

From "Divination" to "Revelation"? A Post Exilic Theological Perspective on the Relationship between Law and Prophets in the Old Testament¹

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ABSTRACT

Recent research on the formation of the canon of the OT suggests that it is crucial to understand how theological presuppositions concerning divine revelation linked to Moses made the Torah to be authoritative for subsequent traditions of revelation such as the prophets. The early post exilic redefinition of the prophet (Deut 18:15–22) is linked to the introductory rejection of a comprehensive list of divinatory practices (Deut 18:9–14). Diverging depictions of Balaam as diviner and soothsayer are briefly discussed to illustrate the development from an appreciated diviner of divine will (Num 22–24) to a detestable soothsayer who cursed the people of God (Deut 23 & Josh 13 & 24). Finally, some thought is given to how the development from "divination" to "revelation" influenced the process of canon formation in the period after the Babylonian exile.

A INTRODUCTION

If "revelation" is understood as the "knowledge of God ascribed to a communication of God," then one has reached (or even gone beyond?) the margins of human reason and understanding.² Despite the initial word of caution this contribution wants to look more closely at the word pair "Law and Prophets" and it wants to reflect on what effect this combination (Law and Prophets) had on its audience after the Babylonian Exile. To be even more specific: to what extent did the word pair redefine the supposed communication that took place between the Divine, the mediator of the communication (diviner or prophet) and its audience?³

¹ It discusses a theological topic, "revelation," in view of the use of the related concepts of "Law and Prophets" in the OT to honour Prof Herrie van Rooy's valuable research on OT Theology, Deuteronomy, Prophetic Literature and Psalms over many decades.

² Dale Patrick, *The Rhetoric of Revelation in the Hebrew Bible* (Minneapolis: Fortress, 1999), 7. See also: Paul S Chung, "Revelation and Scripture," in *Global Dictionary of Theology*. (ed. William A. Dyrness & Veli-Matti Kärkkäinen; Downers Grove: IVP Academic, 2008) 758-767.

³ Does religious communication only persuade by making use of rhetorical techniques (consciously or inadvertently) or does persuasion emanate from what takes place between the (divine) speaker and the one being communicated too? According to JL

It will be argued that it makes a difference whether the mediator between the Divine and the audience is a diviner or a prophet and that this change in the mediation of the communication allowed the synthesis between Law and Prophets and thus enabled a crucial phase in the development of the OT.⁴

B DIVINATION AND PROPHECY IN THE OLD TESTAMENT

"Divination" can be described as the "process of discerning divine purpose or attaining supernatural knowledge through various devices and stratagems" that focuses on "human schemes for uncovering divine will. . ."⁵ According to Friedrich Graf divination is "largely unproblematic in polytheistic religions" while "the increased distance from God in monotheistic religions can lead to the prohibition of insight into divine knowledge and thus to the radical rejection of divination."⁶

In most cultures two basic forms of divination are usually found: the first being the type that allows direct access to privileged knowledge by means of dreams or different modes of ecstatic experience; while the second type interprets signs as the expression of divine will.⁷ The possible link with revelation undergirds the decision to give more attention to the second form of divination.

Across the ANE and in the OT a whole range of divinatory methods were employed when religious specialists interpreted types of signs that included the following:⁸

Austin's speech act theory the latter must also be taken into account because it resembles performative utterances. John L. Austin, *How to do things with words* (Cambridge: Harvard University Press, 1975), 12.

⁴ Since this contribution engages with the theological topic of "revelation" that is of specific interest to a Christian audience, the term "Old Testament" is preferred to "Hebrew Bible" and should not be interpreted as being insensitive to Jewish readers.

⁵ Frank S. Spencer, "Divination," in *New IDB 2* (ed. Katherine Doob Sakenfeld; Nashville: Abingdon, 2007), 143. See also Frederick H. Cryer, *Divination in Ancient Israel and its Near Eastern Environment: A socio-historical investigation* (JSOTS 142; Sheffield: Sheffield Academic Press, 1994).

⁶ Fritz Graf, "Divination/Manticism," in *RPP 4* (ed. Hans D. Betz, Don S. Browning, Bernd Janowski and Eberhard Jügel. Leiden: Brill, 2008), 98.

⁷ Graf, "Divination," 98–99. Anne Marie Kitz, "Prophecy as Divination," *CBQ* 65 (2003): 22–23 argues that "prophecy" is a "custom linked to the broader religious phenomenon of divination" and that "divination" and "prophecy" are usually categorised by means of procedure or technique.

⁸ Spencer, "Divination," 143 – 144. Harry A. Hoffner, Jr., "Ancient Views of Prophecy and Fulfillment: Mesopotamia and Asia Minor," *JETS* 30/3 (1987): 258–259 distinguished five types of divination that overlap with the typology formulated by Spencer: *extispicy* (examination of the entrails of sacrificial sheep); *astrology*

- (i) *Hepatoscopy* – the investigation of the livers of sacrificial animals.⁹
- (ii) *Rhabdomancy* – paying attention to the flight patterns of birds and arrows.¹⁰
- (iii) *Hydromancy* – decoding messages from water and oil mixed in special utensils.¹¹
- (iv) *Necromancy* – spirit mediums sought oracular council from the dead in different ways.¹²

Martti Nissinen formulated a brief but lucid definition of prophecy in ANE that is also of value when engaging with the modes of prophecy presumed by the OT: "Prophecy. . . is human transmission of allegedly divine messages" and "is to be seen as another, yet distinctive branch of the consultation of the divine that is generally called 'divination.'"¹³

Due to the overlapping of purpose and practice it is sometimes difficult to distinguish between divination and prophecy and it is the contention of this contribution that prophecy was eventually redefined to put more daylight

(sometimes referred to as the royal art of divination); *augury* (study of the movement and behaviour of birds); *kleromancy* (by means of lots) and *oneiromancy* (through dreams).

⁹ In Ezek 21:21 the outcome of the battle between the king of Babylon and Jerusalem is indicated by the result of the use of several modes of divination, of which the inspection of the liver is one.

¹⁰ The shaking of arrows as a form of divination is also mentioned in Ezek 21:21. Another possible example of or allusion to this form of divination might also be found in the description of how Jonathan shot several arrows to communicate a message to David according to 1 Sam 20:18–42.

¹¹ The silver cup of Joseph might have had special significance due to the clear indication that it was not only used for drinking but also as a divining utensil – Gen 44:5, 15.

¹² It is striking that the most comprehensive lists of abominable or detestable divinatory practices are found as an introduction to the description of a true prophet in Deut 18: 9–14 and 15 –22 respectively. Another well-known example is when Saul seeks advice from the dead Samuel through the spirit medium of Endor according to 1 Sam 28:3–15. In Isa 8:19–20 the necromancers are pejoratively referred to as those who consult "the ghosts and the familiar spirits that chirp and mutter. . ."

¹³ Martti Nissinen, *Prophets and Prophecy in the Ancient Near East* (SBLWAW 12; Atlanta: Society of Biblical Literature, 2003), 1 continues by categorising prophecy as a "noninductive" kind of divination that are similar to dreamers who "act as direct mouthpieces of gods whose messages they communicate. This mode of establishing the content of divine messages is dissimilar to astrologers who employ methods based on systematic observations . . ."

between divination and prophecy.¹⁴ This redefinition of prophecy and the greater juxtaposition with divination seems to be triggered by a growing emphasis on revelation in the OT.

It has been observed that Assyrian and Babylonian texts concerned with divination and prophecy do not state that diviners or prophets provided divinely inspired interpretations – in fact in the neo-Assyrian period “competing interpretation were of such concern that the kings began to work out their own explanations.”¹⁵ Against this background it is instructive to pay closer attention to the redefinition of prophecy in Deut 18: 15 – 22 in view of the preceding vehement rejection of different forms of divination.¹⁶ The redefinition of prophecy concludes the collection of *toroth* in Deut 16:18 – 18:22 and has been described as a “constitution for Israel,” although there is no indication that this collection existed independently from its Deuteronomistic context.¹⁷ Preceded by instructions concerned with the provision of food for the priests in 18:1–8, the discussion “about the place of the prophet in the religious and political spectrum” can be found in 18:9–22 and is introduced by a formula “recalling the gift of the land” in 18:9 – similar to the introduction to the section on the king in 17:14.¹⁸ Different modes of divination are described as “abhorrent things” in vv. 10 to 13 and are framed by the conditionality of the land as a gift from God whose possession requires obedience in vv. 9 and 14. There are several instances in the OT where knowledge of the will of the Lord was sought by

¹⁴ Jack R. Lundbom, *The Hebrew Prophets, An Introduction* (Minneapolis: Fortress, 2010), 9 – 31 discerns six (quite generic) characteristics of prophets in Ancient Israel as someone who: a) received a divine call; b) speaks the divine word; c) is possessed with a divine vision; d) is able to perform mighty works; e) filled with the divine spirit; and f) prays. He makes it clear that no single prophet managed to exemplify all of these characteristics.

¹⁵ Kitz, “Prophecy,” 41. One should be circumspect in assuming that there is “a vivid contrast between ancient Israel and her neighbours” with regards to modes of divination and prophecy, contra Hoffner, “Ancient Views,” 265.

¹⁶ Hendrik L. Bosman, “Redefined Prophecy as Deuteronomistic Alternative to Divination in Deut 18:9–22,” *AcT* 16 (1996): 1–23.

¹⁷ Baruch Halpern, *The Constitution of the Monarchy of Israel* (HSM 25; Chico: Scholars Press, 1981), 226–233. Roy L. Heller, *Power, Politics, and Prophecy: The Character of Samuel and the Deuteronomistic Evaluation of Prophecy* (LHBOTS 440; London: T & T Clark, 2006), 21–22 argues that “Deuteronomy is unique in the Torah as a law code that acknowledges the presence of prophecy as a phenomenon in the life of Israel.” Besides the redefinition of prophecy in 18:9–22 it is highly critical of divination and prophecy within the context of the centralisation of worship in Jerusalem in 13:1–6.

¹⁸ John G. McConville, *Deuteronomy* (AOTCom 5; Leicester: Apollos, 2002), 281 and 285 also points out that the first division of laws that commenced in ch. 12 is rounded off by the instructions about diviners and prophets – an indication of its significance.

means of divinatory practices, such as the use of the Urim and Thummim in Lev 8:8, but in 18:10–13 a collection of different divinatory practices are strongly rejected. In vv. 15 to 22 the significance of Moses and the Torah is emphasised in the deuteronomic redefinition of prophecy. Prophecy is now modelled on Moses, from the tribe of Levi and the brother of Aaron the first priest, who becomes the spokesperson of the Lord and “subject to the regulation of Torah.”¹⁹ The convergence of prophet and priest in the post-exilic period is exemplified by Moses, both as the mediator of Torah and the model prophet. It is striking that “physical and relational proximity of Moses and YHWH is an important theme in Deuteronomy” and that Moses is the ultimate prophet due to his face-to-face relationship with YHWH according to Deut 34:10.²⁰

The book of Deuteronomy considers the Torah to be “all-important as a means of knowing YHWH’s will for Israel” and that 18:9–14 “sets up various types of offices of divination that serve as a foil to the discussion about prophecy that follows” in 18:15–22.²¹ Thereby the rejection of divination is balanced by a qualified understanding of prophecy and this dialectic is of great significance for the understanding of divine revelation in the OT.

C REVELATION ACCORDING TO THE OLD TESTAMENT²²

Ever since the Enlightenment the concept of “revelation” has been scrutinised extensively and cannot be presupposed as a given anymore. The attempts to establish coherence between revelation and human understanding as well as human rationality have become one of the major items on the agenda of current theological reflection. Stephen Sykes is correct when he observes that “Revelation is not a supernaturally guaranteed premise for theology but a disputed part of theology itself.”²³

As a religious concept “revelation” has strong roots in the Judeo-Christian tradition and as such aims to describe essential elements of biblical reli-

¹⁹ McConville, *Deuteronomy*, 304–306.

²⁰ Heller, *Power, Politics and Prophecy*, 28–29 is perceptive to also point out the manner in which Deut 18 uncovers the problems of prophecy (especially divinatory practices) and acknowledges the validity of prophecy (if modelled on Moses).

²¹ Heller, *Power, Politics and Prophecy*, 25.

²² Patrick, *Rhetoric of Revelation*, 14–16 provides a useful survey of how revelation as a concept developed through the ages: in contrast to the classical, medieval and enlightenment periods where emotions and imagination were frowned upon as sources of divine knowledge, the romantic and pietistic groups in the nineteenth century had a much more favourable attitude towards emotion and intuition as fountainheads of religious knowledge and divine revelation.

²³ Stephen W. Sykes, “Revelation 2: Theological Aspects,” in *EnChr* 4:676–677.

gion, but it is by no means unique within the ANE.²⁴ The description of these essential elements focuses on the origin or author of the supposed revelation, on the means or instruments of revelation, on the content of revelation, the recipients or addressees of revelation and the effect of the revelation on the recipients.²⁵

According to Shemaryahu Talmon there seems to be three verbs that are usually used to describe the communication that takes place during supposed revelatory encounters, although they are also commonly utilised in descriptions focused on events concerning human perception²⁶: רָאָה ("to see"); יָדַע ("know") and גָּלָה ("uncover, remove"). A good example can be found in the Psalter – in the first strophe (vv. 1–3) of Ps 98 all three Hebrew concepts related to revelation or knowledge of God are used in a hymnic description of the vindication of the Lord that is framed by references to divine victory or salvation.²⁷ In Ps 98:2 and 3 the salvation and righteousness of the Lord is made known and revealed to Israel as well as the nations and this is similar to the Zion traditions.²⁸ The revelation of divine righteousness in Ps 98 occurs with Israel, the nations and nature (in ascending order) as eyewitnesses and it presupposes "that salvation is a consequence of divine righteousness."²⁹

Horst Dietrich Preuss provides a brief but insightful description of revelation in the OT:

²⁴ Hoffner, "Ancient Views," 257 pointed out that among "the ancient Babylonians, Assyrians and Hittites there was considerable interest in acquiring divine knowledge." Jack N. Lawson, "'The God who Reveals Secrets': The Mesopotamian Background," *JSOT* 74 (1997): 65–73 discusses several Mesopotamian concepts that are central to "the idea of divine revelation": *niširtu* which usually refers to a "secret" that is derived from the gods; *pirištu* is often used with *niširtu* to refer to secret knowledge about the gods, while *iḥzu* can be translated with "knowledge" in relation to practitioners like priests and prophets whose knowledge "comes directly from the gods."

²⁵ Paul Antes, "Revelation 1: Religious Aspects," in *EnChr* 4 (ed. Erwin Fahlbusch and Geoffrey W. Bromiley; Grand Rapids: Eerdmans, 2005), 672–673.

²⁶ Shemaryahu Talmon, "The Concept of Revelation in Biblical Times," in *Literary Studies in the Hebrew Bible* (Jerusalem: Magnes / Brill, 1993), 192–215.

²⁷ "The Lord has made his victory/salvation known (הוֹדִיָּע) and revealed (גָּלָה) his vindication / righteousness to the nations. He has remembered his love and his faithfulness to the house of Israel; all the ends of the earth have seen (הִרְאָה) the victory of our God." [Ps 98:2–3, NRSV].

²⁸ Frank–Lothar Hossfeld and Erich Zenger, *A Commentary on Psalms 51–100* (vol. 2 of *Psalms*; Hermeneia; Minneapolis: Fortress, 2005), 480 points out that the nations functioning as eyewitnesses is similar to Isa 52:10.

²⁹ Hossfeld and Zenger, *Psalms 51–100*, 481 draws the attention to Rom 1:17 where the revelation of the righteousness of God is also done before the eyes of the nations and then concludes that the theology of Paul "does not stand in discontinuity with Jewish tradition, as is often said, but in continuity with it."

Zu einer Offenbarung gehören nach dem AT folglich mehrere, eng zusammengehörende Elemente, nämlich ein Geschehen, ein "Wort" der eigenen oder fremden Deutung und / oder Anrede von JHWH her und / oder auf ihn hin und die persönliche Betroffenheit, der Eschliessungs- und glaubende Widerfahrnis-charakter des Erlebten und Erfahrenen. . .³⁰

D BALAAM TRADITIONS IN THE OLD TESTAMENT³¹

Balaam is used in this contribution as an example of how the religious aspects related to revelation interact and change due to different interpretive frameworks. In response to contradicting evaluations of Balaam in the OT, scholarly opinion has not yet reached consensus about explaining the diverging depictions of the enigmatic seer or diviner.³² Some background information from extra-biblical texts shed light on this mysterious religious intermediary.

The Tell Deir 'Alla texts were discovered in 1967 near the Jabbok River in the Transjordan area and became well known for containing a description of a seer or diviner called Balaam "who was visited by the gods at night and saw a disturbing vision concerning punishment, resulting in the loss of fertility and life on earth."³³ Although there is no guarantee that the "Balaam" of Deir 'Alla and that of the OT is the same person, they both seem to perform as a seer that received divine communications at night and who gave a prophecy that went against the wishes of their patron. Despite different reconstructions of the very fragmented plaster texts some agreement has been reached that the texts were written in a language similar to biblical Hebrew but that the dating of the texts vary from the eight century B.C.E. to the Persian period.³⁴

According to Num 22–24, Balaam was a non-Israelite seer who obeyed the God of Israel and blessed Israel in four separate oracles despite the Moabite

³⁰ Horst D. Preuss, *JHWHs erwählendes und verpflichtendes Handeln* (vol. 1 of *Theologie des Alten Testaments*; Stuttgart: Kohlhammer, 1991), 237–238.

³¹ Uwe Weise, *Vom Segnen Israels: Eine textpragmatische Untersuchung der Bileam-Erzählung Num 22–24* (München: Gütersloher Verlagshaus, 2006), 18–19 points out how a process of "Fortschreibung" of Balaam as diviner and prophet caused the emerging of ambiguous traces of him being both a "magician" and a "YHWH obedient" prophet. Eventually a more consistent and critical attitude towards Balaam developed and this contribution is interested in the underlying reasons for the change in attitude.

³² Num 22:5–24:25; 31:8; Deut 23:5–6; Josh 13:22; 24:9–10; Neh 13:2; Mic 6:5.

³³ Mark W. Chavalas, "Balaam," in *DOT: Pentateuch* (ed. T. Desmond Alexander and David W. Baker; Downers Grove: InterVarsity Press, 2003), 75–78.

³⁴ P. Kyle McCarter, "The Balaam Texts from Deir 'Alla: The First Combination," *BASOR* 238 (1980): 49–60. Jo Ann Hackett, *The Balaam Texts from Deir 'Alla* (Chico: Scholars Press, 1984).

king Balak's request to curse them. Dennis Olson divides Num 22–24 in the following sections:³⁵

- (i) **22: 1 – 40** describes the three encounters Balaam had with God after the Moabite King Balak hired him to curse Israel.
- (ii) **22:41 – 24:13** consists of the three attempts by Balak to curse Israel, but each time he is foiled by Balaam who blesses Israel three times. The non-Israelite Balaam each time responds to the requests by Balak in a most pious manner: "Whatever the Lord says, that is what I must do."³⁶
- (iii) **24:14–25** concludes with the fourth oracle of Balaam in which the blessing is for a future beyond the present generation of Israelites.

In both the narrative scenes as well as the oracles of Balaam the theme of "seeing" or "not seeing" is repeated again and again. A climax is reached in this regard when the seer is unable to see the messenger or angel of the Lord standing in front of him.³⁷ In ironic contrast to the donkey that not only sees the angel or messenger but has to resort to talking to Balaam to escape punishment from Balaam, the Lord has to open the eyes of Balaam to see the angel.³⁸

Balaam is hired by Balak in Deut 23: 5–6 to curse Israel but God turns the curse into a blessing and according to Horst Seebass this account amounts to "a negative epexegetis of the ass episode in 22:22–34."³⁹ The readiness of Balak for war in Num 22:6 is changed to armed conflict in Josh 24:9–10 and in Num 31:16 Balaam is accused of inciting the Israelites to indulge in idolatry by participating in the cult of Peor with the assistance of Midianite women.

Who was Balaam and what function did he perform? According to Num 24:1 he practised a form of mantism while Josh 13:22 uses the concept *מְדַבֵּר* or "soothsayer" in a pejorative way to describe Balaam as a person who practised divination and who received money from the Moabite leaders for doing so.⁴⁰ This negative perception of Balaam in (later?) sections of the OT is perpetuated in several sections of the NT.⁴¹

The different traditions about Balaam in the OT can be explained by a change in the definition of a true or model prophet as reflected in Deut 18:15–

³⁵ Dennis T. Olson, "Balaam," in *New IDB* 1 (ed. Katherine D. Sakenfeld; Nashville: Abingdon, 2006), 383.

³⁶ Numbers 23:26.

³⁷ Numbers 22:28–30.

³⁸ Numbers 22:31.

³⁹ Horst Seebass, "Balaam," *RPP* 1:557.

⁴⁰ Chavalas, "Balaam," 76.

⁴¹ 2 Peter 2:15–16; Jude 11; Rev 2:14.

22.⁴² A similar explanation for the diverging Balaam traditions was advanced by Michael Moore who used a role theory paradigm to clarify the emergence of contradicting later perceptions of Balaam by distinguishing between a supposed acceptable role as diviner or seer (Babylonian *barû*) and an unacceptable role as exorcist (Babylonian *asipu*).⁴³

This supposed juxtaposition of an acceptable seer and unacceptable exorcist does not explain why the exorcist mode of divination still allowed an encounter between God and Balaam resulting in YHWH making a revelation to Balaam.⁴⁴ Such an event where a diviner or exorcist would function as the spokesperson of YHWH would be unthinkable in Deuteronomy and the narratives influenced by Deuteronomistic theological presuppositions.⁴⁵ This redefinition of a prophet in Deut 18:15–18 impacted on the evolving understanding of revelation and will be further investigated by scrutinising the dialectic between Law and Prophets.⁴⁶

Louis Feldman established that there was a growing interest in Balaam in Hellenistic times:⁴⁷ in the HB 142 lines mention Balaam, in the Septuagint 242 lines and Philo of Alexandria devotes no less than 264 lines to Balaam – all

⁴² It seems to be a futile exercise to speculate about the so-called character of Balaam *en route* to deciding whether he was "a sinner or a saint." Timothy R. Ashley, *The Book of Numbers* (NICOT; Grand Rapids: Eerdmans, 1993), 435 is correct to conclude that Num 22 to 24 "is not concerned to pronounce on this matter" because the character of Balaam "is incidental to the story."

⁴³ Michael Moore, *The Balaam Traditions: Their Character and Development* (SBLDS 113; Atlanta: Scholars, 1990), 109–122.

⁴⁴ Numbers 23: 3–5.

⁴⁵ Baruch A. Levine, *Numbers 21–36* (AB; New York: Doubleday, 2000), points out that the Mesopotamian exorcist (*asipu*) had to combine sacrifices and incantations to attract divine attention and eventual communication. This should, however, not be seen as "magical coercion of the gods" because it did not entail the diminishing of divine power and control. This might explain how, according to Num 23:4–5, it was possible for YHWH to place his word in the mouth of someone who is obviously a diviner or even an exorcist!

⁴⁶ Ashley, *Numbers*, 436 opts for another explanation by arguing that the "best judgment that one can make is that Balaam was inspired by God to speak his true word, although Balaam's devotion to Yahweh was partial at best and failed him in the end." One might well ask whether it is at all possible to second guess what Balaam's levels of devotion to YHWH was and how that influenced his performance as seer or diviner. Is it not more credible to consider the possibility that it was not Balaam who changed but rather later perceptions of Balaam due to the changing of the definition of a true prophet?

⁴⁷ Louis Feldman, *Philo's Portrayal of Moses in the Context of Ancient Judaism* (Notre Dame: University of Notre Dame Press, 2007), 188.

of them negative references to him being a "soothsayer," "sophist" and even a "wizard" that was consumed by "inane wickedness!"⁴⁸

E LAW AND PROPHETS IN THE OLD TESTAMENT⁴⁹

Although the relationship between Law and Prophets can be investigated in different ways, special attention will be given to the perspective developed by Eckart Otto who focused on the numerous implications of the impact of scribal scholarship on the canonical formation of the Torah and the Prophets as part of his extensive study on the book of Deuteronomy.⁵⁰

The Pentateuch interpreted Moses as the first scribe who wrote down most of the legal sections of the Torah and who interpreted the laws given at Mount Sinai.⁵¹ In the concluding chapter of the book of Deuteronomy the period of direct revelation from God to Moses as prophet comes to an end with the death of Moses.⁵²

According to Otto the written Torah "took over the function of representing God's revelation to Israel" and in the postexilic period the predominantly oral pre-exilic prophecy became literary prophecy employing the same scribal techniques as the authors and editors of the Pentateuch.⁵³ Despite having similar literary conventions, a difference of opinion arose between priestly and prophetic circles. The postexilic authors of the Pentateuch were convinced

⁴⁸ Charles H. Savelle, "Canonical and Extracanonial Portraits of Balaam," *BSac* 166 (2009): 392–393.

⁴⁹ During the past few decades there are several monographs that investigated the relationship between Torah and Prophets: Richard V. Bergren, *The Prophets and the Law* (HUCM 4; Cincinnati: Hebrew Union College, 1974), 223 concluded that "there was a tradition for which ritual requirements of apodictic law were not part of the covenant. From this we must conclude that, while the content of prophetic accusation does correspond to that of certain apodictic laws, covenant tradition formed the real basis of our prophetic accusations." Stephen B. Chapman, *The Law and the Prophets* (FAT 27; Tübingen: Mohr Siebeck, 2000), argued against the subordination of the prophetic corpus to the Torah and persuasively described how Torah and Prophets developed not sequentially but simultaneously and that an on-going dialectic existed between these emerging collections of authoritative texts.

⁵⁰ Eckart Otto, "Scribal Scholarship in the Formation of Torah and Prophets: A Postexilic Debate between Priestly Scholarship and Literary Prophecy – The Example of the Book of Jeremiah in Relation to the Pentateuch," in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance* (ed. Gary N. Knoppers and Bernard M. Levinson; Winona Lake: Eisenbrauns, 2007), 171–184.

⁵¹ In Exod 17:14; 24: 4,7; Deut 31:9, 19, 22, 24 reference is made of Moses writing legal sections incorporated in the Torah, while in Num 36:13 and Deut 1:5 mention is made of the interpretation of the law by Moses.

⁵² Deuteronomy 34:10–12.

⁵³ Otto, "Scribal Scholarship," 175–180, 184.

that the "face to face" revelation between God and Moses had ended with the death of Moses and that the only revelation possible was through the interpretation of the Torah.⁵⁴ Contrary to this point of view the postexilic prophetic circles claimed that divine revelation went on until the time of Isaiah, Jeremiah and Ezekiel and that the Torah became written on the hearts of the people and thereby suggesting that the Torah had now become internalised.⁵⁵

Although the expression "law and prophets" does not occur in the OT as such, attention will be given to the expression "Moses and the Prophets" because its use in the prophetic literature elucidates the relationship between the Law and the Prophets.⁵⁶ From about 300 B.C.E. to 70 C.E. the combination "Moses and the Prophets" referred to the authoritative collection of writings accepted by early Judaism.⁵⁷ The "law of the prophet" in Deut 18:9 – 22 prescribed Moses as the model for all future prophets and this is elaborated in 34:10 – 12 with the conclusion that there will never be a prophet ("*nabi*") like in Moses again in Israel.⁵⁸

It is surprising that there are only four references to Moses in all the prophetic material and there are also two references to Moses in the late post-Exilic book of Daniel, in ch. 9.

In *Isa 63:11–12*⁵⁹ the two references to Moses form part of a prophetic prayer during which events that took place during the Exodus are alluded to and it is affirmed that the "holy spirit" of the Lord was upon Moses and that "his glorious arm" was next to Moses – metaphors indicating the holy and mighty divine presence that accompanied Moses.

⁵⁴ Deuteronomy 34:10.

⁵⁵ Jeremiah 31:12–13, 31–34.

⁵⁶ Christophe Nihan, "Moses and the Prophets: Deuteronomy 18 and the Emergence of the Pentateuch as Torah," *SEÅ* 75 (2010): 21–55.

⁵⁷ Lester L. Grabbe, "The Law, the Prophets, and the Rest: The State of the Bible in Pre-Maccabean Times," *DSD* 13/3 (2006): 337 concludes that the Bible in the pre-Maccabean period comprised the following: "a large collection of biblical books was already accepted as having religious authority by the end of the Persian period, but there was a variety of texts, with no evidence that the existence of multiple versions or texts were seen as a problem."

⁵⁸ Nihan, "Moses and the Prophets," 22.

⁵⁹ "Then they remembered the days of old, of Moses his servant.

Where is the one who brought them up out of the sea. . . .

Where is the one who put within them his holy spirit,

Who caused his glorious arm to march at the right hand of Moses,

Who divided the waters before them to make for himself an everlasting name. . ."

Jeremiah 15:1⁶⁰ forms part of the description of a drought that starts in ch. 14 and is followed by prayers conducted by Jeremiah and the response from God in 15:1–9.⁶¹ This reference to both Moses and Samuel probably alludes to their reputation as intercessors and prophets, but now not even they would have made any difference.⁶²

The reference to Moses as leader during the Exodus in **Micah 6:4**⁶³ forms part of a courtroom scene during which the Lord reminds his people about his gracious acts in the past, such as the Exodus, as part of his case against Israel. It is of interest to note that this is the only reference to Miriam in the prophetic literature and reminiscent of the postexilic Num 26:59.

Another reference to Moses as a "servant" of the Lord can be found in **Mal 3:22–23**⁶⁴ (English 4:4–5) where it linked to an exhortation communicated to those who wait for the coming of the Day of the Lord. The focus falls on the *torah* of Moses as the servant of the Lord and is amplified by relating it to the decrees and laws or instructions given at Horeb (Sinai) by God. In the very next verse mention is made of the "prophet Elijah" and this creates an interesting link with Moses the mediator of *torah* and model prophet with one of the most important prophets of the OT.

Daniel 9 is well known due to the reinterpretation by the angel Gabriel of the enigmatic prophecy in Jer 25:11, 12 and 29:10 of the seventy (weeks of) years.⁶⁵ In 2 Chr 36:20–22 this prophecy by Jeremiah is explained as a reference to the period of time demarcated by the destruction of the temple in Jerusalem (586 B.C.E.) and the restoration under Cyrus.⁶⁶ This is a clear example of the process of inner biblical exegesis in the late postexilic period. The focus in this contribution is, however, on the two references to Moses and the law, as

⁶⁰ "Then the Lord said to me: Even if Moses and Samuel were to stand before me, my heart would not go out to this people. Send them away from my presence! Let them go!" (Jer 15:1).

⁶¹ There are no clear indications in the text when these events took place.

⁶² 1 Samuel 3:20; 7:5.

⁶³ "I brought you out of Egypt and redeemed you from the land of slavery.

I sent Moses to lead you, also Aaron and Miriam" (Mic 6:4).

⁶⁴ "Remember the law (teaching) of my servant Moses, the decrees and laws I gave him at Horeb for all Israel. See, I will send you the prophet Elijah before that great and dreadful day of the Lord comes," (Mal 3:22–23).

⁶⁵ John J. Collins, *Daniel: A Commentary on the Book of Daniel* (Hermeneia; Minneapolis: Fortress, 1993), 349 mentions how "seventy years is generally regarded as a round number, equivalent to a life time" and that the "same number is found in the *Black Stone of Esarhaddon*" where "Marduk decreed seventy years of desolation for Babylon, when it was destroyed by Sennacherib in 689 B.C.E.."

⁶⁶ Collins, *Daniel*, 353 explained this reinterpretation in 2 Chr 36:18–21 as the result of the sabbatical theology of Lev 25–26 where seven weeks of years was the maximum number of years that a land could be alienated from the original owner.

well as the mode of revelation that was presupposed by the author of this chapter. The visions in Dan 7 to 12 consist of four literary components: "Chapters 7 and 8 are symbolic visions in the prophetic tradition" and both of these visions are "interpreted to Daniel by an angel."⁶⁷ The reference in 9:13 to "what is written in the law of Moses" indicates how within apocalyptic prophecy the written law or torah of Moses became important and it also corresponds with formulas citing Scripture at Qumran.⁶⁸

Christophe Nihan draws attention to the fact that Moses is not explicitly referred to as a prophet in the prophetic literature, although his association with Samuel in Jer 15:1 might allude to that.⁶⁹ The possible link between Moses as mediator of *torah* and the prophet Elijah in Mal 3:22–23 might be a further indication of an emerging relationship between *torah* and prophecy in the post-exilic period.⁷⁰

Recent research has considered the possibility that the "Hasmonean role in the shaping of a solidified Hebrew corpus of Torah and Prophets occurred as part of the broader Hasmonian response to the Hellenistic crisis."⁷¹ It would seem that the Hasmonian high priests and kings "were by far the best equipped of Jewish institutions of the Second Temple period to enforce textual standardization and delimitation of approved books." This would by no means imply that the concept of "Torah and Prophets" were only coined during the Hasmonian monarchy, but that they made use of the concept in their endeavour

⁶⁷ John J. Collins, *Introduction to the Hebrew Bible* (Minneapolis: Fortress, 2003), 553 refers to the puzzling combination of a younger Hebrew frame (chs. 2 & 8–12) for the earlier Aramaic middle section. This suggests a dating related to the Maccabean revolt in the 2nd century B.C.E. for the reinterpretation (*midrash?*) on the prophecy of Jeremiah and the use of the term "law of Moses." Collins, *Daniel*, 359 cautiously point out that one has to keep in mind that that the prayer related to Daniel in 9: 3–19 could have been formulated at an earlier post-exilic stage.

⁶⁸ Collins, *Daniel*, 350 compares this formula with Qumran texts like 1QS 5:17; 8:14; 4QFlor 174, 2:3.

⁶⁹ Nihan, "Moses and the Prophets," 22.

⁷⁰ Nihan, "Moses and the Prophets," 52 argues that it would seem as if for "the interval between Malachi (the last prophet) and the return of Elijah (the eschatological prophet) the Torah of Moses is absolutely normative and the revelations contained in the prophetic books must align themselves with the Mosaic legislation."

⁷¹ David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (Oxford: Oxford University Press, 2011), 158–159. During the late post-exilic period "prophecy" not only included the usual "literary-oracle prophets" such as Isaiah or Jeremiah, but also "divinely inspired texts" like 1 Samuel, Psalms and even Proverbs (apparent in Qumran documents like 1QS 1.2–3; 8.12–16; CD 7.15–17; 4QDibHam 3.12–13). This militates against the lingering presupposition that some sort of "end of prophecy" occurred during the Persian period (1 Macc 9:27) – see discussion by L. Stephen Cook, *On the Question of the "Cessation of Prophecy" in Ancient Judaism* (TSAJ 145; Tübingen: Mohr Siebeck, 2011), 43–45.

to resist Hellenistic influence and maintain elements of traditional Jewish religiosity.

F CONCLUSION

Most of the references to Moses and the Torah in the prophetic books can be dated in the period after the Babylonian exile, especially during the Persian period, and form part of the last redaction of the *Nebi'im* during the process of canon formation.⁷²

The reinterpretation of the office of the prophet in Deuteronomy 18 as illustrated by the diverging traditions about Balaam, resulted in a much sharper distinction between divination and prophecy. This distinction impacted on many sections of the prophetic literature and enabled a strong link with Mosaic Torah and other legal instruction reflected in the phrase "law and prophets." It is important for the formation of the OT canon that the tradents of prophetic tradition did not intend to provide a substitute for Torah but to complement it.⁷³

The dialectic between Torah and Prophets does not suggest that prophetic circles consisted of mere unimaginative recyclers of existing tradition.⁷⁴ On the contrary, the hermeneutical process leading up to the formulation of the phrase "law and prophets" provide many indications of the richness of Torah as religious texts and of the creativeness of prophetic innovation that played a crucial role in what has been referred to as "inner biblical exegesis."⁷⁵

The redefinition of prophets and prophecy stimulated the development from divination to revelation and amounted to a hermeneutical innovation that had far reaching implications for theological reflection in the early Jewish communities and for the formation of the emerging canon of authoritative religious texts in particular.⁷⁶ "Law and Prophets" not only gave a new lease of life to the reinterpreted *torah*, it also gave rise to a more profound theological understanding about the Lord of Israel.

The reception of Torah as "law" also had a profound influence on both OT hermeneutics as well as on the relationship between the OT and NT.

⁷² Reinhard Achenbach, "The Pentateuch, the Prophets and the Torah in the Fifth and Fourth Centuries B.C.E.," in *Judah and the Judeans in the Fourth Century B.C.E.* (ed. Oded Lipschits, Gary N. Knoppers and Rainer Albertz; Winona Lake: Eisenbrauns, 2007), 280.

⁷³ Nihan, "Moses and the Prophets," 46 & 51.

⁷⁴ David L. Petersen, "Prophet, Prophecy," in *New IDB* 4 (ed. Katherine D. Sakenfeld; Nashville: Abingdon, 2009), 647 argues that to depict the prophets as reinterpreters of Torah "might give the impression that they were less than original."

⁷⁵ Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 506 – 525.

⁷⁶ Nihan, "Moses and the Prophets," 55.

Rethinking the development from "divination" to "revelation" linked with the resulting cohesion between "law and prophets" has critiqued the "interpretive trajectory" that started from Paul and was mediated through to the present day "by way of Augustine and Luther."⁷⁷ This trajectory gave impetus to the process to relegate Torah as "law" to some form of legalism that is inevitably theologically suspect!⁷⁸ The dialectic between Torah and Prophets encapsulates elements of divine revelation that is crucial for recognising and maintaining the theological–ethical integrity of the OT in conversation with the Christian canon as a whole.⁷⁹

The Second Temple period triggered "a shift from a religion centered primarily on the Temple and its rituals to a religion centered on texts." This "shift" entailed the gradual presupposition that some elements of early Jewish literature were divinely inspired and "thus were regarded as sacred Scripture."⁸⁰

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⁷⁷ Walter Brueggemann, *Theology of the Old Testament: Testimony, Dispute, Advocacy* (Minneapolis: Fortress, 1997), 578.

⁷⁸ Robert Chisholm, "When Prophecy Appears to Fail, Check your Hermeneutic," *JETS* 53/3 (2010): 577 considers that one of the characteristics of the "prophetic word" is that "He is not the cosmic puppeteer who stands behind the heavenly curtain pulling strings attached to human looking puppets. . . . On the contrary, he seeks to motivate the recipients of his prophetic revelation, grants them the dignity of causality, and speaks to them in language they can understand."

⁷⁹ Cristiano Grottanelli, "Making Room for the Written Law," *HR* 33 (1994): 263 presumed a "coexistence of prophet and written *torah*" and a dialectic in terms of which there is an on–going complementary relationship between written law (*torah*) and inspired prophetic texts – "the canonical prophets in their own action as testers of the written law, are presented a firm upholders of the *torah* that was once written by their predecessor Moses."

⁸⁰ Eugene Ulrich, "The Jewish Scriptures: Texts, Versions, Canons," *Early Judaism: A Comprehensive Overview* (ed. John J. Collins and Daniel C. Harlow; Grand Rapids: Eerdmans, 2012), 147.

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