'Proto-Canonization' of the Torah:
A Self-Portrait of the Pentateuch in Light of Mesopotamian Writings

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In order for a composition to enjoy the status of 'canonical' it must be:
(1) of authoritative authorship and; (2) known to the community that recognizes its authority, accepts its message, and lives according to its teachings. This paper will examine these two characteristics as they apply to the Torah, seen through its own eyes,1 and how the Torah's 'self portrait' matches up against analogous 'self-portraits' of ancient near eastern writings, in particular those from Mesopotamia.2

1 It must be emphasized at the outset that reference to 'the Torah' or 'the Pentateuch' as a designation of Genesis-Deuteronomy is somewhat problematic in scholarly discourse. In fact one may not speak of the extant Torah as a single composition published at any particular point in time, in which case its view of its own authorship becomes moot. For more than a century now, critical scholars have recognized that the Pentateuch is not a unified, self contained literary entity, but came into being by removing the extant Genesis-Deuteronomy from a longer composition which had itself been created by combining and editing various pre-existing sources, some of which extended on beyond the end of Deuteronomy. In other words, the authors of any part of the Torah as we know it, could hardly have been aware that they were contributing to a larger composition which would come into existence many centuries after their own work was completed. Accordingly, we may discuss only how various parts of the Torah speak of their own composition.

2 Although the word 'canon' and its derivatives 'canonical', 'canonization' and 'canonize' are not infrequently used in Assyriological scholarly literature, most scholars agree that nothing in Mesopotamian literature can be fully equated with the biblical canon, that these terms are not entirely appropriate and may even be misleading. On the problem of 'canon' in Mesopotamia see among others V. A. Hurowitz, 'Canon and Canonization in Mesopotamia - Assyriological Models of Ancient Realities?', in: A. Ahituv, et al. eds., Proceedings of the Twelfth World Congress of Jewish Studies. Division A. The Bible and Its World, Jerusalem 1999, pp. 1*-12*; W. W. Hallo, Origins: The Ancient Near Eastern Background of Some Modern Western Institutions, Leiden 1996, pp. 144-153; N. Veldhuis, 'TIN.TIR = Babylon, the Question of Canonization, and the Production of Meaning', Journal of Cuneiform Studies 50 (1998), pp. 77-85; ibid., 'Mesopotamian
Authoritative Authorship

There can be hardly any doubt that the canonical status of the Torah and its supreme role in Judaism is related directly to the belief that it is 'Torah from Heaven'; that is to say, a divinely authored composition given Israel by God Himself, either directly at Mount Sinai or by agency of Moses over a period of some forty years.³

According to the Babylonian Talmud, Baba Batra 14b, 'Moses wrote his book and the pericope of Balaam', referring to authorship of the Pentateuch and to a particular account it contains of an event which occurred outside of Israel and not witnessed by any Israelite. This dictum notwithstanding, there are ample Rabbinic statements to the effect that the Torah existed before Creation, just waiting in Heaven to be revealed, thus its writing down by Moses refers only to its revelation and not to its ultimate origin. It is not difficult to see that this view is not applicable to the entire Torah as it portrays itself. Quite to the contrary!

Only the laws in the Books of Exodus through Numbers (Ex. 12:1 - Num. 36:13 passim) are specifically introduced by formulae such as 'And the Lord said to Moses', 'These are the laws and statutes which the Lord commanded the Children of Israel by way of Moses', etc. The speeches in Deuteronomy, on the other hand, are explicitly attributed to Moses (Deut. 1:1, etc.) although he says that the laws were spoken by YHWH (Deut. 5:4-18, Decalogue; Deut. 26:16, 'Today the Lord your God commands you to follow all these statutes and laws', etc.). The remainder of the Pentateuch, from 'In the beginning' through 'in the sight of all Israel', is a narrative which is never explicitly attributed to divine authorship or revelation. In want of a title page, an introductory statement or a colophon, a claim of divine authorship can be based at the most on external testimony⁴ or on a hidden assumption that only

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³ For traditional Jewish opinions about divine revelation of the Torah see A. J. Heschel, Torah min ha-Shamayim ba-Aspaqlariyah shel ha-Dorot [Theology of Ancient Judaism], London and New York 1965, vol. 2.

⁴ The historiographic books of the Bible contain numerous references to a certain literary work denoted as (the) Torah, although the exact content and extent of this composition varies, as does the attribution of authorship. The most succinct
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statement that the Torah, or at least its legal parts, was given by God to Moses on Sinai seems to be Neh. 9:13-14: 'And you came down on Mount Sinai and spoke to them from Heaven and gave them righteous laws and true instructions, good statues and commandments. And you informed them of your holy Sabbath and you commanded them commandments and statutes and Torah in the hand of Moses your servant'. The historiographic and prophetic books make frequent reference to these terms, thereby reflecting the view expressed by Nehemiah in the verses cited. In the Former Prophets, the reference is usually to the Deuteronomic laws, while in Ezra-Nehemiah and Chronicles it designates a broader composition which includes the Priestly laws as well. Jos. 24:26 contains an unusual statement: 'and Joshua wrote these thing in a Book of the Instruction of God'. This can obviously not be a Torah written by Moses for he is already dead. Some exegetes refer here to the Book of Deuteronomy, but if this is the case it would mean that Joshua added something to it. If it is not an expansion to the Mosaic Torah, it could be a no longer extant Torah. 2 Kgs 22-23 puts a divine demand in the mouths of the prophets and seers: 'return from your evil ways and observe my commandments and my statutes as all the Torah which I commanded your fathers and which I sent to you in the hands of my servants the prophets'. This verse too would imply that there were instructions and Torah beyond those contained in the Mosaic Law, however the latter may be defined.

Curiously, according to 2 Kgs 22-23 the book found by Ḥilqiyyahu the Priest and read to King Josiah, a book which most critical scholars since deWette have identified with the Laws of Deuteronomy, is simply designated ספר התורה, part of it is called ספר הברית, with no specific attribution to Moses or God. This work is mentioned several times in these two chapters as ספר התורה, ספר וברית, ספר תורת ה', and ספר תורה וברית (22:8,10,12,13,16; 23:2, 3, 21, 24) but only in the last occurrence, in an evaluatory statement (23:25) is it specifically defined as ספר תורה וברית. The peculiarity becomes even more striking if we compare the parallel account in 2 Chr. 34 which at the very first mention of the discovery calls it ספר תורת ה' ביד משה, establishing its identification. If the account of the discovery and subsequent reform are pre-deuteronomistic, this would be an indication that the author may not have regarded the book found in the temple as a Mosaic composition, and that the identification was made only by the redactor who added the evaluation of Josiah.

Deut. 33:4 says 'Moses commanded us Torah, an inheritance to the community of Israel', although there is no certainty what the Torah mentioned here is. According to Jos. 1:7 God refers to 'the Torah which Moses my servant commanded'. In Jos. 8:32-35 Joshua writes on the stones at Mt. Ebal the 'copy of the Torah of Moses which he wrote before the Children of Israel' and 'there was nothing of the words of the Torah, the blessings and the curses, of all that Moses had commanded which Joshua did not read'. In 22:5 Joshua orders the people to observe all the decrees and the Torah which Moses, servant of YHWH, had ordained. In 2 Kgs 21:8 God refers to 'everything I commanded them and all the Torah which my servant Moses commanded them'. In all these cases Torah probably designates the laws of Deuteronomy.

Neh. 8:2 refers to the book to be read to the people, assumedly the entire
the omniscient God Himself could know the events described, in particular, the course of creation, God's own, private musings, or undisclosed thoughts lurking in the minds of men. Divine authorship of the entire Torah in its received form is a matter of later belief or a literary assumption, never explicitly stated; it seems even illogical in regard to certain passages attributed expressly to Moses himself, such as his valedictory addresses (Deut. 1:1 ff.), the Song of Ha'azinu (Deut. 31:28), and finally, the blessing uttered before his death (Deut. 33).

Given the fact that the Torah is a product of the ancient Near East and in many places reveals connections to this heritage, it is appropriate to ask, is there anything in the writings of that same era and area comparable to 'Torah from Heaven'? To be sure, there is no evidence, outside the Bible, for any supernatural event the likes of Israel's encounter with YHWH at Sinai/Horeb. Nowhere do we find a god who speaks from heaven and gives a people laws - directly or by means of an intermediary - and makes a covenant by which that people takes upon itself obedience to the god.

Nonetheless, there are indications that certain Mesopotamian texts were thought to be written under divine inspiration or even revealed to the human author by a deity. A tablet from Assurbanipal's library listing a number of texts and their authors, designates nine compositions of ritual, divinatory, and even mythological nature, as [annūtum] ša pi Ea, '[these listed above are] by mouth of Ea'. Wilfred Lambert has pointed out that this refers to authorship by Ea, god of crafts. Even

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5 Everything which happened to mankind after the creation of Man could, presumably, have been noted, remembered and passed from generation to generation until it was written down in the days of Moses, although what preceded creation of Man would be known only to God and a report of it can be based only on His testimony through revelation.

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texts mentioning several gods at their conclusions which could not have been written jointly by all of them, may, according to Lambert, be considered divinely revealed, for were they authored by humans they would not be held as effective. Benjamin Foster, who researched the problem of authorship in Akkadian literature, pointed out that all the important Akkadian myths either explicitly refer to divine inspiration, or such inspiration is implicit in the story. There are also cases in which a god hears a humanly authored composition and gives it his approval. Moreover, links between certain myths and cultic rituals bear witness to divine authority inherent in the works. But by which means were divinely composed or authorized works revealed?

(A) There were scholars who contended that Hammurabi's laws were given him by the sun-god Shamash. They based their suggestion on the relief atop the famous black monument found at Susa, (now displayed in the Louvre) on which the laws were inscribed. The scene depicts a standing Hammurabi receiving something from the seated sun-god; it was initially thought that he was being given the laws. Today, however, we know that the relief shows the god granting the king attributes of kingship, the rod symbolizing shepherdship, the ring signifying turn of reign (BALA, palû). The new interpretation of the tableau notwithstanding, close literary analysis of the text in its entirety shows that the Prologue preceding the laws themselves tells how Hammurabi was appointed by the gods to do justice, and the laws he established were the means through which this entrustment was carried out. That

referring to the works listed in this catalogue and what he perceives to be 'the moral undertone of the omen texts', states: 'I think it is important to recognize these texts for what they properly are, religious texts belonging to a large canonized whole comparable to the Holy Writ. It is diagnostic of their character as sacred writings that their origin was attributed to divine revelation, and that whenever they are cited or referred to this is done in much the same words as the Biblical texts are referred to and quoted in the Bible'. See S. Parpola, 'Mesopotamian Astrology and Astronomy as Domains of the Mesopotamian "Wisdom"', in: H. D. Galter ed., Die Rolle des Astronomie in den Kulüeren Mesopotamien, Graz, Austria 1993, pp. 47-59, esp. p. 56.


8 For the text of Codex Hammurabi see now M. T. Roth, Law Collections from Mesopotamia and Asia Minor, 2nd ed., Atlanta 1997, pp. 71-142. For the literary structure of the text and the message expressed thereby see V. A. Hurowitz, Inu
is to say, composition of the laws is entirely attributed to Hammurabi; but since they are part of fulfilling his divine mission, they have *ipso facto* divine authority. Moreover, Hammurabi says about himself 'Hammurabi, King of Justice, whom Shamash has granted justice, I - my pronouncements are choice' etc. (LH xlviii 95-96). The assertion that Shamash granted him justice is perhaps an indirect way of stating that the laws exemplary of such justice were divinely inspired. To sum up, although it is no longer maintained that Hammurabi's laws were revealed to him by Shamash, it can be said that they were divinely authorized and perhaps divinely inspired.

(B) A text containing several elements resembling 'Torah from Heaven' and its revelation to Mankind, is one holding instructions to the bārū (hepatoscoope), namely, a diviner who inquires into the godly will by means of examining the internal organs, in particular the liver of sacrificial animals.⁹ It includes a short mythic, etiological tale describing the origins of the art of hepatoscopy. Enmeduranki, legendary King of Sippar, came before the gods Shamash and Adad, the divine patrons of liver divination, and learned from them the secrets of the mantic arts and the manipulating of certain divinatory paraphernalia. The king gathered the elders of three important cities, honored them, and informed them of what he had learned from Shamash. Afterwards, the text says, the wise craftsman will adjure his son and teach him what he had learned. This time three compositions of importance to divination are added. One of the works, *Enûma Anu Ellîl*, is a well known compendium of astronomical omens, whose composition is attributed to Ea/Enki god of wisdom and crafts, while its transmission to mankind is accredited to the primordial mythical sage Adapa. This passage tells of mantic techniques as well as written compositions, both of which are esoteric, professional, and secret. This material can, perhaps, be likened to the laws of sacrifices, bodily blemishes, purities and impurities given to both Moses and Aaron.

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Lambert has compared the tale of Enmeduranki to the introduction to the Ethics of the Fathers: 'Moses received Torah from Sinai and transmitted it to Joshua and Joshua to the Elders and the Elders to the Prophets, and the Prophets transmitted it to the Men of the Great Assembly'. However, it can also be put side by side with Ex 34:29-35 which describes Moses' descent from Mt. Sinai:

And Aaron and all the Children of Israel saw Moses ... and were afraid of approaching him. And Moses called to them and Aaron and all the Chieftains in the congregation returned to him and Moses spoke to them. And afterwards the Children of Israel approached and he commanded them everything the Lord had spoken with him about on Mount Sinai.

In contrast to the Sinai revelation at which either God or Moses declared the conditions of the Covenant - the Decalogue - and the laws to the entire people, in this instance Moses had heard God's commandments in a private audition while on the mountain, whereupon he transmits them to the people, first to the leaders, and then to the entire congregation. The Enmeduranki incident thus resembles the Pentateuch's references to the private revelation to Moses (cf. Lev. 1:1; Num. 7:89).

The text about Enmeduranki is even closer to a legend appearing in B. Eruvin 54b and cited by Rashi in his commentary to the verse in Exodus under discussion.

These three texts differ as to the details of the transmission process. In addition, the knowledge conveyed in the Mesopotamian text is esoteric lore to be revealed only to a select few, namely future generations of
diviners, while the Lord's words are ultimately meant for the entire people. But common to them all is the pedagogic atmosphere of the school in which a teacher who has been privy to divine revelation teaches its content to the students sitting before him, and they in turn to those lower in rank thereby fomenting a chain of transmission, linking the people who were close to the source of revelation to others, lower down on the social ladder.

(C) A parade example of Mesopotamian 'Torah from Heaven', namely a divinely authored composition shown to a man is the Myth of Erra and Ishum, Šar gimir dadme.\(^\text{10}\) This myth relates how the god of pestilence, Erra convinced Marduk to undergo refurbishing, and when that god descended his throne, so the work might be done (on his cult statue), his place was taken by Erra himself who promptly proceeded to decimate the world. The myth ends with a passage telling how it was composed, instructing that it should be used as an amulet against plagues, and how it should be perpetuated, disseminated, and preserved for eternity. This passage opens with a comment which is unique on several grounds:

The composer of its text was Kabti-ilāni-Marduk, of the family Dabibi.
In a dream (the god) showed it (to him); and just as it was in the dream so he recited it;
He left nothing out, and didn't add a single line.
When Erra heard it he approved.

According to this passage, the Erra myth was revealed to its human author in a dream. This is the only known example of writing a composition following a revelation to the author. The claim 'He left nothing out, and didn't add a single line' is identical with Deut. 4:2: 'You shall not add to the thing I command you nor shall you take anything away, so as to observe all the commandments of the Lord your God which I enjoin you today'; and Deut. 13:1: 'Everything I command you, be sure to do; you shall not add anything to it nor shall you take anything away from it'.

\(^{10}\) B. Foster, *Before the Muses*, pp. 771-805, esp. p. 804.
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It turns out, then, that divine authorship and revelation of literary works, which are the basis of canonization in Jewish tradition, although relatively rare, limited, and confined outside of Israel, are not without precedent. Unique to the biblical outlook is the content of the divinely authored writings and the public nature of their revelation. The parts of the Torah which the Torah itself declares to be of divine origin are the laws. This resembles the laws of Hammurabi which are divinely sanctioned, possibly inspired, but not authored. The cultic laws of the Pentateuch can be compared, perhaps, with the Mesopotamian ritual texts and omen literature. But the Mesopotamian literary works have no parallel in the divinely authored parts of the Torah; an analogy can be drawn only if we take into account the opinion of biblical authors outside the Torah and later sources.

Publication and Dissemination

A canonical work should not only be revealed and authoritative; it must become known by the community bound by it. This implies that publication and dissemination are essential pre-requisites in the process of canonization. In the case of the Bible, publishing and distributing its books are necessary both according to the long held view that they were formally canonized years after their initial composition at an official synod held at Yavneh, as well as to the recent suggestion of Menahem Haran that they were composed by collecting extant literary remains in order to constitute an authoritative corpus of sacred writ and achieved the status of canon immediately upon their completion. Stated simply, it is self evident that a work of literature or law cannot become 'canonical' in a community unless it is well known by that community, and in order to be accepted it must be made public.

We will not discuss here the final canonization of complete biblical books, a phase which took place centuries after (so the accepted opinion) or along with their completion (so Haran). Our focus will rather be on

11 M. Haran, The Biblical Collection: Its Consolidation to the End of the Second Temple Times and Changes of Form to the End of the Middle Ages [Hebrew], 1, Jerusalem 1996.

12 In the case of an esoteric corpus such as the Zohar, the 'public' to whom it must be known is by definition the group of initiates permitted to study it.
earlier stages of the process, stages which preceded the books' completion. We will concentrate on the publication of certain, individual pericopes in the Torah, which preceded turning the complete Torah into Holy Writ. In other words, what might be called the Torah's 'proto-canonization' will be investigated.

It is not our intention to deal with this issue from the perspective of modern critical scholarship (which would relate to the various literary strata from which the Torah is composed) or even of traditional biblical exegesis (which might discuss whether the Torah was revealed 'sealed' in one fell swoop, or gradually, 'scroll by scroll'). Instead, we shall examine the process through the eyes of the Torah itself. How does the Torah portray itself?; what does it say about its own publication, acceptance by the community and dissemination? We will try to clarify on the one hand the way certain passages in the Torah describe their own reception, distribution, and transmission, and on the other how some of these descriptions appear in light of Mesopotamian writings which report how they were published, transmitted and became entrenched in the public domain. In the course of looking into the publication of the writings it will become obvious that publicizing concurrently with their composition was aimed at turning them into works which would be transmitted to subsequent generations to be accepted among their readers as authoritative and binding.

We find examples of a passage being published one time only, and other cases in which publication seems to be repeated from time to time on different occasions.

(A) The account of revelation at Sinai contained in Exodus mentions several sets of laws designated as: הָדְרוֹבָּהַ אֲדֹנָי (these words, 20:1; 24:8; cf. 34:1; 34:27); דְּבָרֵי ה' וְהָסָפָרֹים (the words of the Lord and the laws, 24:6); דְּבָרֵי ה (the words of the Lord; 24:3); ספר היהודים וְהָסָפָרֹים (the Book/Scroll of the Covenant; 24:7); לֹא לאֵפֶר את הָדְרוֹבָּהַ וְהָסָפָרֹים אֶת תּוֹרָתְךָ לְעָלֵי מָאוֹן אֲשֶׁר כָּבָּדָה לְמִשְׁפַּטּוֹ (the tablets of stone and the instruction and the commandment which I wrote to instruct them; 24:12); לֹא לאֵפֶר את הָדְרוֹבָּהַ וְהָסָפָרֹים (Tablets of the Testimony/Covenant; 31:18; 32:15; 34:29; cf. 25:21); דְּבָרֵי הָדְרוֹבָּהַ (the words of the Covenant; 34:28); שֶׁהָדְרוֹבָּהַ וְהָסָפָרֹים (the ten words/Decalogue; 34:28). These collections were authored by God Himself and pronounced to the people by either God or Moses. There are also instructions
written down by God or dictated to Moses and read out by him at the
time of their publication and ratified by the people as binding. These
particular descriptions mention no additional measures for disseminating
or perpetuating the pertinent compositions beyond the one time
revelatory event.

(B) In contrast to this, the laws and statutes which, according to the
Book of Deuteronomy, were proclaimed by Moses in the Plains of
Moab were written in a ספר, probably a scroll of parchment or papyrus
(Deut. 31:9-13), and later inscribed on large stones which were placed
on Mount Ebal, where they were read out by Joshua (Deut. 27:3-4,8;
Jos. 8:32-35). The event at Mount Ebal can be called a 'monumental'
publication of the laws. By this we denote a one time publication
meant to last to perpetuity by being inscribed on stones, but which, in
fact, would be renewed every time a person read what was written on
the stones. Such a publication resembles the way the Laws of Hammurabi
were published;13 the Bible, however, mentions only a single
monumental copy standing on Mount Ebal, whereas steles inscribed
with the Laws of Hammurabi were placed in at least three major
temples.

(C) The historical books of the Bible describe two incidents in which
accepting the 'Torah' and the obligation to live by it were renewed. At
the time of King Josiah, Hilqiyyahu the Priest found the 'Book of the
Torah' while engaged in repairing damages in the Temple (2 Kgs 22).
He presented it to the king who was shocked by its content. The king
then read to the entire congregation he had assembled 'all the words of
the Book of the Covenant which had been found in the House of the
Lord' (2 Kgs 23). Centuries later, during the Restoration Period, Ezra
the Scribe read the 'Book of the Torah of Moses' to the people (Neh.
8:9:3), after which they review their past, accept divine punishment
for their sins (9:4-36), and 'cut' a pact (אמנה), taking upon themselves
by self imprecation and oath, to follow the Torah of God which was

13 Hammurabi's stele invites the wronged man to come read the stele, find his case,
find solace, and bless the king, meaning that the laws would be read out time
and again by anyone who needed them. For discussion of the relevant passage
see now M. Roth, 'Hammurabi's Wronged Man', Journal of the American Oriental
given by means of Moses, servant of God, and 'observe all God's commandments, laws and statutes' (Neh. 10:1,30).

The essence of these gatherings was either establishing the Covenant or renewing it and the obligations it entailed. Modern scholars contend that publicizing the Torah under Josiah or at the time of Ezra was the initial revelation of new compositions, the Deuteronomic source in the first instance and the entire Torah including the Priestly source in the second; but this is obviously not the position of the Biblical accounts themselves, which speak about republication of old works which had either been forgotten or fallen into disuse. In any case, the accounts contain not a hint that on these occasions further reading or studying the book for generations to come was instituted or prescribed; neither is there any indication of disseminating or orally transmitting it by heart and reading it out loud for future generations; there is no mention of dissemination and oral transmission as we shall point out below.

(D) We also find cases of periodic republication. According to Deut. 31:9-13, the Torah was written down and deposited with the Levitical Priests, and Moses ordained its reading to the entire people once every seven years. Such periodic reading is mentioned in Hittite treaties from the second millennium BCE. Copies of treaties between kings were deposited in temples and palaces of the lands partners to the treaties, and the kings were obliged to read them out periodically. There is one treaty which was to be read out constantly and for ever, another was to be read three times a year.

(E) Finally, there was a custom which can be designated 'perpetual publication', though here we leave the public realm and enter the private domain. 'Perpetual publication' is alluded to by various texts,

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14 So in the treaty between Suppiluliuma I of Hatti and Shattitiwaza of Mittanni, for which see G. Beckman, *Hittite Diplomatic Texts*, Atlanta 1996, p. 42 A rev. 35ff.; p. 47 rev. 7ff.. The treaty between Tudhaliya IV of Hatti and Kurnta of Tarhuntassa was made in seven copies and deposited in various temples and palaces, but there is no specific reference to reading it out publicly. See ibid., p. 117 iv 44-51.

15 So the treaty between Muwattalli II of Hatti and Alaksandu of Wilusa for which see G. Beckman, *Hittite Diplomatic Texts*, p. 86 A iii 73-83; and the treaty between Mursili II of Hatti and Kupunta-Kurunta of Mira-Kuwaliya, p. 76 I iv 1'-8'.
in particular in the Book of Deuteronomy. M. Weinfeld has already emphasized the 'didacticism' of this book and its great interest in learning and inculcating the laws. According to the Book of Deuteronomy, the laws and statutes were first declaimed by Moses, and he commanded that they be learnt. Among the references to this mode of publication we find (Deut. 6:6-9):

And these words which I command you today shall be in your heart. You shall teach them diligently to your children, and shall talk of them when you sit in your house, when you walk by the way, when you lie down, and when you rise up. You shall bind them as a sign on your hand, and they shall be as frontlets between your eyes. You shall write them on the doorposts of your house and on your gates.

The plain meaning of this well-known passage and other similar ones, implies that one is to learn the words of Moses, which include all the laws in Deuteronomy, perhaps even the speeches and covenant conditions, and not only the immediate passage, known as the 'Shema'. They are to be recited out loud at every time and place, something which can be done only by a person who has learned them by heart. They are also to be committed to writing wherever people live.

(F) So far we have dealt mainly with legal texts. The last way of publication, 'perpetual publication', brings us to a number of texts which testify to simultaneous written and oral transmission of non-legal materials. Among such compositions we should mention the Song of Moses (Ha'azinu, Deut. 32:1-43), the encounter with the Amalekites (Ex. 17:8-13), and perhaps even part of the description of the Israelite's

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17 The term והננתם has never been properly explained. Some relate it to the root ינות meaning 'sharpen' and explain it as 'teach incisively' (Rashi, Rashbam, Ibn-Ezra, NJPS). Others take the root ינות as a by-form of ינות, repeat, and explain it as repeating over and over (Sforno). Both explanations are questionable. I would suggest, however, that it be taken as a denominative of ינות which occurs together and is probably synonymous withにて, and interpret it 'make them proverbial', that is, make them as well known as pithy aphorisms which are easily learned and regularly cited when appropriate situations arose.
wandering to the east of the Jordan (Num. 21:10-20). The process of transmission alluded to in these texts has interesting parallels in Mesopotamian texts. I begin, therefore, with a brief review of the Mesopotamian sources, for they show us the common ancient near eastern custom of which biblical literature is part.

Mesopotamian writings provide at least eight compositions describing in their concluding lines the way they were composed and how they should be disseminated. I do not refer to the colophons which were scribal notes added to the works and telling about the method by which the particular manuscript was copied, but to integral parts of the compositions which were written by the authors and tell about the composition of the work and how it is to be preserved. The various passages reflect a common pattern of ideas and terminology. Among these compositions various genres are attested, deriving from a wide range of geographical and chronological backgrounds. Two of these compositions, the Laws of Hammurabi (early 2nd millennium BCE, Babylon) and the Myth of Erra and Ishum (1st millennium) have been mentioned above, as they are relevant to the issue of divine authorship. The others include: a pair of hymns in praise of Shulgi, King of Ur (early 2nd millennium); two hymns of Assurbanipal, King of Assyria (7th century), honoring the gods Assur and Shamash; a satirical pseudo-monument to a certain Bêl-êšir (7th century); and the Babylonian creation myth Enûma eliš (late 2nd millennium).

I have dealt with the individual compositions elsewhere.\textsuperscript{18} Therefore, it will suffice to offer here a brief summary of the important elements. Two passages from hymns in honor of Shulgi emphasize five measures to be taken in order to preserve memory of the king and his compositions, each measure expressed in its own terminology: 1) The hymn is to be ‘placed in the mouth’ (recited); 2) the hymn is to be ‘preserved in the ear’ (heard or remembered); 3) the hymn is ‘never to be forgotten’; 4) the hymn exists in both written and oral form and is connected with singers and scribes; 5) the hymn is to be performed in the temples. All

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or some of these ideas appear in identical or very similar language in the other compositions as well, thus in general we can say that each work was meant to be preserved in the sanctuaries in both written and oral form to be perpetuated by reciting, hearing, and learning, activities which by their very nature are done orally and aurally. This, moreover, is just the collocation of motifs we find in the Bible.

1. **The Song of Moses (Ha’azinu)** - One parallel obtains in the narrative frame introducing and concluding the Song of Moses where God commands him (Deut. 31-32):

   לָכֶם אֶת-הַשִּׁירָה הַזֹּאת, וְלַמְּדָהּ אֶת-בְּנֵי-יִשְׂרָאֵל, שִׂימָה בְּפִיהֶם

   וְעַתָּה, כִּתְבַּלֶּכֶם הַשִּׁירָה הַזֹּאת, לְמַעַן תִּהְיֶה-לִּי הַשִּׁירָה הַזֹּאת, לְעֵד בִּבְנֵי יִשְׂרָאֵל

   מִפִּי זַרְעוֹ; וַיְלַמְּדָהּ, אֶת-בְּנֵי יִשְׂרָאֵל.

   וַיִּכְתֹּב מֹשֶׁה אֶת-הַשִּׁירָה הַזֹּאת, בַּיּוֹם הַהַנַּן

   וַיְלַמְּדָהּ, אֶת-בְּנֵי יִשְׂרָאֵל.

   וַיָּבֹא מֹשֶׁה, וַיְדַבֵּר אֶת-כָּל-דִּבְרֵי הַשִּׁירָה-הַזֹּאת בְּאָזְנֵי הָעָם; ה

This poem is immortalized by: writing; being placed in the mouth; being spoken in the ears; teaching; and not being forgotten by the descendants (future generations).

2. **The Amalek Memorial** (Ex. 17:8-16) - A second parallel is found in the account of Israel's war with Amalek. In this passage the names of Moses and Amalek, as well as the leitwort יד, 'hand', which designates the human hand but which can also mean 'memorial stele' (1 Sam. 15:12; 2 Sam. 18:18; Is. 56:5), are mentioned seven times each. Interestingly, the middle occurrence of both יד and עמלק stand next to each other, at the end of vs. 11, which may be an ironic hint that the pericope in its entirety should be called יד עמלק, 'a memorial to Amalek', whose name is to be eradicated.

   Moses is commanded here: 'Write this as a memory in the book, and place it in the ears of Joshua'. Committing the entire event, or just the threat, to writing 19 parallels the writing down of the inscriptions mentioned above. 'Placing in the

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19 The commentaries on Exodus are divided about what 'this' refers to. S. R. Driver and M. Weinfeld take it to mean the incident. B. Childs and W. Propp restrict it to the following pronouncement that YHWH will eradicate the name of Amalek. U. Cassuto interprets it as referring to both.
ears of Joshua' is a unique locution in the Bible, which certainly refers to oral transmission as has already been suggested by S. D. Luzzatto and Amos Hakam in their commentaries to Exodus. 'Placing in the ear' is meant to assure that the work will be recited aloud in future generations as well.

The altar Moses builds sanctifies the location as a cultic site, which may be compared to the holy sites where Shulgi's hymns are recited, the various temples where Hammurabi's laws were displayed, the Esharra temple in which Assurbanipal's hymn is supposed to make (the listener) wise', and the Ark at which side the Song of Moses is to be placed. One might conjecture that according to the story's assumption Moses recited the text to Joshua while standing alongside the altar; the text may even have been inscribed on the altar. Even if this was the case, writing the text on 'The Book', be it a longer composition or just a document drawn up on the spot, was necessary because the Israelites were going to leave Rephidim and had to carry with them a written record of their victory. Whether this ספר was a special scroll written for this particular event or a longer scroll containing a larger composition, it would, probably, have eventually found its way to a temple.

The purpose of the writing and transmission was to assure that Amalek, whose 'name' was to be erased, would never be forgotten. The Amalek pericope in Exodus speaks about זכרון, 'memory' while the corresponding passage in Deut. 25:17-19 is bracketed by synonymous imperatives expressed in negative parallelism זכרו ... לא תשכחו, 'remember ... you shall not forget'. This is exactly identical to what is said in the Shulgi hymn, the Assurbanipal hymn, and in the frame of the Song of Ha'azinu: 'that the words will not be forgotten'. It may also be parallel to a line in Assurbanipal's hymn to Assur לישחייסו אšarra, 'may it cause (me) to be remembered in Ešarra'.

3. The Wanderings of the Israelites in Trans-Jordan, The Book of the Wars of YHWH, and the Bards (Numbers 21) - The account of the Israelites' trans-Jordanian wanderings prior to entering the Land contains three passages which are striking both for their poetic style as well as their express attribution to 'pre-pentateuchal' sources. Examination of these texts shows that they too contain possible evidence for simultaneous transmission in writing and orally. According to Num.
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21:14-15 a certain incident is 'said in the Book of the Wars of YHWH' (על כ יאמר במשה מבית אדום). Next is the 'Song of the Well' which the Israelites sang (vs. 16), and finally comes a passage attributed to the 'bards' (על כ יאמר המשלים בא חנוב). Each of these would seem to originate in a different source, one a written work, the other two oral. It is possible, however, that all three belong to 'The Book of the Wars of YHWH', and that this work was preserved both in written and oral form, although the extant narrative mentions it once by name, once according to who recited parts of it (the Israelites), and once by its authors (the bards). Furthermore, several scholars have suggested that all three 'compositions' were components in a more extensive work, parts of which survive elsewhere in the Torah and Former Prophets. In other words, a certain long poetic composition circulated in written form as 'The Book of the Wars of YHWH', or 'The Book of the Poem of the Wars of YHWH', and also orally as words of the bards or the songs of Israel. This composition related to important events in early Israelite history and consisted of several individual poetic passages, only some of which found their way into the extant Bible.

Conclusion

In the ancient near east there was no collection of writings fully comparable to the Biblical canon in the shape it received as early as the beginning of the Second Temple Period. Although some Assyriologists refer to a number of works as 'canonical', the term does not have the meaning it has when applied to the Hebrew Bible. Even so, when turning to the Torah as it describes itself and some of its components, we find distinct features which are essential for canonical status; these features have parallels in some extra-biblical writings. In the first place, divine inspiration or even divine authorship and revelation are characteristics not only of parts of the Torah but also of certain Mesopotamian works. Secondly, there are explicit references to the

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monumental publication of sections of the Torah and of several Mesopotamian works, while other important pentateuchal components and Mesopotamian compositions were disseminated simultaneously in written and oral form; there even is a linguistic similarity in the terminology depicting these processes. As a result, although the idea of a biblical canon, or an authoritative collection of Holy Writ, is a new phenomenon, whose very existence is recognized only by early post-biblical writings, when classical Mesopotamian civilization is on the wane, the spores of the phenomenon existed previously and are reported in the Torah itself. The Torah in various references to its own beginnings displays nascent canonical elements; these make it, once again, a representative of the surrounding ancient near eastern literary heritage from which it sprung.21

21 Regarding the alleged initial publication of the Deuteronomic document ('The Book of the Law') at the time of Josiah, see now K. Stott, 'Finding the Lost Book of the Law: Re-Reading the Story of "The Book of the Law" (Deuteronomy-2 Kings) in Light of Classical Literature', *Journal for the Study of the Old Testament* 30 (2005), pp. 153-169. Stott challenges the scholarly consensus, with which there is in fact room to take strong issue. See, on the other hand, the forthcoming study of N. Naaman, 'The King Leading Cult Reforms in his Kingdom: Josiah and Other Kings in the Ancient Near East', *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte*, forthcoming (2006). Both of these articles reached me after the completion of the present study.