

## A VALEDICTION TO MOSES W. SHAPIRA'S DEUTERONOMY DOCUMENT

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### *Abstract*

*In his 2021 monograph The Valediction of Moses, Idan Dershowitz argues that the manuscripts offered for sale by Moses Wilhelm Shapira in 1883, generally considered to have been forged, were genuine and contained a pre-exilic source text of Deuteronomy he refers to as V. Based on Dershowitz's new critical edition of the text, this paper examines the historical and philological evidence for this thesis. V's literary dependence on the Masoretic Text can be demonstrated on text-critical and linguistic grounds, which makes a pre-exilic date of composition highly unlikely. An analysis of the historical, literary, and linguistic arguments presented by Dershowitz moreover shows that nothing in V proves its authenticity, while the orthography and certain linguistic features strongly support the identification of this text as a forgery produced between 1870 and 1880.*

### **Introduction**

In 1883, Jerusalem antiquities dealer Moses Wilhelm Shapira presented a number of European scholars and the British Museum with what he claimed to be an extraordinary find: ancient manuscripts containing a Hebrew text bearing a strong resemblance to the book of Deuteronomy, but with many passages missing, written in Paleo-Hebrew script.<sup>1)</sup> Despite much initial enthusiasm, the scholarly consensus settled on the identification of these leather strips as forgeries, leading to Shapira's disgrace and suicide in the following year. The manuscripts disappeared soon after. Ever since, however, scholars have occasionally suggested that the original assessment was mistaken and that these were authentic texts from the Second Temple Period or perhaps even earlier.<sup>2)</sup>

Most recently, the authenticity of Shapira's manuscripts has been defended by Idan Dershowitz in a monograph entitled *The Valediction of Moses*, after his designation of the text (henceforth: V), partially co-authored with Na'ama Patel (Chapter 6). The book has been published Open Access and can be downloaded for free from the publisher's website.<sup>3)</sup> Based on various transcriptions and drawings of the manuscripts, Dershowitz has prepared a critical edition, allowing the text to be studied as never before since the original copies were lost. This reconstruction of the text and its freely accessible publication is an admirable accomplishment, for which Dershowitz deserves full recognition.

<sup>1)</sup> This is a review article of DERSHOWITZ, I. — *The Valediction of Moses. A Proto-Biblical Book.* (Forschungen zum Alten Testament, 145). Mohr Siebeck, Tübingen, 2021. (23,5 cm, XIII, 203). ISBN 978-3-16-160644-1. ISSN 0940-4155. € 99,-. References to page and section numbers that are not further specified in the main text are to this work. I am very grateful to the many colleagues who shared their thoughts on the book with me in the months leading up to the completion of this article, some of whom prefer not to be mentioned by name here. Citations of biblical texts in this article follow common abbreviations; note especially *Dt* for Deuteronomy and *Nu* for Numbers. I have followed Dershowitz's system of citing V, employing the letters A–H for the various fragments followed by two numbers indicating the column and line.

<sup>2)</sup> See Dershowitz, *Valediction* (N 1): 10n29.

<sup>3)</sup> DOI: 10.1628/978-3-16-160645-8.

Besides this reconstruction in both square script and the original Paleo-Hebrew characters, as well as a translation, Dershowitz's book analyzes several aspects of the text and the events surrounding the forgery verdict. In the author's view, V is not a forgery, but something much more thrilling: a First Temple Period source text of our book of Deuteronomy. This spectacular claim has met with a great deal of media attention, and rightfully so: if V is indeed a proto-Deuteronomy, this is a bigger discovery than the Dead Sea Scrolls. It would be quite justified for scholars of the Hebrew Bible to drop whatever they are doing and turn their full attention to this text until it has yielded all its secrets.

Dershowitz's claims have not met with universal acceptance. Important early responses include those by Christopher Rollston,<sup>4)</sup> who emphasizes that an epigraphic text that has been lost cannot be authenticated; by Jonathan Klawans,<sup>5)</sup> who contextualizes the contents of V, which in his view align well with Shapira's conversion from Judaism to Christianity; and by Meir Bar-Ilan,<sup>6)</sup> who believes the manuscripts are authentic but must date to the early Roman period, a suggestion we will review in the conclusion of this paper. I myself have written a brief article,<sup>7)</sup> originally submitted to the online journal *Academia Letters*, in which I argue that the manuscripts must be forged because the distribution of certain verbal tenses shows its dependency on the Masoretic Text (MT), or a text very close to it, which is irreconcilable with V's seemingly pre-exilic orthography; I have now withdrawn the paper due to my dissatisfaction with *Academia Letters*'s publishing practices. This article has been met by a rejoinder by Dershowitz & Pat-El,<sup>8)</sup> in which they raise potential methodological issues surrounding my main argument, but do not, in my view, refute it.<sup>9)</sup>

The present article is not meant to overly belabour the point. Given the potentially huge impact of Dershowitz's claim, it is important to make very sure whether it is correct or not: wrongfully ignoring an authentic pre-exilic text would be a great mistake, as would it be to take a forgery for an authentic and important text. Unfortunately, Dershowitz

does not present a balanced overview of the arguments for and against his thesis, but rather makes the strongest case he can to support it. Hence, I have aimed to supplement his argumentation with old and new evidence that is not discussed in his book, together with a critical assessment of the arguments that are given. The evidence will be discussed by category—historical, text-critical, literary, and linguistic—with a summary at the end of each section. While Dershowitz's argumentation seems persuasive when taken at face value, we shall see that the combined evidence strongly points towards a 19<sup>th</sup>-century forgery, as has been the consensus for nigh on 140 years.

### Historical evidence

Dershowitz's Chapters 1 and 2 discuss evidence against the forgery hypothesis that we may call historical, as it deals with the circumstances surrounding the evaluation of the Shapira manuscripts in 1883. The author attributes the rejection of V's authenticity to five main reasons (§ 1.2): as the Dead Sea Scrolls had not been found yet, the story of ancient leather manuscripts found near the Dead Sea by Bedouin was considered outlandish and unbelievable; Shapira had previously been embroiled in a scandal surrounding the sale of forged Moabite pottery featuring inscriptions; Charles Simon Clermont-Ganneau believed that he could prove the manuscripts a forgery by identifying the leather as belonging to the margins of Yemenite Torah scrolls; a number of errors in V's Hebrew allegedly pointed to a forger of Eastern European Jewish extraction (Shapira was born in present-day Ukraine); and the paleography did not match epigraphic texts known at the time. Dershowitz goes on to argue that none of these objections holds water. Concerning the plausibility of the story, he argues that the parallels to the later finds in the Dead Sea region actually make the story more plausible. The parallel is somewhat weaker than Dershowitz makes it out to be, as according to Guthe,<sup>10)</sup> Shapira claimed the manuscript had been found between 'Ara'ir and Wadi Mujib, around the location of the red star on Dershowitz's Map 2 on page 3. This is roughly the same distance from the Dead Sea as Jerusalem or Arad and it is not clear that this area should be counted as part of the Dead Sea region. As far as the paleography is concerned, Dershowitz shows that a previously unknown shape of the letter *yod* occurring in V is paralleled in the Samaria ostraca. Still, this is only one of the peculiar letters of V's handwriting. While it is an argument from silence, the fact remains that no epigraphic text has been discovered to date that systematically corresponds to V's paleography.

Dershowitz is correct in arguing that the other reasons for rejecting V's authenticity are not compelling. The impression he gives that these were the only reasons to identify V as a forgery, however, is inaccurate. Guthe, for instance, expresses no surprise or disbelief at the manuscripts' supposed provenance, seems to harbour no ill will towards Shapira, and does not rely on the supposed Eastern European features or Clermont-Ganneau's suggestion about the origin of the leather in his verdict of forgery (which was indeed reached before Clermont-Ganneau made this suggestion). He

<sup>4)</sup> Christopher Rollston, 'Deja Vu all over Again: The Antiquities Market, the Shapira Strips, Menahem Mansoor, and Idan Dershowitz', published 10 March 2021, URL: <http://www.rollstonepigraphy.com/?p=896>.

<sup>5)</sup> Jonathan Klawans, 'The Shapira Fragments. An Artifact of 19<sup>th</sup>-Century Jewish Christianity', published 18 March 2021, URL: <https://www.biblicalarchaeology.org/daily/the-shapira-fragments/>.

<sup>6)</sup> Meir Bar-Ilan, review of Dershowitz, *Valediction* (N 1), uploaded on 18 April 2021, URL: [https://www.academia.edu/46930440/Review\\_by\\_Meir\\_Bar\\_Ilan\\_of\\_Dershowitz\\_on\\_Shapira](https://www.academia.edu/46930440/Review_by_Meir_Bar_Ilan_of_Dershowitz_on_Shapira).

<sup>7)</sup> Benjamin D. Suchard, 'The "Valediction of Moses" Is Not a Proto-Deuteronomy. Evidence From the Verbal System', uploaded on 15 April 2021, URL: [https://www.academia.edu/46783534/The\\_Valediction\\_of\\_Moses\\_is\\_not\\_a\\_proto\\_Deuteronomy\\_evidence\\_from\\_the\\_verbal\\_system](https://www.academia.edu/46783534/The_Valediction_of_Moses_is_not_a_proto_Deuteronomy_evidence_from_the_verbal_system).

<sup>8)</sup> Idan Dershowitz & Na'ama Pat-El, 'Response to Benjamin Suchard, "The "Valediction of Moses" Is Not a Proto-Deuteronomy: Evidence From the Verbal System" (Published on Academia.edu)', uploaded on 22 April 2021, URL: [https://www.academia.edu/47094146/Response\\_to\\_Benjamin\\_Suchard\\_The\\_Valediction\\_of\\_Moses\\_is\\_not\\_a\\_proto\\_Deuteronomy\\_evidence\\_from\\_the\\_verbal\\_system](https://www.academia.edu/47094146/Response_to_Benjamin_Suchard_The_Valediction_of_Moses_is_not_a_proto_Deuteronomy_evidence_from_the_verbal_system).

<sup>9)</sup> Now also see Harald Samuel, 'A Reply to Idan Dershowitz and Na'ama Pat-El's "Response to Benjamin Suchard"', uploaded on 7 May 2021, URL: [https://www.academia.edu/48837407/Samuel\\_2021\\_Reply\\_to\\_Dershowitz\\_and\\_Pat\\_El](https://www.academia.edu/48837407/Samuel_2021_Reply_to_Dershowitz_and_Pat_El); two review articles by Israel Knohl published in the Israeli newspaper *Haaretz*, the text and English translation of which can be found on his Academia.edu page; Ronald Hendel, 'Notes on the Orthography of the Shapira Manuscripts: The Forger's Marks', *Zeitschrift für die alttestamentliche Wissenschaft* 133.2 (2021): 225–230; and Matthieu Richelle, 'The Shapira Strips in Light of Paleography', *Semítica* 63 (2021): 243–294.

<sup>10)</sup> Hermann Guthe, *Fragmente einer Lederhandschrift enthaltend Mose's letzte Rede an die Kinder Israel* (1883; Leipzig: Breitkopf & Härtel): 5.

concludes that the text is inauthentic for a number of other reasons, some of which will be mentioned throughout the following discussion, but many of which are not addressed by Dershowitz.

Chapter 2 presents Dershowitz's discovery of three handwritten pages by Shapira containing a transcription of V and some remarks. Dershowitz identifies some uncertainties and transcription errors in these notes and argues that this shows Shapira's innocence. Why would a forger have produced a private transcription with mistakes? Crucially, though, Dershowitz does not present any evidence that these notes were indeed private. I understand from our online discussion that he does not, in fact, have any. Dershowitz writes that "[i]t appears that Guthe and Ginsburg were occasionally influenced by Shapira's readings and transcriptions. Guthe reported (*Lederhandschrift*, 63) that he had access to two transcriptions by Shapira—one from 1878 and another from 1883—and Shapira is known to have conversed and corresponded with Ginsburg during the latter's preparation of his transcription" (133n18). I see no reason why the transcription recovered by Dershowitz could not have been one of those shared with the experts asked to judge V's authenticity. That the manuscripts might have been sold for as much as one million pounds (equivalent to almost £124 million today) would have provided ample motive for a forger to go through the trouble of creating 'mistaken and uncertain' transcriptions in an attempt to bolster his credibility.<sup>11)</sup>

In summary, there is no historical evidence that makes a forgery particularly unlikely. Experts who had the opportunity to examine the manuscripts in person rejected their authenticity for a number of reasons not addressed by Dershowitz, in addition to those he refutes.

### Text-critical evidence

In this section, I will discuss cases of parallel texts in V and MT where one can be shown to be more original. Dershowitz's arguments based on minuses in V will be discussed in the next section. I will make frequent use of the established philological concept of harmonization, which describes the tendency of redactors and scribes to make parallel passages more similar in their wording, and the principle that *lectio difficilior potior*, 'the more difficult reading is the stronger one', meaning that it is more likely that a rare (but grammatical) word or phrase—the *lectio difficilior*—is changed to a more common one than vice versa; hence, the *lectio difficilior* is more likely to be original than the more ordinary reading.

There are a number of cases where the text of V is easier to explain as having developed from MT through scribal error than vice versa. In E 1:5–6, we find וקשרתם אתם 'and you (m.pl.) must bind them', while the preceding and following verbs are singular: ושננתם 'and you (sg.) must relate them' (E 1:4) and ודברת 'and you (sg.) must speak' (ibid.), וכתבת 'and you (sg.) must write' (E 1:6–7). Dt 6:8 has the expected singular here, וקשרתם 'and you (m.sg.) must bind them'. No motivation for the switch to the plural and back is evident. V's form וקשרתם אתם could, however, reflect contamination between the form

as occurring in MT, with an object suffix, and the alternative construction with a separate object marker, as in V's וכתבת אתם 'and you (sg.) must write them' against Dt 6:9 וכתבתם 'idem'. וקשרתם is then not a plural, but an erroneous expression, 'and you (sg.) must bind them them (sic)'.

In the same passage, V has ושננתם לכל בנך 'and you must relate them to all your children' against Dt 6:7's ושננתם לבניך 'and you must relate them to your children'. No reason is apparent why כל 'all' would intentionally or accidentally have been left out. If MT is more original here, however, the addition of כל in V would disambiguate בנך 'your children' (MT בְּנִיךָ) from בנך (MT בְּנִיךָ) 'your son', which are homographs in V's defective orthography.

Guthe notes that Dt 7:20's הצרעה 'the hornet' is a *lectio difficilior* compared to G 1:6's הצרעת 'leprosy', a much more common word.<sup>12)</sup> It is unclear why the latter would have been replaced by the former. Similarly, Dershowitz's reconstructed לתת מפת 'to set a wonder' in E 1:6 has two frequent and well-understood lexemes (but see the section on linguistic evidence on the syntax) instead of Dt 6:8's rare and poorly-understood לטטפת, which is the *lectio difficilior*. The same can be said for E 1:2–3's ... ואהבת את אלהים אלהך ... very, very much' against Dt 6:5's ... ובכל מאדך ... ואהבת את יהוה אלהיך 'and you must love YHWH your god ... and with all your might'. Despite the un-Biblical -ל, on which see the section on linguistic evidence, V's use of מאד as an adverb is much more common than MT's use of מאד as a noun, which only occurs here and in the dependent passage in 2 Kgs 23:25. MT thus once again has the *lectio difficilior*. In the blessings and curses, MT's expression משלה ידך 'what you set your hand to' (Dt 28:8,20) is less common than V's מעשה ידך 'your handiwork' (G 5:3, H 1:11), even within Deuteronomy alone, and hence it is the *lectio difficilior*, as is MT's משאתך 'your kneading trough' (Dt 28:5,17) compared to V's שארתך 'your remnant' (G 5:1, H 1:9), if we follow Dershowitz's translation over Dershowitz & Pat-El's reconstruction of an unprefixated byform of משאתך 'kneading trough' (§ 6.4.7).

One point where V's text may seem more original than MT is the consistent use of אלהים in Moses' speech (i.e. everywhere but the first and last lines) where MT has יהוה. Based on different naming conventions, either situation could hypothetically be the result of theological updating. V's convention has the advantage of rendering the crux of Dt 6:4: שמע ישראל יהוה אלהינו יהוה | יהוה אחד, as the more transparent שמע ישראל אלהים אלהנו אלהים אחד 'hear, O Israel, Elohîm our god is one god' (E 1:1); MT would then reflect hypercorrection of the second אלהים, not a name but a common noun, to יהוה. Dershowitz aims to show that such replacement of אלהים by יהוה has taken place elsewhere in MT (79), but his examples, which revolve around the phrase יש יהוה, are more aptly explained by taking יש as a marker of polarity contrast here, as I have recently argued in an unrelated context.<sup>13)</sup>

V's description of the journey through Transjordan is harmonized compared to MT. V uses two sets of formulas, one for the kindred peoples that the Israelites must not trouble and one for the Amorite kings they defeat. In the case of the Edomites, the Moabites, and the Ammonites (B 1:10–C 1:9,

<sup>11)</sup> This point is also made in Bar-Ilan's review of Dershowitz (N 6). For the figure of one million pounds, see Dershowitz, *Valediction* (N 1): 5; it is also reported in the newspaper article cited in Note 61.

<sup>12)</sup> Guthe, *Lederhandschrift* (N 10): 85.

<sup>13)</sup> Benjamin D. Suchard, 'Biblical Hebrew יש and Biblical Aramaic אית Followed by Non-Verbal Clauses as Markers of Polarity Contrast', *Journal of Northwest Semitic Languages* 47.1 (2021), 61–78.

D 1:6–9), the fixed formula is “So we turned and crossed (via) WADI *or* WILDERNESS.<sup>14</sup>) And Elohim said to me, ‘Today you cross the border of COUNTRY; do not harass them and do not provoke war with them. For I shall not give you any of their land as a possession, since I have given COUNTRY (*or*: it) as a possession to the children of ANCESTOR.’”<sup>15</sup>) This is followed by two slightly varying parenthetical comments, “(The Horites had once been settled there, but the children of Esau dispossessed them and settled there in their place.)” in the case of the Edomites and “(Rephaites had once been settled there – the PEOPLE call them NATIVE NAME – but Elohim eradicated them, and they settled there in their place.)” in the case of the Moabites and Ammonites.<sup>16</sup>) Dt 2 is more diverse. The repetitive phrase “then we turned and crossed” is only used once (v. 8). The command not to trouble the Edomites includes the phrase “not even a footprint”, absent from the statements about the Moabites and the Ammonites and also from V. The phrase “today you are crossing the border of Moab” (v. 18) only occurs after the command not to trouble the Moabites (v. 9) and the parenthesis on the original inhabitants of Moab and Edom, both of which are mentioned together (vv. 10–12); no mention of crossing the border of the Ammonites occurs. The parenthesis on the original inhabitants of Ammon (v. 20–21) is followed by a second passage on the Edomite conquests (vv. 22–23). It is hard to see how V’s orderly and repetitive presentation could have devolved into MT’s more chaotic and diverse account. With Sihon and Og, V’s wording is nearly as diverse as MT, with the exception that it repeats the phrase “and we smote him until no survivor was left to him” corresponding to Dt 3:3 in both cases,<sup>17</sup>) while MT contrasts this with “and we smote him and his sons and all his people” (Dt 2:33) in the Sihon narrative. As with the previous example, V’s more homogeneous text suggests that it has been harmonized from MT. On the other hand, MT is more homogeneous by using the phrase “and KING came out towards us, he and all his people, to do battle at PLACE” (Dt 2:32, 3:1), where V contrasts “So we attacked Sihon at Jahaz” (D 1:2–3) with “Then Og, king of the Bashan, came out against us to do battle” (D 1:10–2:1). However, this can be understood as an attempt to resolve the tension in the MT narrative between YHWH’s command to do battle against Sihon and take possession of his land (Dt 2:24,31) and the fact that Sihon attacks the Israelites, not the other way around (v. 32).

Besides harmonization of the Deuteronomical text, V also shows harmonization with the narrative in Numbers. D 1:9–10 describes the reconnaissance and conquest of Jaazer in nearly the same words as Nu 21:31–32 with the order reversed. While this apparently happens at Moses’ initiative in MT, V follows the pattern of Elohim commanding the conquest beforehand, which is more likely to have been added in V than to have been omitted in MT. This episode does not occur in Deuteronomy but is found in V immediately before the battle with Og, as in Numbers. As it is unclear why this passage should have been omitted from Deuteronomy, MT seems more original here. In D 2:6–3:3 we find a harmonized account of the Heresy of Peor, combining material that is paralleled in Nu 25 and 31 as well as

phrases that have no close formal parallel in MT. Dt 2–3, Nu 21:31–32, and the three or four incomplete stories in Nu 25 and 31 (Baal Peor–worship with the daughters of Moab, Phineas slaying an Israelite man and a Midianite woman, vengeance against the Midianites for the matter of Peor and the matter of the Midianite woman) seem to have been combined into one coherent narrative in V. This is more likely than that V’s text was divided over the disharmonic text of Nu 25 and 31 and removed from Deuteronomy.

In the Ten Commandments, the passage on avenging sins against the sinners’ descendants occurs after the prohibition against taking a false oath (E 4:1–3), instead of after that against worshipping images (Dt 5:9). This accords nicely with the reading *לשקר · שמי · לנשאי* ‘of those who take my name mendaciously’, which is equivalent in meaning to Dt 5:11’s *אֲשֶׁר־יִשָּׂא אֶת־שְׁמוֹ לַשָּׁוְא* ‘who takes his name falsely’ but formally looks like an expanded version of v. 9’s *לְשׁוֹנָי* ‘of those who hate me’ with metathesis of *ש* and *נ*. For V to be more original, MT would have had to 1) change the commandment itself from V’s explicit *בשמי · בשבע · לא תשבע* ‘you may not swear mendaciously in my name’ to the less explicit *לֹא תִשָּׂא אֶת־שֵׁם־יְהוָה אֱלֹהֶיךָ לַשָּׁוְא* ‘you may not take the name of YHWH your god falsely’, 2) metathesize *לשנאי* to *לנשאי* (not implausible) and delete *לשקר* because it no longer made sense (less plausible), 3) move the vengeance passage away from v. 11 to v. 9 for no discernible reason, and then 4) add a new explanatory clause to v. 11, *כִּי לֹא יִנְקָה יְהוָה אֶת אֲשֶׁר־יִשָּׂא אֶת־שְׁמוֹ לַשָּׁוְא* ‘for YHWH will not leave unpunished who takes his name falsely’. No motivation for any of the deliberate changes suggests itself. It is easier to see MT as the more original text and identify V’s version of the prohibition against false oaths as a secondary version, rewritten for clarity and drawing on expressions from various commandments. As will be mentioned again in the section on linguistic evidence, it is also easier to see V’s linguistically problematic *כִּי אֲנִי · אֲנִי · אֲקַנֵּא אֶת־עוֹן אֲבֹתַי עָלַי* ‘for I will envy fathers’ wrongdoing against sons’ as a rewriting of Dt 5:9’s *כִּי אֲנִי יְהוָה אֱלֹהֶיךָ אֵל קַנָּא פֶקֶד עוֹן אֲבוֹתַי עַל־בְּנָיִם* ‘for I, YHWH your god, am a jealous god who avenges fathers’ wrongdoing against sons’ than vice versa. V also uses the first person to refer to God in the prohibition against false oaths, as in the whole Decalogue, which shows harmonization compared to the switch to the third person in Dt 5:7.

MT’s three short commandments ‘you may not murder’, ‘you may not commit adultery’, and ‘you may not steal’ (Dt 5:17–19) are a bit longer in V, where they include verbal complements. *אֲחִי · אֶת־נַפְשׁוֹ* ‘you may not murder your brother’s life’ (E 3:6) seems to have taken its direct object from Dt 22:26, *כַּאֲשֶׁר יָקוּם אִישׁ עַל־רֵעֵהוּ וְרָצְחָהוּ נָפֶשׁ* ‘as when someone rises up against his fellow and murders him’ (lit. ‘murders him life-wise’), where *נָפֶשׁ* ‘life’ is used adverbially. *רַעַךְ · אֶת־אִשְׁתּוֹ* ‘you may not commit adultery with your fellow’s wife’ corresponds to Lev 20:10’s *אִישׁ אֲשֶׁר יִנְאֶף אֶת־אִשְׁתּוֹ רֵעֵהוּ* ‘someone who commits adultery with his fellow’s wife’. No parallel in MT corresponds to V’s *אֲחִי · אֶת־הֶן · אֶת־הֶן* ‘you may not steal your brother’s wealth’; the use of the late vocabulary item *הֶן* (see the section on linguistic evidence) here is striking. MT’s conciseness in these commandments stands out in context and may have motivated the expansions in V, whereas there is no reason why V’s phrases should have been accidentally or intentionally abbreviated in MT. To conclude our analysis of the Ten Commandments, V’s refrain *אֲנִי · אֱלֹהִים · אֱלֹהֶיךָ* ‘I am Elo-

<sup>14</sup>) In the first instance, “We then turned and journeyed to Kadesh.”

<sup>15</sup>) Translation adapted from Dershowitz, *Valediction* (N 1): 157–158.

<sup>16</sup>) Translations adapted from Dershowitz, *Valediction* (N 1): 157–158.

<sup>17</sup>) Translation from Dershowitz, *Valediction* (N 1): 158.

him, your god' occurring after every commandment clearly resembles the Holiness Code (Lev 17–26)'s frequent יהוה אֲנִי 'I am YHWH, your god' and especially Lev 19's repeated use of יהוה אֲנִי 'I am YHWH', a connection that was already noted by both Guthe and Dershowitz (§ 4.1.6).<sup>18</sup>) While Dt 5 could reflect abbreviation here, I suspect that pious editors would be hesitant to remove this phrase. It is hence more easily seen as a harmonization in V; that the repetition of this phrase solves the long-standing problem of how to count the Ten Commandments is, of course, also very convenient, besides providing a motivation against Dt having left it out through abbreviation.

At G 1:8, Dershowitz mentions in a footnote that V's וידעת היום 'and you must know today' agrees with LXX Dt 9:6 αὐτὸν γινώσκοντες σήμερον against MT, where היום 'today' is missing. The phrase וידעת היום does occur three verses earlier, however. LXX shows harmonization between v. 3 and v. 6, while V could have taken this phrase from v. 3. It is not clear, on the other hand, why 'today' would have been left out in MT. The same kind of harmonization, now also shared by the Samaritan Pentateuch, occurs with the phrase אשר אנך צוהך היום 'which I have commanded you today' (G 3:2–3). V uses the Perfect, contrasting with the MT and SP participle מצוה and LXX present ἐντέλλομαι (Dt 11:22), because no further commandments follow in V. A participle once again occurs in G 3:7, however, agreeing with MT but going against V's internal logic.

More generally, the phrases shared between G 1:1–2:9 and Dt 7–10 often occur in a different order. No principle underlying a rearrangement in MT is apparent, while this section may have been rearranged in V to create the impression of independence from MT.<sup>19</sup>) In G 2:3 and 2:7, V has ממרם היתם את אלהכם 'you have been rebelling against your god' as in G 1:9–10 (where the fuller phrase אלהם אלהך 'Elohim your god' occurs, with number mismatch), while MT shows variation between: ממרם היתם עם יהוה: 'you have been rebelling against YHWH' in Dt 9:7, ומקצפים היתם את יהוה: 'you were angering YHWH' in v. 22, and ותמררו את פי' יהוה אלהיכם 'and you rebelled against the command of YHWH your god' in v. 23. Here we have another example of harmonization in V. A possible example of harmonization in MT occurs in כֹּל־הַגּוֹיִם הָאֵלֶּה 'all these nations' (Dt 11:23), which includes a phrase that occurs elsewhere in Deuteronomy, compared to V's כֹּל־[אנשי] המקום 'all the locals' (G 3:3–4), using a phrase which is otherwise limited to Genesis and Judges.

In the instructions on which tribes are to stand on which mountain for the blessings and curses, G 3:10 arranges those who are to stand on Ebal according to the mother of their eponymous ancestor according to Gen 29–30: Leah's sons Ruben and Zebulon are followed by Leah's handmaid's sons Gad and Asher and then by Rachel's handmaid's sons Dan and Naphtali. This parallels the order of the tribes on Gerizim, where Leah's sons Simon, Judah, and Issachar precede Rachel's (grand)sons Manasseh, Ephraim, and Benjamin, in agreement with Dt 27:12 (where Levi is included and Joseph occurs instead of Manasseh and Ephraim). The sequence of the former tribes in Dt 27:13—Ruben, Gad, Asher, Zebulon,

Dan, Naphtali—is not harmonized with Gen 29–30 and hence more likely to be original.<sup>20</sup>)

Finally, the symmetrical, four-part blessings and curses ceremony in G 3:5–H 2:3 can easily be interpreted as an elaboration upon the curses ceremony of Dt 27 and rearrangement of the blessings and curses of Dt 28. It is difficult to see why an account like that found in V would have been split up and made less symmetrical. The curses in G 5:7–H 1:6 match V's version of the Decalogue (as do the preceding blessings, absent from MT, to an even greater degree), while the curses in Dt 27:14–26 do not correspond to any legal text with the same precision. Here too, MT seems more original. Within the shared blessings and curses material, V shows the same order of the agricultural blessings and curses (G 4:10–5:1, H 1:9–10), with טנאך ושאריתך 'your firstling and your remnant'<sup>21</sup>) coming in between בשדה 'in the field' and פרי בטןך ופרי אדמתך 'the fruit of your belly and the fruit of your soil', as with the curses in Dt 28:16–18; in MT, the blessing over ומשאריתך וטנאך 'your basket and your kneading trough' (v. 5) comes later, following the blessing over cattle and small stock, once again showing less harmonization than V.

In summary, the text of V is thoroughly harmonized compared to that of MT (the above discussion is not exhaustive), indicating that the latter is the more original of the two. This is confirmed by the repeated occurrence of *lectiones difficiliore*s in MT compared to V and a number of phrases in V that may be explained as copying errors from MT or attempts to avoid ambiguity in V's defective orthography. The few possible examples of harmonization or hypercorrection in MT compared to V can plausibly be explained in other ways and do not weigh up against the mountain of text-critical evidence for V's secondary nature compared to MT.

### Literary evidence

Dershowitz's strongest evidence for V's status as an earlier version of Deuteronomy comes from the field of literary criticism. He discusses a number of cases where Deuteronomistic texts that have been identified as interpolations by scholars in recent years are absent from V (Chapter 3 in his book). It would have been impossible for a forger in the 1870s to anticipate these analyses, Dershowitz argues; hence, the only explanation is that these more recent scholars have accurately reconstructed an older stage of Deuteronomy, which corresponds with V, i.e. the proto-Deuteronomy or something very close to it.

Methodologically, this approach is unfalsifiable. If something is missing from V that scholars have not identified as secondary or even explicitly hold to be original—as with the consensus that the law code of Dt 12–26, absent from V, forms the oldest core of Deuteronomy—well, those scholars are apparently wrong. If something is present in V that scholars have identified as a secondary addition (as, indeed, is the case for all of V), that is also fine—again, the scholars may be wrong. But if something is missing from V that any recent scholar has identified as an interpolation, that confirms V's authentic status. Clearly, without any a priori criteria to eval-

<sup>18</sup>) Guthe, *Lederhandschrift* (N 10): 93

<sup>19</sup>) Obviously, this argument cannot be reversed, as there is no reason why a redactor of MT should have wanted to avoid the impression of dependence on V.

<sup>20</sup>) An ordering principle based on Gen 29–30 could be that Leah and her handmaid's sons are listed first in order of birth followed by Rachel's handmaid's sons (who were born before Zebulon), which is less transparent than the ordering principle in V and hence unlikely to be secondary to it.

<sup>21</sup>) Translation from Dershowitz, *Valediction* (N 1): 165–166.

uate which reconstruction of Deuteronomy is more plausible than others, this is a case of the Texas sharpshooter fallacy: those reconstructions that match V are on target, while those that do not have missed the mark.<sup>22)</sup>

In our online discussion, Dershowitz has objected that these literary reconstructions are very exact. Hence, the chance that a forger in the nineteenth century would have coincidentally hit on *any* reconstruction that would later be made by literary critics, let alone multiple reconstructions that depend on paradigms that would not be developed for many decades, is still negligible in his view. I grant that this would be an impressive feat; in the conclusion of my paper originally submitted to *Academia Letters*, I accordingly allowed for the forger's "uncanny literary ability".<sup>23)</sup> Upon closer examination, however, no preternatural literary mastermind has been at work here. As we shall see, none of the reconstructions cited by Dershowitz completely match V. Considering the great deal of Deuteronomistic text missing from V, it is hardly surprising that in some cases, there is partial overlap with a number of reconstructions proposed since the late nineteenth century.

The first argument the author adduces (§ 3.2.1) is the awkward position of the Deuteronomistic law code in between the introduction of the blessings and curses ceremony that is to take place at Mount Gerizim and Mount Ebal (Dt 11:26–30) and the description of that ceremony (Dt 27:12ff.). As the intervening material is absent from V, these pericopes form a continuous passage there. Scholarly consensus explains this broken-up passage in MT by identifying it as a frame that has been added to the beginning and end of the original, legal text of Deuteronomy. This kind of framing is a known editorial technique which is empirically attested (to use Tigay's term)<sup>24)</sup> in cases like LXX Esther, which begins and ends with passages on Mordechai's dream that are lacking from the Hebrew version of the book.<sup>25)</sup> Dershowitz's only argument against this unproblematic reconstruction is that "it is not clear why [the] author would choose to have Moses promise the blessings and curses 'today' (Deut 11:26), if intending to only disclose those blessings and curses much later" (48). Dt 12–26 consists of some 7,350 words—significantly less than this article—and would take about an hour to read out loud. There is nothing strange about referring to something that will happen in an hour's time as 'today', nor is there anything wrong with the accepted identification of these passages as a secondary framework. Additionally, Guthe provides an argument against V without the law code as the more original text: what are "all the commandments and precepts" that Moses is repeatedly said to be commanding the Israelites "today", if not those in Dt 12–26?<sup>26)</sup> They cannot be the Ten Commandments, as the Israelites already heard these from God himself on another occasion. V also maintains an apparent reference to Dt 19:14, לֹא תִסֵּיג גְבוּל רֵעֶךָ 'you may not move your fellow's boundary

stone', in ארר מסג גבל רעהו 'cursed is the one who moves his fellow's boundary stone' (G 5:13–H 1:1), corresponding to Dt 27:17. This weakens Dershowitz's point (52n31) about the absence from V of the curse against anyone who sleeps with his father's wife (Dt 27:20), which refers back to the prohibition against this in Dt 23:1.<sup>27)</sup>

Next, Dershowitz cites a number of reconstructions of the story of the conquest of Sihon's land (§ 3.2.2).<sup>28)</sup> Veijola's reconstruction includes phrases that are absent from V and excludes phrases that are present in V, as Dershowitz himself notes. Dershowitz reassures us that Brettler "sees [in the Sihon passage] the work of multiple hands" (51), but there is no indication of this in the source text, where the author consistently uses terms like "the author of Deuteronomy 2:26–3:7", "the Deuteronomistic historian", and "our author", despite his more general acknowledgment of multiple authors and editors at work in Deuteronomy as a whole. Notably, Brettler identifies Moses' sending of messengers and the description of the spoils taken as secondary to Dt 20:10–18 based in part on "the general inclination to date Deuteronomy 1–3 later than the original lawbook",<sup>29)</sup> which is incompatible with Dershowitz's hypothesis. Finally, while Schmitt states that the description of the spoils in Dt 2:34–35 is dependent on Dt 20:16–18 and Dt 7:1–2, he does not see these verses as secondary additions, as Dershowitz implies, but rather ascribes them to the original layer of the story, which conflicts with their absence from V.<sup>30)</sup> Schmitt's entire reconstruction depends on his exclusion of a pre-exilic date for the passage, which rules out the existence of V as a pre-exilic text. Hence, none of these scholars has, in fact, "postulate[d] a proto-Deuteronomistic version very much like the one recorded in V" (52).

A number of Dershowitz's arguments focus on the absence of what has been identified as post-Priestly material in V. This pattern would support V's status as an earlier prototype

<sup>27)</sup> In Dershowitz's analysis (74), the curse against the mover of boundary stones corresponds to the Decalogue's prohibition against theft. By the same logic, sleeping with one's father's wife is just a specific case of sleeping with one's fellow's wife. One does not show a stronger connection to the Deuteronomistic law code or the Decalogue than the other.

<sup>28)</sup> Timo Veijola, 'Principal Observations on the Basic Story in Deuteronomy 1–3', in M. Augustin & K.-D. Schunck (eds), *Collected Communications to the XIIth Congress of the International Organization for the Study of the Old Testament* (1988; Frankfurt am Main: P. Lang): 249–259; Marc Zvi Brettler, *The Creation of History in Ancient Israel* (1995; London: Routledge); Rüdiger Schmitt, *Der Heilige Krieg im Pentateuch und im deuteronomistischen Geschichtswerk. Studien zur Forschungs-, Rezeptions- und Religionsgeschichte von Krieg und Bann im Alten Testament* (2011; Münster: Ugarit-Verlag).

<sup>29)</sup> Brettler, *History* (N 28): 72.

<sup>30)</sup> Cf. Schmitt's (*Heilige Krieg* [N 28]: 70) characterization of the Og story (Dt 3:1–7), which includes the same phrases on extermination of the people and capture of the livestock and goods, as a "text, which—other than the gloss in vv. 4aβ–5, clearly inspired by 1 Kgs 4:13—manifests no further traces of literary growth" (*Der Text, der — bis auf die deutlich von 1 Kön 4,13 beeinflusste Glosse in V. 4aβ–5 — keine weiteren manifesten Wachstumsspuren erkennen läßt*). Incidentally, I am not convinced by Schmitt's contention, followed by Dershowitz, that the Sihon story was updated to match the laws given in Dt 20. In Dt 2, Moses sends messengers asking Sihon for safe passage; after the ensuing battle, all men, women, and children are put to death. This in no way exemplifies Chapter 20's law that a city that the Israelites seek to conquer must first be given the chance to surrender, in which case its inhabitants are enslaved, while the women and children are to be spared if the city does not surrender. The *herem* against Sihon's men, women, and children could exemplify the ostensibly later addition to this law in Dt 20:15–18, but that would seem to exclude the initial offer of peaceful enslavement to begin with, also leaving Moses' peaceful overtures unexplained.

<sup>22)</sup> I am indebted to Ephraim Ayil for this methodological insight.

<sup>23)</sup> Suchard, 'Valediction' (N 7).

<sup>24)</sup> Jeffrey H. Tigay (ed.), *Empirical Models for Biblical Criticism* (1985; Philadelphia: University of Pennsylvania Press).

<sup>25)</sup> Reinhard Müller, Juha Pakkala, & R. B. ter Haar Romeny, *Evidence of Editing. Growth and Change of Texts in the Hebrew Bible* (Society of Biblical Literature Resources for Biblical Study 75; 2014; Atlanta, GA: Society of Biblical Literature): 198–199.

<sup>26)</sup> Guthe, *Lederhandschrift* (N 10): 90.

of Deuteronomy, preserving a more original text corresponding to a reconstructed stage in the book's development. § 3.3.1 discusses the opening verses of Deuteronomy. Dershowitz cites Kratz for the *communis opinio* that "[t]he core is generally found in Deut 1:1a: אלה הדברים אשר דבר משה These are the words that Moses addressed to all Israel on the other side of the Jordan. *Everything else* in Deut 1:1–5 is—for good reason—seen as being a literary supplement" (emphasis mine).<sup>31</sup> Dershowitz acknowledges that V includes the words במדבר 'in the wilderness' and בערבה 'in the desert', which are from verse 1b, yet states that "[i]t would be remarkable indeed if the first known person to identify 1b–5 as secondary was the ill-starred forger of Shapira manuscripts" (56). Indeed it would; unfortunately, the presence of words from v. 1b shows that he was not.

On the prohibition against making idols in Dt 4:16–18 (§ 3.3.2), Dershowitz follows other scholars in identifying vv. 16b–18 as a post-Priestly insertion and notes its absence from V. He does not comment on the presence in D 3:6 of the word תבנה 'figure', which does not occur in the corresponding MT verse Dt 4:16a, but which does occur five times in the following post-Priestly verses 16b–18. V's counterpart to these verses corresponds verbatim to the prohibition against making idols in the Decalogue (Dt 5:8). Dershowitz writes that "Deut 4:16b–18 is as smooth and unproblematic a text as is V here, ruling out the possibility that the latter is an ancient harmonization of the former" (59n59), but on the contrary, this is a textbook example of harmonization: the wording of the prohibition in V's counterpart to Dt 4:16b–18 has been assimilated completely to the later occurrence of the same prohibition in the Ten Commandments. I do agree that this harmonization is not ancient: the presence of תבנה in V shows its dependence on MT here rather than vice versa.

In the narration of Moses' second ascent of Horeb in Dt 10 (§ 3.3.3), Dershowitz initially focuses on the awkward addition of: וַעֲשִׂיתָ לְךָ אֲרֹן עֵץ 'and you must make yourself a wooden ark' at the end of v. 1. He cites multiple scholars to establish a consensus that influence from P texts has resulted in "difficulties [stemming] from the secondary insertion of ark-construction elements into an earlier text *that lacked them*" (60; emphasis mine). Yet the ark is present in V, where we read of the new set of stone tablets בהגם בארון 'and there they are, in the ark I made' (G 2:6), contradicting Dershowitz's statement that "the version in V lacks precisely the elements that scholars have since identified as post-Priestly *Fortschreibungen*" (63).

The final argument concerns the spies and rebellion story in Dt 1 (§ 3.3.4). Similar to the previous examples, some scholars have identified post-Priestly material here. Most radically, Frankel has suggested that the spy narrative is completely secondary here and originally, the people refused to enter the land without having received their negative report.<sup>32</sup> Dershowitz cites part of Frankel's reconstruction, which lacks much of the material missing from V, and

exclaims that "[s]urely no forger working in the 1870s could have anticipated Frankel's analysis from the 2000s" (68). Nor did he: despite the absence of the spies narrative itself from V, we do find a reference to בן יפנה ויהשע בן [עבדי כלב] 'my servant Caleb] son of Jephunneh and Joshua son of Nun who stands before you' (B 1:5–6), corresponding to Dt 1:36,38. On these verses, Frankel writes that "[n]ot only are verses 37–38 secondary, but verse 36 is as well. The original text referred to God's oath to prevent the exodus generation from seeing the land. Those excluded from this oath were neither Caleb nor Joshua, but *the children*" (emphasis in original).<sup>33</sup> Despite Dershowitz' & Pat-El's identification of "[B 1:5–6]'s analogue in Num 32:11–12" (115), this passage in Numbers lacks the phrases יהיא יבא שמה 'he may enter there' and וְלִי אֶתֵּן אֶת־הָאָרֶץ 'and to him will I give the land' / וְלָהֶם אֶתֵּן אֶת־הָאָרֶץ 'they may enter there and to them will I give it' and העמד לפניך 'who stands before you' shared by the verses in V and Deuteronomy. In Frankel's view, v. 36 mentioning Caleb was added together with v. 28, which is absent from V altogether. Hence, V's account contradicts Frankel's reconstruction, rather than being "effectively identical" to it (68). V also contains a counterpart to Nu 14:21–25; some of what has been identified as post-Priestly material is missing from V, together with other material that has not.

Dershowitz's Chapter 4 on biblical intertexts may also be included under the heading of literary evidence. The author identifies many intertexts between V and non-Deuteronomistic texts. As these are non-directional, of course, they do not show that these texts are dependent on V; they may just as well reflect some of the forger's non-Deuteronomistic source material. Indeed, given this "thick web of connections – in which V is the central node" (93), one wonders how such a central text could ever have been lost or have so many of the influential passages with echoes in the Pentateuch, Prophets, and Psalms edited out. One place where V reflects a text that does not seem to be simply modeled after its intertexts is in the description of Mount Gerizim and Ebal's location (§ 4.2.2), which differs from the one given in MT and commonly accepted today. Dershowitz identifies a parallel in Eusebius' *Onomasticon*; perhaps it is no coincidence that Paul de Lagarde's edition of this text was first published in 1870.<sup>34</sup>

In summary, the text of V contradicts every literary reconstruction adduced by Dershowitz to support its authenticity. I have noted that the chosen approach is unfalsifiable: if a text does not match any existing literary reconstruction, that does not imply that it is not authentic. Conversely, the hypothesis that it is a forgery *is* falsifiable, as a forgery should not consistently agree with well-founded reconstructions only developed after its composition. As we have seen, V does not agree with any reconstruction cited by Dershowitz, just as predicted by the forgery hypothesis.

### Linguistic evidence

In Chapter 6, Dershowitz & Pat-El aim to show that linguistic features that have been taken as indicative of late authorship of V could also be early. They do not argue that they *must* be early, although many readers seem to have

<sup>31</sup> Reinhard Kratz, 'The Headings of the Book of Deuteronomy', in K. Schmid & R. F. Person, Jr. (eds), *Deuteronomy in the Pentateuch, Hexateuch, and the Deuteronomistic History* (2012; Tübingen: Mohr Siebeck): 31–46, 35–36.

<sup>32</sup> David Frankel, *The Murmuring Stories of the Priestly School. A Retrieval of Ancient Sacerdotal Lore* (Supplements to Vetus Testamentum 89; 2002; Leiden: Brill).

<sup>33</sup> Frankel, *Murmuring Stories* (N 32): 146.

<sup>34</sup> Paul de Lagarde (ed.), *Onomastica sacra* (1870; Göttingen: Rente).

taken their argument that way. Bizarrely, the authors do not consider 19<sup>th</sup>-century Hebrew, surely a relevant period when judging the authenticity of an alleged 19<sup>th</sup>-century forgery. As we shall see, many of V's strange linguistic features are well attested in this period.<sup>35</sup>)

As a terminological remark at the outset of this section, I should note that I will use *Classical Hebrew* to refer to the literary language used in the pre-exilic period, while *epigraphic Hebrew* and *Biblical Hebrew* refer to the language as it is actually attested in the pre-exilic epigraphic record and the Hebrew Bible (including post-exilic texts), respectively.

§ 6.1 covers V's orthography, which the authors describe as follows:

The orthography of V differs dramatically from that of the Masoretic Text (MT) and all known Hebrew manuscripts. Instead, it has much in common with epigraphic Hebrew. By Masoretic standards, V's spelling is extremely defective; final vowels are typically indicated, but medial vowels are far less likely to be marked by *matres lectionis* in V than in MT. However, just as in many First Temple-era inscriptions, such as the Arad and Lachish ostraca and the Siloam tomb inscription, medial vowels are occasionally indicated with a *yod* or *vav*. (97)

V's orthography is one of its most conspicuous features. It combines practices attested in various epigraphic corpora and MT. As will be discussed again in the Conclusion, these spelling practices also differ radically from the Second Temple Period manuscripts found at Qumran, including those written in Paleo-Hebrew script. The near-consistent contraction of diphthongs (e.g. שָׁמַם 'heaven', לַיְלָה 'night' vs. MT שָׁמַיִם, לַיְלָה; but מַיִם 'water' like MT מַיִם; § 6.1.1)<sup>36</sup>) and word-internal defective spelling of vowels combined with word-final plene spelling most closely resembles the situation in Moabite and Northern Hebrew. The statement that "[v]ariation in the spelling of diphthongs is well attested in the epigraphic record. The word בֵּית is always spelled with a *yod* in Hebrew inscriptions (although not in Moabite, Phoenician, etc.), but יֵין is always spelled יֵין in the Samaria ostraca" (98) is misleading, as בֵּית 'house' is not attested in the Samaria ostraca; the texts that spell 'house' as בֵּית also spell 'wine' as יֵין. Preservation of \**ay* and its spelling with *yod* (as in יֵין) vs. contraction to \**ē* and defective spelling (as in יֵין) is generally accepted as a dialectal difference between the Southern Hebrew of most of the epigraphic corpus and the Northern Hebrew of the Samaria ostraca.<sup>37</sup>) The spelling of the possessive suffix 'his' on plural nouns with just a *waw* is marginally attested in MT but also simply follows from V's principle of only rarely spelling word-internal vowels. The spelling of this suffix on singular nouns in the same way agrees with MT and conflicts with its spelling with *heh* in

<sup>35</sup>) I sincerely thank Madadh Richey and Itai Kagan for pointing me towards the resources to confirm this suspicion. Moreover, Itai Kagan drew my attention specifically to the 19<sup>th</sup>-century use of the spelling יֵשְׁכַר and of the phrases לִמְאֹד and בֵּעַת הַזֹּאת, as well as the fact that MT's וּבְכָל־מְאֹדֶיךָ is a *lectio difficilior* compared to V, mentioned in the previous section. He also informs me that the picture emerging from 19<sup>th</sup>-century Hebrew newspapers is borne out by corpora of fiction, non-fiction, and rabbinic works.

<sup>36</sup>) The authors explain the preservation of \**y* in מַיִם with reference to Ugaritic *mym*, but this does not explain בֵּין 'between' (Ugaritic *bn*) or עַיִן 'eye' (Ugaritic *ʕn*).

<sup>37</sup>) Shmuel Ahituv, W. Randall Garr, & Steven E. Fassberg, 'Epigraphic Hebrew', in W. R. Garr & S. E. Fassberg (eds), *Handbook of Biblical Hebrew* (vol. 1; 2016; Winona Lake: Eisenbrauns): 55–68, 59.

Canaanite epigraphy, which is not mentioned by Dershowitz & Pat-El despite being one of Guthe's arguments against V's authenticity.<sup>38</sup>)

Guthe also explains the next feature, V's word division (§ 6.1.2), which is unlike that attested in the epigraphic record. In the Decalogue, where every word is followed by a word divider, the particles אֵת and לֵא are treated as proclitics, not as separate words. As Guthe states, this may have been inspired by the frequent proclitic status of these words in MT, marked by *maqquph*, also noted by Dershowitz & Pat-El. Despite the authors' suggestions to the contrary, V's system of word division in the Decalogue is not paralleled by any epigraphic text (the lack of word dividers when these words are spelled with a single consonant, as -ת and -ל, is clearly unrelated). In texts where word dividers do not occur following אֵת and לֵא, such as the Arad ostraca, these are also often left out in other cases—e.g. after construct states or between a noun and an attributive adjective—where V does use a word divider: contrast שֵׁם הַיּוֹם 'the name of the day' and הַקֶּמַח הָרִאשׁוֹן 'the first flour' in Arad 1 with V's מֵאֲרֵץ · עַבְדֵּם · מִבֵּית · מִצְרַיִם 'from the land of Egypt, from the house of slaves' or בְּיּוֹם · הַשְּׁבִיעִי 'on the seventh day'. The two Jewish Palestinian Aramaic inscriptions from the Second Temple Period adduced as examples of prefixed לֵא spelled with *aleph* can hardly be used to support a First Temple Period dating for V.

Among the miscellaneous orthographic features discussed by the authors (§ 6.1.3), the spelling of אֵי 'I' (MT: אֵיִי) forms a strong argument against V's authenticity. The statement that "אֵי with a *yod* is unattested in Hebrew and Moabite inscriptions" fails to mention that אֵי without a *yod* is similarly unattested in Hebrew (Dershowitz & Pat-El mention the ambiguous attestation of אֵי in Lachish 6:8, where the following letters cannot be made out). In Phoenician, the spelling אֵי follows the general rule that vowels are never spelled, not even in word-final position. In Moabite, however, אֵי with no word-final vowel contrasts with the Perfect ending -תִּי-, probably reflecting a morphological distinction between the pronoun \**ʔanōk* or similar and the verbal ending \*-ī; contrast this with Hebrew \**ʔanōkī* ending in the same vowel as \*-ī. That these spellings are also found in V, which is linguistically Hebrew, not Moabite, strongly suggests that its orthography was inspired by the Mesha Stele in this regard. Furthermore, Dershowitz & Pat-El mention the spelling וַתִּשְׁתַּחֲוּ 'and you (m.) prostrated yourselves' with only one *waw*, which has parallels in MT, but do not comment on the singular Imperfect יִשְׁתַּחֲוּ 'he prostrates himself' (G 3:12) for expected יִשְׁתַּחֲוּהוּ. It seems likely that this defective spelling is due to confusion with the more frequent Consecutive Imperfect form, וַיִּשְׁתַּחֲוּ 'and he prostrated himself'. In her descriptive work on 19<sup>th</sup>- and early 20<sup>th</sup>-century Hebrew, Kahn notes that this analogy with the Consecutive Imperfect is a regular feature of Maskilic Hebrew and is occasionally attested in Hasidic Hebrew, though not with III-weak verbs.<sup>39</sup>) A graphically similar case is that of תַּעֲנוּ 'you may

<sup>38</sup>) Guthe, *Lederhandschrift* (N 10): 78. Spelling with *waw* is attested once in בֵּי 'in him' in Ketef Hinnom 1:12; *heh* seems to be attested in the same text on the noun מִשְׁכַּבְּ [ב] 'his bed' (ll. 9–10), unlike the consistent use of *waw* in V.

<sup>39</sup>) Lily Kahn, 'Maskilic Hebrew', in G. Khan (ed.), *Encyclopedia of Hebrew Language and Linguistics* (2013; Brill Online); Lily Kahn, *A Grammar of the Eastern European Hasidic Hebrew Tale* (Studies in Semitic Languages and Linguistics 77; 2015; Leiden: Brill): 154–155.

pronounce' (E 4:4) against Dt 5:20 תַּעֲנֶה, which Guthe identifies as another Moabism based on the Mesha Stele's forms אַעֲנו 'I will oppress' and וַיַּעֲנו 'and he oppressed'.<sup>40</sup>) Dershowitz (& Pat-El?) suggest(s) (145n122) that the verb is plural, which is not only unlikely based on the following singular pronominal suffix but also on the consistent use of the second person singular in the entire Decalogue after the first commandment, or that the -w is a proleptic pronoun, which cannot be the case because the verb's direct object is feminine שקר · עדה 'a mendacious testimony' (on which see below). Of the remaining features, the spelling הוא for the third person singular pronoun (masculine and feminine) agrees with MT against virtually all epigraphic attestations from the pre-exilic period, which have הא; the single example of (masculine) הוא in the Old Aramaic inscription from Bukan (Iran) in no way explains this spelling in a Hebrew text. V similarly agrees with MT in spelling 'towards' as לקראת against the sole epigraphic attestation known at present, in the Siloam Inscription, where the word is spelled לקרת. The spelling of 'Issachar' as ישכר agrees with Ben Asher's *qre perpetuum* יִשְׁכַּר, which is probably younger than the MT *ktiv* יששכר vocalized by Ben Naftali as יִשְׁשַׁכַּר.<sup>41</sup>) ישכר is also a common spelling of 'Issachar' as an Ashkenazi given name in the modern period, including the 19<sup>th</sup> century.

§§ 6.2.1–2 discuss the non-Classical use of clause-initial verb tenses, which formed the main subject of my *Academia Letters* paper.<sup>42</sup>) In brief, the use of past perfective *w-qāṭal* and non-past *w-yiqṭōl*, which are rare in Biblical Hebrew and not securely attested in epigraphic Hebrew (see the next paragraph) but normal in post-Biblical Hebrew, is overwhelmingly restricted to phrases in V that have no direct counterpart in MT.<sup>43</sup>) Out of 85 sentence-initial verbs preceded by 'and', 69 appear in the consecutive forms expected for Classical Hebrew.<sup>44</sup>) Of the remaining 16 non-consecutive forms, 13 occur in phrases with no direct MT parallel and only 3 occur in phrases with a direct MT parallel. Without positing an otherwise unknown functional difference between the consecutive forms and the non-consecutive forms preceded by *w-*, the only apparent solution is a source-critical one: the consecutive forms were drawn from texts closely corresponding to their MT counterparts, while most of the non-consecutive forms were either drawn from non-MT sources or occur in material inserted by V's redactor. A close parallel from Antiquity occurs in 4QSam<sup>a</sup>, where

a passage that has been identified as secondary on literary grounds uses non-consecutive tenses, contrasting with the consecutive tenses of the more original material.<sup>45</sup>) V includes phrases from every MT book of the Pentateuch, making the explanation that it is textually dependent on MT as we know it the most likely one.

Besides the distribution of these forms, past perfective *w-qāṭal* and non-past *w-yiqṭōl* are less common in pre-exilic Hebrew than Dershowitz & Pat-El make them out to be.<sup>46</sup>) Of the examples of past-tense *w-qāṭal* given in their Note 47, those in Gen 31:7, 38:5, and 1 Sam 1:12 do not express the next step in the story and thus do not call for a *wayyiqṭōl*. The descriptions of the order in which the Israelites would move out in Nu 10:17–18, 21–22, 25 can be seen as habituals. וְהִתְמַהְמְהוּ 'and wait' in Jdg 19:8 is an imperative. Many or all of the remaining examples could originally have been intended as infinitives absolute, used narratively (although in a number of cases, at least, the reading tradition clearly did take them as Perfect forms). In Arad 16, it is not clear from the context that ושלחתי is a past tense 'and I sent' rather than a future tense 'and I will send'; no past tense setting is established, and all the other verbs in the body of this letter are modal. In the case of the Yavne-Yam ostrakon's ויקצר עבדך, it is unclear why the authors characterize the various proposals to explain the form ואסם as something other than a past-tense *w-qāṭal* as a struggle (107). The use of an infinitive absolute following a *wayyiqṭōl* is well attested in Biblical Hebrew, as in וַיִּתְקַעוּ בְשׁוֹפְרוֹת וַנִּפְּוּץ הַכַּדִּים אֲשֶׁר בְּיָדָם: 'and they blew the rams' horns and shattered the jars that were in their hand' (Jdg 7:19).<sup>47</sup>)

Of the examples of *w-yiqṭōl* Dershowitz & Pat-El cite, Nu 9:2 and 1 Kgs 18:23 are Jussives, not Imperfects (unlike the examples in V).<sup>48</sup>) From the epigraphic record, the authors cite וידכן גבנם [...] וימסן הרם [...] ויזכר אל ברן [...] ויזכר אל ברן from Kuntillet 'Ajrud 15:1–3 (111). While the final *nuns* do point towards Imperfect *w-yiqṭōl* over *wayyiqṭōl*, the context is too fragmentary to establish whether the setting is future tense,<sup>49</sup>) as in biblical parallel texts like Mic 1:3–4, or past tense, as in Jdg 5:4–5; note especially the use of the Imperfect in a past-tense setting in Ps 97:3's אֵשׁ לְפָנָיו תִּלְךָ 'fire went before him', while v. 5 of the same psalm contains the phrase הָרִים

<sup>45</sup>) Müller et al., *Evidence of Editing* (N 25): 79–99.

<sup>46</sup>) On the other hand, I fail to comprehend their statement that "[t]he use of non-iterative simple past *wqāṭal* is ... nonexistent in postbiblical Hebrew" (104). To my knowledge, non-iterative simple past is one of the only meanings *w-qāṭal* can have in post-biblical Hebrew, up to the present day. Cf. the early twentieth-century example הלך והפש ומצא אותי ואמר לי וימסן הרם 'he went and searched and found me and told me to give him that sum' cited by Kahn, *Hasidic Hebrew* (N 39): 146.

<sup>47</sup>) Other examples given by Joüon & Muraoka (*Biblical Hebrew* [N 41]: § 123x) are Gen 41:43; Ex 8:11; Neh 8:8; 1 Chr 16:36; 2 Chr 7:3.

<sup>48</sup>) Cf. the immediate execution of the command, e.g. וַיַּעֲשׂוּ בְנֵי־יִשְׂרָאֵל: וְיָדְבַר מֹשֶׁה אֶל־בְּנֵי יִשְׂרָאֵל לְעֵשׂת הַפֶּסַח: 'And let the Israelites prepare the Passover at its appointed time' (Nu 9:2) followed by וַיַּעֲשׂוּ אֶת־הַפֶּסַח: 'And Moses told the Israelites to prepare the Passover' (v. 4) and וַיַּעֲשׂוּ אֶת־הַפֶּסַח: 'And they prepared the Passover' (v. 5). V. 2's בְּמוֹעֵדוֹ 'at its appointed time' probably forms a later interpolation together with v. 3. בְּאַרְבַּעַת עֶשְׂרִי: 'On the fourteenth day of this month you must prepare it at twilight, at its appointed time; you must prepare it according to all its laws and all its precepts'; note the switch in person and the correspondence of v. 4 to v. 2 with בְּמוֹעֵדוֹ removed.

<sup>49</sup>) Indeed, Shmuel Ahituv (*Handbook of Ancient Hebrew Inscriptions* [Biblical Encyclopaedia library 7; 1992; Jerusalem: Keter]: 160) vocalizes them as *wayyiqṭōl* forms: וַיִּזְכְּרֵן וַיִּמְסֵן.

<sup>40</sup>) Guthe, *Lederhandschrift* (N 10): 81–82.

<sup>41</sup>) Paul Joüon & Takamitsu Muraoka, *A Grammar of Biblical Hebrew* (3rd, corrected reprint of 2nd ed.; Subsidia Biblica 27; 2006; Rome: Pontificio istituto biblico): § 16e5.

<sup>42</sup>) Suchard, 'Valediction' (N 7).

<sup>43</sup>) As a formal criterion, I suggest that a phrase in V has a direct parallel in MT if it occurs in the same context and if at least one lexeme is shared by both phrases other than the verb itself, which must also belong to the same lexeme. Hence, ותקראן לכם לאכל מזבחהן, which must also belong to the same lexeme. Hence, ותקראן לכם לאכל מזבחהן 'and they called you to eat of their sacrifices' (D 2:7–8 following Shapira and Ginsburg's transcriptions) is directly paralleled by ותקראן לעם לזבחי אלהיהן 'and they called the people to the sacrifices of their gods' (Nu 25:2); ושתם מאתם שבי הרבה 'and you took very many captives from them' (D 3:2) is not directly paralleled by וישבו בני־ישראל את־נשי מדון ואת־טפם ואת כל־בהמתם ואת כל־יָמָם: 'and the Israelites took the women of the Midianites and their children captive, and all their livestock and all their possessions and all their wealth they looted' (Nu 31:9), because nothing but the verb is shared; וישבת ביום השביעי 'and I ceased on the seventh day' (E 3:2) is not directly paralleled by וינח ביום השביעי 'and he rested on the seventh day' (Ex 20:11), because the verb belongs to another lexeme.

<sup>44</sup>) As per my count based on Dershowitz's critical edition.

פּוֹדוֹנְג נְמָסוּ ‘mountains melted like wax’, a close parallel to the cited inscription. In Samaria Ostrakon 111, referenced in a footnote, it is not even clear that the *yqtl* form is preceded by *w-*.

To sum up, there are no unequivocal attestations of past-tense *wqtl* or non-past *wyqtl* in epigraphic Hebrew from the First Temple period. Some examples do occur in MT, but considering the nature of this book, it is strange that source criticism is not taken into account here and the entirety of the Pentateuch and Prophets seems to be considered representative of pre-exilic Hebrew. Many examples of non-consecutive *w-qāṭal* and *w-yiqṭōl* could reflect later interpolations, like those in V. These non-consecutive tenses are well attested, on the other hand, in the Hebrew literature of the 19<sup>th</sup> century. Kahn notes that the “treatment of the *qāṭal* and *wayyiqṭol* as two interchangeable preterite forms” is typical of both Hasidic and Maskilic Hebrew.<sup>50</sup>) The use of non-past *w-qāṭal*, however, is attested, but marginal in Hasidic Hebrew.<sup>51</sup>) This perfectly matches the situation in V’s phrases that are not paralleled by MT, where we find both *w-qāṭal* and *wayyiqṭōl* for the past tense, but mostly *w-yiqṭōl* for the future tense.

On the form לָלַחַם ‘to battle’ instead of more common Biblical Hebrew לָלַחַם (§ 6.2.3), the authors do not mention that the G-stem (infinitive לָלַחַם) is quite common in post-Biblical Hebrew and would hence be available to a 19<sup>th</sup>-century author—cf. the many attestations of infinitive לָלַחַם in newspapers from this period<sup>52</sup>)—as would the Rabbinic Hebrew form of the N-stem infinitive, לָלַחַם (both forms adapted to match V’s spelling practice). The argument that “[s]ince the N-stem produces low transitivity verbs, the preference for G in V, if it is diachronically meaningful, could be an indication of the early use of this stem” does not make sense to me: if the N-stem became more passive over time (as it probably did), then the use of a G-stem rather than an N-stem for highly transitive ‘to fight’ is typologically younger, not older.

Looking at their semantics, the examples of Jussives negated with לֹא in MT (§ 6.2.4) are all actually negated Imperfects, often expressing general prohibitions (but also cases like לֹא-תִתְּנֶנּוּ לָהּ תְּתִיבְתָּהּ לָהּ ‘it will no longer yield you its produce’ with future indicative semantics in Gen 4:12) rather than vetitives, which would express negative commands given in the here and now.<sup>53</sup>) The vocalizations like *tōsēp̄*, contrasting with Imperfect *tōsīp̄*, are mostly based on the defective spelling of these forms.<sup>54</sup>) Based on their semantics, they cannot be compared to the cases in V expressing immediate commands. In the 19<sup>th</sup> century, however, negated commands with לֹא were commonplace; Kahn notes that

the Hasidic Hebrew authors seem to treat the two negative particles interchangeably; although אַל is employed more

frequently than לֹא in negative command contexts, there does not seem to be any semantic or syntactic difference motivating the selection of one particle instead of the other on any occasion, with both employed e.g. in direct, immediate commands issued to a specific addressee.<sup>55</sup>)

This is borne out by the newspaper record,<sup>56</sup>) where we find many attestations of negative commands such as לֹא תִדְאָג ‘don’t worry’. If אַל and לֹא before Jussives were synonymous to the forger, he may have exchanged one for the other as one of the many small changes in phrasing intended to show independence from MT. Interestingly, this construction is not regular in Rabbinic Hebrew but seems to be innovative in this period.

As the authors point out, the use of עַד ‘until’ followed by a clause without a relativizer intervening (§ 6.2.5) has parallels in MT and is not strictly an indicator of lateness. Kahn does note that it “very rarely” occurs in Hasidic Hebrew, where it is modeled after medieval and early modern sources.<sup>57</sup>) The same construction is attested in 19<sup>th</sup>-century newspapers, e.g. עַד בָּאתִי ‘until I came’.<sup>58</sup>)

The phrase וַנִּכְהוּ עַד לֹא הָשָׂאָר לוֹ שָׂרָד ‘and we struck him until he had no remnant left’ (§ 6.2.6) should not be compared to Dt 2:33: וַנִּכְהוּ אֹתוֹ וְאֶת-בָּנָיו וְאֶת-כָּל-עַמּוֹ: ‘and we struck him and his sons and all his people’, as stated by the authors, but to Dt 3:3: וַנִּכְהוּ עַד-בְּלִתֵּי הַשְּׂאִירֵיהֶן שָׂרִיד: with the same meaning as in V. This comparison shows that there is no missing direct object, the feature discussed in this section, but that this is an example of defective spelling of the object suffix *-hū*, which is not attested in epigraphic Hebrew as far as I am aware; the Siloam Inscription’s *\*rēšēhū* > *\*rēšēw* ‘his fellow’ reflects a different outcome of this suffix. The form וַנִּכְהוּ with final *waw* occurs in exactly the same context in D 2:1, so וַנִּכְהוּ in D 1:3 is probably just a scribal error.<sup>59</sup>)

Dershowitz’s reconstruction of the phrase והיו לתת מפת בין עיניך (§ 6.2.7), which he translates as ‘and they shall serve as a מפת between your eyes’, contains an unusual construction of *w-hāyā + l-* + infinitive construct, but the authors show that there are occasional parallels in MT. Dershowitz’s translation does not render the infinitive תת; the closer translation ‘and they shall serve to set a מפת between your eyes’ is harder to make sense of.

The use of בלתי before a noun phrase (§ 6.3.1) is paralleled in MT Nu 32:12, as the authors point out.

While למאד ‘very’ may “not occur in the immediate subsequent Hebrew chronolects” (§ 6.3.2), excluding the compound adverb עַד-לְמַאֲד in 2 Chr 16:14, it is common in Medieval and later Hebrew and would hence be readily available to someone writing in the 19<sup>th</sup> century, when it is very frequently attested in the newspaper record,<sup>60</sup>) e.g. in an article on the Shapira affair.<sup>61</sup>) Despite the parallels of other

<sup>50</sup>) Kahn, *Hasidic Hebrew* (N 39): 173.

<sup>51</sup>) Kahn, *Hasidic Hebrew* (N 39): 177.

<sup>52</sup>) As consulted through <https://www.nli.org.il/en/discover/newspapers/jpress>.

<sup>53</sup>) Bruce K. Waltke and Michael O’Connor (*An Introduction to Biblical Hebrew Syntax* [1990; Winona Lake: Eisenbrauns]: 567) instead analyze this as a separate construction for durative commands, which makes no difference for our purposes.

<sup>54</sup>) Joüon & Muraoka, *Biblical Hebrew* (N 41): § 1141. Interestingly, vocalization as a Jussive also occurs in וְלֹא-תִתְּנֶנּוּ עֵינִי ‘and my eye will not show pity’ (Ezek 5:11), with plene spelling of the verb reflecting its original status as an Imperfect. Perhaps the unusual plene spelling of the strong verb in the remainder of the verse, וְגַם-אֲנִי לֹא אֶחְמֹל: ‘and I, too, will show no mercy’ is related.

<sup>55</sup>) Kahn, *Hasidic Hebrew* (N 39): 332.

<sup>56</sup>) See Note 52.

<sup>57</sup>) Kahn, *Hasidic Hebrew* (N 39): 325–326.

<sup>58</sup>) ‘חדשות שונות’, *Hammaggid*, 28 December 1870; see Note 52.

<sup>59</sup>) Hence Shapira’s marginal note, transcribed by Dershowitz (136n43): לא יש ואו בסוף אבל במקומות אחרים יש ואפשר שיש בכאן טעות סופר ‘there is no *waw* at the end, but in other places there is, and it may be that there is a scribal error here’ (translation mine).

<sup>60</sup>) See Note 52.

<sup>61</sup>) The entire passage is worth citing: שפירא הביא את הספר להבריטיש מוועואום, ויאמר כי קנהו בכסף רב למאד מאת הערבים מעבר לירדן וקבלה בידם כי הוא נכתב לפני שלשת אלפים שנה. ויהיה גם דעתו כי זאת התורה האמיתית, והדברים שפירא brought the document אשר נכתבו בהספרים אשר בידינו מאוחרים המה.

adverbs preceded by *-ל*, the form *למאד* is not attested in Biblical Hebrew or Northwest Semitic epigraphy and thus would appear to be “diachronically significant” (116).

In the discussion of *בעת הזאת* ‘at this time’ (§ 6.3.3), the parallel phrases *ביום ההוא* ‘on that day’ and *ביום הזה* ‘on this day’, adduced to prove the equivalence of near and far deixis in temporal expressions, are not entirely synonymous. The examples of the latter refer to dates on the calendar (Gen 7:11, Ex 12:51, 19:1), while the former place an event on the same day as the preceding narrative (Gen 15:18). In V’s E 1:9 and Dt 5:5, there is no mention of a date or set time; hence, MT’s *בַּעַת הַהוּא* is the expected form and V’s *בעת הזאת* is an error in this context. This use of the phrase is attested in 19<sup>th</sup>-century Hebrew, however, as in *בעת הזאת התחולל רוח אדיר וחזק אשר ההר בער באש*—‘at this time, when the mountain was burning with fire—at this time a mighty and strong wind was felt’.<sup>62</sup>

One of the strangest forms in V, *אבם* ‘fathers’ for expected *אבת* (§ 6.3.4), probably only occurred in one manuscript of V, the expected form occurring in the other. Dershowitz & Pat-El identify *אבם* as an error, either in the manuscript or on the part of the transcribers.

On the phrases *נשי המדינים* ‘the wives of the Midianites’ and *ערי הפרזים* ‘the towns of the Perizzites’ (§ 6.3.5), the authors refer to other ethnonyms that are used in the plural, as in *מלכי החיתים* ‘the kings of the Hittites’. This comparison does not solve the problem, however, as the use of the singular or the plural (and also of the definite article) is largely lexically determined: when referring to the Neo-Hittite city states (rather than the Canaanite tribe), *החיתים* is always plural;<sup>63</sup> *הכנעני* ‘the Canaanite(s)’ is nearly always singular. The use of plural *הכנענים* in post-exilic Neh 9:24 points to a breakdown in this system which also accounts for the otherwise unattested plural *הפרזים* used by V.

The authors show that the incongruence in *לא תספו אל לא תגרונו ולא תגרעו ממנו* ‘you may not add to my commandments (f.pl.) and you may not subtract from it (m.sg.)’ (§ 6.3.6) has parallels in MT, although more text intervenes between *ממנו* and its referent in all these examples. It is hard to see, however, how Dt 4:2’s *לא תספו על-הדבר אשר אנכי מצוה אתכם ולא תגרעו ממנו* ‘you may not add to the thing I am commanding you and you may not subtract from it’ can be said to reflect linguistic updating, a term which would be more appropriate if *מצותי* had been left unchanged and *ממנו* had been corrected to *מהנה*.

In the section on lexicon (§ 6.4), some allegedly suspect features (*-ל אשר* ‘and all that belongs to’; *חגהן* ‘their sacrifices’; the syntax of *גם* ‘also’; *מעלם* ‘of old’) are rightfully dismissed as unproblematic. For *הון* ‘wealth’ and *בעל*

for ‘to have sex’, the argument is made that these words *could* have occurred in Classical Hebrew, but the fact remains that they are not attested there,<sup>64</sup> while they are in later Hebrew. *החר* ‘to liberate’ is similarly unattested in Classical Hebrew, but also in later forms of Hebrew; however, the many forms of the root *hrr* that the authors cite as occurring in Rabbinic and later Hebrew provide a clear base to derive this verb from. The great productivity of the root in Rabbinic Hebrew combined with its absence in the meaning ‘to (be) free’ in Biblical Hebrew and especially the occurrence of *שחרר* in both Rabbinic Hebrew and Aramaic suggests that these words were borrowed into post-Biblical Hebrew from Aramaic, rather than that they were native Hebrew but somehow were never used in the many biblical passages on liberation and emancipation of slaves, as the authors suggest. In the case of *שקר*, which apparently attests the post-Biblical meaning of *עדות* as ‘testimony’ instead of the Biblical meaning, something like ‘decree’, Dershowitz and Pat-El argue that this is not the word *עדות* at all but another, unattested word, *עדה*, which also means ‘decree’. That the meaning of these two words is so similar is unsurprising, as the latter word is reconstructed based on the plural form *עדות*—i.e. the *lautgesetzlich* Hebrew plural of *עדות*.<sup>65</sup> It is unclear to me how this reconstruction solves the problem of post-Biblical ‘testimony’ clearly being the most straightforward reading here. This is confirmed by the unambiguous phrase *ברך האיש אשר לא יכחש ולא [י]שקר ברעהו* ‘blessed is the man who does not deceive or lie concerning his fellow’ (G 4:6–7), which Dershowitz (74) convincingly links to this part of the Decalogue. Finally, the suggestion that *שארית* is not the common Biblical Hebrew word *שְׁאֵרִית* ‘remnant’ but an unprefixated variant of *מְשָׁאֲרֵת* ‘kneading trough’ is not implausible, albeit once again unsupported by epigraphic evidence and contradicted by Dershowitz’s own choice for ‘remnant’ in the running translation (Chapter 8).

A lexical problem identified by Guthe but not discussed by the authors occurs in the phrase *כי · אנך · אקנא · את עון · בנם* (E 4:1–2).<sup>66</sup> In Biblical Hebrew, *קנא* with a direct object means either ‘to envy’ (e.g. Gen 26:15) or ‘to make jealous’ (e.g. Dt 32:21). Hence, without resorting to special pleading, V’s phrase would mean ‘for I will envy fathers’ wrongdoing against sons’, which is nonsensical. The use of the independent pronoun *אנך* here, where ‘I’ is neither topicalized nor focused, is also hard to understand if we do

<sup>64</sup> Dt 21:13’s *ואחר כן תבוא אליה ובעלתה והיתה לה לאשה*: ‘and afterwards, you may come to her and בעל her and she will be your wife’, is adduced as a possible example of *בעל* in this meaning with the argument that ‘you will marry her and she will be your wife’ would be redundant. However, *בוא אל* is a well-attested expression for sexual intercourse (e.g. Gen 6:4, 16:2, 30:3), so Dershowitz & Pat-El’s reading results in the more redundant ‘you may have sex with her and have sex with her and she will be your wife’, whereas the traditional understanding presents both the man’s and woman’s point of view (‘you will become her husband and she will become your wife’).

<sup>65</sup> As \*w was lost following short vowels in Hebrew, resulting in contraction of the short vowel, the suffix \**-uw-t* formed the plural \**-uw-öt* > \**-öt*, the original suffix disappearing without a trace; see Benjamin D. Suchard, *The Development of the Biblical Hebrew Vowels* (Studies in Semitic Languages and Linguistics 99; 2019; Leiden: Brill): 132–139. Where the original plural form \**šedöt* is spelled plene, the reading tradition shows an Aramaicising vocalization as *עדות*, with the retention of \*w that is typical for Aramaic in this position (e.g. *מלכותא*, pl. *מלכותא* ‘the kingdom(s)'). For another appealing explanation of the relationship between *עדת* and *עדת*, see David Talshir, ‘*אחות* and *עדות* in Ancient Hebrew’, *Zeitschrift für Althebraistik* 15/16 (2003): 108–123.

<sup>66</sup> Guthe, *Lederhandschrift* (N 10): 85.

to the British Museum and said that he had bought it for very much money from the Arabs from across the Jordan and that they had a tradition that it had been written three thousand years ago, and he too was of the opinion that this was the original Torah, and that the words written in the books we possess are later”; “הרה עמל וילד שקר”, *Häbaššelet*, 21 September 1883. This account contradicts the one cited by Dershowitz (39n8), in which Shapira writes that he did not pay much for the manuscripts, as well as Dershowitz’s statement that “Shapira himself did not present the text as a proto-Deuteronomy” (43). The passage from *Häbaššelet* does not seem to be a first-hand report, however.

<sup>62</sup> “חדשות שונות”, *Häbaššelet*, 23 August 1872; see Note 52.

<sup>63</sup> Cf. Trevor Bryce, *The Kingdom of the Hittites* (new edition; 2005; Oxford: Oxford University Press): 355–356. The observation on the terminological distinction between *החיתים* and *חתי*, sg. *חתי*, is not mine, but unfortunately I can no longer recover its source.

not see the whole phrase as an abbreviated and garbled form of Dt 5:9's *כִּי אֲנִי יְהוָה אֱלֹהֶיךָ אֵל קַנָּא פֹקֵד עֲוֹן אֲבוֹת עַל-בְּנֵיהֶם* 'for I, YHWH your god, am a jealous god who avenges fathers' wrongdoing against sons'. Another commandment, *אֶחָד אֶת נַפְשׁ אֶחָד לֹא תִרְצַח* 'you may not murder your brother's life' (E 3:6), has something other than a person as the direct object of *רצח* 'to murder', which is not otherwise attested and probably ungrammatical.

The summary of the linguistic evidence confidently asserts that "the text includes no obvious late features or Aramaisms" (129). As we have seen, this is inaccurate if we consider when various features are actually attested. The spelling of the third person masculine singular suffix on singular nouns with *waw* contradicts the pre-exilic spelling with *heh* and, from a pre-exilic perspective, is a late feature. The same goes for the spelling of *hū* and *hī* as *הוא* against pre-exilic *הא* and for *לקראת* instead of pre-exilic *לקרת*. The past-tense use of *w-qāṭal* is not clearly attested for Classical Hebrew and the attestation of *w-yiqṭōl* is uncertain, while these are common in later Hebrew, possibly due to Aramaic influence. The use of *לא* before Jussives, the adverb *למאד* 'very', and *בעת הזאת* 'at this time' are all late features. The double plurals in *נשי המדינים* and *ערי הפרום* contrasting with the Classical singular use of these ethnonyms when occurring as *nomina regentia* could be modeled after the Rabbinic Hebrew construction like *תלמידי חכמים* 'students of sages' (sg. *החכם*) and would then represent a late feature. *הון* 'wealth' and *בעל* 'to have sex' are late features. While it is a neologism, the meaning of the root of *החר* 'to liberate' is a late feature and probably an Aramaism. *עדה* 'testimony' is a late feature. Most damningly, many of these features are amply attested in 19<sup>th</sup>-century Hebrew; the negation of the Jussive with *לא* is especially typical of this period. Conversely, V contains not a single linguistic or orthographic feature that was unattested in MT or the epigraphic record in the late 19<sup>th</sup> century but has been confirmed by later finds. Specifically, the orthography shows several cases of influence from the Mesha Stele, *editio princeps*: 1870, but none from the Siloam Inscription discovered in 1880; in fact, this latter inscription contradicts a number of V's linguistic features. The linguistic evidence thus strongly supports a 19<sup>th</sup>-century forgery—specifically one produced between 1870 and 1880—over a pre-exilic text.

## Conclusion

Text-critical comparison of V to MT clearly shows that the latter is the more original text. This is independently confirmed by the concentration of non-consecutive sentence-initial verb forms in phrases that are not directly paralleled in MT, which were written by someone to whom the consecutive and non-consecutive tenses were synonymous in this position. Dershowitz's literary arguments do not show V's priority compared to MT, as in most cases, the elements that have been identified as secondary in Deuteronomy have also left traces in V, nor do his historical arguments rule out a forgery.

A text that is dependent on MT or something close to it could still be ancient. Various scholars have suggested that V is an example of 'rewritten bible',<sup>67)</sup> like some texts found

<sup>67)</sup> On the anachronism of this concept, see Eva Mroczek, 'Thinking Digitally About the Dead Sea Scrolls: Book History Before and Beyond the Book', *Book History* 14.1 (2011): 241–269.

at Qumran. Bar-Ilan suggests a slightly different, liturgical *Sitz im Leben* for the text,<sup>68)</sup> arguing that it reflects a practice attested in early Rabbinic sources.

While the contents of V allows for its composition in the Second Temple Period, this is very hard to reconcile with its paleography. Pentateuchal texts written in Paleo-Hebrew script have been found at Qumran, showing that the script itself forms no unsurmountable problem, even if V's letter shapes look quite different from those used in these texts.<sup>69)</sup> Guil has recently compared V to 11QpaleoLev, for instance, a Leviticus manuscript written in this script.<sup>70)</sup> But despite the use of another alphabet, these texts resemble other contemporaneous texts in their spelling: thus, 11QpaleoLev attests a much higher frequency of plene spellings than V, e.g. *זכרון תרועה* 'a day of rest, a memorial of trumpet-blowing', matching MT's *זָכְרוֹן תְּרוּעָה* (Lev 23:24), which would be spelled *זכרן תרעה* according to V's rules.<sup>71)</sup> Given our current knowledge of spelling practices at the time, we would not expect anyone in the Hellenistic or Roman period to write a phrase like *אנג אלהם אלהך*, especially not in a pre-exilic hand.<sup>72)</sup>

On the other hand, V's orthography and language both point to the nineteenth century. As we have seen, the orthography resembles the Mesha Stele in several regards, but shares nothing in particular with the Siloam Inscription, which matches a forgery produced between 1870 and 1880 perfectly—Shapira first wrote about the existence of the manuscripts in 1878. Many of V's linguistic peculiarities are well attested in Hebrew texts written at the same time; one, the negation of Jussives with *לא*, is practically limited to this period. The above investigation has shown that there is nothing authentic in V's orthography or language that could not

<sup>68)</sup> See Note 6.

<sup>69)</sup> In the words of Richard Simon Hanson ('Paleography', in D. N. Freedman & K. A. Mathews, *The Paleo-Hebrew Leviticus Scroll (11QpaleoLev)* [1985; Winona Lake: Eisenbrauns]: 15–23, 20), comparing the pre-exilic hands which V more closely approximates to that of the Second Temple Period: "If we begin with the latest known preexilic scripts we find that they are well behind our Qumran scripts in the evolution of certain letter forms", although he does also note that "one must marvel at how little this script evolved from the late preexilic examples" (p. 23). V's hand appears less developed than these latest pre-exilic inscriptions, however, removing it farther from the post-exilic examples, which Hanson tentatively dates around 100 BCE.

<sup>70)</sup> Shlomo Guil, 'The Shapira Scroll was an Authentic Dead Sea Scroll', *Palestine Exploration Quarterly* 149.1 (2017): 6–27, 23–25.

<sup>71)</sup> Of 11QpaleoLev specifically, Freedman & Mathews (*Paleo-Hebrew Leviticus* [N 69]: 78) write that "its orthographic system reflects the MT prototype and is representative of the same orthographic tradition chosen by the rabbis for the official text of the Jewish Pentateuch." Other Paleo-Hebrew texts from Qumran "regularly are written in the proto-Samaritan style" (p. 82), which "is distinguished primarily by its preference for the fuller use of internal *matres lectionis* (*yod/waw*) for long vowels and the occasionally erratic behavior of the pharyngeal-laryngeal system" (p. 68) and hence differ from V's orthography even more.

<sup>72)</sup> The substitution of *יהוה* with *אלהים* is not attested either, but the use of *אל* for this purpose by the Qumran community is close. Cf. Hermann Lichtenberger, 'The Divine Name in the Dead Sea Scrolls and in New Testament Writings', in R. A. Clements, M. Kister, & M. Segal (eds), *The Religious Worldviews Reflected in the Dead Sea Scrolls. Proceedings of the Fourteenth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 28–30 May 2013* (Studies on the Texts of the Desert of Judah 127; 2018; Leiden: Brill): 140–160, 140. Of course, substitution with *אלהים* is also attested in MT in the so-called Elohistic Psalter (Ps 42–83; *pace* Dershowitz [*Valediction* (N 1): 79], who argues for the originality of *אלהים* here), while Shapira himself was familiar with the academic identification of Elohistic and Yahwistic sources in the Pentateuch (cf. Dershowitz, *Valediction* [N 1]: 44).

have been known to or guessed by a forger working at this time.

V and Dt 31:2 agree in having Moses take his leave of the Israelites with the words: “Today I am one hundred and twenty years old; I can no longer go out and come in before you<sup>V</sup>, and YHWH<sup>MT</sup>/Elohim<sup>V</sup> has told me: ‘You will not cross this<sup>MT</sup>/the<sup>V</sup> Jordan.’” During 138 years of controversy, V, too, has failed to enter the promised land of widespread academic acceptance. Dershowitz’s meticulous reconstruction of V has enabled scholars to completely reassess the arguments for its authenticity and date of composition; as I have argued above, the only defensible conclusion remains that it is a 19<sup>th</sup>-century forgery. Exciting as the notion of an attested pre-exilic source text of Deuteronomy is, the time has come to bid it farewell.

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May 2021

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