W.M.L. de Wette’s “Dissertatio Critica …”: Context and Translation

by

Paul B. Harvey, Jr. and Baruch Halpern (Pennsylvania State University)

For at least one-hundred and thirty years,\(^1\) W.M.L.de Wette (1780-1849) has been cited in practically every scholarly discussion of the history of textual and source criticism of the Pentateuch, especially with reference to the “documentary hypothesis” of the Pentateuch’s composition.\(^2\) Citations of de Wette commonly refer to his 1804 Jena

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doctoral dissertation, “Dissertatio Critica...”, approved in March 1805. Not all who cite de Wette, however, have had access to or have read his dissertation, not least because the dissertation was written in an abstruse style of academic Latin. It does not offer the compelling argument that scholars have commonly taken it to do in presuming an identification of Deuteronomy with “the book of the Torah” found by Josiah’s men in 622 BCE, nor was de Wette the first to argue that identification.

We present here an English translation of de Wette’s dissertation, preceded by a discussion of his dissertation in the context of Biblical scholarship, mainly from Jean Astruc to Julius Wellhausen. It is not our intent here either to demonstrate or to refute de Wette’s arguments. Nor do we aim to argue anew the “documentary hypothesis”.

historical and intellectual context within which they lived. Rogerson’s intellectual biography, as with his entry on de Wette in the Historical Handbook of Major Biblical Interpreters, Donald K. McKim, ed. (Downers Grove, IL 1998): 298-302, demonstrates his first-hand knowledge of the original texts. Rogerson appreciated that de Wette’s suggestion of Deuteronomy as the “book of law” discovered in the temple at the time of Josiah’s reforms (2 Kgs 22:8) appeared solely in de Wette’s dissertation as a suggestive footnote (see below, de Wette’s note 5). Rogerson’s 1992 biography of de Wette expands on his discussion in Rogerson, Old Testament Criticism in the Nineteenth Century: England and Germany (London 1984): 28-49. – Thomas Albert Howard, Religion and the Rise of Historicism. W.M.L. de Wette, Jacob Burckhardt, and the Theological Origins of Nineteenth-Century Historical Consciousness (Cambridge 2000), offers a discussion of the ways in which the art historian and Renaissance scholar Jacob Burckhardt and other 19th century German historians were influenced by de Wette’s historical methodology. Howard demonstrates well the theological background (perhaps more profound than commonly assumed) of the critical currents of 19th century German historicism. The impact of Protestant theology on German universities is discussed in Howard’s Protestant Theology and the Making of the Modern University (Oxford 2006).


The distinction in Enlightenment scholarship seems to belong to Samuel Parvish, Inquiry into the Jewish and Christian Revelations. Wherein all the prophecies relating to the Jewish Messiah are considered, and compared with the person and character of Jesus Christ, and the times of the gospel; the authority of the canon of Scripture; and the nature and use of miracles, &c.; in a dialogue between an Indian and a Christian (London 1739): 324. In earlier literature, a putatively Mosaic Deuteronomy was identified with Josiah’s book by Jerome Comm in Ez ad 1.1; Chrysostom In Matth. hom. 9; Procopius Comm. in IV. Reg. 22; Hobbes, Leviathan, ch. 42 (“Of Power Ecclesiastical”); and, according to, J. Hempel, also Gotthold Lessing (ZAW 51 [1933]: 299 n 1).

Recent scholarship on textual criticism and the findings of material culture in the archaeological record of Israel offer resources for a detailed commentary on de Wette’s dissertation, but that is a task for another time and place. Our concern here is to comment on where de Wette stands in the company of late 18th and 19th century Biblical scholars, with particular reference to the evolution of the “documentary hypothesis”, and to offer as clear and accurate a translation as we can of his dissertation, placing it in the context of de Wette’s scholarship, especially with reference to his development of the arguments of his dissertation in his subsequent Beiträge zur Einleitung in das Alte Testament vol. I (Halle 1806-1807).

To place de Wette in the history of Biblical studies requires that one begin with the recognized early Enlightenment origins of the critique of Mosaic authorship of the Pentateuch. Those critiques had forerunners in a claim by Rabbi Judah, for example, that Joshua had in fact written the chapter of Deuteronomy describing his own death (T. B. Baba Bathra 14b); Jerome occasionally makes similar remarks, going so far as to attribute the recovery of a previously lost Pentateuch to Yhwh’s inspiring Ezra to reconstitute it (Jerome adv. Helvidium I.7; cf. Jerome Comment. in Malachi, prologue). Perhaps most famously, Abraham ibn Ezra (died 1167), while condemning Isaac ibn-Yasus for ascribing the Edomite king list and especially Gen 36:31 to the time of Jehoshaphat, adduced six arguments against Mosaic authorship in his comments to Gen 12:6 and Deut 1:1. Various views of additions to Deuteronomy begin in the 15th century (Alphonsus Tostatus) and continue into the 16th (Andreas Bodenstein; Sixtus of Siena, and, more critically, Andreas Masius, among others). Humanists as early as Hobbes (Leviathan [1651] book 3, ch. 33 [1651]) and Spinoza (Tractatus theologico-politicus [1680] ch. 7-8) had already introduced into discussion – especially discussion derived from British Deism – the critical observations and arguments that led to a general denial of Moses’ having written the entire Pentateuch, an idea whose roots can be traced back with certainty to Ibn Ezra (esp. ad Deuteronomy 1:1), and perhaps beyond.


7 Masius, Josuæ imperatoris historia illustrate atque explicate (Antwerp 1574); see also Bodenstein, De canonicos scripturis libellus (Wittenberg 1520); Sixtus, Bibliotheca sancta ex praecipuis ecclesiæ catholicæ authoribus collecta et in octo libris digesta (Venice 1566); Bento Pereira, Commentariorum et disputationum in Genesim (4 vols.; Lyon 1594-1600); Jacques Bronfrère, Pentateuchus Mosis commentario illustratus (Antwerp 1625).
Spinoza’s denial of the miraculous as mere naïve primitive perspective on the natural – the medium divinely created for causation – was to assume special, even determinative status, in this argument. Indeed, it is in the penumbra of this argument that the later comparison of Biblical to other historical texts emerged, as in Thomas Jefferson’s dictum to a nephew, “You must read your Bible as you would Livy or Herodotus”. Spinoza in particular argued at length that, although Moses was no doubt active as an author of laws, in particular, it was Ezra who synthesized the Pentateuch and Former Prophets (including Ruth), though he started by producing an annotated form of Deuteronomy (à la Tostatus). Between the two, Isaak de la Peyrère (Systema theologicum ex Praeadamitarum hypothesi [1655]), a Calvinist convert to Catholicism, suggested that Genesis 1 recounted the creation of humanity, Genesis 2-3 that of the earliest Hebrews; but, citing references such as that in Joshua 10:13 (see also 2 Sam. 1.18) to the “Book of the Yashar [Just]”, he suggested that the Pentateuch, and particularly Numbers, was formed through 1) a Mosaic autograph; 2) “the book of the wars of Yhwh” excerpted from the autograph; and, 3) finally, excerpts from the excerpt. This sequence of sources explained the chronological disruptions and doublets of the Pentateuch, as well as stories, such as the circumcision of Moses’ son, that seemed to lack context. This “congesta apographorum farrago” (de la Peyrère: 176) was not the unadulterated screed of Moses.

Shortly after Spinoza’s Tractatus appeared, the priest Richard Simon (born in Dieppe) responded to these apparent attacks on Church dogma, to some extent under de la Peyrère’s influence, with an argument to the use of sources by Moses concerning events to which he could not himself have been an eyewitness (Histoire Critique du Vieux Testament [1678; rep. Rotterdam 1685]). He noted that there were doublets and many explanatory comments in the text. Such non-original explications and repetitions were concentrated especially in the legal material of Exodus and Leviticus, Simon thought, although they certainly characterized Genesis as well. But Simon developed the rudiments of what would become the historical criticism of the Pentateuch (including attention to variation in literary style), as an assault on Mosaic authorship in the context of a defense of the dogma of Mosaic authority (Moses did assemble two prior accounts of creation and of the deluge, plus much of the patriarchal history, from oral and written sources, as well as many of the laws; the original variant versions were commissioned by him and recorded by “écrivains publics”). Simon thus posited scribal variation in recording inspired information, and then a series of redactions in the Pentateuch during the monarchical era, ending, as Spinoza had already suggested based on Talmudic tradition, with Ezra. The combination of different versions that led to the compound text is visible, for example, in Gen 7:17b, 18 and 19, with multiple statements about the flood waters’ height. He believed that a base text was supplemented by the addition of variants from other versions. Thus, Ephraim and Manasseh could be named as sons of Jacob who descended to Egypt (Gen 46) or Benjamin enumerated as
a son born in Aram (Gen 35; Simon: 36-37). Updating and explication did not, however, gainsay the Mosaic origin of the sense of the text.

Our discussion of de Wette’s contributions in a genuine, source-critical context, however, begins with Jean Astruc (1684-1766), a remarkable French philosophe, who had a successful and influential career in medicine as a court physician (with significant publications on gynecology and infectious diseases, especially syphilis). Astruc published, in 1753, an anonymous treatise perhaps reflecting the concerns of his father (a Protestant minister forced, in 1685, to convert to Catholicism) and his own Jewish lineage. With publication purportedly at Brussels, but in fact at Paris, *Conjectures sur les mémoires originaux dont il paroit que Moyse s’est servi pour composer le livre de la Génèse. Avec des remarques qui appuient ou qui éclai-


9 Astruc’s notion of a volumen with four separate columns is not as peculiar a proposal as it may seem. The great 3rd century CE Christian scholar Origen redacted a six-column edition of the OT: this “hexapla” apparently contained the Hebrew text, a transliteration of that text into Greek, the Greek versions of Aquila, Symmachus, and Theodotion, and the received text of the Septuagint. See, in brief, Clavis Patrum Graecorum I., ed. M. Geerard (Turnhout 1983): 174-77-53 #1500; Joseph W. Trigg, Origen, “The Early Church Fathers” (London 1998):16; detailed discussion in Pierre Nautin, Origène. Sa vie et son œuvre (Paris 1977): 303-61. In addition, the example of Tatian’s Diatessaron seems to have suggested itself to Astruc as a text derived by scribal synthesis from four distinguishable, synoptic sources, as his comparison to the gospels would indicate. See, in brief, Clavis Patrum Graecorum I., ed. M. Geerard (Turnhout 1983): 44-53 #1106.
Astruc, however, took the observation farther. He identified these two sources as A (the Elohist source) and B (the Yahwist source) – the later E and J and a combination of the P and E sources in Wellhausen and other scholars’ identification of quadripartite compositional sources in the Pentateuch.

Astruc also identified no less than ten additional sources (these mémoires originaux consist chiefly of passages assigned by later scholars to the J and P sources in Genesis). These additional sources, Astruc hypothesized, were Moses’ selections from texts containing various legends of the patriarchs, historical narratives of military encounters, and genealogical lists. In none of these ten additional sources did Astruc find any correspondence with his sources A (=Elohist) or B (=Yahwist). Astruc accounted for the received text of the Pentateuch by assuming post-Mosaic scribal synthesizing of an original four-part Mosaic text laid out in four parallel columns. Column A (on the left) consisted of the passages with the name Elohim (with P passages assigned much as they are today), Column B (on the far right) of those with the name Yhwh. Column C, next to A, contained three verses in Genesis 7 (20, 23-24), and possibly Gen 9:28-29; Gen 34. And column D, between B and D, contained Gen 14; 19:30-38; 22:20-24; 25:1-4, 12-18; 26:34-35; 28:9; 36, and possibly ch 34, all perhaps taken from neighboring peoples. By this expedient, Astruc defended an original Mosaic authorship and, in his view, explained the “confusion” in the order or placement of the doublets found in the narrative (Spinoza had already remarked on this “confusion”). Astruc’s work concluded with Exodus 2, since from that point forward he regarded the Pentateuch as the mémoires of Moses alone.


11 The ten sources (= mémoires originaux) in addition to A (#1) and B (#2) Astruc identified in Gen and Exod are: #3: repetitive verses in the flood narrative (Gen 7:20 & 23); repetitive verses in patriarchal narratives (e.g., in the tale of Dinah, the daughter of Jacob: Gen 30:3, 34:2, 34:25); #4: patriarchal legends containing no divine names; #5: Gen 14: narrative of the “war of the five cities”, where Abraham plays a role distinct from his persona elsewhere in Gen; #6: Gen 19:30-38; the tale of Lot’s daughters’ incestuous actions and the origins of the Moabites and Ammonites; #7: Gen 22:20-24: descendants of Nahor, brother of Abraham; #8: Gen 25:12-19: genealogy of Ishmael; #9: Gen 34: the basic tale of Dinah, daughter of Jacob (cf. #3); two different mémoires concerning Esau: #10: Gen 26:34-35 & 28: 6-9: Esau’s marriages; #11: Gen 36: Esau’s descendants; #12: Gen 36:20-30: descendants of Seir the Horite. For discussion of Astruc’s methodology, see Aulikki Nahkola, “The Mémoires of Moses and the genesis of method in biblical criticism: Astruc’s contribution,” in Sacred Conjectures (above, note 8): 204-19.

Astruc’s contribution to the formation of the “documentary hypothesis”, then, was to identify two separate strands in Gen and Exod distinguished by different divine names and to hypothesize a range of additional narratives that seemed to belong neither to A nor to B and were short “interpolations” (or extracts) from other sources not self-evidently relevant to the course of the narrative.

Astruc’s Conjectures was translated, at the behest of Johann Salomo Semler (1725-91), a firm denier of Mosaic authorship and Professor of Theology at Halle (from 1752), into German and provided with additional notes. Though the translation appeared in 1781, the work was probably already in use in German classrooms. Johann Gottfried Eichhorn (1752-1827), a noted “orientalist” and Biblical scholar, holding the chair in Oriental Languages at Jena from 1775 to 1788, could therefore bring Astruc to the attention of his students. In his Einleitung in das Alte Testament (Leipzig 1780-3; 4th ed. 1823-24), Eichhorn followed Astruc so far as the text up to Exodus 2 was concerned, remarking that the first two chapters of this book were the last composed from materials using the name, Elohim (Einleitung, 3rd ed.: 385). He in theory extended Astruc’s mode of analysis to the book of Numbers, holding that the narrative and legal material all stemmed from Moses, with interpolations such as the account of Moses’ death (as already, Ibn Ezra and, indeed, the Talmud, had observed). In Eichhorn, what was implicit in Astruc’s conclusions was made explicit – Moses’ legacy consisted of law codes (in Astruc’s left column, A) and diaries – but Eichhorn offered no detailed analysis of these texts. Although he accepted Astruc’s thesis of two basic sources (e.g., Einleitung II: 349-50), Eichhorn jettisoned Astruc’s hypothesis of identifying ten additional documentary strands. Perhaps Eichhorn’s major contribution was to argue firmly that the Pentateuch as a whole was the product of an era long after the era of Moses, at which (unspecified) time the various literary documents were com-

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14 Eichhorn’s works on (e.g.) Islamic numismatics, De rei nummariae apud Arabas initii (1776) and pre-Islamic economy, Geschichte des Ostindischen Handels vor Mohammed (1775), are still fundamental. Along with Herder, Eichhorn may be said to have had a fundamental influence on scholars’ taking Biblical materials to be specimens of Semitic, rather than Western, writing. Curiously, his principle disciple (and the first scholar to whom his chair was offered), Gesenius, often deferred in matters of general Semitics and especially comparative grammar to Eichhorn’s eventual successor, and Wellhausen’s iconic model, Heinrich Ewald.
bined into the received text. He remained, like Astruc, a staunch defender of a Mosaic origin for the materials underlying the edited text, and even argued that Moses relied on a euhemeristic primitive source (in the main, the later J) to explain the language of miracle in the text. Only in the fourth edition of the Einleitung (1823-24) did Eichhorn concede that the Pentateuch may have taken shape as a narrative unity as late as the time of Samuel. He remained firm in the conviction that Deuteronomy must have been authentically Mosaic. Like Astruc, therefore (and Witter before him), Eichhorn accorded pride of place and of prestige to the philosophical and theological document following from Genesis 1; he also accorded it the mark of Mosaic inspiration. Eichhorn’s principle contribution to the development of historical, or literary, criticism, was his systematic investigation and classification of the texts more cavalierly assigned to various sources by Astruc, and his simplification of the source hypothesis in terms of numbers of sources. He thus appears to have been the first of these scholars to typify the sources in terms of their style and interest, identifying the Elohist (mostly, P) as focused on providing a chronology, and the Yahwist (mostly J) as describing the real world almost ethnographically.

In contact and correspondence with one another, as well as with Eichhorn and some of Astruc’s (many other) epigones, were three scholars whose contributions to the discipline are sometimes misunderstood (or certainly inadequately reported): the British Catholic priest, Alexander Geddes, his German translator and annotator, Johann Severin Vater, a successor of Semler at Halle as Professor of Theology and Oriental Languages (from 1800), and Karl David Ilgen, as well as another of Geddes’s translators, H. E. G. Paulus. Geddes embraced the challenges inherent in the British tradition of Deism and the French tradition of Jansenism, rather than merely dismissing them, in defense of the Catholic creed. In producing a vernacular British Bible (1792, 1797), Geddes further partook in the infant art of text criticism first spurred by the publication of the Samaritan Pentateuch (1650) and as demonstrated in the ground-breaking work of Kennicott. (A major issue at the time was the reliability of the vocalization of MT and the relative age of plene and defective orthography.) But from the time of his Prospectus, and especially, in his Proposals of 1788, Geddes became increasingly embroiled in the heated discussion about Pentateuchal origins. The firestorm broke when he published the first volume of his translation, of Genesis through Joshua, in 1792.


16 The Holy Bible; or the Books accounted sacred by Jews and Christians; otherwise called the Books of the Old and New Covenants. I (London 1792). Volume II appeared in 1797, with Judges, Kings, Chronicles, Ruth and the Prayer of Manasseh.
Geddes flatly denied the Mosaic authorship of the Pentateuch, returning to the line of thought represented especially by Hobbes, Spinoza and Simon. He observed that different points of the narrative portrayed divine will in contradictory terms, and, denying the significance, as others had, of alternation in the divine name even in the case of the creation narratives, explained such conflicts on the basis of historians employing sources. These sources extended not just to the book of Deuteronomy, as hitherto assumed, but into the book of Joshua: the Pentateuch (or, indeed, Hexateuch) must have been written, he argued, between the time of David and that of Hezekiah, although some oral materials collected by Moses concerning the patriarchs may have been present. These sources consisted of clusters of narrative, not ongoing parallel narratives, and were riddled with interpolations such as the Balaam narratives, the blessing of Jacob (which reflected tribal realities long after Moses’ time) and other texts. The Bible, Geddes affirmed, must be read much as one would read Homer or Herodotus—as epic, or reported history, the value of whose assertions could be assessed only by individual examination or corroboration. That view was echoed not infrequently in the Deist writings and correspondence of such thinkers as Thomas Paine and Thomas Jefferson.

By the time Geddes’s final major work, Critical Remarks on the Hebrew Scriptures corresponding with a new translation of the Bible, appeared, its contents were already familiar to Eichhorn and Paulus. It affirmed unabashedly, as Geddes’ earlier writings had done, that the Pentateuch was non-Mosaic, riddled with myth and fable, but, nevertheless, an attempt by later historians working with such sources to set down the early history of the Israelites. It figured heavily as an influence on Vater’s Pentateuchal commentary in the following years. Here, Vater attempted to extend source criticism explicitly into Numbers and Deuteronomy, with an eye to proving the combination of the two base sources isolated by Eichhorn in those books, and thus to defend Mosaic authorship. However, his endeavor was frustrated by the absence both of documents and of any real distinction to be drawn in the legislation between J and E (or, really, what was later E and P). Vater’s method, in particular of looking for narrative continuity even when a different divine name appeared, led him to negative conclusions concerning the continuity of source documents underlying the Pentateuchal text.

17 “The long pacific reign of Solomon (the Augustan age of Judaea) is the period to which I would refer it; yet, I confess, there are some marks of a posterior date or at least of posterior interpolation ...” (Holy Bible I xviii-xix). Geddes goes on to argue that traditions up to the time of Moses were orally preserved and that Moses kept a travelogue and wrote some of the laws.
Instead, he held, individual stories, some of which might be as lengthy and complex as the Joseph narrative, stemmed from diverse prior writings. Even if the names of God, for example, could vary within the work of a single writer, he argued, doublets must stem from different authors; their combination implied the work of an editor, perhaps, he said, as late as the Exile (Commentar 3: 673-681). So Vater, working from the basis provided in part by Geddes, upended the documentary hypothesis of Astruc and Eichhorn, and in effect introduced what was thereafter called the Fragment Hypothesis, or the theory that multiple individual tales and pericopes had been combined, possibly in collections, into the current Pentateuch. It is significant, however, that like all his predecessors, Vater retained a Mosaic hand in the composition of parts, at least, of Deuteronomy.

In some measure, Vater’s Fragment Hypothesis both reacted against and drew upon the recent studies of Karl David Ilgen. Ilgen, like Geddes and Vater, went beyond the invocation of variation in the use of the divine name in order to pursue the division of Pentateuchal sources. In this connection, however, he appealed frequently to Greek and Samaritan variants in order to escape reliance on the Masoretic text. While this reliance was foreshadowed by Geddes and Eichhorn, Ilgen used it as a basis for redefining the form of the documentary hypothesis in Genesis.

Ilgen understood that the triplets found in the Genesis narrative demanded the reconstruction of at least three sources in that book – particularly the stories in Genesis 12, 20, and 26 in which a patriarch pretends that his wife is his sister. He thus lays stress, in this instance particularly, on the importance of doublets as an index of authorship. He was the first to understand, it would seem, that the essential tool for analysis was not merely the existence of doublets, and the change in divine names, but in fact the sequence of doublets (and triplets) inside a literary continuum.

Unfortunately, Ilgen’s major work did not extend beyond the book of Genesis. It is thus impossible to know whether he also had his eye on the critical juncture in Exodus 3 and 6 where, in two sources, both of which employ the name Elohim to that point, Yhwh claims to bare his true name, for the first time, to Moses. It is notable that in dividing the so-called wife-sister stories, Ilgen had no good reason to assign two to

20 As with Astruc and Eichhorn as representatives of the documentary school, Ilgen comes under attack in Commentar: 696ff.

21 Karl David Ilgen, Die Urkunden des ersten Buchs von Moses in ihrer Urgestalt zum bessern Verständnis und richtigem Gebrauch derselben in ihrer gegenwärtigen Form aus dem Hebräischen mit kritischen Anmerkungen und Nachweisungen auch einer Abhandlung über die Trennung der Urkunden (Halle 1798). This was published as the first part of the overarching work, never brought to completion, entitled Die Urkunden des Jerusalemischen Tempelarchivs in ihrer Urgestalt als Beytrag zur Berichtigung der Geschichte der Religion und Politik aus dem Hebräischen mit kritischen und erklärenden Anmerkungen auch mancherley dazu gehörigen Abhandlungen, under which name the volume is usually cited.
“Elohistic” sources and one to a Yahwistic source. In the subsequent development of the source hypothesis, the wife-sister stories in Genesis 12 and 26 both came to be associated (as Astruc and Eichhorn had already suggested) with the Yahwist (J) source, for it is in contexts with that divine name, and in the company of the typical vocabulary of that source, that both appear. Likewise, Ilgen divided Genesis 1:1-2:4a into two sources, both Elohist, and rather like Geddes, assigned most of the Eden story to an Elohist (his second Elohist) on the basis of readings in Codex Alexandrinus. Ilgen was (it seems) working backward from the double-revelation of Yhwh’s name in Exodus 3-6 – a subject he originally planned to cover in a subsequent volume.

Ilgen’s particular division of the sources did not prove persuasive to scholars, and it was not until 1853, when Hermann Hupfeld published his own study of the sources of Genesis, that the existence of two Elohistic sources (the later P and E) began to be accepted. Hupfeld’s P and E approximate the sources accepted in later scholarship to the present day. However, Ilgen went beyond doublets (362-376, 409-424), inconsistencies especially in the placement of rubrics (351-362) and chronology (esp. 494-498), and variation in nomenclature and diction beyond that in the divine name and the sacred mountain (both of which figure in Eichhorn’s and Vater’s scholarship). He identified certain words and interests and sequences as characteristic of each source, thus (376-409).

Ilgen anticipated, more so than such colleagues as Vater and Nachtigall (Otmar), the mature higher criticism of the late 19th century. The fragment hypothesis, embraced by de Wette, relieved the difficulty attendant on finding the continuous literary source documents that one would otherwise be obliged to isolate. Nor did the individual fragment-collections (longer sources) like Ilgen’s Eliel the First (the first Elohist, more or less the later P) or Elijah the First (more or less J) need to be consistent within themselves, since their collectors were collating materials of varied derivation (an argument effectively echoing Richard Simon). But Ilgen took the power of the Astruc-Eichhorn source analysis seriously. And while he identified approximately seventeen fragment-sources in Genesis, he was satisfied that there were only three assemblers of these documents.

At the same time, Ilgen was in no way pietistic in his literary analysis. He did not accept the attribution of much text to Moses (again, a return to the 17th-century tradition); he doubted Abraham’s existence and dismissed the patriarchal era (in favor, it must be said, of the picture of an Aaronide cult: Ilgen: ix-xii). Indeed, as Geddes, he explicitly draws on the search for source materials in classical history as a model for his enterprise (Ilgen: 341-342).

22 Hermann Hupfeld, Die Quellen der Genesis und die Art ihrer Zusammenhang von neuem untersucht (Berlin:Wiegandt & Grieben 1853), and pp. viii-x on Ilgen.
Ilgen’s importance in the history of scholarship stems from his detachment from the apologetic tone of (for example) Eichhorn. Ilgen seems to have pioneered especially the method of reading the text in large chunks, in narrative units, rather than in individual verses or even words. He was more concerned with continuity rather than with individual contradictions. It was on the basis of this sort of reading that de Wette eventually – in his Beiträge rather than in the Dissertatio – set the study of the Bible on the road to a robust critical analysis. More important, it was Ilgen’s ability to set aside the questions of inspiration and historical kernels of oral traditions, as well as of Moses’ iconic stature, that fertilized the ground for future analysis, and particularly for the reception accorded de Wette’s own work. The successful reception of de Wette, however, frequently obscured the sometimes brilliant insights and observations of the scholars on whose shoulders he stood. The same, perhaps more justly, could later be said of Wellhausen.

Wilhelm Martin Leberecht de Wette was born, on January 12, 1780, to the pastor of the hamlet of Ulla near Weimar. His father, Johann Augustin de Wette, the Lutheran minister scion of Dutch Protestants who had settled in Thuringia in 1523, instructed his son in Greek and Latin. After preparation, including an examination by Herder, at the Gymnasium in Weimar and a period (in 1798) of employment as a tutor in Greek to the son of a traveling French family, de Wette matriculated at the University of Jena in 1799, with the intent of studying law. Under the influence of Kantian philosophy (and philosophers such as Fichte, Schelling and the Schlegels, but especially the lesser known J. F. Fries) and lectures by scholars of Biblical criticism including Ilgen, Eichhorn’s successor (1794-1802), Johann Jakob Griesbach (1745-1812: Professor of New Testament at Jena), and Henrich Eberhard Gottlob Paulus (1761-1851: Professor of Theology at Jena), de Wette took up the historical study of the Bible. That study bore fruit in the dissertation he presented to the theological faculty at the University of Jena in 1804. After its acceptance the following year, he secured a position at Heidelberg,

25 De Wette’s dissertation might have been aptly entitled “Prolegomenon”, for de Wette’s essay of 1804 preceded his precise, scholarly translation of the OT (1809-12), followed by his translation
W.M.L. de Wette’s “Dissertatio Critica …” 59

where he eventually brought Paulus, before being called to the newly-founded University of Berlin, at its inception in 1810. Unfortunately, an assassination there motivated by conservative reaction to critical Biblical study drove de Wette into temporary retirement, until he found refuge in the more liberal theological environment of the University of Basel.

De Wette did not refer in his dissertation to Astruc or Eichhorn. But awareness of their work (his professor at Jena, Paulus, had been the student of the Halle philologist, Johann Salomo Semler, initiator of the German translation of Astruc) surely influenced de Wette’s choice of Deuteronomy as a research topic. Astruc had not discussed that book of the Pentateuch, while Eichhorn and Ilgen had focused on the first three books of the Torah. Ilgen (1763-1834), another Professor of Oriental Languages at Jena (from 1794-1802), had devoted (as discussed above) his treatise of 1798, *Die Urkunden des Jerusalemischen Tempelarchives in ihrer Urgestalt* to Genesis, although he was presumably working and teaching at the time on the other books of the Pentateuch. Ilgen introduced the terms “Yahwist” and “Elohist”, although his identifications do not correspond exactly with the J and E sources as later defined.26 Furthermore, de Wette’s strong assertion in his introduction, “The … Pentateuch was not written by Moses” (compare de Wette’s footnote 4, to section 3), and his comment on the Deuteronomist’s use “of the books of the Pentateuch as we have them”, distinguishes his approach from that of Astruc or even, concerning Deuteronomy, the idea of a Mosaic travelogue, and the patriarchal materials, from that of Eichhorn, and reflects the influence of Ilgen. His rejection of any attempt to recover history from the Pentateuchal myths27 dismissed the “naturalist” or euhemeristic approach (for example: Sinai as a


theatrical mountainside fire enhanced by a thunderstorm; or, the forbidden fruit as poison harmless to a snake) of Eichhorn and Paulus.

At the conclusion of his dissertation (as revised for publication the year following his presentation to the faculty at Jena), de Wette refers to J.S. Vater’s recently-published *Commentar über den Pentateuch* vol. III (Halle 1805). Perhaps to de Wette’s mild dismay, Vater in that commentary had set out some of the points and arguments de Wette implicitly makes in his dissertation: notably, that the first four books of the Pentateuch consist of various fragments, but were redacted long after Moses and compiled even later. Although de Wette’s views evolved over time, and he appears in his early work to avoid attacking the idea of documentary sources (see dissertation 3; *Opuscula* 151), he steadily adhered to the fragment hypothesis (e.g., *Beiträge* 2.31), even clearing a path for the later Supplementary Hypothesis. At Vater’s encouragement, in a defense of the fragment hypothesis, de Wette summarized the argument of his own dissertation and produced a larger work, in the form of his two duodecimo volumes, *Beiträge zur Einleitung in das Alte Testament* (1806-1807), where he was far more explicit in identifying the “book of the law” discovered in the age of Josiah (2 Kngs 22:8) as Deuteronomy, discussed Vater’s argument that the Pentateuch pericopes were independent compositions, and argued anew that Deut was a late composition presupposing laws later than Exod and Lev and reflecting a long occupation of the land. In his *Beiträge*, de Wette stated firmly the Deuteronomist’s emphases on the centralization of cult (at Jerusalem) and proposed a “Deuteronomist” as the author of the books Deut-Josh and perhaps other books, as well.

De Wette’s scorn for a hypothesis of Mosaic authorship liberated him to focus on literary indices alone. His method consisted largely of two distinctive approaches. In the first volume of the *Beiträge*, he focuses on demonstrating the derivative nature of Chronicles. Chr uses the older books, not common sources, as Eichhorn had held: it adds, omits, and substitutes materials for those in Samuel and Kings to the point of self-contradiction (= Beiträge I:50-77). Its aim was to add the miraculous and (especially) to promote Levitic authority. It stresses a proto-rabbinic version of the Mosaic cult as unchangeably installed from David’s time forward, minimizing royal sin and denigrating Israel, all in contrast to Kings (I: 78-132). Nor, de Wette argued, is there any significant trace of a Pentateuch outside Chronicles (i.e., 2 Kgs 14:6) until the post-exilic era, nor (following Vater) of a Deuteronomy until Jeremiah’s time – and

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28 See especially his citation of Vater, Commentar 2.458ff. in Beiträge 1.266n., with the statement that Deuteronomy, too, consists of fragments.
29 *Beiträge zur Einleitung in das Alte Testament* I. Kritischer Versuch über die Glaubwürdigkeit der Bücher der Chronik mit Hinsicht auf die Geschichte der Mosaischen Bücher und Gesetzgebung (Halle 1806); II. Kritik der israelitischen Geschichte (1807).
30 Beiträge I: 159-161, 182, 266-273, 277, 283-89, 299 (cf. 136ff.).
because the book of Joshua recapitulates the latter, it must be the product of a (presumably later) “deuteronomic” author (Beiträge: 135-168).

Nor, at any point in the Former Prophets, is the lawbook of Moses referred to where one would expect it to be – not when Samuel formulates the “law (Heb. ‘manner’) of the king/kingship” (152-153), and not in any later appropriate context (de Wette dismisses 1 Kgs 2:3 and 2 Kgs 14:6 as belonging to “deuteronomic” authors of the post-exilic period: Beiträge: 164-179). Particularly noteworthy is the absence of the lawbook in the temple dedication of 1 Kings 8: if its own narrative premises prohibit Deuteronomy from recording its entry into the place where Josiah was to find it, surely the history itself could have supplied the lacuna. References in 2 Chr 17:9, 23:18; 31:2ff.; 30:16, 18 are simply to be dismissed, though Chronicles seems to claim that Hezekiah possessed such a work.

The more positive identification of Deuteronomy with Josiah’s book is argued in detail. Thus (Beiträge: 175) 2 Kgs 22:13, 16, 17 imply that it menaces lawbreakers, and especially apostates. The description fits Deuteronomy, and particularly chaps. 27-28, although Leviticus 26 contains like threats. Similarly, 2 Kgs 23:21 indicate that the book had a centralized Passover ordinance, like that in Deuteronomy 16 (precluding the suggestion of Otmar [= Nachtigall] that the book of the law was merely the Ten Commandments, 176 n.). And 2 Kgs 23:24 reflects the stigmatization of seers, sign interpreters, images, and false gods so urgent to Deuteronomy, although also present in Leviticus. If it was not the only text “discovered” in the temple, Deuteronomy – or the essence of it, since, as Vater notes, it, too, is composite – was what occupied Josiah’s attention.

De Wette’s conclusions concerning Deuteronomy retain considerable force today. The “book of the law” was found in the Jerusalem temple, and was sensational in its effect. It was previously unknown and effectively presented as though it were new. Thus, contrary to the implicit assertion of the narrative – which is never made explicit – the book was never forgotten.

Indeed, were the work that of Moses, Hilkia would not have said, “I’ve found a book of the law,” and the narrator would not describe it as “the book that has been found”. Moreover, as noted above, no text is said to have entered the temple but the tablets of Moses, and certainly no book attributed to Moses. And, there is no previous evidence of the book’s existence: when 2 Kgs 23:21ff: reports a Passover held according to the book, it stipulates that none such had taken place in all the monarchic era: yet, had it been known, some king, one of them at the least, would surely have done so. The inevitable conclusion is that the “book of the law” was confected for political and religious purposes at Josiah’s court itself.

De Wette’s exposition here deserves to be quoted in extenso [Beiträge 168-79]: If we therefore pursue believable history, then we find the first certain factual trace of a lawbook only under Josiah, and indeed in a special way: it is found in the temple (2 book of Kings 22).
Before we can regard this fact in its true form, we must free it from manifold misrepresentations and misinterpretations. Mr. Hofrath Eichhorn should like to persuade us that at the time the lawbook was not at all unknown, and in consequence he understands the discovery of the lawbook as that of a noteworthy exemplar of it, a temple exemplar, or perhaps an autograph exemplar of Moses. This [169] guess is wholly unsustainable. For 1) the historian does not say, that an old, venerable exemplar of the lawbook was found, but simply the lawbook. “And Hilkia said: I have found a book of the law in the house of Jehovah” (v. 8). If what was noteworthy in the matter had lain simply in the manuscript, while the lawbook was otherwise known, then this would have been said, if we don’t want to take the narrator to be totally incompetent. 2) Just as the narrator does not stress the condition of the manuscript, so too is the surprise occasioned by the discovery of the lawbook aroused not by the old ductus and other signs of the book’s antiquity, but by its content, by the words of the book (v. 10, 11). The king has the book read to him. He does not examine the manuscript, and thereafter he has the book, “the words of the book,” read before the people. He does not have the venerable old exemplar handed around, for people to look at it and marvel.

This hypothesis refuted, the claim, too, is refuted, that the discovered lawbook was not unknown at that time. [170] As it is found, and is found as a book (that is, in regard to its content), it could not have already been there. Eichhorn, only, has still further arguments. “That of these (the Mosaic) books (he thus immediately assumes that the lawbook found under Josiah was our Pentateuch, which is what we first want to investigate), that at that time,” he says, “no one knew anything of these books is against all history. Not the whole court, but just the young king, moved into action, and he did not wonder at the presence of the books, but at the blood-curdling content, that concerned the trespassers of the laws. And how easily could this content have remained unknown to him up to that time! To him, to whom likely, given the irreligious orientation of his father, no religious upbringing had been available!”

If Eichhorn invokes on his behalf earlier traces of the presence of Moses’s lawbook, in order to render it probable that it was not unknown in Josiah’s time, we have not found the like in our investigations, or must reject them; in addition, he forgets that in the time from Hezekiah (under whom, according to the report in Chronicles, the lawbook is supposed to have been available) [171] to Josiah, in a period of roughly 100 years, under irreligious regimes the lawbook could easily have become unknown. It therefore remains for us only to investigate, according the narration of our fact in 2 Kings 22 and 23, whether one knew of the discovered lawbook at that time.

The king does not yet know this lawbook. The narrative shows this plainly. Eichhorn’s distinction, that the book’s content, not its presence, shocked the king, is certainly highly-distilled, unfortunately all too much so, and kicks altogether against the laws of historical interpretation. One reads: “And Shaphan, the scribe, spoke to the king, and said: Hilkia the priest gave me a book, and Shaphan read it to the king. And as the king heard the words of the lawbook, he rent his clothing. And the king commanded Hilkia the priest (and others) and said: Go hence and ask Jehovah for me, for the people and for all Judah about the words of this book, which has been found” and so on. It is not said here that he marveled at the presence of the book, but very clearly [172] that for him it was new (discovered). Re-
Regarding King Josiah’s education we know nothing; still, he appears to have been religious even before the finding of the lawbook: for he takes care for the repair of the temple, and sends his scribe there to give the incoming money to the workers. The Books of Kings also characterize him from the very start as a king wholly pious like David (2 Kings 22:2). Had he followed, in his early years, the footsteps of his fathers, this would surely have been mentioned; and, we have no other reason to deduce the son’s orientation from the father’s, since one cannot know who influenced him, such as his mother perhaps. It is thus highly likely that he could have known the lawbook if it were already there.

Eichhorn says, not the whole court, but just the king was moved to action by it. It is admittedly not related, that the whole court was moved to action, because the narrator simply reports the sensation it made with the king – this is also historically important as the reason for the succeeding action. From this alone it does not follow that the king’s courtiers must have been familiar with the book already. Had this been the case, Shaphan could not have said to the king: “Hilkia gave me a book,” but would have had to say: “he gave me the lawbook” (which is otherwise familiar already); and the king could not have told the priests and his courtiers: “Go hence and ask Jehovah about the words of this book that has been found.” One would then have to assume that these actors deliberately left him with the delusion that the book was unknown, which could however have been of no use to them.

The priest also produces the discovered book not as one that is known, nor as a book whose content is known from legend. He says, “I have found a book (register, record) of the law ([Heb]spr ḫtw rh ms ’ty)”. Chronicles, in the parallel passage 2 Chron. 34. 14, has him find [Heb] spr twrh [sic: MT twrt] yhw rh yd mšḥ – a designation willfully inserted by the author into the authentic relation, which we do not accept, just as we do not take account of his relation generally here, in which the facts are presented somewhat differently. Likewise, in order to free the priest of the suspicion of perpetrating a fraud, [174] he has introduced the discovery itself into the narrative, and has it take place in the company of others. “And as they took the money out (out of the chest), Hilkia found the book,” and so forth. He would however have said: “I [174] have found the book (that we have been missing for so long).”

Finally, the narrator gives it clearly enough to be understood that the book was unknown at that time. As already noted, he does not say that a remarkable exemplar of the otherwise familiar law book has been found, but straightforwardly: “the lawbook has been found.” When he mentions it afterward as well, he always calls it: “the book that was found in the house of Jehovah”, or: “the book that Hilkia the priest had found in the house of Jehovah.” It follows from this that it was long unknown, if indeed not an entirely new book. At least it seems to have been a new book to the narrator. For had he known of the previous presence of the book in history, he would not have had the discovery perpetually in mind, he would not have called it always the discovered book, but likely, in a different enough way, a [175] a previously known one, as well.

Now, having discarded all false views, let us examine the facts in relation to our investigation. First of all, is the discovered lawbook our Pentateuch?

According to the statements of King Josiah and the prophetess Huldah adduced in chap. 22, 13.16.17, this lawbook contained threats against the trespassers of the law, especially
against idolators. This seems especially to indicate the 5th book of Moses, which, in regard to its entire economy, is a sermon of punishment and warning, and contains, especially in chaps. 27, 28, threats and curses. However, Leviticus (3rd book of Moses) 26 also contains such threats. According to chap. 23, 21, it contained the law of Passover. Regarding Passover we have several laws in the Mosaic books, including Deuteronomy (5th book) chap. 16. Further, the book also contains laws against soothsayers, augurs, images and false gods, chap. 23, 24. There are laws on these subjects in various passages of the Pentateuch, but also especially in the 5th book.

It would be taking the addiction to skepticism too far were we unwilling to acknowledge such striking [176] references to our Pentateuch. Nevertheless, not only do all the references fit the 5th book of Moses, but also the huge impression that the discovered book makes points to the blood-curdling content of the 5th book and to its whole orientation and design: I therefore believe it must be assumed that this latter text, even if was not the only thing found, all the same was the premier subject of discussion and aroused a sensation. Otmar obviously goes too far when he claims: the discovered book could just have contained the ten commandments of the Mosaic legislation, partly because only the tablets of the law lay in the ark of the covenant, partly because the whole lawbook was read to the eighteen-year-old king, partly because the prophetess Huldah speaks only of idols as the source of the catastrophe the Jews should expect on account of trespass of the law. He seems to want to insinuate that it was the tablets of the law that were found; this is refuted by the single consideration that laws concerning Passover among other things stood in the discovered lawbook. That the book was all read out before the king [177] is not said; besides, we also do not insist that the discovered book was our Deuteronomy in its whole extent and its present form, since, as Vater has shown, it is assembled from several parts. If the prophetess Huldah speaks above all of idols, this is entirely natural, since this was a major trespass. Were one inclined to conclude from this that the book could not have been a large lawbook, one could use the same logic against the two tablets of the law as well, since these, too, contain further laws.

Now we have had, therefore, the first certain, factual trace of our Mosaic books, at least of a part of them, Deuteronomy. And this lawbook, which [178] we may take to be a part of our Pentateuch, is introduced by the history as follows:

1. It is found in the temple, as a book, unknown at that time, arousing a sensation. 2. It is characterized by the priest Hilkia as well as by the narrator as not previously known and present, which was lost and rediscovered, but (albeit not explicitly) as new, just as it is also presented without a name and authority, simply as a lawbook.

Against the second point it will be objected: that the book is found plainly shows that it was previously already there; it probably lay preserved in the temple, and was just forgotten during a long period of time, and so on. Against which we answer:

1. If it was a previously known book, in use and in esteem, that was then rediscovered: then neither the priest Hilkia nor the narrator would have omitted to remark the fact; the former would not simply have said: “I have found a book of the law,” and the latter would not always have called it the book, that was discovered, but would have described it with totally different predicates.

2. In the temple, at least at its dedication, no exemplar of the lawbook could have lain.
We have seen that nothing entered the temple other than the two stone tablets of Moses. Whether a lawbook came in later we do not know.

3. We have no convincing historical evidence for the previous existence of a lawbook in light of our investigations. Relevant here is also the remark of our narrator in 2 Kgs 23:21ff., which, although not proof positive, nevertheless permits some inference. “And the king charged the people and said: Hold a Passover for Jehovah your god, as it is written in the book of this covenant. For no such Passover had been held from the time of the judges, who judged Israel, forward, and during all the time of the kings of Israel and the kings of Judah” and so on. – If the book existed formerly, should the Passover not have been held according to its prescription, given that so many religious kings had reigned in Judah?

4. If one bases everything, then, on the discovery of the lawbook, we answer against it, that we cannot know when and how this book entered the temple, indeed, that it is possible that the priest Hilkia forged it. This view undoubtedly has much to commend it: the whole way in which the book is introduced looks not unlike a staged business, in which, outside of Hilkia, Shaphan especially and the prophetess Huldah could have taken part. But I am far from wanting to raise this conjecture to the level of a certainty, since I would thus transgress the laws of history. Over the origin of the book history draws her curtain, and it would be presumptuous to try to pull it away.

Following the above discussion, de Wette argues that Ezra and Nehemiah know the Pentateuch as a whole (180-188). Ezra 3:2 presumes the burnt offering of Lev 1:6; Ezra 6:18 reflects the appointment of priests and Levites as in Num 3:8. Neh 8:14’s view of Sukkoth coincides with Lev 23:42; Neh 10:36 has the firstlings of Exod 13; 34:19; Neh 13:1f. cites Deut 23:3 verbatim. The installation of a colony is in accordance with the Pentateuch’s regulations, which cannot have been assembled later. And in Neh 9:5ff, the Levites recite history as found in the Pentateuch (181 n: v 11 Exod 15:5,10; v 18 Exod 32:4; v 21 Deut 8:4; v 25 Deut 8:7ff). From creation of heaven and earth to Abraham, exodus, wilderness, Sinai lawgiving, manna, water from rock, murmuring, calf, Sihon and Og and taking of Canaan. 9:26-28 is Judges. Why start at creation if not mirroring Genesis? In V 3, the festival is of the giving of the lawbook, so the prayer is its application – a clearer trace couldn’t be asked.

De Wette then returns to the Josianic material (182-185): The Josianic record would not have omitted the book’s identification as Moses’ work. And, because the author of Kings cites it as a book of law of Moses in 2 K 14:6, the story of the finding of the lawbook must be earlier than Kings as a whole, and contemporary with the event.31

31 Possible alternative inferences are that the author of Kings thought it was lost after the time of Amaziah, which, however, founders on de Wette’s case as to the diction surrounding the discovery, and on the question of the time in which it was lost; or, that Amaziah acted according to a conception that was at one with Mosaic law, without necessarily enjoying the benefit of knowing a written text of it. The latter possibility suggests an authoritative, academic oral tradition, something far from alien to Near Eastern cultures generally.
Apart from that point, Jeremiah also shows Deuteronomy was not thought Mosaic at the time. The prophets do not cite a Mosaic lawbook: the law is oral. And Jeremiah, after the discovery, calls for the fulfillment of the law, but denies the lawbook: I never told your fathers at the time of the Exodus, he says, about offerings; there was no Sinai Leviticus. Otmar recognized this point. His opponents [e.g., Eckermann, Theol. Beiträge 5.1.50: Jer means sacrifice is legislated only as a sign of obedience to god’s will] constrict the meaning of the text; but Jeremiah enjoyed the leeway to say what he liked: he wanted to reject the priestly writings.

After dismissing the references to a torah of Moses in later texts, mainly Chronicles (186-188) and the Samaritan, in a 16th-century ms with archaic script (188-223), as an inadequate counterweight to the identification of Deuteronomy with Josiah’s book, de Wette offers the possibility that these texts refer to the Pentateuch, but after the exile, so ca.1000 years after Moses. He portrays traditional religion as one of distributed sacrifice, with no centralization until late, in “tiny” Judah, and treats Jeroboam (196n) as one adopting a traditional iconography. He says (196): “Es is längst bemerkt, dass der Polytheismus seiner Natur nach tolerant ist, jeder Gott erkennt den andern neben sich an, und ihre Diener sind Brüder.” Nor, he goes on, does Jeroboam forbid pilgrimages to Jerusalem, and asks why he would, as his subjects could sacrifice on every hill. Neither in Israel nor in Judah does iconography diminish, and the sense of unity pervades the narrative, as in the use of 12 stones in 1 Kgs 18:31ff., the interaction of Elisha with Jehoshaphat, the synoptic character of Kings in general, and the indictment of Judah in a 2 Kgs 17 that reflects the exile. Poor Moses, he reflects (Beiträge: 223-226), to have been so impractically far ahead of his time, and so ill-served by his appointed successors for a millennium.

A review of worship and the cult as reflected in the Former Prophets follows (Beiträge: 227-265), and leads to the conclusion that both the cult of the ark and the institution of the Tabernacle (versus the Mosaic “tent of meeting” identified in a separate fragment by Vater in Exod 33:7ff.) are retrojected into earlier eras, principally by the Davidic or Solomonic author of the original Elohistic framework of Genesis. The principal references are to Samuel and the account of Solomon, although references to later high places, tolerated even by pious kings, are noted, as well as human sacrifice, altars of the baal and host of heaven, the Asherah, and so on. Freedom from the law, he argues, ended with Josiah.

Here, again, de Wette turns to the relative dating of Deuteronomy and the rest of the Pentateuch. He writes:

“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. By this comparison, the marked difference of Deuteronomy from the earlier books reveals itself, which Herr Prof. Vater has also shown in the most evident ways by many and striking
proofs [267: Vater’s Comment. 40.493ff.] Independently of him I have tried to prove this distinctiveness and at the same time the later date of Deuteronomy in my Dissert., qua Deuteronomium a prioribus Pentateuchi libris diversum alius cuiusdam recentioris auctoris opus esse monstratur, which I use as a basis here.”

There follows a repetition (in German) of the arguments mounted in the Dissertatio, which we reproduce here from the text published in 1830 in the Opuscula. Deuteronomy must be divided in authorship from Numbers. It is later than and, in ch. 28, imitates Leviticus. In its design, it presupposes the earlier laws, or one could not understand on what basis its compiler was working, “as with the law of Passover (chap. 16), which he very briefly adduces, just as if it were already familiar, and as if he wanted only to add the important clause, namely, that it is supposed to be celebrated only at the single place that Jehovah would select (since we, in contrast, find the origin and the celebration of this festival explicitly thoroughly in the earlier books)”. The homiletic moralizing of the book reflects later preaching, as well as amendment to include such admonitions as those against astral worship introduced by Manasseh (and attacked by Jeremiah), prostitution, first mentioned under Rehoboam, high places with luxuriant trees, true versus false prophecy, and even a law limiting the kingship, as well as those permitting divorce, exemption from the service, all, along with the institutions presupposed, reflecting life in Canaan.

The hierarchy of the cult personnel de Wette singles out for particular attention. He divides these into several parts, which Wellhausen would later take up. The first are sacrificial laws touching the place of sacrifice. Discounting Leviticus 17 as non-Mosaic, but prior to Deuteronomy (cf. Vatke), he sees the latter as more insistent, more shrill in insisting on the centralization of a formerly distributed cult: sacrifice has now been restricted to professional priests. Among the festival laws, the laws do not demand a pilgrimage to Jerusalem (Exod 12; 13; 23:17; Deut 16), which presupposes an older situation before the centralization visible in later texts as well as in Deuteronomy.

The idea of Mosaic national festivals makes up his second subject. These are a fiction:

“Events, even the most notable, are first celebrated when they are in the past, when one can think back on them in peace. So long as one remains caught up in them, so long as they continue to pertain to the history of the day, no one thinks about making them the subject of a festival. Yet Moses is supposed to have instituted these festivals right in the midst of the events themselves that gave rise to the festivals, indeed, even before the events.

According to the relation of the 2nd Book of Moses [Exodus] 12, Passover is sup-

32 False prophecy is treated differently (chap. 18, esp. vv.21-22) than apostatic proselytization (esp. ch. 13), but Deuteronomy’s suppression of competition in the mantic arts has mainly to do with Yhwhistic, rather than apostatic, divination.
posed to have been instituted even before the exodus from Egypt and before the miracle that occasioned it, the death of all the first-born."

De Wette goes on to find elements of the narrative – such as Israelites shod and ready to travel at the elaborate celebration, yet in too much haste to make proper bread (Exod 12:11) – that seem to contradict the actual ritual. He focuses in particular on the importance of the unleavened bread even before the events requiring it and as integral to the festival (Exod 12:14, 25ff., esp 12:8; Deut 16:3). Nor would Moses have legislated about life in Canaan (Exod 12:43ff.) at that time. Was the legislation of Exodus for the first, protective, Passover, for the future, or for the commemoration of the exodus? While there might, he says, lie some truth at the base of the fiction, it is unrecoverable. More probably, then, households gradually adopted the usage, which the hierarchy then co-opted to arrogate additional control to the temple establishment.

Against Moses’ legislation of Sukkot (Tabernacles) to commemorate Israel’s movement through the wilderness, de Wette deploys similar argumentation. Moses could not have done so while they were still living in tents (as Lev 23:33ff.), says he. Indeed, this was a harvest festival, as Exodus 23:16 says. But Sinai is a little early for a harvest festival, and this law has nothing about the ritual of the booths: the festival evolved gradually through common usage, and was only regulated late, by the priesthood.

De Wette concludes simply. Deuteronomy enjoins central worship. Its shrine is the Jerusalem temple. The history furnishes no evidence of centralization even after Joash and Jehoiada. Hezekiah made the first attempt to discourage worship outside the temple. But only Josiah truly fulfills its demands. That, therefore, is the time when Deuteronomy was introduced.

These historical and evolutionary arguments anticipated and especially inspired the course of historical-critical scholarship on the Pentateuch throughout the 19th century. Indeed, even in Wellhausen’s synthesis (below, the heart of it is found on pp. 1-121 of the English Translation), the issues identified by de Wette in this work remain central to establishing the cultural sequence. De Wette’s anticipation of future developments was, both in method and in orientation, uncanny.

In effect, too, de Wette is consistent in his views on the history of religion. He places J later than P(+E) because the former has more myth and anthropomorphism than the latter. This is the direction he sees Chronicles taking in relation to kings, with the addition of mythic and midrashic elements licensed by the progression of time. Without defending his view, it is of some interest that the so-called recrudescence of myth in the post-exilic and especially the Hasmonean era would almost seem to bear him out.

33 The term is that of F. M. Cross, Canaanite Myth and Hebrew Epic (Cambridge, MA 1973).
The reason for de Wette’s reading of the history was that, like his teachers and predecessors, he addressed Chronicles and Kings on the same historical level as he did the Pentateuchal sources. Since Chronicles expands and dilates and adds angelology, its relation to Kings was the same as J’s to P. In later models, the situation in the Pentateuch was the reverse, with later versions of the Pentateuch coming more and more to approximate historical writing on the model of Samuel-Kings.

Had de Wette, however, taken other indications, such as anthropomorphism or other points of late dogma (something to which he is quite alert when dealing with Chronicles), as the cue for his reconstruction, he might have arrived at a different conclusion. His focus on form alone, on the fact of expansiveness, distracted him from a sequence that, after Wellhausen, seemed for many scholars in principle to be obvious. In fact, de Wette in effect is the scholar who introduced, and at the same time exposed the glaring defects of, what, starting with Hermann Gunkel, would be called Formgeschichte, or form-criticism with a historical bent.

But de Wette was also a keen reader, and it is instructive to remember how exactly he understood P. This source, for him, demanded no centralization of sacrifice in the land. This is close to Y. Kaufmann’s later view, against Wellhausen. De Wette’s observation that P does not explicitly insist on the level of reform implemented by Josiah implies that his reading of P (shorn in his analysis, admittedly, of some texts commonly assigned to it today, such as Genesis 23), if it could be reproduced, might be a treasure for the alternatives it offered to today’s understanding. Indeed, if his exegesis of Genesis 1 is a representative example, with his close attunement (Beiträge II, near the beginning) to the rhythms and sense of the proceedings there, he would have made a marvelous exegete of that source, for which he clearly felt the closest affinity.

The foregoing consideration and review of de Wette’s arguments in his Dissertatio and in the relevant pages of his Beiträge suggest to us that the mainstream views about P and D require adjustment. Both documents are children of Josiah’s era, and nothing is gained by comparing the one with the other in terms of length, or in terms of the urgency of centralization. At the level of theological doctrine, the resemblance is strong. Anthropomorphism is sedulously avoided. Angels are at least minimized, or eliminated. Other gods do not exist, and are attacked as non-gods of one or another sort: the stress, thus, is on demythologization. The old JE traditions are corrected. Both exhibit a marked tendency toward literalism. Thus the indices from the vantage point of “cultural stage” are more or less the same, although the orientation and social embedding of the texts differ. P does not refer to D, and the core of D does not refer to P, except, in either case, indirectly.

Nor, linguistically, did P inhabit the world of Chronicles, or of Ezra and Nehemiah. The post-exilic P of later scholarship has nothing to do with the history of literature as de Wette understood it. It is easy to dismiss de Wette as occupied by the controversies of the 18th century. In reality, his keen, clear-sighted approach to the text deserves
more respect, and more direct consideration, even where his conclusions are at odds with those of later scholarship, and, indeed, with some of the hard evidence that, while eliminating a post-exilic origin for the material, precludes a date for P, for example, materially before the 7th century — though many scholars, such as R. E. Friedman, place it today in the reign of Hezekiah, early in that time window.  

Johann Karl Wilhelm Vatke (1806-82), professor extraordinarius at Halle, in his *Die Religion des Alten Testaments nach den kanonischen Büchern entwickelt* (1835), accepted de Wette’s and Eichhorn’s hypotheses, and identified, in addition to J, Ilgen’s two Elohist, and D, a fourth further Pentateuchal source, which he identified as “priestly” in character (later styled the “Priestly codex”: P): following de Wette, Vatke dated Deuteronomy to the last years of the kingdom of Judah. Under the influence of E. Reuss and Graf, and simultaneously with Johann Friedrich Leopold George (whose work was also published in 1835), Vater dated the priestly material – thought to be later than J, E, and D – sometime in the reign of Hezekiah or, later (in his *Einleitung*, where he holds that it inspired Deuteronomy), Josiah. The aforementioned contemporaries thought it perhaps datable to the period of the exile – this source (Lev 17:20; 26; Num 33:52-56) for Vatke bridged the gap between “the second Elohist” and Deuteronomy.

This “new” source, was, all these scholars agreed, a supplement to earlier materials: de Wette had consistently held that all the P (plus E) material was the earliest, i.e., simplest, and the framework, form of the Pentateuch. J he regarded as insertions into the framework. It was not, however, until Hermann Hupfeld’s publication, in 1853, of a treatise on the documentary sources of Genesis that it became clear first, that the Elohist (later E) was to be identified principally as later scholars would so identify it, so that a “Priestly codex” (P) in a form recognizable to later scholars could be reconstructed; and, that the four sources of the Pentateuch were both literarily-developed and fully independent of one another, and so that the fragment hypothesis and supplementary hypothesis were to be rejected. Hupfeld, who acknowledged and even cele-

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34 See R. E. Friedman, *Who Wrote the Bible?* (New York 1986); *The Bible with Sources Revealed* (New York 2003). Other contemporary adherents to the Hezekian dating mainly include scholars related to the Kaufmann school, such as Menahem Haran.

35 Von Bohlen, *Genesis historisch-kritisch erläutert*, in the same year (1835) argued that Deuteronomy was published under Josiah, but the rest of Pentateuch only in the exile or later. J. J. Staehelin, in *Untersuchungen über den Pentateuch, die Bücher Joshua, Richter, Samuelis und Könige* (Berlin 1843), would argue the presence of two key narrative historical sources running from Genesis to Kings, to be dated to the reigns of Hezekiah and Josiah respectively, before an exilic re-edition of the whole.

brated Ilgen’s work, however much his analysis differed from it, was the first scholar actively to analyze the actual work of the redactor responsible for combining the hypothesized source materials.

Vatke’s identification of a fourth priestly Pentateuchal source (P), especially as consolidated and isolated more meticulously from the Elohist (E) by Hupfeld, was argued fully and presented anew in Theodor Nöldeke’s “Die sogenannte Grundschrift des Pentateuchs,” Untersuchungen zur Kritik des Alten Testaments (1869), the title of which alone discloses the reaction that had set in against the de Wettian and earlier hypotheses.

It remained for Julius Wellhausen to articulate what would become the canonical version of the “documentary hypothesis”: J and E were combined into JE, to which D was added, then (finally) P. Wellhausen was quite aware of his forerunners, although not all received his fulsome praise. Jean Astruc, for example, Wellhausen mentioned as one of those “labor[ing], not without success at disentangling [the Pentateuch’s] original elements.” Wellhausen saluted de Wette as a “pioneer” (in source criticism) in his Prolegomena zur Geschichte Israel (1883; originally Geschichte Israels I, 1878) and employed de Wette in his analysis of source strands in Deut. (Prolegomena, English ed.[1885]: 368-75). In his Die Composition des Hexateuchs (1889; its four unaltered constituent articles first published in 1876, 1877 and 1878), however, after paying de Wette a high compliment at the beginning of his discussion of “Das Buch des Gesetzes

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37 Hermann Hupfeld, Die Quellen der Genesis und die Art ihrer Zusammensetzung von neuem Untersucht (Berlin 1853).
38 Vatke (1806-1882), Die biblische Theologie wissenschaftlich dargestellt I. Die Religion des Alten Testaments nach den kanonischen Büchern entwickelt. Part 1. Vatke was one of several scholars who undertook a revisionist history of the development of Israelite culture working from de Wette as amended for the purpose. See also C. P. W. Gramberg, Kritische Geschichte der Religionseiden des Alten Testaments. I. Hierarchie und Kultus (Berlin 1829); J. F. L. George, Die älteren jüdischen Feste mit einer Kritik der Gesetzgebung des Pentateuchs (Berlin 1835). Theodor Nöldeke (1836-1930) studied at Göttingen under Heinrich August Georg Ewald (1803-75), whose comprehensive knowledge of (and writings on) ancient Israel was frequently praised, and whose history and seminars professedly fired Wellhausen’s imagination and ambitions. Nöldeke was professor at Kiel from 1864 to 68, then at Strassburg, 1872-1906. For additional information on Vatke and Nöldeke, see Kraus (1969): 194-99; LTThK 3 (1959): 1262-3; 7 (1962): 1019; Hegedorn (2007): 54-5.
Wellhausen developed his own approach to Deut, while building on, or rather almost taking for granted, de Wette’s foundation (Die Composition:187), but never explicitly explaining what de Wette had (and had not) argued. The taciturnity reflects Wellhausen’s starting-point: that the “Law” must be later than “the Prophets”, a lightning-bolt insight that struck him on hearing of the (Reuss-)Graf-Vatke hypothesis.\(^42\) Since most of de Wette’s argumentation was directed toward the conclusion that Deuteronomy must be later than P (plus E), Wellhausen was essentially embracing the result – the identification of Deuteronomy with Josiah’s law-book, as a linchpin for reconstructing the history of Israelite culture – without engaging the very arguments that he mimicked from de Wette, such as those about the festivals, centralization and sacrifice, and the priesthood. Rather like Marx and Engels in relation to Hegel, Wellhausen thought he had found de Wette standing on his head, and so turned him upside down. The basic points of what de Wette (not Wellhausen) argued in his thesis may be summarized thus:\(^43\)

1. Deut sets out regulations and norms sensible (or plausible) only for the post-Mosaic period. That is, the character of the laws assumes a long settlement in Canaan. Those regulations and norms were awkwardly expressed in Deut and not without contradiction, but melded with the “ancient laws” (as set out in Exod and Lev). Deut was not written by Moses nor is Deut a product of the sources constituting Gen through Lev, but the author of Deut drew extensively on the laws and regulations set out in Exod and Lev.

2. Deuteronomy exhibits significant differences in style. Deut is more prolix than (e.g.) Exod and the author of Deut ascribes the entire work to Moses (e.g., Deut 2:2, 4:1). In Deut, God does not speak by or through Moses, but Moses himself addresses the people (e.g., 1:1, 2:31, 5:1, 31:1). In addition, Deut contains no mention of the “angel of Yahweh” (Exod 23:20-23).

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\(^41\) Wellhausen, Die Composition 3\(^{rd}\) edition (1889/1963): 186-208. The compliment (186 nt. 2): “Die de Wette’sche Dissertation (1805) steht bei weitem nicht auf der Höhe der glänzenden Beiträge”, comes in the context of credit for priority and praise generously heaped on Vater, and is, perhaps unconsciously, double-edged: is the adverbial phrase or the verb negated?


3. Many modern discussions and references to de Wette stress (sometimes solely) de Wette’s emphasis (below, de Wette’s sections 5 & 6) on the centralization of cult at Jerusalem and the relationship of that would-be centralization to the “book of the law” Hilkia the high priest discovered in the Jerusalem temple and presented to king Josiah. That “book of the law” prompted Josiah’s reforms (2 Kgs 22:8-23.20) and could be identified with Deuteronomy. This is a point for which de Wette has often been credited (and criticized). But we should note that the equation Deut = the “book of the law” of Kgs 22:8 was not de Wette’s central point in his dissertation, but rather suggested in a note (middle of his footnote 5). As de Wette’s dissertation demonstrates, his primary emphases were philological, not historical.

We turn now to de Wette’s text, with a few preliminary observations on our translation. De Wette composed Latin in a Ciceronian mode and idiom that was usually correct as to syntax and grammar. Often, however, the complexity of de Wette’s argument, as phrased within his attempts at periodic structure, antitheses, and parallel construction, obscures the clarity of his exposition. De Wette tended, moreover, to use, within a given context, a restricted number of verbs and nouns, which, for the sake of sensibility, we have avoided rendering literally and mechanically, while still retaining (we hope) the flavor of de Wette’s style. Words and phrases [thus] indicate our additions for sense, continuity, and illustration, including indication of the assumed documentary source of many of the Pentateuchal texts de Wette cites: e.g., [Num 36:13, P] The paragraphing of this translation follows de Wette’s format. Items within ( ) are part of de Wette’s text, as are the footnotes. We have added some commentary and bibliography in the (continuous with our introduction) endnotes. We have also employed, for citations, in our translation, the modern, standard abbreviations for the OT books. Quotations from the Pentateuch within the text of the essay translate de Wette’s own renditions, which appear to be original but occasionally mediated by the Vulgate translation.

Wilhelm Martin Leberecht de Wette, Dissertatio Critica qua a prioribus Deuteronomium Pentateuchi Libris Diversum alius cuiusdam recentioris auctoris opus esse monstratur (1805)45

“Critical and exegetical dissertation wherein it is shown that Deuteronomy is a work different from the earlier books of the Pentateuch and by a different author, of a more recent age.”


45 Latin text translated as reprinted in W.M.L. de Wette, Opuscula Theologica, ed. 2 (Berlin: G. Reimer, 1830): 149-68. The original submission was apparently entitled Dissertatio critica-exegetica qua Deuteronomium a prioribus Pentateuchi libris diversum ..., or at least has been cited as such variously.
After so much erudite and wise discussion on the topic, I presume that there is no one nowadays who would deny, except for those who defend the opposite opinion because their concern is to guard their own authority rather than be influenced by the study of truth, that the Pentateuch was not written by Moses, but came into being at a later age. Nonetheless, it is not enough to deny that Moses was the author of the Pentateuch: the issue has been brought to the point where we may judge that the writings of different authors were compiled and edited in this scroll. And the book of Genesis, in fact, almost everyone unanimously agrees was composed of two written sources in particular. But the other books [of the Pentateuch] have many authors.

I shall perhaps demonstrate elsewhere that Exodus, Leviticus, and Numbers were compiled of many myths and traditions differing among themselves, consigned to writing or passed on orally. The book of Deuteronomy, however, is unique and has a character particularly distinct from that of those books. For it was not only written down by another author in a more recent age, but also differs in many respects from the preceding books; indeed, it appears to contradict them. I shall now proceed to demonstrate this point.

But lest we be interrupted to no useful purpose in our argument, grant me this point: the Pentateuch was not written by Moses.

The arguments by which I would venture to show that Deuteronomy is distinct from the earlier books of the Pentateuch are these:

1). The person who compiled the preceding books wished to complete and bring to a conclusion in those books the Mosaic history.

It is clear from the last verse of Numbers that [the author of that book] had no intention of adding Deuteronomy or any other book whatsoever: “These are the commandments and regulations that Yhwh gave to the Israelites through Moses on the plains of Moab by the Jordan in the region of Jericho” [Num 36:13: P]. A sole author [of the entire Pentateuch] could not have concluded [Numbers] thus, seeing as how Deuteronomy contains many other “commandments and regulations” which Moses is said to have given on those same plains of Moab and which the book of Numbers does not contain. (Those who reckon that the Pentateuch was written down by Moses extricate themselves from this difficulty by fancying that Moses completed the scroll of Num-

46 De Wette refers to Eichhorn: Einleitung 2.405-406, 417, 427-428, for example. For Eichhorn, Deuteronomy was Moses’s abstract of the material from Exodus through Numbers (2.411-413), although there were multiple sources to be found in the latter (2.395ff.) as well.

47 [= de Wette N. 1] The reference is, in particular, to Ilgen, but does not exclude Eichhorn and his interlocutors, such as Otmar.

48 Nonetheless, those who have investigated critically the sources of Genesis have, from the time the book was made public, emended, extended and even perverted this opinion in a variety of ways. See the full discussion in Schumann, In l. Genes. hebr. et gr. (L. 829) Prolegg., pp. 53-68.
bers before he promulgated and put in writing the laws of Deuteronomy; we do not deign to treat with those who so believe.)

Surely the Mosaic history was brought to a conclusion in the book of Numbers. For the Mosaic history contains the last laws promulgated by Moses before [his] death, laws anticipating the occupation and division of the land of Canaan (Numbers 27:34-36 [P]); it also relates how, once Moses’ impending death was announced, his successor Joshua was designated (Num 27:12ff. [P]). All matters have been completed and finished nor must anything further be expected of Moses.49

It is therefore most astonishing that, in our Deuteronomy, Moses, as if resurrected, makes a new entrance onto the stage, that he promulgates many new laws, that once again he declares Joshua to be his successor (Deut 31) – [all] this had been narrated in the book of Numbers. Nor are exhortations lacking in the preceding books – of the sort which we read everywhere in Deuteronomy, especially in chapter 28.

And what about this? That very chapter [Deut 28] seems to be fashioned according to Leviticus 27 [=Lev 26, as the references below make clear; P/(H)?], with which it agrees in almost every respect, except for style. Surely, moreover, one author does not imitate himself.

2). Our book clearly reveals itself as a book that is unique and different from those preceding it. For even though the geographic and temporal context in which Moses is introduced is identical to that of the last chapters of Numbers (that is, in the very same Moabite plains, where, in the book of Numbers, Moses promulgates his final laws and commandments, in the book of Deuteronomy he is represented as delivering exhortatory speeches), nonetheless, in five verses (Deut 1:1-5), the book of Deuteronomy depicts the time, place, and audience of what is to be done – on the assumption that all of this is unknown to the readers.

Furthermore, what [the author of Deut] repeats from our preceding books, especially those matters which are read in the last chapters of Numbers (Deut 1,2,3), he would not have recounted so fully had he wished to write nothing other than a sort of appendix to the preceding books or to add his own book to those, with the intent that the reader, after thoroughly studying those books, would finally reach his work.

3). The different, specific, and innate quality of our book argues a different author.

First, the style should be examined, judgments about which are most specific. How discordant the speech of our book is from the style of the preceding writings anyone

49 Note that this observation validates the view, e.g., of Friedman, The Exile and Biblical Narrative (Chico, CA 1981), against that of Cross (Canaanite Myth), that P cannot have been a redactorial layer attributable to the editor of the Pentateuch, since P, replacing JE, would hardly have written the end of Numbers in this way knowing that he was about to append Deuteronomy to it. In fact, P’s own “Deuteronomy” in Num 27-36 seems to reflect, if not Deuteronomy itself, a tradition of such a second law-giving by Moses.
will perceive, when the two [texts] are simply compared side-by-side. The eloquence of our author is notably adorned, effusive, expansive, and prolix, when compared with the spare, unsophisticated, concise, and terse discourse of those books. I perceive what may be the objection to my argument: the same author plays different roles – in the preceding books adopting the role of the historian, in this book, that of the orator: the pen of the historian, legislator, and orator differs. But even were it conceded that a writer impelled by a burning affliction of the soul could take on another, more sublime or more ornate style, nonetheless, this author is still consistent and never demonstrably dissimilar to his real self. Certainly Tacitus, when he writes in a rhetorical fashion, maintains his own personal style. But how are we to account for the eloquent oratory of our author in those instances where there is no reason for him to take up a more sublime pen? Nor in fact are garrulity and a meaningless abundant vocabulary characteristic of true eloquence; it therefore seems that these characteristics should be attributed not to the rhetorical quality of our book, but to the different pen of another author. Furthermore, there are many passages in the preceding books which can justifiably be called oratorical, but still avoid garrulous digression. Comparison will prove this point.

It is difficult to prove by arguments matters that are apprehended by the guidance of common sense, to illustrate in detail matters correctly studied as a whole. But we shall accomplish something if we subject to scrutiny those passages which can be more appropriately compared with passages in the preceding books. Deuteronomy 5:19-24 and Exodus 20:19 [P] can be compared.

What is [in Exod] contained in one verse, our author extends and embellishes in five verses (note especially Deut 5:23). I do not see why this embellishment was necessary.

Thus you will find Exodus 21:1 [E, Covenant Code], a simple statement, uselessly amplified, with no change in meaning, in Deuteronomy 5:28.

What is stated simply in Exodus 21:1 you will discover needlessly exaggerated, with minor alteration, in Deuteronomy 7:1-12.

In particular, Exodus 34:14 [J] should be compared with Deuteronomy 7:10, where the simple statement, “Yhwh is a jealous god,” was remarkably augmented, but stated less effectively.

Deuteronomy 7:12-26 appears to be modeled on Exodus 23:20-32 [E, Covenant Code]; the latter passage surely can be said to have been stated effectively. Yet how dissonant is its sinewy and strong eloquence with the careless verbosity of our book.


In both content and language, Leviticus 26 [P/H] and chapter 28 of our book can be compared to one another, although the two differ markedly in their stylistic expression. In the former account you will find, so to speak, a preliminary sketch, in the latter a full-color painting: Leviticus 26:3-13 returns in Deuteronomy 28:1-14, [where] the content is adorned and exaggerated, the language prolix.

Deuteronomy 5.13 (the second half of the verse) & 14 should be noted: these verses contain nothing other than tiresome repetition.

The cruelty threatened at Leviticus 26:19, “you will eat the flesh of your sons and daughters,” is expanded and extended in a terrible fashion in Deuteronomy 5:53-57 and, indeed, with a tiresome abundance of verbiage.

Deuteronomy 28:53, 55, 57 should especially be noted, where the same subject reappears in the same words three times.

What you read in Leviticus 26:20 you will meet again in more detail in Deuteronomy 28:38-42 and similar matters are described in Deuteronomy 28:30-33.

The threat read in Leviticus 26:19, “I shall make your heaven into iron and your earth bronze,” is in Deuteronomy [28:23] cleverly expanded thus: “In place of rainfall, Yhwh will rain down upon you powder and dust.”

Furthermore, the phrase *d hšmdk* or other, similar terms recur so often (Deuteronomy 28: 20, 22, 24, 45, 48, 51) that this is clear proof of how flaccid and discursive is the diction.

We now draw attention to certain phrases encountered everywhere [in Deut], which attest to its expansive style and loquacity. The following occur innumerable times:51 “in order that you live long in the land, which Yhwh has given you to be occupied; that it be well with you and with your children after you forever, when you do what appears good and right in the eyes of Yhwh your God; you shall love Yhwh your God and revere him with all your heart and with all your soul; observe the laws with all your soul and with all your heart and with all your might” and similar phrases.

And wherever our book mentions the land of Canaan, it adds, “which Yhwh your God is giving you, which Yhwh your God promised to your fathers” and similar expressions.

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51 This is a phrase to which the respondent called attention (perhaps along with the opening sentence) as reflecting hyperbole: see de Wette’s footnote 3.
Above all, it seems to love synonyms. It almost consistently employs about the laws the three terms מָשַׁתְּמַשְׁפִים שֹׁטַט, to which it often adds the fourth term דָּוְרִי and the phrase, “which I this day command you, in order that you observe them”.

Where it urges observation of the laws, it always employs multiple phrases (Deut 5:29&30; 13:5; 26:16&17).

Where it speaks of the miraculous fate of the Israelite people, it searches out all of the available synonyms (Deut 4:34; 7:19; 26:6). In Deuteronomy 9:3 you have the concept of destruction expressed with four synonyms.

As with the style as a whole, thus the difference in the structure [of Deut compared to the preceding books] is perceived in the details.

A formula was always employed concerning the punishment of offences: “you shall remove the evil from yourself” – הַר מַגְּרִיב הָרִי (Deut 13:6 and frequently in other contexts⁵³). This formula you will never find in the preceding books, but in its place this solemn formula – which demonstrably does not occur in our book – “his soul must be rooted out from his people”.

So also the similar clause בֵּר הָדָם הָנְגוֹי (Deut 13:9; 19:13): as with the word בֵּר, the appearance of this clause is peculiar to our book.

Our book likewise loves, when the discourse concerns crimes that must be punished, the formula, “when the people hear this, they will fear and sin no more” and similar statements (Deut 13:11; 17:13; 19:20; 21:21). The earlier books have no similar phraseology.

Likewise specific [to Deut] are the formulas, “Let your eyes not spare them” (13:9; 19:13&21; 25:12) and the formula employed to make an assertion, צָה דָּבָר (15:2; 19:4).⁵⁴

The solemn statement encountered everywhere in Leviticus, “I am Yhwh” or “I am Yhwh who makes you holy”, on the other hand you will find wanting in our book; in its place occur other, more verbose formulas: 14:21 – the words קֶנְמָדָשׁ תָּה; 18:13; 21:9&23; 22:15; 25:15&16, with which passage it will be useful to compare Leviticus 19:36. Our author also seems to be enamored of the phrase, “you will lend unto many nations” (15:6; 28:12&44).

I have drawn attention to the multitude of individual phrases and terms in our book

⁵² [= de Wette N. 2] These synonyms also occur in the earlier books, but rarely together, and, for the most part, only two at once.

⁵³ [= de Wette N. 3] In a previous edition, I had written “in numberless places”, which exaggeration the most learned Ulrich, who did not think it unworthy to play the role of my devil’s advocate [at my doctoral disputa tion], criticized those statements which he deemed facetious and overly-clever. He ordered an enormous concordance to be brought to the podium. Turning the pages of that work, he pointed out just how often this locution occurred.

⁵⁴ The equivalent phrase was known to de Wette in 1 Kgs 11:27, but was only later to appear in the Siloam inscription (KAI 189:1).
which do not occur in the previous books; but I shall list only those which appear to be specific to Deut.

And these, for the most part, are they: the term בִּרְא we have already noted; נִדְלָה “impels” (Deut 4:19; 13:14; 30:17); דבּ, especially in the phrase “to cleave to Yhwh” (10:20; 11:22; 13:5; 30:2 and often); מִשְׁלָי “business” (12:7; 15:10; 23:21; 28:8&20); גֶּד “greatness”, concerning God, instead of the קִבָּד met in the earlier books (3:24; 5:21; 11:2); הִטְגֶּר “contends” (2:5,9,19&24); לֹמֵד “instructs”, especially concerning the laws, wherein this word occurs commonly; the name Horeb where it replaces Sinai, which is standard in the earlier books [texts usually identified with E use Horeb]; בּלי (13:14; 15:9); the intensive adjective הִצְיָב (9:21; 13:15; 27:8); these grandiloquent statements: “the iron furnace of Egypt” (4:20); “the heaven of the heavens” (10:14); “god of gods, lord or lords” (10:17); ד לַב הָשְׁמִים (4:11); “consuming fire” (of Yhwh) (4:24; 9:3); unfamiliar phrases: כְּמוֹ-הָשְׁמִים כְּ-הַר (11:21), בְּנ–הַקָּט (25:2), בְּנֵי–יה (3:18).

Furthermore, it seems to me that our author was fond of the nun paragogicum, which he even suffixes to the past tense (8:3: on יְדֵנָן), and the heh paragogicum, which he is especially wont to affix only to the infinitive. A typical example of this usage is the form יַרְח. Should anyone reckon that this usage should be imputed to a rhetorical style of discourse, I ask why, in all of Leviticus 26, considering that it is both written in a rhetorical mode and can be matched specifically and thoroughly with chapter 28 of our book, the nun pedagogicum is in fact used not once?

It can in no way be denied that there is, in many respects, a great similarity between the style of our author and of the preceding books, and that many passages there [in Deut] coincide with passages in the others, with the result that they appear to have been written down by the same author who relied on his memory of what he had earlier written.

But how could it otherwise have transpired? Our author seems not just to have been acquainted with and read the preceding books, but to have embraced them, to have thoroughly memorized them, and in writing this book, to have established them almost as a model for himself.

For almost any page you choose instructs us that Deuteronomy relied on the earlier books as a foundation. Thus our author diligently seems to have imitated even the phrasing of those preceding books, although he was not so bold or accomplished as to avoid all variation.55

4). The doctrine of law and religion which emanates from our book seems mani-

55 [= de Wette N. 4] It is irrelevant whether or not he had before him the books [of the Pentateuch] as we now have them. He was certainly acquainted with and had read the specific sources from which those books were composed. [Compare de Wette’s discussion below, section 6 of the Dissertatio, on the differences between Deut 1-3 and the Pentateuchal source material for them.]
festly different and dissonant with that of the preceding books; indeed, that doctrine is of the sort that appears to approximate, in a certain fashion later, rabbinical doctrine. 56

What the preceding books contain as simple, natural and unsophisticated, our book presents as embellished, more refined, and corrupted. The mythology we encounter in those books is uncomplicated and retains the character of what was transmitted by the ancestors; our book presents that mythology moderated by a type of mysticism and a cold, refined, superstitious doctrine. It strives to contrive more refined doctrines, with the primary aim of exalting, in a superstitious fashion, the superiority of the Israelite people.

And as for what concerns legal doctrine, we hear in the preceding books the authors promulgating, as if lawyers, so to speak, the laws themselves with simplicity and rigor. [The author of] our book seemingly acts contrary to the role of the preacher or teacher of morality.

These few examples will suffice:

[Deut] 4:7-8: “Who is there among the great nations, to whom his gods are so near, as Yhwh, our god, is to us, wherever we should invoke him” etc.

5:32-36: “Inquire now about times earlier than yours ... whether such a thing has ever been done or heard of, whether a people has ever heard God speaking from fire, and survived, in the way you have” etc. Compare also 5:24-26; 7:6-8, with which passages I prefer to compare Exod 18:8-11; 19:4-6; 29:45; these passages certainly address similar topics, but differ greatly in innate quality.

The land “flowing with milk and honey” [Deut 6:3; 11:9 26:9, 15; 27:3; 31:20; Exod 3:8, 17 (J); 13:5 (E); 33:3 (E); Num 13:27; 14:8 (J); in P Lev 20:24; Num 13:27; 14:8; 16:13-14; also Josh 5:6; Jer 11:5; 32:22; Ezek 20:6, 15] our book thus describes: “which Yhwh your God attends to, the eyes of Yhwh are always trained on it from the start of the year to the end of it” (Deut 11:12).

Because God, when he appeared at Mt. Sinai, had not been figured in any image, a theological dogma was therefore developed concerning the avoidance of idolatry (Deut 4:12, 15ff.) And another, by far more abstract and refined dogma concerning the divinely-ordained office of the prophets (Deut 18:16ff.). 57

To the miracle of the manna, a somewhat mystical meaning is attributed (Deut 8:3): that is, it occurred, “in order that it would be known to you that man lives not only by bread, but that man lives by all that which comes forth from the mouth of Yhwh”.

The Israelite people “will be superior to all, nations: (Deut 26:19; 28:1, for which 28:10 is also relevant).

56 Note the emphasis, as discussed above, of a uniform sequence of development leading to the rabbinic structures of Judaism, particularly, of course, the doctrine of centralized worship.

57 That Deuteronomy traces the exclusivity of the prophetic institution, especially as a national office, back to the experience at Sinai is rarely noted after de Wette’s treatment. See below.
The whole book is full of exhortations: “that they love and fear God; that they cleave to him and not forget him”. Other verses assert similar statements, whereas the laws of the preceding books relate particularly to the external cult of Yhwh, to which cult alone, in fact, laws can pertain. But it seems that our book wants to introduce something new – an almost mystical cult more sublime than the Mosaic rites, to which the phrase employed for the sacred cult brk bšm Yhwh (Deut 10:8; 21:5) and the prayer prescribed at 26:5ff. seem to pertain.

Our book wishes the laws “to be revered in the innermost breast”, and their observation “to be held as a most sacred trust” (cf. Deut 4:1-10; 6:6ff.; 10:12ff.; 11:19ff.), to which these solemn statements pertain: “with the entire soul and heart, to be in the heart, to circumcise the foreskin of the heart” as well as other statements.58

5). The greatest distinction, however, is observed in the laws.

For our book contains various new laws and clauses added to the older ones, in which a manifestly different and new circumstance of political and sacred affairs seems to be reflected. The majority of the new additions which it contains concern “expanding the priestly order … ratifying the authority of the temple at Jerusalem and the Levites”. “The place, which Yhwh chooses from among all your tribes to establish there his name” [Deut 12:5] is reflected in almost every sacred law, whether new or otherwise defined. There alone [Jerusalem] is it permitted to worship Yhwh and offer sacrifices (Deut 12), tithes, and first-fruits (14:23ff.; 15:20; 26:2); there alone to celebrate the feast of the Passover (16:5ff.), the feast of the Seven Weeks (16:[9-]11), the feast of tabernacles (16:15); there alone, finally, is it permitted to consult the priests concerning legal disputes (17:8ff.). Of this unique place for the sacred cult, the preceding books make absolutely no mention.

About sacrifices that must be offered solely before the “Tent of Meeting”, one regulation exists: Leviticus 17.59

58 The interiorization that characterizes Deuteronomy of course did not escape notice among Protestant scholars in particular in the 18th and 19th centuries.
59 [= de Wette N. 5] That the various laws of the Pentateuch reflect different periods of time can be demonstrated from this doctrine of the place for sacrifice. For not only is the law in Leviticus, which orders sacrifices to be presented before the tabernacle, earlier than the laws in our book concerning a single place, to be chosen from among all the tribes, but this law [in Leviticus] does not seem to be primitive and Mosaic, but rather to have been introduced at a later time. For the law of Exodus 20:21f. [MT: Exod 20:24-25] stands out, wherein no admonishment whatsoever is expressed about a single sacrificial place; indeed, on the contrary, it is permitted, and certainly not prohibited, to offer sacrifices in many places. [Note de Wette’s presupposition of cultural progression in the relative dating of E (Covenant Code prologue) and P, both of them here taken as fragments in de Wette’s Elohistic Grundschrift.] – This is the law: “Make for me an earthen altar so that you may sacrifice on it your burnt offerings, your peace offerings, from your flock and your herd. In every place where I shall order the remembrance of my name to be proclaimed, I
But in the laws – frequently repeated – concerning feast days, first-fruits and tithes, there is no admonition whatsoever as to a specific place where celebrations and offerings ought to take place.

Indeed, above all else, our book concerns itself with matters Levitical. It constantly turns its attention to the Levites; it commends them to the especial care of the people; it forcefully warns them not to forsake the Levites.

Characteristic is the line: “take care that you do not abandon the Levite as long as you live on [your] lands” [Deut 12:19].

shall come to you and be gracious unto you. But if, however, you will make for me an altar of stones, do not construct it of cut stones etc” [Exod 20:24-25]. – The law clearly says that God can be worshiped in many places; and the objection that the discussion in this passage concerns the tabernacle is specious rather than honest: because insofar as it will have been movable and free of any fixed location, to that extent a single place might actually be indicated by these multiple locations: but the text speaks not at all about that fixed, public cult of the tabernacle, but of altars (plural, deliberately) that must be erected. Those who defend the antiquity of the Pentateuch certainly will say that this law was promulgated before the establishment of the tabernacle; we, however, who are convinced that [this law] arose in a later era and was compiled from many sources, cannot acquiesce in that explanation. History clearly shows that there was a time when the Hebrews were wont to erect altars to offer sacrifices to their God, wherever it was pleasing – as was the custom of the Homeric Greeks. [For discussion illustrating (and demonstrating) de Wette’s comparative point, see Walter Burkert, Greek Religion (Cambridge, MA. 1985): 24-34, 66-73.] – Samuel, Saul, David, and Solomon made dedications on the cultic high places whenever an opportunity presented itself; that this cultic practice was not displeasing to Yhwh is apparent from the myth in which it is related that Yhwh appeared benevolently to Solomon while sleeping, after sacrifices had been made on the high place of Gibeon (I Kgs 3:4-15). – This custom of making sacrifices on the high places was considered sacrilegious at a later time, but the practice had become so ingrained that Josiah was able to thoroughly eliminate it [2 Kgs 23], as admonished by Deuteronomy – this [book] having been discovered in the temple at the time (that the code of laws found by the priest Hilkia (2 Kgs 22) was our Deuteronomy one may conclude by a far from improbable conjecture [NOTE: Here is the passage in which de Wette suggests the identification of Deuteronomy with Josiah’s Book of the Torah,]). Our book openly discloses that the law in Leviticus about offering sacrifices solely before the tabernacle did not originate with Moses, when it represents Moses as saying in Deuteronomy 12:8: “Then not all those things will be permitted you which are now permitted you, where each of us lives in accord with his own judgment.” That is, the text speaks of sacrifices not being offered except in that single place. By these words, the book clearly states that in the Mosaic era, the right to perform religious observances was unrestricted: for if the law of Leviticus had already at that time been promulgated, Moses would not have been able to say that the Israelites had previously lived up to that point “in accord with their own judgment”. Our book appears either not to have known that law or, certainly, not to have related it to the Mosaic era. [The resonance of this point through later source-criticisms stems from its implication that D did not know P, licensing the inference that P was a later creation.]
The Levites must be invited to all sacred feasts (Deut 12:12&18; 14:27; 16:11&14; 26:11) and on them should be bestowed the complete tithe of every third year (Deut 14:28-29; 26:12). Provision is made especially for them to receive the prebend from the offerings at the sacred place (18:6ff.); these are the guardians of the code of laws (17:18; 31:25-26); they are the rightful interpreters of the laws and should be consulted as the highest judges in legal controversies (Deut 17:8ff.). Plainly, the royal law (17:14ff.) is contrary to Moses’ plan for the foundation of an Israelite community and is alien to the preceding books, because there is nothing whatsoever in them even dimly intimated about a king being created, we need not draw attention, now that K. D. Ilgen has discussed the matter in [his] Commentary on the idea of the title of the son of God (Jena 1795), noted in Paulus, Memorabilia, p. vii. 

There are many other laws, either new or revised, which must, it seems, be referred to a later date – we omit discussion of these for the sake of brevity. We do note, finally, two laws, one concerning prophets (Deut 18:9ff.), the other concerning divorce (24:1ff.). The legal experts of the preceding books are ignorant of the more refined theological doctrine from which that former [law on prophets] arose; and, as for the latter [law on divorce], unless it had been introduced at a later time, it would undoubtedly not have been omitted from the preceding books, wherein you scarcely feel the want of other laws concerning domestic matters.

Finally, our book differs from the preceding books in certain specific historical matters. We have pointed out above that the law in Leviticus 17, concerning the place for sacrifices, our author either did not know or certainly did not attribute to Moses. Deuteronomy 1:37 reports that at Qadesh Barnea an angry Yhwh had already denied to Moses the hope of entering the land of Canaan, an event which in fact Numbers 20:12-13 & 27:14 [P] narrate finally occurred at the waters of striving [Me-Meribah] at Qadesh in the desert of Sin [= Zin].

Likewise, when Deuteronomy 2:2-8 recalls that the Edomites permitted passage to the Israelites, it openly contradicts the earlier narrative at Numbers 20:20-21 [E], where we read that the Edomites consistently denied passage and went in an armed band to meet the Israelites.

60 For Karl David Ilgen, see also above, at endnote 21; for H.E. Gottlob Paulus, see above, in our discussion of Alexander Geddes (endnote 18).

61 Without reading too much into this passage, it appears that de Wette appreciated, in a way that many subsequent scholars have not, the extent to which the restriction of the mantic arts to a single institution, and a single national office (“a prophet like you [Moses]”), was inextricably integral to the dynamics of cult centralization. The elements of the latter are: a monarchy that is alligatus legibus, a limited priestly franchise, and, the suppression of mantic techniques other than “prophecy”, which is to say, in de Wette’s terms, that the family-based and rural divination of the past, heavily tied to the ancestors, was now brought under state (or hierarchical) control.
It is not our intention to ask whether these matters could be reconciled: without doubt, the same author was incapable of writing such different things.

Now that we have set out these matters, we readily comprehend with what intent our book was composed. It is an epitome or summary of the preceding books, produced for, it seems, popular use and, at the same time, embellished with exhortations.

For, even though it differs very significantly from the preceding books and seems to be of a different age, author, and innate quality, nonetheless, as we have pointed out, we cannot deny that out author knew those books and had them before his eyes. He is acquainted well not only with that same body of law and legalities those other books embrace, but, in addition, the individual laws which those books set out more extensively, he repeats and treats in almost the very same words and seems to refer the reader to those books on the topic of other laws (for example, Deuteronomy 24:8: on the laws regarding leprosy [cf. Lev 13&14]), even though, the author’s persona (which he maintains) does not permit him to praise those books by name.

But yet our book was written with the intent that it would supplant and correct the preceding books.

That is to say, in part because customs and institutions based on those customs had, through the passage of time, fallen into disuse and forgetfulness, and in part because those customs and institutions no longer seemed to conform to reality, the priests, when they were about to introduce a new code of justice or ratify it by the authority of the laws, appear to have introduced our Deuteronomy, which supplemented, corrected, or abrogated, the ancient laws.

When the temple of Jerusalem was erected, and when cultic ritual and superstition significantly increased, the authority, as well as the power, of the priests increased also. That power they desired to confirm and establish by legislation concerning both the unique status of the holy place and the Levites.

When the Mosaic form of government was rejected, the people chose a king for themselves and when the person who ruled third in succession arrogated unto himself the tyranny and luxury of Asiatic kings – these are the circumstances under which they wished to restrain this royal license by a royal law. The customs of a corrupt, lesser age demanded the permissiveness of divorce – something the ancient law seems not to have condoned: hence the law on divorce.

It is therefore apparent from many other specific laws in our book that the book was written with this intent: laws which the rationale of later ages required should be added to the ancient laws.
While these words were already in press, there came into my hands [J.S.] Vater’s recently-published Commentar über den Pentateuch vol. III [Halle 1805]; after only a superficial examination of the book, I recognized, not without a sense of delight, that this learned man was an ally not only in field of study but also in judgment.\footnote{Vater’s assault on Mosaic authorship of the Pentateuch in Commentar 5:16-681 takes into account not just the Samaritan materials but also later citations and historical circumstances as reflected particularly in the books of Samuel and Kings. We take this opportunity to express our appreciation and gratitude to Ms Deirdre Fulton, Dr. Anselm C. Hagedorn, and Prof. Gary N. Knoppers for critical comment, bibliographic advice, and encouragement.}