך |ו]שארתך • ברך פרי בטנך ופרי אדמתך שנ|ר א]
2 לפך ועשתרת צאנך ברך אתה בבאך וברך אתה בצאתך • יתן אלה|ם][203]
3 את איבך נגפם לפנך • יצו אלה|ם] את הברכה בכל מעשה י|ד]ך • יק
4 מך אלהם לו לעם קדש וראו כל עמי הארץ |ו]יראו ממך • יפתח אלה|ם]

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[195] Guthe has וענו here, as appears throughout the lists of blessed and cursed men. Ginsburg has ויענו in his Hebrew transcription, perhaps reflecting a *(wə-)yiqṭōl* construction, as in ויספו in line 10 of this fragment, et passim. See §6.2.2.

[196] Guthe could not read between the *he* of העם and the end of line 4. The text here is therefore based on Ginsburg's version, which is the only extant transcription.

[197] Precise line break location unknown.

[198] Precise line break location unknown. We have only Ginsburg's transcription here, which lacks the words כל העם ואמרו in both the Hebrew and the translation.

[199] Ginsburg reconstructs |ינ]ה and Guthe transcribes |***]י, indicating that he perceived traces of a fourth letter.

[200] Following Guthe; Ginsburg reconstructs [האיש] after ברך, but it is possible that this is a word he thought was intended by the author or scribe, rather than one physically present in the manuscript. Alternately, it may be that Guthe neglects to indicate an illegible four-letter sequence.

[201] Guthe reads כש|...ה and Ginsburg apparently reconstructs כש|ר]ה, although in print, the first letter looks like a *khet*. (This printing issue occurs elsewhere in Ginsburg's *Athenæum* transcriptions.) הרכש רעהו seems implausible, *prima facie*. I suggest that the *he* is erroneous, and we should read כל נפש or perhaps כל רכש. Cf. the same transcription error with regard to the *he* of אלהם in V^b F 1:4; *pe* and *kaph* are similar in the scripts of the V mss. כל נפש accords with V's version of the concomitant proclamation and curse: In both the concern appears to be lusting after people belonging to others, not coveting their objects. See note 213.

[202] Sources for transcription: Ginsburg (*Athenæum* 2913, 243–44) and Guthe (*Lederhandschrift*, 52–57), which is less complete. Both manuscripts for this section were extant. Ginsburg may have been working from V^a. Guthe worked from V^b but consulted this column's corresponding section in V^a (*Lederhandschrift*, 63).

[203] Guthe was unable to read this letter, marking it with an asterisk; Ginsburg transcribes a *kaph*. However, *kaph* and *mem* are very similar in the Paleo-Hebrew script of these manuscripts, and the graphic confusion was perhaps compounded by damage to the letter. אלהם is the expected form. Cf. notes 147 and 219.

5 לך את השמם |ל|תת מטר ארצך בעתּוֹ וֹהלות גוים רבם ואתה לא תלו
6 ה והית רק[204] למעלה |ולא| תהיה למטה ויתרך אלהם רק לטבה על האדמה |הטב|[205]
7 |ה אשר אלהם אלהי א|בתכם[206] נתן לכם • ויסבו הלוים את פנהם נגד הר עב
8 |ל|[207] ויענו ויאמרו בקל רם ארר האיש אשר יעשה /[מלאכה/במם/השבעי/ענו]
9 /[כל/העם/ואמרו/אמן/*]/[208] פסל ומסכה מעשה ידי חרש וענו כל העם ואמרו
10 אמן • ארר האיש אשר יעשה מלאכה ביום השבעי[209] וענו כל העם ואמרו אמן • ארר מקל|ה| אבו ואמו ו
11 ענו כל העם ואמרו אמן • ארר מכה רעהו בסתר וענו כל העם ואמ
12 רו אמן • ארר האיש אשר יקרב אל כל שאר בשרו ואשר ינאפּ
13 |את אש|ת רעהו ואשר יבעל עם כל בהמה וענו[210] העם ואמרו אמן • ארר

Fragment H, column 1 of 2 (V^b)[211]

1 מסג גבל רעהו וענו כל העם ואמרו אמן • ארר האיש אשר ישבע
2 בשמי לשקר וענו כל ה|עם| ו|אמר|ו אמן • ארר לקח ש|חד| לה|עד| עדּת שקר בעמ
3 ת|ו[212] וענו כל הע|ם ואמ|רו| אמן • ארר האיש אשר יחמד וישא עגנו[213] אל אשת ר

[204] The word רק is absent in Ginsburg's transcription, perhaps reflecting a variant.

[205] Precise line break location unknown; Guthe could not read any text near the margins.

[206] Reconstruction based on the correlation of Guthe's and Ginsburg's partial readings here. Guthe, working primarily from V^b but consulting V^a, reads: למטה ויתרך אלהם רק לטבה על האדמה נתן לכם • ויסבו הלוים |.....| ¶ |...|. Ginsburg read ל|מטה |...|מה|.... א|בתכם |....| ו|יסבו הלו|ים.

[207] Guthe has an extended ellipsis after this word, to which only the *lamed* in Ginsburg's transcription corresponds.

[208] Guthe has an ellipsis here, but there is no corresponding word or ellipsis in Ginsburg's transcription, nor is there an ellipsis in Guthe's own translation. Notably, the Hebrew text here runs smoothly, making missing text seem, *prima facie*, improbable. Guthe also indicates a line break after יעשה on line 8, which produces the two shortest lines in the fragment, as well as an anomalous thirteenth line. These features might be explicable as the product of corrected parablepsis: the scribe of V^b accidentally skipped from the words ארר האיש אשר יעשה in the first curse to the same four words in the second, leading to the omission of the text in between. Upon realizing the error, the scribe scratched out the erroneous text and then continued from the correct word. This accounts for Guthe's ellipsis, which indicates illegible text, and also for the length of lines 8 and 9, which would otherwise be inexplicably short. One might further speculate that the scribe sought to complete each fragment or column at a particular point in the text, leading him or her to write line 10 – which contains more text than the other lines – in smaller and denser script, so as to not run out of space on account of the error. The fragment's final three lines are considerably shorter. This supposition may be supported by Fragment D 3 (V^a), where the final two lines are substantially shorter than those that precede it.

[209] Ginsburg has a plus here, perhaps reflecting a variant: לחללו.

[210] Ginsburg has a plus here, perhaps reflecting a variant: כל.

[211] Sources for transcription: Guthe (*Lederhandschrift*, 55–61; transcribed by Eduard Meyer) and Ginsburg (*Athenæum* 2913, 243–44).

[212] Guthe indicates that he saw traces of an illegible letter before the *tav*.

[213] Ginsburg, who had some difficulty reading this section, reconstructs ארר האיש אשר י|שא עי|נו. For נשא עין as "lust after," as it seems to be used here, cf. Gen 39:7. The idiom is also used figuratively regarding the gods desired by Israel. See, e.g., Ezek 18:12.

4 עהו אל[214] בתו[215] ואמתן[216] ולכל אשר לו [ועמו כל העם] ואמרו אמן • ארר האי
5 ש אשר ישנא [א]ת אחו בְּלֹבּוֹ ועמו כל [הע]ם ואמרו אמן • ארר האיש אש
6 ר לא יקם את כל[217] דברי התרה ה[ז]את לעשת אתם ועמו כל העם ואמרו[218] אמן •
7 ויספו הלוים לקרא בקל רם ויאמרו ו[הי]ה אם לא תשמע בקל אלהם[219] לש
8 מר לעשת את כל מצותו ו[חקתו וּ]באו עלך כל הקללת האלה ארר אתה בע
9 ר וא[רר] אתה בש[דה ארר טנאך] ושארתך ארר פרי בטנך ופרי אדמת
10 ך שנר אלפך ו[עשתרת צאנ]ך • ארר אתה בב[א]ך וארר אתה בצאתך • ית
11 נך אלהם נ[גף לפני] איבך ישל[ח] אלהם[220] את המארה בכל מעשה י[ד]ך יתנך
12 אלהם לשמה [ל]מְשׁלְ ולשננה בכל עמי הארץ יעצר אלהם את השְׁמְמ

Fragment H, column 2 of 2 (V^b)[221]

1 הגר אשׁר ישְׁבְ בקרבך[222] יעלה מעלה מעלה[223] ואתה תּרֵדְ מטה מטה הוא[224] ילוך
2 ואתה [לא תלו]נו יאבד וישמד[225] אלהם אתכם מן [ה]אדֳמה[226] אשר אתה בא
3 שמָּה לרשתה • [ואמר][227] בן[228] מאָה ועשרם שנה [א]נך היום לא אכל ע[וד][229] לצאת ול
4 בא לפנכם ואלהם אמר אלי לא תעבר את הירדן יהשע העמד לפנך
5 [הוא] יעבר את הירדן והוא[230] יבא אתכם אל הארץ הטבה אשר [אתם באם] ש[231]
6 מה לרשתה • חזקו ואמצו אל תראו ואל תחפ[ז]ו[232] כי אלהם אלהכם הוא הה

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[214] Following Meyer; Ginsburg transcribes ואל.

[215] From context, this appears to mean "his daughter," not "his house."

[216] Following Meyer; Ginsburg transcribes ואל אמ[תו].

[217] SP reads כל here, which is absent in MT. LXX reads πᾶσιν, reflecting the same.

[218] 4Q30 and SP read ואמרו כל העם, against MT's ואמר.

[219] With Meyer; Ginsburg reads אלהך. Cf. notes 147 and 203.

[220] בך is absent in Kennicott 75, as in V, against MT mss.

[221] Sources for transcription: Guthe (*Lederhandschrift*, 60–63; transcribed by Eduard Meyer) and Ginsburg (*Athenæum* 2913, 243–44). Meyer was unable to read much of this column. Ginsburg's transcription is more complete here and appears to indicate reconstructions consistently. I rely on Ginsburg wherever Meyer's transcription is lacking.

[222] Following Meyer. Ginsburg could not read between the *shin* of אשר and the second *bet* of בקרבך and reconstructs הגר אש[ר בקר]בך.

[223] Following Ginsburg; Meyer reconstructs מאָלה.

[224] Following Meyer; Ginsburg does not transcribe this word.

[225] Meyer transcribes [*]ן[*]שמ; Ginsburg reconstructs ו[שמ]ד.

[226] Ginsburg, who could not read this section clearly, reconstructs את[ך מעל פני הא]דמה.

[227] Following Meyer, who marks three illegible letters between the dot following לרשתה and the word בן. Ginsburg could not read לרשתה, but he reconstructs it from context, without indicating signs of additional illegible letters.

[228] Following Meyer. Ginsburg transcribes כן, although this may be a printing error; his translation accords with בן.

[229] Or perhaps עד. Ginsburg does not transcribe this word, and Meyer reconstructs [**]ע, indicating two illegible letters following the *ayin*.

[230] Meyer, who had more difficulty reading this section, has הוא without the initial *vav*.

[231] Precise line break location unknown. Meyer was unable to read any text near the margins.

[232] Ginsburg reads תחפדו (not a known word), and Meyer transcribes [**]תח. Possibilities are תחתו (cf., e.g., Josh 10:25) and תחפזו (Deut 20:3), both of which appear in precisely this context. Given Ginsburg's reading, the latter is a better fit here, although Meyer records traces of only two letters.

7 לך עמכ]ם לא ירפכם ולא יעזבכם • ועתה כתבו לכם את התרה הזאת למ][233]
8]ען תהיה התרה] הזאת [לעד] לפנכם [כי לא תשכח מפי זרעכם] כי [ידעתי א]
9]ת יצרכם אשר אתם עשם •] אלה הדברם אשר צוה[234] משה את כל[235]
10 בני ישראל על פי יהוה בערבת מאב לפני מתו •[*vacat*]
11 [*vacat*]
12 [*vacat*]

[233] The conjectural reconstructions in lines 7–9 are based in part on Deut 31:6–21.

[234] In the Nash Papyrus, a verse corresponding to Deut 4:45 – which is reminiscent of this verse in V – appears between the Decalogue and the Shema. However, whereas MT there has אלה העדת והחקים והמשפטים אשר דבר משה אל בני ישראל, Nash reads]אלה החק]ים והמשפטים אשר צוה משה את [בני ישראל] בְּמדבר בצאתם מארץ מצרים. If there is indeed a genetic relationship between Deut 4:45 (which is otherwise absent in V) and the present verse in V (which has no direct counterpart in Deuteronomy), the agreement between Nash and V on the words צוה and את (against all other extant versions) may be significant.

[235] Following Meyer; Ginsburg transcribes לכל, which is also possible. Cf., e.g., Jer 32:23.

8. English Translation of V

8.1. Introductory Remarks

The translation below occasionally diverges materially from existing interpretations of the corresponding biblical passages. Some of these divergences are considered in chapter 6, and others will be discussed in future publications.

8.2. Translation

Fragment A, column 1 of 1 (V^a)

1 *[These are the wor]ds that Moses spoke according to the order of YHWH to all the children of*
2 *[I]srael in the wil[derne]ss, across the Jordan, [on the p]lain.* Elohim, our
3 god, spoke to [us] at Horeb as follows: "You have been settled on this mountain for too long.
4 Turn and journey, going to the Amorite highland, as well as into all the neighboring regions on the pl-
5 ain, the highland, the [low]land, and the seacoast." So we set out from Horeb and traveled
6 this [who]le [gre]at and terrible wilderness that you have seen, and we arrived
7 [at] Kadesh[-barnea. And] I said to you, "Today you have arrived at the Amo[rite]
8 highland – g[o up and take poss]ession of the land, as Elohim,
9 [god of your fathers,] promised [you." But you did not] assent to go up, and you complained, sayi-
10 ng, "It is [because Elohim hates us that he is handing us over to the Amorites]

Fragment B, column 1 of 1 (V^a)

to demolish us." Elohim's anger then burn[ed], and he [swore] as follows: "As [I] live,
all the people who perceived the declarations and affirmations that I made
ten times over and did not have faith or heed my voice,
shall not see the goo[d] land [t]hat I swore to gi-
ve to their fathers, except [my servant Caleb] son of Jephunneh and Joshua
son of Nun who stands before you – they will go there, and to them I shall give it.
And you, turn and journey [to] the wil[derness] toward the Sea of Reeds, until the death
of the whole generation – the peo[p]le of the conflict – from a[mi]d the camp." So [we journeyed from]
Kadesh-barnea until the people of the conflict had completely died out from amid the
camp. [We then turned and journeyed to Kadesh. And Elohim said to me,]

Fragment C, column 1 of 1 (V^a)

"Today you cross the border of the children of Esau who are settled
[in Se]ir; do not harass them and do not provoke war with them. For I shall not
give you any of their land as a possession, since I have given it as a possession to the children of Esau."
(The Horites had once been settled there, but the children of Esau dispos-
sessed them and settled there in their pl-
ace.) So we turned and traversed the wilderness of Moab. And Elohim said to me,
"Today you cross the border of Moab; do not harass them and do not provoke war with th-
em. For I shall not give you any of their land as a possession, since I have given Ar as a possession
to the children of Lot." (Rephaites had once been settled there – the Moabites call
them Emites – but Elohim eradicated them, and they settled there in their place.) So we turned
and crossed Wadi Zered. Then Elohim said to me as follows: "Go up

Fragment D, column 1 of 3 (V^a)

and cross Wadi Arnon. Today I shall begin to give you Sihon, th-
e Amorite king of Heshbon, and his land." So we attacked Sihon at Jah-
az, smiting until no survivor was left to him. We then captured all his cities from Aroer o-
n the edge of Wadi Arnon as far as Gilead and as far as Wadi Jabbok. All this Eloh-
im, our god, set before us. So we turned and crossed via Wadi Jabbok. Elohim said
to me as follows: "Today you cross the border of the land of the children of Ammon; do not har-
ass them and do not provoke war with them. For I have given the land of the children of Ammon as a possession to the children of Lot."
([Repha]ites had once been settled there – the Ammonites call them Azamza-
mim – but Elohim
erad[icat]ed them from before them and they settled there in their place.) Then Elohim said to me, "Send peo-
ple to infiltrate Jazer." So we captured Jazer and settled in the cities of the Amorites. Then

Fragment D, column 2 of 3 (V^a)

Og, king of the Bashan, came out against us to do battle, and we smote him until no sur-
vivor was left to him. We captured from them sixty cities – the entire territory of the Argov – fortified with walls, double
gates, and bolts. Besides the Perizzite cities, very many, and all the cities of the tableland,
the whole of the Gilead, and all of the Bashan, as far as Salecah and Edrei. (It too is called a land of Rephaites,
for Og, king of the Bashan, had been one of the last remaining Rephaites.) We turned
and journeyed southward and settled opposite Beth-peor. At that time, the daughters
of Moab and women of Midian came out toward you and invited you to eat from their offer-
ings. You ate from their sacrifices, drank from their libations, bowed to their go-
ds, and whored with the women of Midian. You yoked yourselves to Baal-peor on that
day. Elohim's anger then burned against you, and he inflicted upon you at that time

Fragment D, column 3 of 3 (V^a)

a great plague. I sent from among you people to fight the Midianites, and
you smote them by the sword's edge, and you took from them a great many captives. The pl-
ague then ended. I was commanded by Elohim at that time to teach you statutes and ord-
inances to observe in the land that you are crossing into to possess. Be careful,
do not add to my laws and do not take away from them. Be careful, lest you forget and
make for yourselves a carving or image in the form of any figure that is in the heavens above or upon the ear-
th below or in the waters beneath the earth. For my anger would then burn against you, and I would eradica[te]
[y]ou swiftly from upon this good land. Know today and
[ke]ep his decrees and commandments, so that it may go well for you and
so that you may live long upon the land that Elohim, your god,

Fragment E, column 1 of 4 (V^a)

is giving you. Listen, Israel: Elohim, our god, is a single god.
So love Elohim, your god, with all your heart and all your soul,
very much, and keep these proclamations that I command you tod-
ay upon your heart. Teach them to all your children and recite them when you sit
at home, when you go on your way, when you lie down, and when you rise. Tie
them as a declaration upon your arm, and they shall serve as an affirmation between your eyes. Insc-
ribe them upon the posts of your home and gate. For Elohim made a pact with yo-
u at Horeb on the day of the assembly. I stood between Elohim
and you at this time – for you were afraid on account of the fire and did not [climb]
the mountain – to tell you the word of your god, as follows:[*vacat*]

Fragment E, column 2 of 4 (V^a)

I am Elohim, your god, who freed you from t-
he land of Egypt, from the slave-house. You shall not ha[ve]
any other gods. You shall not mak[e] a carving or any im-
age that is in the heavens above or upon the earth be-
low or in the waters beneath the earth. You shall not pros-
trate yourselves before them, and you shall not serve them. I am

Elohim,
7 your god.[*vacat*]
8 Sanctify [the seventh day and rest on it. For in s]

Fragment E, column 3 of 4 (V^a)

1 ix days I made the heavens and the ea-
2 rth and all that is in them, and I rested on the seventh day.
3 Therefore you too shall rest, along with your livestock and all that
4 you have. I am Elohim, your god.[*vacat*]
5 Honor your father and your mother. I am Elohim, your god.
6 You shall not sl[ay] the soul of your brother. I am Elohim, your god.
7 You shall not commit adultery with the wife of your fellow. I am Elohim, your god.[*vacat*]
8 You shall not steal the wealth of your brother. I am Elohim, your god.[*vacat*]

Fragment E, column 4 of 4 (V^a)

1 You shall not swear in my name falsely, for I shall avenge
2 the transgression of fathers against sons, grandsons, and great-grandsons for those who b-
3 ear my name falsely. I am Elohim, your god.[*vacat*]
4 You shall not submit against your fellow a false judgment. I am Elohim, your
5 god.[*vacat*]
6 You shall not desire the wife of [your fellow], his male slave, his female slave, or anything tha-
7 t is his. I am Elohim, your god.[*vacat*]
8 You shall not hate your brother in your he[ar]t. I am Elohim, your god.
9 It is th[es]e ten pronouncements that [Elohim] uttered [to you

upon the mountain from amid the fire.]

Fragment F, column 1 of 4 (V^b?)

1 .....
2 ..... [When you heard the voice]
3 [from amid the fire, you said to me, "Y]ou [speak] with u[s and we shall list]en; let [not Elohi]m speak with [us],
4 lest we die." Elohim heard [what you] said [when you spoke to me at that time and sa-]
5 i[d, "What they sa]id [is good.] Ma[y their hearts always be so, that they fear me and keep all my co-]
6 [mmandments for all] time, [so] that [.....] n[ot] .....
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Fragment F, column 2 of 4 (V^b?)

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Fragment F, column 3 of 4 (V^b?)

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Fragment F, column 4 of 4 (V^b?)

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Fragment G, column 1 of 5 (V^b)

1 [on]g upon the land that I promised to give to them and to their children after them. Listen, Is[rael],
2 today you cross the Jordan to go and dispossess many powerful nations, great fortifi-
3 ed cities. Do not say in your hearts, "They are many, these nations; we shall not manage to dispossess them." Do not fear th-
4 em. Recall what Elohim did to Pharaoh and to all of Egypt – that is what Elohim will do to all your enemies.
5 For Elohim is the one who goes before you; he is a consuming fire. He will eradicate them and swiftly humble them bef-
6 ore you. [Elo]him will also cast l[ep]rosy upon them, till the hiding remnants are utterly demolished bef-
7 ore you, if only you keep [his] comm[andments], ordinances, and decrees, which I am commanding you today.
8 Know today that it is not because of [your] righteousness that Elohim, your god, is setting before you this land to possess,
9 for you have been a stiffnecked people. From the day you left Egypt until today, [you] have been rebellious
10 against Elohim, your god. At Horeb, on the day I climbed the mountain to acquire the two stone tablets, upon which
11 are written [all the pronouncements that] Elohim [uttered] to you upon the

mountain from amid the fire on the day of the assembly,
12 you [en]raged [Elohim and made for yourselves a c]ast [calf]. [I threw myself down before Elohim on the] mountain that burned like fire

Fragment G, column 2 of 5 (V^b)

1 with the two tablets in my hands. When I saw your sin, I broke the two tablets before your e-
2 yes, and I prayed for you at that time for forty days and forty nights. At Taberah
3 and at Massah and at Kibroth-hattaavah, you were rebellious against your god. At that time Elohim said
4 to me, "[Carve ou]t t[w]o stone tablets like the first ones, and climb up the mountain to me," so I climbed the mountain
5 with the two tablets in my hands. Then Elohim wrote upon the tablets the [ten] pronouncements that he had uttered to you upon the mountain on the d-
6 ay of the assembly, and he gave [them] to me. Behold, they are in the ark that I made. At Kadesh-barnea, when Elohim said to me,
7 "Go up and possess the land," you were rebellious against your god and did not go up or heed his
8 voice. Elohim planned to eradicate y[o]u, so I threw [my]self down on your behalf when [I] stood upon the mountain for forty days
9 [and fo]rt[y ni]ghts on your behalf, and Elo[him] heeded [that time too and did not annihilate] y[ou at] once.
10 It is not because of your righteousness that your god has given you the means to acquire wealth [.....] It was your fathers whom [Elohim desired],
11 loving them, so he chose their [descend]ants after [them] out of all [the nation]s. For [Elohi]m,
12 your god, is the god of gods and the ma[s]te[r] of masters, [the mighty] and awesome [god]. H[e] is your glory

Fragment G, column 3 of 5 (V^b)

1 and he is the one who did for you the great and awesome deeds. Your ancestors went down to Egy[pt] with seventy people,
2 [and n]ow you have become a vast and great nation. For if you ke[e]p all of the [l]aw that I am commanding you to-
3 day to perform, loving your god and walking in all his ways and decrees, then E[lo]him will dispossess a
4 [ll the people] of the place – everything upon which the soles of your feet tread. [N]o man will stand up to you, for the [dread]
5 and fear of you will be upon the entire land over which you tread. See, I am

se[tting before] you today a ble-
6 ssing and a curse: the blessing, if you obey the commandments of Elohim; and the curse, if you do not obey, but turn
7 from the way that I am commanding you today. [When] Elohim [brings y]ou into the land that yo-
8 u are going into to possess, you shall give the blessing on Mount [Gerizim] and the curse on Mount Ebal. Behold, they are across
9 the [Jord]an westward, in the land of the Canaanites, in the A[rabah, oppo]site the stone circle, beside the oaks of Moré. These sha[ll stand]
10 [on Mount Ebal]: Reuben, Zebulun, and Gad; Asher, Da[n], and Na[phtali]. And these shall stand on Mount Gerizim: Sim-
11 eon, and Judah, and Issachar; Manasseh, and Ephraim, and Benjamin. Then the Levites shall stand opposite Mount Gerizim and
12 [call o]ut in a loud voice, "Blessed is the man who h[as] Elohim as his god, and who prostrates himself only to him, and who

Fragment G, column 4 of 5 (V^b)

1 serves him alone." And all the peo[ple] shall call out "Amen." "Blessed is the m[an who sa]nctifies the seventh day
2 and rests on it." And all the people shall call out "Amen." "[Blessed is he who] honors his father and his mother." And
3 all the people shall call out "Amen." "Blessed is [the] man who does not avenge or exact retribution for the soul of his brother." And they shall respond
4 "Amen." "Blessed is the man who does not defile the wife of his fellow." And all the people shall call out "A-
5 men." "Blessed is the man who does not ch[ea]t his fellow." And all the [people] shall call [out "Amen."] Blessed is the man
6 who does not swear in my name falsely." And all the people shall call out "Amen." "Blessed is the man who does not
7 deceive or [l]ie to his fellow." And all the people shall call out "Amen." "Blessed is he who does not lust after
8 an[yone be]longing to his fellow." And all the people shall call out "Amen." "[Blessed] is the man who lov-
9 es his fellow." And all the people shall call o[u]t "Amen." "Blessed is the man who upholds all the procla-
10 mations of this teaching to perform them." And all the people shall call out "Amen." The Levites shall continue
11 and call out in a [loud] voice, "See, i[f] you truly heed the voice of your god, taking care to d-
12 o all his commandments, then all of these blessings will befall you: Blessed

are you in the city, blessed are you

Fragment G, column 5 of 5 (V^b)

in the field, blessed are your firstling [and] your remnant. Blessed are the fruit of your loins and the fruit of your land, the wom[bs of your ca-]
ttle and the bellies of your sheep. Blessed are you in your coming, and blessed are you in your going. Eloh[im]
will set your enemies – defeated – before you. Eloh[im] will order blessing upon all your ha[nd]iwork. Elohim will est-
ablish you as a holy people; all the peoples of the land will behold [and] fear you. Eloh[im] will open
the heavens for you, [to] give rain for your land in its season. You will lend to many nations; you will not borr-
ow. You will be only on top; you will [not] be on bottom. Elohim will make you abound only in goodness upon the [good] land
[that Elohim, god of your fa]thers, is giving you." The Levites shall then turn to stand opposite Mount Eb-
[al] and call out in a loud voice, "Cursed is the man who does [work on the seventh day." And all the people shall call out "Amen."] a carving or a casting, the handiwork of a craftsman." And all the people shall call out
"Amen." "Cursed is the man who does work on the seventh day." And all the people shall call out "Amen." "Cursed is he who disgraces his father and mother." And
all the people shall call out "Amen." "Cursed is he who strikes down his fellow in secret." And all the people shall call o-
ut "Amen." "Cursed is the man who approaches any of his kin, or who commits adultery
[with the wif]e of his fellow, or who copulates with any animal." And all the people shall call out "Amen." "Cursed is

Fragment H, column 1 of 2 (V^b)

he who moves the boundary marker of his fellow." And all the people shall call out "Amen." "Cursed is the man who swears
falsely in my name." And all the [people] shall call [ou]t "Amen." "Cursed is he who takes a br[ibe] to g[ive] false judgment against his comr-
[ade." And all the peo]ple [shall call] o[ut] "Amen." "Cursed is the man who desires and lusts after the wife of his fe-
llow, his daughter, [his] female slave, or anything that is his." [And all the people shall call] out "Amen." "Cursed is the ma-
n who hates his brother in his heart." And all [the peo]ple shall call out

"Amen." "Cursed is the man wh-
6 o does not uphold all the proclamations of t[h]is teaching to perform them."
And all the people shall call out "Amen."
7 The Levites shall continue calling out in a loud voice and say, "If you do not
heed the voice of Elohim, taking
8 care to do all his commandments [and] decrees, then all of these curses will
befall you: Cursed are you in the ci-
9 ty, cu[rsed] are you in the fi[eld, cursed are your firstling] and your remnant.
Cursed are the fruit of your loins and the fruit of your land,
10 the wombs of your cattle and [the bellies of] your [sheep]. Cursed are you in
your co[m]ing, and cursed are you in your going.
11 Elohim will set you – de[feated – before] your enemies. Elohim will cas[t]
the execration upon all your ha[nd]iwork.
12 Elohim will make you an epitaph, a proverb, and a saying among all the na-
tions of the land. Elohim will stop up the heavens.

Fragment H, column 2 of 2 (V^b)

1 The stranger settled in your midst will rise higher and higher; you will de-
scend lower and lower. He will lend to you;
2 you [will not lend to] him. Elohim will demolish and eradicate you from [the]
land that you are going
3 into to possess." [Then I said], "I am today one hundred and twenty years
old; I can no lo[nger] come and
4 go before you. And Elohim has said to me, 'You will not cross the Jordan;
Joshua, who stands before you –
5 [he] will cross the Jordan.' He will bring you into the good land that [you are
going] in-
6 to to possess. Be strong and resolute; do not fear and do not panic. For Elo-
him, your god – he is the one who wa-
7 lks alongside y[ou. He will not let go of you; he will not abandon you. Now,
write down this teaching, so t-
8 hat] this [teaching may be a witness] before you, [since it will not be forgotten
from the mouths of your descendants,] for [I know
9 the schemes that you devise]." *These are the words that Moses instructed all
the children of Israel*
10 *according to the order of YHWH on the plains of Moab before his death.*[*vacat*]
11 [*vacat*]
12 [*vacat*]

9. Paleo-Hebrew Reconstruction

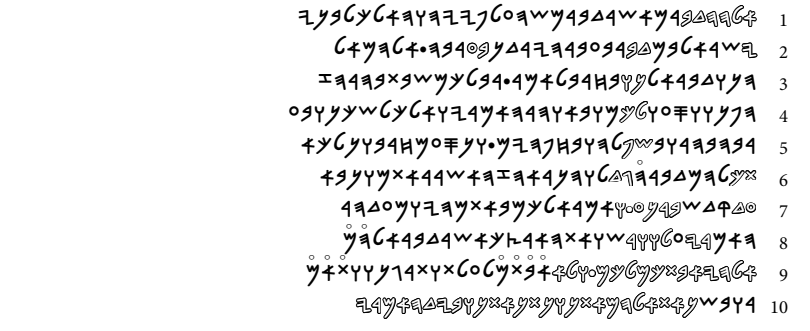
9.1. Introductory Remarks

What follows is a Paleo-Hebrew reconstruction of the transcribed manuscript fragments of V^a and V^b. Like the originals, it is presented *scriptio continua*, except for the Decalogue, where word-separating dots feature (along with larger script and *petuḥot* before and after each proclamation). As an approximation of the original manuscripts, it is a useful tool for text-critical questions and for weighing potential reconstructions of the illegible sections. Circlets appear above characters that were partially legible to the transcribers; outlined characters are reconstructions.

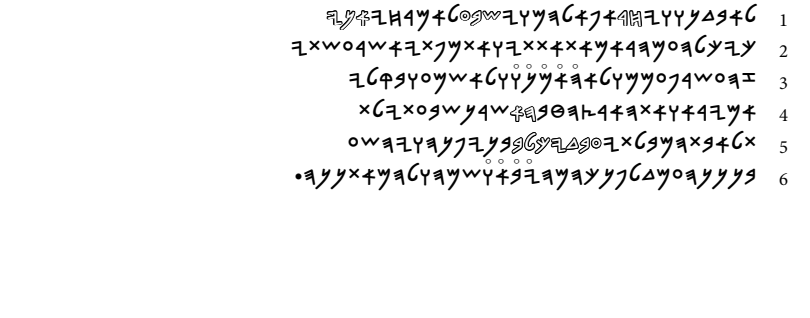
A word of caution: The Paleo-Hebrew typeface used here is not a perfect match for the scripts of either V^a or V^b.

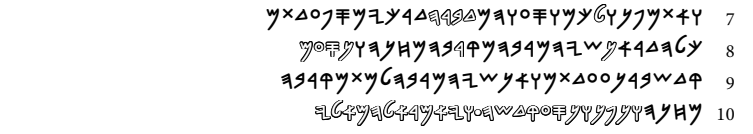
9.2. Text

Fragment A, column 1 of 1 (V^a)

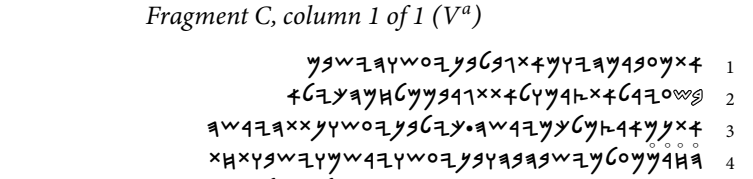


Fragment B, column 1 of 1 (V^a)

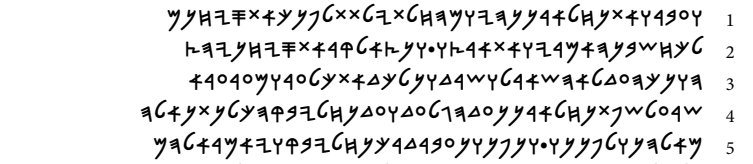




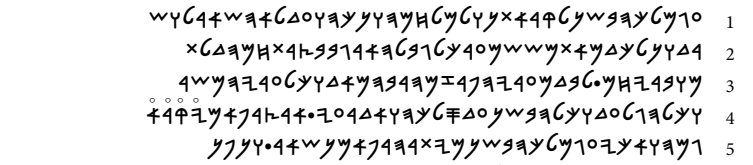
Fragment C, column 1 of 1 (V^a)



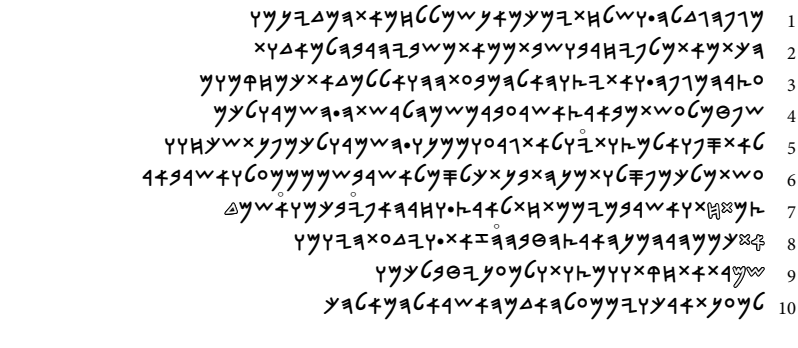
Fragment D, column 1 of 3 (V^a)



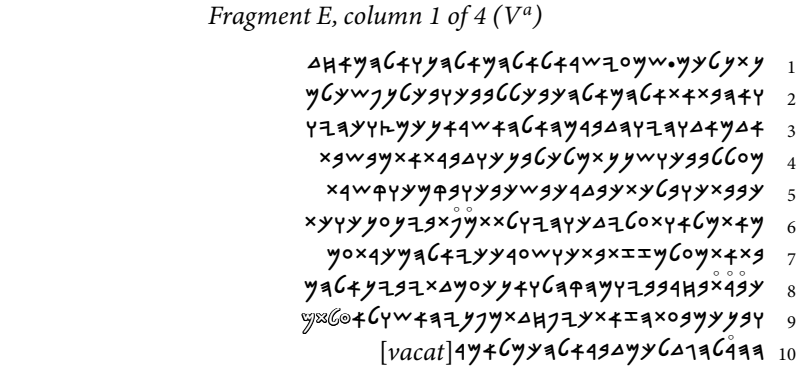
Fragment D, column 2 of 3 (V^a)



Fragment D, column 3 of 3 (V^a)



Fragment E, column 1 of 4 (V^a)



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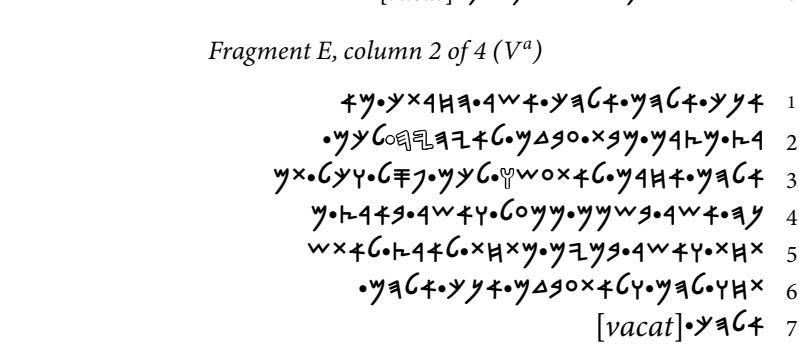
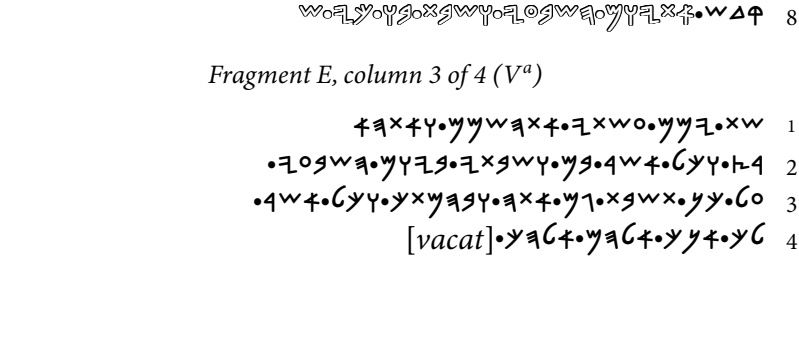
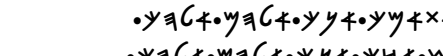
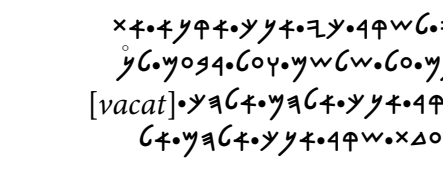


Fragment E, column 3 of 4 (V^a)

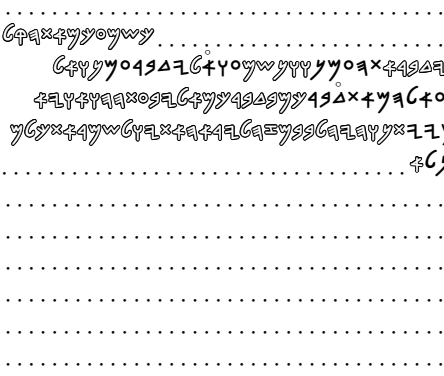




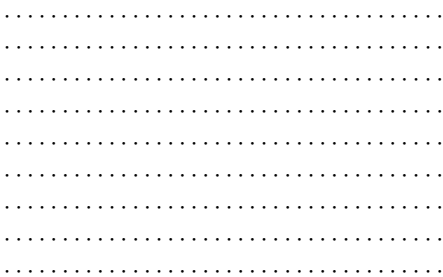
Fragment E, column 4 of 4 (V^a)



Fragment F, column 1 of 4 (V^b?)



Fragment F, column 2 of 4 (V^b?)



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Fragment F, column 3 of 4 (V^b?)

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Fragment F, column 4 of 4 (V^b?)

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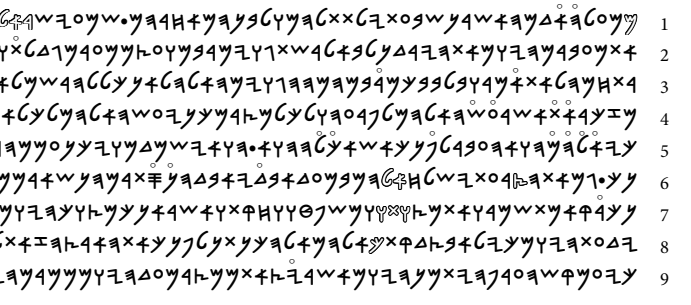
Fragment G, column 1 of 5 (V^b)



Fragment G, column 2 of 5 (V^b)

Fragment G, column 3 of 5 (V^b)

Fragment G, column 4 of 5 (V^b)

ריהתרההזאתלעשתאתםוענוכלהעםואמרואמן•ויספוהלוי
םויענוויאמרובקלרםראהאםשמעתשמעבקלאלהךלשמרלעש
תאתכלמצותוובאועלךכלהברכתהאלהברךאתהבערברךאתה

Fragment G, column 5 of 5 (V^b)

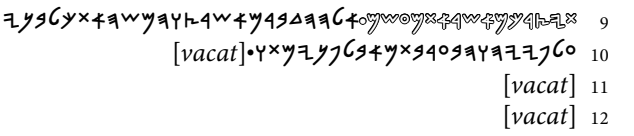
בשדהברךטנאךושארתך•ברךפריבטנךופריאדמתךשגרא
לפךועשתרתצאנךברךאתהבבאךוברךאתהבצאתך•יתןאלהם
אתאיבךנגפםלפנך•יצואלהםאתהברכהבכלמעשהידך•יק
מךאלהםלולעםקדשוראוכלעמיהארץויראוממך•יפתחאלהם
לךאתהשממלתתמטרארצךבעתווהלותגויםרבםואתהלאתלו
הוהיתרקלמעלהולאתהיהלמטהויתרךאלהםרקלטבהעלהאדמההטב
האשראלהםאלהיאבתכםנתןלכם•ויסבוהלויםאתפנהםנגדהרעב
לויענוויאמרובקלרםארורהאישאשריעשה[illegible]
[illegible]פסלומסכהמעשהידיחרשוענוכלהעםואמרו
אמן•ארורהאישאשריעשהמלאכהביוםהשבעיוענוכלהעםואמרואמן•ארר
מקלהאבוואמווענוכלהעםואמרואמן•אררמכהרעהובסתרוענוכלהעםואמ
רואמן•ארורהאישאשריקרבאלכלשארבשרוואשרינאף
אתאשתרעהוואשריבעלעלכלבהמהוענוהעםואמרואמן•ארר

Fragment H, column 1 of 2 (V^b)

מסגגבלרעהווענוכלהעםואמרואמן•ארורהאישאשרישבע
בשמילשקרוענוכלהעםואמרואמן•אררלקחשחדלהעדעדתשקרבעמ
תווענוכלהעםואמרואמן•ארורהאישאשריחמדוישאענואלאשתר
עהואלבתוואמתווכלאשרלווענוכלהעםואמרואמן•ארורהאי
שאשרישנאאתאחובלבווענוכלהעםואמרואמן•ארורהאישאש
רלאיקםאתכלדבריהתרההזאתלעשתאתםוענוכלהעםואמרואמן•
ויספו▯הלויםלקראבקלרםויאמרווהיהאםלאתשמעבקלאלהםלש
מרלעשתאתכלמצותווחקתוובאועלךכלהקללתהאלהארראתהבע
רוארראתהבשדהאררטנאךושארתךאררפריבטנךופריאדמת
ךשגראלפךועשתרתצאנך•ארראתהבבאךוארראתהבצאתך•ית
נךאלהםנגףלפניאיבךישלחאלהםאתהמאררההבכלמעשהידךיתנך
אלהםלשמהלמשלולשננהבכלעמיהארץיעצראלהםאתהשמם

Fragment H, column 2 of 2 (V^b)

הגראשרישבבקרבךיעלהמעלהמעלהואתהתרדמטהמטההואילוך
ואתהלאתלונויאבדוישמדאלהםאתכםמןהאדמהאשראתהבא
שמהלרשתה•ואמרבןמאהועשרםשנהאנכיהיוםלאאכלעודלצאתול
באלפנכםואלהםאמראלילאתעבראתהירדןיהשעהעמדלפנך
הואיעבראתהירדןוהואיבאאתכםאלהארץהטבהאשראתםבאםש
מהלרשתה•חזקוואמצואלתראוואלתחפזוכיאלהםאלהכםהואהה
לךעמכםלאירפכםולאיעזבכם•ועתהכתבולכםאתהתרההזאתלמ
עןתהיההתרההזאתלעדלפנכםכילאתשכחמפיזרעכםכיידעתיא


9

[*vacat*]

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Index of Primary Sources

Hebrew Bible

Valediction of Moses

Dead Sea Scrolls

Masoretic and Samaritan Manuscripts

General Index

Index of Modern Persons