

BOOK REVIEW

Inconsistency in the Torah, Joshua Berman (Oxford: Oxford University Press, 2017), 307 pp. Reviewed by Simcha Rosenberg.

The Documentary Hypothesis (DH), with its approach of multiple authors of the Torah writing over different periods of time, dominates the world of academic biblical scholarship. In this book, Prof. Berman, senior lecturer in the Department of Hebrew Bible at Bar Ilan University convincingly demonstrates that the DH is based on a false assumption, that the modern researcher is able to “identify inconsistencies, tensions and contradictions within the texts of the Torah as telltale signs of revision” (p. 275). In fact scholars are guided mainly by their intuition, based on how narratives and law codes are written in our times. This leads to an anachronistic view of what constitutes a difficulty, or abnormality, in the text. Rather, research should be done empirically, comparing the so-called textual difficulties with other Ancient Near Eastern texts, in order to determine if perhaps in ancient times there were different literary conventions.

For example, the Egyptian Kadesh Inscriptions are an “empirical example we have within the epigraphic record of juxtaposed conflicting accounts of a single event” (p.33). The Kadesh Poem and the Kadesh Bulletin contain doublets and inconsistencies, but it is not a composite work. It simply employs literary conventions that are unlike ours today. This demonstrates the possibility that sometimes two different tellings of an event can serve the purpose of complementary messages, each with its own goal and purpose. Ancient readers were expected to understand that and so did not balk at contradictory presentations of the same historical event.

The law sections of the Torah also employed different conventions than those used today. The Torah follows the “common law tradition of jurisprudence” (p. 117) rather than the statutory law approach. Instead of having each legal statement be seen as an exhaustive treatment of the subject at hand, leading to viewing different presentations as contradictory, in the Torah each legal statement “will always be limited and focus around a central theme” (p. 128). In the Ancient Near East, the reformulation of a law is not a rejection of an earlier iteration of that law, rather laws were a collection of case law and

Rabbi Dr. Simcha Rosenberg teaches Tanakh in Jerusalem at a variety of yeshivot and seminars.

examples of judicial wisdom, which created a respected corpus upon which to reason regarding new cases, “they viewed their own literary works as complements to the earlier ones” (p. 171). The author demonstrates this approach to law from the Laws of Eshnunna, Laws of Hammurabi, the Middle Assyrian Laws and Hittite law. In a fashion, the Torah follows the methodology found in the Mishna (*Eduyot* 1:5-6) that rejected approaches were recorded and thus preserved for future reference, either in case of renewal of an ancient practice or to ensure continued rejection (p. 198). The same author recorded both the earlier iteration of the law and the current one, “law organically changes over time in response to need and circumstance” but this does not mean that it is inconsistent or contradictory (p. 190).

The problem is that for generations of scholars, there was little or no place for “empirical models in the reconstruction or growth of the biblical text”, and assumptions were made based on intuition (p. 220). This has led to multiple authors and strands being detected in places where there was no need to do so, and entire theories being created to explain a literary feature that did not need to be explained away.

The author brings a powerful example from the flood account found in the Gilgamesh epic. While the DH views Noah sending both a raven and a dove as an example of repetition indicating a fusion of two different flood accounts (the raven is assigned to the P source, the dove to non-P), in fact the Mesopotamian version (lines 145-154) describes Utnapishtim sending out a dove, a swallow and a raven (p. 245). This shows that this so-called contradiction or duplication in the Genesis Flood account is a literary convention of ancient flood literature.

The author does not relate to any religious or traditional concerns in this work, and does not attempt to demonstrate that God dictated the Torah to Moses, or that Moses wrote the Torah himself. He does demonstrate very convincingly that the problems noted by modern scholars leading them to develop and adhere to the DH are due to anachronistic attitudes towards literature, and are not borne out when comparing the Torah to other ancient works.

There have been attempts in the past to undercut the DH. Hoffmann, Casuto and Breuer each presented their own approaches, which have only been modestly successful over time. This book presents a very serious and signifi-

Detailed *Instructions for Authors* and journal style can be found on our Internet website:

Full text of articles from Volumes 1 - 45 is available for download on our website: