

# The Spy Story and the Final Redaction of the Hexateuch<sup>1</sup>

*Aaron Schart*

The story about Israel's resistance to marching into the land that YHWH provided for them is a very sad example of Israel's enduring failure to trust in God's guidance over the course of history. After all the hardships they had experienced in Egypt and in the wilderness the people are so hopeless and mistrust God so much that they – although they can see and smell the delicious fruits that the spies had brought back from their mission – would rather return to Egypt and die there as slaves than to conquer the land and live there in freedom and according to God's will. This story was so impressive and characteristic for the religious experience of Israel that it was not only infused into an artistic and dramatic narrative but also retold and rewritten several times. It is a good example of a so-called "*Mehrfachüberlieferung*". The different versions of the so-called spy narrative and their relation to each other reveal a lot about how Israel thought about the interrelatedness of God, the Torah, the land, and Israel's character in different situations. God's love to Israel entails that God gives them the land as a place to live in well-being, freedom, and in adherence to God's Torah. The land is almost personified as an independent agent, very vividly expressed in the negative statement of some of the spies: "This is a land that eats up its inhabitants" (Num 13:32). If the people do not develop a grateful relationship to the land when it offers the Israelites its best fruits, then God also feels offended. This network of relations was felt to be vital for Israel's existence in different situations, especially when the possession of the land was in danger or even lost.

In addition, *Mehrfachüberlieferungen* have always been taken as a clear sign of the clash of different written sources that were brought together by later editors, who had more interest in preserving different variants of the same episode than in creating a coherent narrative for the reader. The analysis

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of the different versions of the spy story can serve as an anchor for the separation of sources within the Pentateuch, the Hexateuch, and beyond.<sup>2</sup>

In this article I will compare the different versions of the spy story and ask what consequences for the reconstruction of the redaction history of the Hexateuch can be drawn. I take it for granted that Num 13–14 combines two versions of the spy story: The older version told how Moses sent some spies into the hill country before them (13:17b–20\*). The spies happened to arrive in the area of Hebron, where they saw the inhabitants and the fruits (13:22a\*, 23–24\*). They came back to Moses and the people, but delivered an ambiguous report: The land was good, but the inhabitants seemed to be very strong (13:27–29\*). Although Caleb, one of the spies, tried to convince them otherwise, this was reason enough for the people not to seize the Promised Land (13:30–31\*; 14:1b). In reaction to this, YHWH sentenced the adult Israelites, with the exception of Caleb, to die in the wilderness (Num 14:11a\*, 21a\*, 23a\*, 24\*). Although the Israelites responded by trying to conquer the land immediately, albeit against YHWH's will, they were beaten severely (14:40, 41\*, 43–45\*). This version can be attributed to the Yahwist.<sup>3</sup>

The second version apparently knew this one, but reworked it substantially: Aaron was inserted as a companion to Moses. The military character of the mission was eliminated, instead an official delegation of Israel was sent to inspect (verb: *חור*) not only a limited area, but the whole land. This delegation failed by launching a defamation campaign, according to which the land would eat its inhabitants and the giants from before the flood (*גפילים*) would live there. The congregation (*עדה*), believing this defamation, fearfully complained and even wanted to replace Moses as leader and return to Egypt. Against this defamation Joshua and Caleb reacted jointly. But the situation escalated. Then YHWH's *נבוך* appeared at the tent of meeting and YHWH swore that this generation would not reach the land with the exception of Joshua and Caleb, but their children would seize it. Finally, the men, who had

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<sup>2</sup> R. Achenbach, *Die Erzählung von der gescheiterten Landnahme von Kadesch Barnea (Numeri 13–14) als Schlüsseltext der Redaktionsgeschichte des Pentateuchs*, ZAR 9 (2003), 56–123, 56 even speaks of a “Schlüsselstellung” that the analysis of the spy story possesses for understanding the redaction process of the Pentateuch as a whole. See also E. Otto, *The Books of Deuteronomy and Numbers in One Torah*, in this volume, 384.

<sup>3</sup> The core of this version can be reconstructed with reasonable certainty, although the beginning of the account is lost and the reconstruction within Num 14:11–25 is only tentative. This was the opinion of the mainstream of scholars represented, for example, by M. Noth, *Das vierte Buch Mose, Numeri*, ATD 7, Göttingen: Vandenhoeck & Ruprecht 1966. L. Schmidt, *Die Kundschaftererzählung in Num 13–14 und Dtn 1,19–46. Eine Kritik neuerer Pentateuchkritik*, ZAW 114 (2002), 40–58 has convincingly defended this hypothesis against some newer studies. My own study of the spy story, *Mose und Israel im Konflikt. Eine redaktionsgeschichtliche Studie zu den Wüstenerzählungen*, OBO 98, Freiburg, Schweiz/ Göttingen: Universitätsverlag/Vandenhoeck & Ruprecht 1990, 58–96, 149–159, and 218–220 also followed Noth's analysis; it must be refined now.

defamed the land, died in one fell stroke before YHWH. This version admittedly shares many characteristics with P.<sup>4</sup>

Both sources were combined by a redactor, who tried to preserve the P-version as much as possible, inserted chunks of the J-narrative into the flow of the P-version, and did some minor work to reformulate or add some words in order to smooth out some tensions.<sup>5</sup> The traditional label for this important redactor “*Endredaktor*” has been disputed in recent decades because this was certainly not the last redactor to insert texts into the Pentateuch, as the literal meaning of the term may suggest. It is simply the redactor who combined the priestly source with that part of the Non-P-material that was incorporated into the resulting composition. The siglum “Rp” should be a neutral and nevertheless telling label.<sup>6</sup> Before and after “P” and “non-P” were merged some additions were made, the most important of which is the intercession of Moses in Num 14:11–25\*.<sup>7</sup>

The most important parallel to the spy story is Moses’ retrospective retelling of the event in Deut 1:19–46, but there are some shorter reiterations of the story in Num 32:8–13; Deut 9:1–2, 22–29; Josh 14:8–16; 15:13–19 (cf. Judg 1:12–15) and Ps 106:24–27. My starting point will be the text Deut 1:19–46.

## 1. Deuteronomy 1:19–46

### 1.1. Form-Critical Analysis

Deuteronomy 1:19–46 contains a speech in which Moses retrospectively tells his audience how the first exploration of the land went. The Horeb incident and the spy story are of special importance for Deuteronomy: both events envision a situation in which Israel is close to its final destruction by the anger of God, but is given a “second chance”.<sup>8</sup> It is the first event after the departure

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<sup>4</sup> E. Otto, *Deuteronomium 1–11*, Bd.1: Dtn 1,1–4,43, HThK.AT, Freiburg et al.: Herder 2012 and Achenbach, *Landnahme*, admit that there are features characteristic of P, but nevertheless postulate a Hexateuch redactor that must be distinct from P. Their main argument seems to be that the original P-source cannot have included a narrative about the land as the ultimate goal of Israel’s exodus. But why not?

<sup>5</sup> Schmidt, *Kundschaftererzählung*, 43–51 has rightly insisted that the P- and the J-versions can be understood independently of each other; consequently, the redactor has to be a third party and cannot be identified with the author of P.

<sup>6</sup> Because the resulting composition was the formative basis of the Pentateuch, the redactor may well be called “pentateuchal redactor” (“Pentateuch-Redaktor”), however, this label excludes a Hexateuch-perspective and is used by Eckart Otto in a different sense.

<sup>7</sup> The list of the noble men (Num 13:4–16), who were chosen to inspect the land, was probably added to P while the P-version still existed as an independent work.

<sup>8</sup> J. Taschner, *Die Mosereden im Deuteronomium. Eine kanonorientierte Untersuchung*, FAT 59, Tübingen: Mohr Siebeck 2008, 338: “Mose trifft eine Auswahl aus den Ereignissen, von denen der biblische Erzähler in den Büchern Gen-Num berichtet. Ausgerechnet auf die

from Horeb that Moses finds worth recapitulating in order “to inculcate this law” (Deut 1:5).<sup>9</sup> This episode is in line with the overall perspective of Deuteronomy, namely that the law is presented as the foundation for living in the land. In order to survive in the land perpetually, Israel must respect YHWH as the only god, obey YHWH’s will, perform the adequate cult, practice certain norms to form a nation tied together by the spirit of brotherhood, and treat the land in a way that it permanently provides enough material resources in order for the people to live. The retelling of the spy story serves as a reminder that Israel has the fundamental tendency to mistrust God and to deny the land and other goods that YHWH is providing. What is puzzling concerning its location in Deut is that Moses addresses his audience as if they had experienced the spy incident themselves (“you”, instead of “your fathers” as in Num 32:8). After the second census of the people in Num 26 it is clear that Moses has a new generation before him that was not involved in the spy event and consequently was not guilty.

As is standard in Deuteronomy, the text represents a speech of Moses. The speech presents a sequence of events: The location where the incident took place is indicated (itinerary) (Deut 1:19b). Immediately following this is Moses’ command to seize the land (v. 20–21). However, the people want Moses to send spies first, which Moses approves and does (v. 22–23). A short report of how the spies fulfilled their mission is given, which culminates in a very positive evaluation of the land (v. 24–25). But, without having any reason, the people refuse to seize the land (v. 26–28). Even Moses’ effort to convince the people otherwise (v. 29–31) does not succeed; in contrast, the stubborn people insist on their position (v. 32–33). As a reaction to this YHWH becomes angry and issues a punishment to the present generation that – with only the exceptions of Caleb and Joshua – all persons will die in the wilderness (v. 34–

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Kundschaftererzählung und die Geschehnisse am Sinai bzw. Horeb greift er ausführlich zurück. Der Exodus und erst recht die Erzelterzeit nehmen vergleichsweise wenig Raum ein, wiewohl sie innerhalb des Gedankenganges eine zentrale Rolle spielen. Die Kundschaftererzählung und die Geschehnisse am Horeb haben gemeinsam, dass sie Ereignisse sind, in denen Gott seinem Volk eine zweite Chance einräumt. Beim Horeb geschieht dies durch die Erneuerung der Tafeln (Ex 34; Dtn 10,1–5). Nach der verspielten ersten Landnahme (Num 13/14; Dtn 1) steht die Chance nach erfolgtem Generationswechsel noch aus. Die neue Generation ist zum Zeitpunkt der Rede des Mose im Begriff, sie zu ergreifen. Wenn nun die Kundschaftergeschichte die Moserede eröffnet, wird deutlich, dass die bevorstehende Landnahme die eigentliche Überschrift aller Reden insgesamt darstellt. Mose teilt der neuen Generation Israels jetzt kurz vor der Bewährung all das aus der Zeit der Eltern noch einmal mit, was sie braucht, um die Möglichkeit zu nutzen, die die Eltern beim ersten Landnahmeversuch verspielt haben.”

<sup>9</sup> The meaning of the Verb באר is disputed (see Otto, *Deuteronomium*, 303–304). To my mind it originally must have meant something like “inculcate, intensify”; because of its position at the very beginning of Deuteronomy, however, on the level of the final text it serves as a concept that comprises everything what Moses does in the following text corpus.

40). Somewhat shocked, the people then realize that they have sinned against YHWH and finally want to go up into the land as was commanded in the first place (v. 41). However, the situation has completely changed. After God's anger had been aroused and the punishment had been initiated, there could be no return, as if nothing has happened, despite the fact that the people now are aware that they have committed a sin and confess that before YHWH. As a consequence, YHWH prohibits starting the military campaign (v. 42). But the people again do not heed YHWH's command (v. 43). As a result, the campaign leads to a terrible defeat (v. 44). But even this catastrophe, so the narrative ends, did not bring YHWH to respond to the complaint of the people (v. 45–46). At the very end, serving as a kind of frame, the people finds itself again in Kadesh, which shows that it is not a single step closer to its goal than before.

At first glance the plot of the story seems overly complicated, some elements seem to be displaced, and some turns in the narrative are difficult to understand. In addition, there are a lot of minor disruptions of cohesion that make it obvious that this text must have a complicated literary history. And finally, there are marked differences between the speech of Moses and the narrative in Num 13–14, which Moses purports to recount.<sup>10</sup> In the following I try to combine the secondary passages in clusters according to the source-critical arguments that most importantly disclose their secondary character.

### *1.2. Comparison with the Septuagint Version*

It is always wise to start with those conclusions that can make use of data that are easily observable. In the case of Deut 1 the comparison with the Septuagint version readily reveals some short additions that came into the Masoretic tradition only after the text was translated into Greek.

In Deut 1:25 the complete Hebrew sentence *וישבו אתנו דבר* has no equivalent in the Greek translation, which otherwise represents every morpheme of the Hebrew *Vorlage* with a Greek equivalent. It is highly probable that the Hebrew *Vorlage* did not contain the sentence in this case. In addition, one can also see what the reason for inserting the sentence was: It reports that the spies have done exactly what Moses had commanded them to do in v. 22ba. However, although this sentence has its equivalent in the Septuagint in this case, it stands a little bit awkward syntactically and semantically within its context. In addition, the sentence is also found in Num 13:26a, where it fits perfectly within its context. The suspicion emerges that the sentence was cop-

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<sup>10</sup> As Taschner, Mosereden, 1 has rightly stated, Numbers and Deuteronomy differ in the way that the author of the text is "recognizable" by the reader. In Numbers the reader realizes at first glance that the events that are "recorded" in the text are arranged and dramatized by the author of the text, whereas Deut 1 gives the impression that the author of the text simply provides a verbatim protocol of what Moses actually said.

ied from Num 13:26a into Deut 1:22ba.<sup>11</sup> If one eliminates the sentence in both cases, Deut 1:22ba and 25, the flow of the remaining text is certainly smoother.<sup>12</sup> It seems to be wise to exclude the sentence in both cases, in order not to build conclusions on uncertain data.

In Deut 1:35 the phrase *הדור הרע הזה* does not have an equivalent in the Greek version. Again it is obvious that its “omission certainly improves the text”.<sup>13</sup> The phrase is similar to the one in Num 14:27 “this evil community”. In this case it can be discerned why the phrase was inserted, namely to avoid the possible misunderstanding that the phrase “these men” refers only to the spies and not to all of Israel.<sup>14</sup> The possibility of this misunderstanding is especially high if Deut 1 is read against the background of Num 14:30, 32, and 37, where two events are clearly separated: on the one hand the spies die immediately through one hit by YHWH, whereas the whole generation dies within the time period of 40 years.

In Deut 1:35 the *לח* of the Masoretic text is not represented in the Septuagint and is probably, as Otto has rightly stated, secondary.<sup>15</sup>

In Deut 1:39 the words *אשר אמרתם לבו יהיה ובניכם* have no equivalent in the Greek version. Again, these words add a detail that is superfluous within its current context. The whole text is completely identical with Num 14:31a and was obviously borrowed from there, where it recalls the fear of the people expressed in Num 14:3. The redactor who inserted these words wanted Moses’ speech to more accurately resemble the narrative in Num 13–14. The text of the Septuagint’s Hebrew *Vorlage* is impressively confirmed by 4QDeut<sup>h</sup>.<sup>16</sup>

In Deut 1:41 the Septuagint has the variant “YHWH, our God” against simply “YHWH” of the MT. The expression “our God” was probably not contained in the *Vorlage*, but the translator simply adapted this formulaic expression to that at the end of the verse “YHWH, our God”.<sup>17</sup>

<sup>11</sup> J.S. Baden, J. E, and the Redaction of the Pentateuch, FAT 68, Tübingen: Mohr Siebeck 2009, 119 n. 62, tries to argue that the sentence originally belongs to the Dtn version and was copied from there into Num 13. However, he neglects the evidence from the Septuagint.

<sup>12</sup> The phenomenon was noted many times, e.g., by J.W. Wevers, Notes on Deuteronomy, SCS 39, Atlanta, GA: Scholars Press 1995, 15, and taken as evidence for a secondary insertion into the shorter Hebrew *Vorlage*. Otto, Deuteronomium, 371–372 thinks that the MT maintains the original reading, whereas the LXX has undertaken a “stilistische Glättung”, but the exact execution of Moses’ command is smooth and does not need a “Glättung”.

<sup>13</sup> Wevers, Notes on Deuteronomy, 21.

<sup>14</sup> Otto, Deuteronomium, 373, however, considers the MT, which is supported by the Samaritanus, as the more difficult and thus original text.

<sup>15</sup> See Otto, Deuteronomium, 373–374.

<sup>16</sup> Otto, Deuteronomium, 374; J. A. Duncan, 4QDeut<sup>h</sup>, in: Qumran Cave 4 vol. 9: Deuteronomy, Joshua, Judges, Kings, ed. by E. Ulrich et al., DJD 14, Oxford: Clarendon 1995, 61–70.

<sup>17</sup> Otto, Deuteronomium, 374: “Die LXX, Samaritanus und Peschitta sowie hebräische Handschriften fügen zu ‚wir haben gegen JHWH gesündigt‘ ein ‚unseren Gott‘ hinzu und

There are some minor cases, where the Septuagint indeed has an equivalent to the Masoretic Text but only one that potentially presupposes a different Hebrew Text in the *Vorlage*. In Deut 1:28a the Masoretic םך is a misspelling of ךך; LXX and Samaritanus preserve the original form.<sup>18</sup> In Deut 1:30 the Septuagint has συνεκπολεμησει αυτους for the Masoretic םלך, which gives special mention to the enemies.<sup>19</sup> In Deut 1:36 the Septuagint renders the Masoretic מלא אַתָּךְ as “to stick to”, an expression that the Septuagint also uses in Deut 4:4, presumably because a literal translation would have been difficult for the Greek readers to understand. And finally the Septuagint presupposes a different vocalization of the Masoretic וַתָּשָׁבו “you returned” and translated “you sat down”, thereby adapting the meaning to the first word of the following verse Deut 1:46.<sup>20</sup>

In sum, the Septuagint allows us to make a firm judgment about the original text in most cases and, by the same token, provides insight into the redactional or scribal activities that occurred in the Hebrew *Vorlage* of the Septuagint on its way toward its Masoretic form. In addition, the motive behind the additions in Deut 1:35 and 39 is easily discernible: The reader of Deut 1 has read the narrative of Num 13–14 before and was disturbed by the fact that Moses’ version of the incident differs markedly from what he or she must think was the true course of events. As a conclusion, one must be cautious about isolated sentences or phrases that harmonize Num 13–14 with Deut 1 because these were often added within the course of Hebrew textual transmission even after the Hebrew text was translated into Greek.<sup>21</sup>

### 1.3. Passages in the Singular

The hearers of Moses speech are throughout addressed in the plural. However, there are two exceptions: In Deut 1:21, in very formulaic language, infor-

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passen damit die Gottesbezeichnung an folgendes ,wie JHWH, unser Gott, es uns befohlen hat, an.”

<sup>18</sup> Otto, Deuteronomium, 372.

<sup>19</sup> Otto, Deuteronomium, 372.

<sup>20</sup> Otto, Deuteronomium, 375.

<sup>21</sup> D. Carr, *Formation of the Hebrew Bible*. A new Construction, New York: Oxford University Press 2011 has assembled a lot of examples, where the manuscript evidence shows that scribes harmonized tensions between “Doppelüberlieferungen”, for example, in cases where an important narrative figure reviewed events that were told earlier in the narrative (cf. 98: “we have widespread documentation of scribal coordination and harmonization of various texts with each other. Some such interventions happened on a micro level, linking texts separated only by a sentence or two, while others coordinated widely disparate but related texts, such as Tetrateuchal narratives with the reviews of those narratives in Deuteronomy.”) The need to harmonize parallel accounts was felt by a narrator who performed a text orally from memory as well as by a scribe who copied a manuscript as well as by a translator. Therefore it is notoriously difficult to decide, in which phase of the textual transmission a variant was generated.

mation is given that spells out what is already contained in v. 20bβ a little more bombastically.<sup>22</sup> And in Deut 1:31, the way in the wilderness is added to the mentioning of the Exodus in the verse before. Both are secondary additions and may even belong to the same hand, because both address the audience in the singular, but given the complexity of the alteration of singular and plural-addresses in Deuteronomy this is not at all certain.

#### 1.4. Problem of Dtr Phrases

In the text there are several typical formulaic deuteronomic or deuteronomic phrases and expressions. This certainly is standard for a deuteronomic or dtr author; however, some of them are not firmly rooted in their context and must be suspected as secondary. The problem of the formulaic phrases and sentences was addressed, for example, by Steuernagel: The majority of the formulae stem from copyists or redactors, who simply added them wherever they felt they would emphasize the case in question. In contrast, the original author of the text probably used these formulas in a specific way.<sup>23</sup> However, deciding whether a formula belongs to the original text is notoriously difficult to make. As a rule of thumb, I consider the formula secondary if it can be eliminated in such a way that a sentence remains that is grammatically correct and semantically intelligible. According to this rule the following elements can be classified as secondary:

- In Deut 1:19a:<sup>24</sup> את כליהמדבר הגדול והנורא שהוא אשר ראיתם
- In Deut 1:19a: כאשר צוה יהוה אלהינו אתנו
- In Deut 1:26b: ותמרו אתיפי יהוה אלהיכם<sup>25</sup>

In Deut 1:20b, 25b, and 35b there is also stereotypical language in order to designate the land, which lies before Israel:

- In Deut 1:20b “the hill of the Amorite” is qualified as אשר-יהוה אלהינו נתן לנו:
- In Deut 1:25b the “good land” that the spies have seen is qualified with exactly the same proposition
- In Deut 1:35b the “good land” is qualified by YHWH as אשר נשבעתי (לתת) לאבותיכם.

<sup>22</sup> Otto, Deuteronomium, 378 likewise sees a secondary character: “So knüpft Dtn 1,21 bis in den Wortlaut hinein an die göttliche Landzusage in Dtn 1,8 an, steigert so das Skandalon, dass das Volk trotz der göttlichen Zusage nicht in das Verheißene Land ziehen will.”

<sup>23</sup> C. Steuernagel, Übersetzung und Erklärung der Bücher Deuteronomium und Josua und Allgemeine Einleitung in den Hexateuch, HK 3, Göttingen: Vandenhoeck & Ruprecht 1900, III–IV.

<sup>24</sup> Otto, Deuteronomium, 377.

<sup>25</sup> The stereotypical character of the expression is less certain. However, the sentence appears again in Deut 1:43b. The repetition of the sentence may serve a narrative function. However, it is slightly more probable that a redactor copied the sentence from v. 43b and pasted it in here.



In contrast to the previous cases, in which the formulae were simply superfluous, in the case of the designation of the land, there seems to be a deliberate design. In the first instance the quality of the land is not yet a topic and Moses is clear that the land is not empty but is inhabited by others. Only after the spies have seen the land is the phrase הארץ הטובה used. In addition, the spies are now convinced that YHWH is going to give the land to Israel. This last statement is not repeated within the punishment speech of YHWH, because it is no longer true: YHWH still holds to his oath to the fathers, but this generation will not seize the land. The language is typical deuteronomic, and the qualifying propositions are also standard (cf. Dtn 8:7). However, it is completely appropriate that in this place, where the quality of the land is evaluated for the very first time by Israelites that have seen the land with their own eyes, and this evaluation stands in the very center of the story, the standard language and formulae were used as solemn expression by the original author.

### 1.5. *Overfilled Sentences*

In two places the verses appear to be overly bulky and cumbersome. Again, the phenomenon is that this is characteristic of deuteronomic and deuteronomic style. However, as is the case with the formulaic expressions, throughout Deuteronomy one has to reckon with the possibility that this style was generated by later scribes. The following elements must be suspected of being secondary:

- In Deut 1:22b: ואת הערים אשר נבא אליהן: את־הדרך אשר נעלה־בה
- In Deut 1:24b: וירגלו אתה. The third-person feminine singular suffix must refer to the land, but this is not mentioned in the sentence before.<sup>26</sup> The addition wants to make sure that the spies examined the whole land, as described in Num 13:21, and not only a single spot.

### 1.6. *Break of Coherence*

The most obvious break in the text is, as often has been noted, the discrepancy between the different versions of the report of the spies. In Deut 1:25b Moses quotes the report of the spies as an unambiguous statement that the land is good and identical with the land that YHWH has decided to give to Israel. In striking contrast the people give their version of what the spies have said in Deut 1:28. According to them they said nothing about the quality of the land, but portrayed the inhabitants as taller, the cities as large, and the fortifications as scratching the sky. This is a stunning contradiction and a serious break in

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<sup>26</sup> Otto, *Deuteronomium*, 371 thinks that the suffix rather refers to the נהל אשכל. However, as he himself admits, נהל is a masculine substantive. The assumption that the gender changes to feminine, because נהל becomes part of a proper name, is far-fetched.

the narrative and can only be reconciled with the assumption that Moses only quoted the first part of the report of the spies and suppressed the second, whereas the people withheld the first and only quoted the second part. However, this solution is only possible for someone familiar with Num 13–14; there are no hints at this within Deut 1 itself. The wording and the structure of v. 28 very closely resemble Num 13:28 in order to recall that text.<sup>27</sup> The preferable explanation therefore is that a redactor inserted v. 28 in order to provide a reason why the people rejected the command to seize the land and, at the same time, wanted to bring in the ambiguity of the report of the spies, which is so dramatically recounted in Num 13–14. However, the redactor inserted the information in the wrong place, because, as the text now stands, the reaction of the people becomes even worse in that they now blatantly lie about what the spies have actually said.<sup>28</sup>

If one considers v. 28 secondary, one has to admit that the reaction of the people appears completely unwarranted. Taking into account that, according to deuteronomistic thinking, the people is indeed perceived as fundamentally stubborn and constantly opposing YHWH, Moses' speech very effectively demonstrates this characteristic essence.<sup>29</sup>

The next problem is Deut 1:37. In the first half Moses contends that YHWH got angry at him "because of you" (= the addressees), and in the second he quotes the verdict that he was not allowed to go into the land as proof. This verse is very enigmatic and has aroused many discussions. First, there is no reason within Deuteronomy why YHWH should get angry at Moses. The

<sup>27</sup> The phrase that designates the "Anakites" differs from passage to passage: בני ענקים (Deut 1:28; 9:2); ילדי הענק (Num 13:22, 28; Josh 15:14); בני ענק (Num 13:33; Deut 9:2); בני הענק (Josh 15:14; Judg 1:20); ענקים (Josh 11:22; 14:12); הענקים (Dtn 2:10, 11, 21; Josh 11:21; Josh 14:15); הענק (Josh 15:13). This raises the question, whether at least some variants, e.g., ילדי הענק (Num 13:22, 28; Josh 15:14; additionally, in Num 13:22; Josh 15:14 and Judg 1:10 the names of the three sons of Anak "Sheshai and Ahiman and Talmi" are given), can be attributed to the same redactional hand; cf. Otto, *Deuteronomium*, 379 who maintains: "Das Anakitermotiv ist hier wie in Num 13,22a.28b.33a postpriesterschriftlich und verweist auf Jos 14,6–15."

<sup>28</sup> Schmidt, *Kundschaftererzählung*, 52 who maintains that v. 28 belongs to the original layer because "Wenn die Kundschafter keine Gründe nannten, die einer Landnahme entgegenstanden, bleibt es völlig unverständlich, daß das Volk unter Hinweis auf die Amoriter die Landnahme verweigerte", apparently does not see this consequence.

<sup>29</sup> This concurs with the analysis of the tendency of the story by Otto, *Deuteronomium*, 378: "Dass das Volk nach dem positiven Bericht der Kundschafter so ablehnend reagiert, ist in der deuteronomistischen Erzählung in der Intention der Autoren begründet, die Verlagerung von Gesetzespromulgation und Bundesschluss vom Horeb in das Land Moab zu erklären, wobei sichergestellt werden muss, dass die gesamte Horebgeneration ausstirbt, die Zweite Generation das Gesetz des Deuteronomiums also nicht kannte. So bedurfte es einer klaren Darstellung des Versagens des Volkes, das sich trotz des eindeutig positiven Berichts der Kundschafter weigert, in das Verheißene Land zu ziehen, um das Volk, so die deuteronomistischen Autoren, um so verstockter erscheinen zu lassen; siehe auch Dtn 29,3."

comparably best explanation would be that Moses committed a transgression by accepting the proposal of the people to send out spies at all. However this would imply that YHWH would have demanded from Moses and the people that they should have entered into a military campaign completely unprepared and without knowing that the land before them is indeed the Promised Land. Since the mission of the spies leads to an evaluation of the land that is completely in line with the expectation of YHWH, it seems far-fetched and difficult to defend an understanding that this enterprise was against YHWH's will in the first place. Second, a lot of fantasy is required to fill out in a reasonable way what "because of you" should mean. To infer a vicarious suffering of Moses requires too much speculation. The assumption that the divine anger was extended to Moses simply because he, as the leader, was liable for what the people have done is better, but there is no clear hint that the author has intended this unusual meaning either.<sup>30</sup> Quite to the contrary, the text clearly differentiates between Moses and the people.<sup>31</sup> The most fitting explanation seems to be that Moses was pressed by the people to commit a sin to which YHWH nevertheless held Moses accountable. Again, within Deut 1 there is no element that could lead to this conclusion. However, a redactor who was familiar with Num 20:1–12 could have understood the narrative in Num 20 in such a way that the aggressive behavior of the people pushed Moses to react in a reciprocal way against them.<sup>32</sup> That led ultimately to YHWH's judgment that Moses (and Aaron) could not bring Israel into the land (Num 20:12). The verdict in Deut 1:37 is reminiscent of the one in Num 20:12b.<sup>33</sup> Again, the verse can best be understood as the work of a redactor who sought to smooth out a tension that emerges when one reads Deut 1 after he or she has read Num 20.

Moses' *Kriegsansprache* in Deut 1:29–30, (31,) 32, (33) offers the least probable but still considerable case of a break in coherence.<sup>34</sup> First, it comes

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<sup>30</sup> Cf. Otto, Deuteronomium, 398, who himself believes that Moses had to die because the biblical narrator wanted Israel to enter the land with the written torah as the only possible access to YHWH's will: "Einen Zugang zum Gotteswillen gibt es von dort an nur durch die Auslegung der Tora, für die Mose selbst mit der Moabtorah zum Vorbild geworden ist. Die Funktion des mosaischen Amtes der Offenbarungsvermittlung ist auf die schriftliche Tora übergegangen. In diesem Sinne musste Mose sterben, um in die verschriftete Tora »aufzuerstehen«, die mit dem Volk über den Jordan in das Verheißene Land einziehen wird."

<sup>31</sup> Schmidt, Kundschaftererzählung, 55.

<sup>32</sup> This is the perception of Ps 106:32–33.

<sup>33</sup> Otto, Deuteronomium, 379: "Verweigert JHWH in Dtn 1,37 die Teilnahme am Einzug in das Verheißene Land, so ist diese knappe, auf eine explizite Begründung verzichtende Notiz nur auf dem Hintergrund von Num 20,12–13, dessen Kenntnis in Dtn 1,37 mit ‚um euretwillen‘ (*biglalkaem*) vorausgesetzt ist, zu verstehen, setzt also die postdeuteronomistische Erzählung in Num 20,10–13 voraus."

<sup>34</sup> V. 31 was identified as secondary in its context above; that V. 33 likewise is a secondary expansion will be argued in the following.

as a surprise that the people's reaction to the encouraging speech is not given. In fact, the speech goes by unheeded, almost unheard; it has no narrative function. The reaction of YHWH, namely that his anger is aroused, comes as if Moses had not spoken at all. If one eliminates the verses 29–33 nothing is missing. Quite to the contrary, the cohesion between v. 27 and v. 34 increases.<sup>35</sup> In addition, the spirit, the wording, and the form of the speech are typical for a deuteronomistic "*Kriegsansprache*".<sup>36</sup> Lastly, this speech of encouragement by Moses himself has no basis in Num 13–14. Instead, Caleb and Joshua had been the two who opposed the negative vote of their spy fellows and encouraged the people to seize the land despite the obstacles. In striking contrast, Moses and Aaron fell upon their faces and remained silent (Num 14:5). All of these observations combined can best be explained by the assumption that a redactor wanted Moses to react to the people's complaint; he or she could not imagine that Moses did not try to convince the people otherwise, but let them become the object of YHWH's deadly anger almost without pity. This redactor did not use Num 13–14 as a source.

### 1.7. Harmonization

Having identified certain secondary materials, it could be discerned that an important motive for the redactional expansion of the text was the reconciliation of Deut 1 with the parallel account in Num 13–14, which the reader happened to have read only a few chapters before. If one is on this track, some other verses appear to have been added to the same end.

Deuteronomy 1:40 displays close verbal parallels to Num 14:25.<sup>37</sup> In addition, it is without narrative function within Deut 1, but fits well into Num 13–14. There YHWH ironically commands the people to go in the direction they themselves wanted to go in the first place, namely back to Egypt (Num 14:3). This desire to return to Egypt is not mentioned within Deut 1. In conclusion, the whole verse Deut 1:40 probably stems from a redactor who wanted to bring the final command of the first YHWH speech in Num 14 into Deut 1.<sup>38</sup>

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<sup>35</sup> V. 28 was identified as secondary above. Otto, *Deuteronomium*, 379 also considers this passage to be secondary.

<sup>36</sup> J.G. Plöger, *Literarkritische, formgeschichtliche und stilkritische Untersuchungen zum Deuteronomium*, BBB 26, Bonn: Hanstein 1967, 48–49; Achenbach, *Erzählung*, 72: "Das Ermütigungsorakel v. 29b vergleiche man hierzu mit Dtn 7,21; 20,3; 31,6, die Zusage der Führung Jahwes v. 30aa mit Dtn 31,8, aber auch Ex 13,21; Jer 45,2; Jes 52,12b, die Zusage des Streites Jahwes für Israel Dtn 1,30 mit Dtn 3,22; 20,4; Jos 23,3.10; Ex 14,14 und Neh 4,14!".

<sup>37</sup> Cf. Otto, *Deuteronomium*, 379.

<sup>38</sup> Deut 1:42 is almost identical with Num 14:42. The only difference is that the text is given as a direct speech of Moses in Numbers, whereas in Deut it is presented as a command to Moses. This is clearly a case of harmonization, but in this case it is more probable that a

There are four other instances of harmonization, but these display an even wider horizon.

Deut 1:33 mentions the pillar of fire and cloud. This is clearly an adaption of a concept that is used only a few times within the Pentateuch (Exod 13:21, 22; 14:24; Num 14:14). It can be suspected that one redactor inserted all the occurrences in different books at the same time.<sup>39</sup>

Most evidently, Deut 1:36 is secondary. It mentions Caleb, who is a hero in Num 13–14 because he was the first who stepped in and tried to encourage the people. Within Deut 1 he has no narrative function. Quite the opposite, within Deut 1 it is completely unimaginable why YHWH declares that Caleb and – in v. 38, Joshua – are exceptions among the people.<sup>40</sup> To mention him, however, is important, because in the end his braveness gets its reward, inasmuch as he receives a piece of land in the area of Hebron (Josh 14).<sup>41</sup> In this case it would be the simplest assumption, if the redactor worked in Deut 1 and in Josh 14 simultaneously. Following this line this could be a trace of a Hexateuch redaction.

If Caleb was added, one has no reason to doubt that Joshua was added too (Deut 1:38). Again the reference to the book of Joshua is evident, inasmuch as it is explicitly stated that Joshua will let Israel inherit the land (נחל).<sup>42</sup>

There is also a problem with the “twelve men from each tribe” in Deut 1:23b, because the wording *ואקח מכם שנים עשר אנשים איש אחד לשבט* is almost identical to that of Josh 3:12 and 4:2, so that all three passages may stem from the same editor, who presumably insisted on the involvement of representatives of all tribes in case of the first seizing of the land, which was not successful, and the second and final one. On the other hand the narrative needs a note that Moses had sent out the spies. Otherwise the beginning of v. 24 would be missing its subject.<sup>43</sup> It may be that the editor replaced a word or two.<sup>44</sup>

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redactor has inserted a verse from Deut into Numbers, cf. Schmidt, *Kundschaftererzählung*, 43 n. 11.

<sup>39</sup> Cf J.C. Gertz, *Tradition und Redaktion in der Exoduserzählung. Untersuchungen zur Endredaktion des Pentateuch*, FRLANT 186, Göttingen: Vandenhoeck & Ruprecht 2000, 214.

<sup>40</sup> Taschner, *Mosereden* 212: “Der Grund für die beiden Ausnahmen Josua und Kaleb wird ohne die Kenntnis der Numeriversion nicht deutlich.”

<sup>41</sup> Otto, *Deuteronomium*, 379: it is an “Anknüpfungspunkt für die postdeuteronomistischen Erzählungen in Jos 14,6–15 und Jos 15,13–19”.

<sup>42</sup> Otto, *Deuteronomium*, 381.

<sup>43</sup> Otto, *Deuteronomium*, 378 has no difficulties declaring the whole sentence secondary.

<sup>44</sup> The number of the spies has long been a puzzling detail for those who maintained that Dtn 1 only knew a JE version of Num 13–14 because the number of twelve is crucial for the P source but not for JE. However, since the beginning of JE was deleted anyway, when a redactor combined the JE and the P versions, the number twelve may have already been contained

### 1.8. The Itinerary Notice

Usually it is thought that Deut 1:46 belongs to the redactor who had brought different episodes into a geographical scheme. I approve this argumentation. To my mind the localization “in Kadesh” stems from later editors who set up a route that Israel has taken during the wilderness wanderings. Within their concept, Kadesh, a synonym with Kadesh-Barnea, played the central role on the route from Sinai to Moab.

### 1.9. The Oldest Layer

By summing up the different source-critical arguments, one can now reconstruct the oldest layer of the text. This layer presents a text that is grammatically in order and without lack of cohesion. A good argument that always adds significantly to the validity of the source-critical analysis is when the reconstructed oldest layer is grammatically sound, has no semantic gaps or breaks, and has a well-designed form.

Plöger has pointed to the fact that the oldest layer seems to be organized as a concentric structure.<sup>45</sup> His scheme should be rearranged a little bit; one has only to look at the speeches. Be that as it may, in any case the center of the composition is the evaluation of the land by the spies. After this statement the story changes dramatically for the worse.

A. v. 19–20: Speech of Moses: “the land that YHWH is going to give”

וַנֵּלֶךְ דֶּרֶךְ הַר הָאֱמֹרִי 19) And we went on the way to the hill of the Amorite.

וְאָמַר אֲלֵכֶם 20) And I said to you,  
כִּאתֹם עַד-הַר הָאֱמֹרִי "You have come to the hill of the Amorite,  
אֲשֶׁר-יְהוָה אֱלֹהֵינוּ נָתַן לָנוּ: which YHWH our God is going to give us.”

B. v. 22: Answer of the people: “explore the land for us” (v. 22)

וַתִּקְרְבוּ אֵלַי כְּלֶכֶם וַתֹּאמְרוּ 22) Then all of you came to me and said,  
נִשְׁלַחָה אַנְשִׁים לְפָנֵינוּ "Let us send men ahead of us to explore the  
וַיִּהְיוּ לָנוּ אֶת-הָאָרֶץ land for us.”

C. v. 23–25: Mission of the spies: “land that YHWH is going to give us”

וַיִּטֵּב בְּעֵינַי הַדָּבָר ... 23) This plan was good in my view,  
<<so, I took men>> ...

וַיִּכְנֻוּ וַיַּעֲלוּ הַהָרָה 24) They set out and went up onto the hill,  
וַיָּבֹאוּ עַד-נַחַל אֶשְׁכּוֹל and reached the Valley of Eshcol

in the JE version (cf. Wellhausen, *Composition*, 199). But the assumption that the exact number of twelve men was added later would solve this riddle in a more probable way.

<sup>45</sup> Plöger, *Deuteronomium*, 50.

ויקחו בידם מפרי הארץ 25) and took in their hands from the land's  
ויורדו אלינו ויאמרו fruits, and brought them down to us. They  
טובה הארץ said,  
אשר יהיה אלהינו נתן לנו: "Good is the land that YHWH our God is  
going to give us."

B' v. 26–27: Answer of the people: Desire for the "land of Egypt"

ולא אביתם לעלות 26) But you were unwilling to go up.

ותרגנו באהליכם ותאמרו 27) You grumbled in your tents and said, "It  
בשנאת יהוה אמתנו הוציאנו מארץ מצרים is because YHWH hates us that he has  
לתת אתנו ביד האמורי להשמידנו: brought us out of the land of Egypt, to give  
us into the hand of the Amorite to destroy  
us."

A' v. 34–35, 39: YHWH's decree of punishment: the land will be given to  
the next generation

וישמע יהוה את־קול דבריכם 34) And YHWH heard the sound of your  
ויקצף וישבע לאמר: words, and became angry and swore:

אם־יראה איש באנשים האלה 35) "Not one of these men shall see the  
את הארץ הטובה good land that I swore to give to your  
אשר נשבעתי לתת לאבותיכם: ancestors,

ובניכם אשר לא־ידעו היום טוב ורע 39) But your children, who today do not yet  
המה יבאו שמה know good and bad, they will enter there; to  
ולקחם את־הנה והם יירשוה: them I will give it, and they shall take  
possession of it."

B'' v. 41: Answer of the people: Desire to go up on the hill

ותענו ותאמרו אלי 41) You answered me,  
חטאנו ליהוה אֱנַחֲנו "We have sinned against YHWH!

נעלה ונלחמנו just as YHWH our God has commanded  
us,"

ככל אשר־צונו יהוה אלהינו So all of you strapped on your battle gear,  
ותתגרו איש את־כלי מלחמתו and thought it easy to go up to the hill.

A'' v. 42: YHWH's command not to go up

ויאמר יהוה אלי אמר לקם 42) The LORD said to me, "Say to them,  
לא תעלו ולא תלחמו "Do not go up and do not fight,  
כי אינני בקר בקם for I am not in the midst of you;  
ולא תנגפו לפני איביכם: otherwise you will be defeated by your  
enemies."

B''' v. 43: Reaction of the people: going up nevertheless

ואדבר אליכם ולא שמתם 43) I told you, but you did not listen.  
ותקרו את־פי יהוה ותזדו You rebelled against the mouth of YHWH;  
ותעלו ההרה: you were presumptuous  
and went up on the hill.

## D. v. 44: The Amorite beats the people

וַיֵּצֵא הָאֱמֹרִי הַיֹּשֵׁב בְּהַר הַהוּא לְקַרְאֵתְכֶם  
וַיִּרְדְּפוּ אֹתְכֶם כַּאֲשֶׁר תַּעֲשִׂינָה הַדְּבָרִים  
וַיִּבְתּוּ אֹתְכֶם בְּשֵׁעִיר עַד־הַרְמָה:

44) The Amorites who lived on that hill  
went out against you and chased you as bees  
do. They beat you in Seir until Hormah.

## E. v. 45: No contact between YHWH and the people anymore

וַתָּשׁוּבוּ וַתִּבְכּוּ לִפְנֵי יְהוָה  
וְלֹא־שָׁמַע יְהוָה בְּקוֹלְכֶם  
וְלֹא הִאֲזִין אֲלֵיכֶם:

45) Then you returned and wept before  
YHWH, but YHWH did not hear your voice  
and did not pay attention to you.

## 1.10. Summary: Redaction History

The final argument in support of a source-critical analysis is whether one can reconstruct – on that basis – a redaction history that reckons with discernible and intelligible motives of the different redactors and fits into a historical framework that is plausible for reasons beyond those that the source-critical analysis used in the first place.

At this stage one can only propose a rough sketch of the redaction history of Deut 1. The redactors had at least four different intentions:

- The basic layer is a self-contained speech of Moses in which he recalls the spy story. The reader does not need additional information in order to understand the speech that drastically shows the mistrust of the people, who reacted to a favorable report of the spies in such a harsh way.
- Several additions and insertions harmonize the account with Num 13–14 and, at the same time, mitigate the harshness of the people’s reaction.
- The formulaic additions could have come in at any time, presumably even from different redactors, in order to bring the text in line with deuteronomic and deuteronomistic style and add some emphasis to theological standard *topoi*. The Septuagint shows that small scale additions in this style were made even after the Hebrew *Vorlage* was translated into Greek.
- Other additions bring in formulations from other parts of the Hexateuch, among them are some that bridge the gap to the book of Joshua.

For the sake of the model’s simplicity, it is always preferable not to assume more redactional hands than necessary, but it seems to be unrealistic to reduce the redactional hands to only two, as proposed by Otto.<sup>46</sup>

<sup>46</sup> Otto, Deuteronomium, 381: “In Dtn 1,19–46 sind zwei literarische Schichten zu differenzieren. Die deuteronomistische Erzählung der Moabredaktion, die die literarische Grundlage für Dtn 1–4\* gelegt hat, umfasst Dtn 1,19a\*.20.22–23.a.b\*.27a\*.28a.34–35a.b\*.39a\*.b.40–45. Durch die nachexilische Fortschreibung in Dtn 1,19a\*.b.21.23b\*.27a\*.b.28b–33.35b\*.36–39a\*.46 wird die Erzählung in den Pentateuch integriert, wobei die Fortschreibungen auch eine hexateuchische Perspektive der Beziehung auf das Josuabuch zu erkennen geben.”



Since the desire to harmonize Deut 1 with the parallel account in Num 13–14 is an important motive within the redaction history of Deut 1, a comparison of Num 13–14 and Deut 1 will help to bring the hypothesis to greater clarity and validity.

## 2. Comparison of Num 13–14 and Deut 1:19–46

The ongoing debate in source criticism about Num 13–14 concerns, first, the exact delineation of the two basic sources and other additions; secondly, the question, whether both sources had existed as independent stories; thirdly, the relation of the two sources to each other before they were merged into one text; fourthly, whether the versions belonged to the same strata of J and P that can be found elsewhere in the Pentateuch or Hexateuch; and finally, the question whether the redactor of Num 13–14, who put together the P and the J sources also worked in Deut 1.

Concerning the first point, a complete source-critical analysis of Num 13–14 is not necessary in this context because only those elements are of interest that have an equivalent in Deut 1.<sup>47</sup>

Secondly, the assumption that the two sources J and P must have existed independently best explains why it is possible to reconstruct two coherent narrative strands with distinct vocabulary and style that can be read without inferring information from the other. This is an important point and should not be neglected. Only if one overlooks the coherence and in most cases also the cohesion between the chunks can one come to the conclusion that one of the sources, usually J, must be divided into a lot of originally independent additions to the other, usually P, by different hands. As L. Schmidt has rightly stated, the chunks usually attributed to J do not enhance the narrative flow of the P version but instead bring in narrative elements and ideas alien to P that disturb the coherence significantly.<sup>48</sup> Therefore it is unlikely that the author of the P-source has itself incorporated the J-pieces, but much more likely that a third party combined the P-version with the J-material and deliberately changed the message of P by adding the J-material. This is a strong argument against the identification of P with the final redactor.

Concerning the third point, it will again be shown through the following comparison to Deut 1 that the P version is younger than the J version.

The fourth question, whether the sources of Num 13–14 belong to layers that can also be detected in other places in the Pentateuch, is very complex. This can only be clarified by comparison with other text-passages. For the P

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<sup>47</sup> Schart, *Mose*, 80–89 evaluates the basic source-critical arguments.

<sup>48</sup> Schmidt, *Kundschaftererzählung*, 50 rightly emphasizes this point against various models that understand one source as additional material that was inserted into the other.

material it is obvious that there are very close similarities with other text passages traditionally assigned to P. It is only, if one argues that P originally ended somewhere in the Sinai episode (let it be Exod 29, Exod 40, Lev 9, or Lev 16) that one must deny the clear connections between the P texts. As I have shown elsewhere, the P source has developed its own “*Textmuster*”, namely that of the “Kabod-narrative”, according to which all its narratives in the wilderness are structured.<sup>49</sup> This is very strong evidence that the P source in Num 13–14 indeed belonged to the same narrative strand as in Exod 16 and Num 20:1–13.<sup>50</sup> The evidence that the J portions likewise belonged to a source that can be detected elsewhere is much more limited, as is universally acknowledged. However, this is so, because J uses a style that is much less repetitive and idiosyncratic than that of P or the Deuteronomist. Nevertheless, L. Schmidt has found at least one striking verbal agreement between Num 14:40 and Num 10:29: *המקום אשר-אמר יהוה*.<sup>51</sup>

All of the questions, especially the third and the fifth ones, can only be answered after a comparison of Num 13–14 with Deut 1, to which I now turn. The oldest layer of Deut 1 will serve as the starting point.

### 2.1. *The People Take the Initiative to Send the Spies (Deut 1:20)*

In Deut 1:20, as has often been noted, the initiative to send spies into the land, comes from the people, whereas in Num 13 YHWH commands it.<sup>52</sup> Both openings differ from the typical element of the text genre “*Kundschaftergeschichte*”, in which the leader of the campaign sends the spies.<sup>53</sup> It is obvious that the version of Deut 1 wants to enlarge the guilt of the people: Although they themselves made the proposal to send spies, they mistrusted their report so much that they believed the opposite of what the spies said.

### 2.2. *The Spies in the Land (Deut 1:24–25a)*

Deut 1:24–25a contains a shorter version of what the spies did compared to Num 13:21–25. However, the recounted details are close to Num 13. In both cases the men went up into the highlands. In Num 13:23 it is stated that they reached the *נהל אשכל* and in Num 13:20 the “fruits of the land” are men-

<sup>49</sup> See Schart, *Mose*, 137–148.

<sup>50</sup> This is far better evidence than observations on the distribution of isolated words that do not show up in statistically significant numbers. I still think that traces of P can be detected in Deut 34. Carr, *Formation*, 138–140 uses the death report of Moses as an example on what shaky grounds some scholars argue for or against the hypothesis that Deut 34 contains elements of P.

<sup>51</sup> Schmidt, *Kundschaftererzählung*, 48–49. The second, less convincing, reason is the crying of the people, which can also be found in Num 11:4, 10; 14:1.

<sup>52</sup> Taschner, *Mosereden*, 208: “Hier kommt die Idee, vor der Landnahme Kundschafter vorauszuschicken, vom Volk und nicht wie in Num 13 von Jhwh.”

<sup>53</sup> Schart, *Mose*, 73.

tioned.<sup>54</sup> An important detail that is missing, however, is the huge grape, which could only be carried by two men. It is difficult to explain why this detail would have been deleted, if the author of Deut 1 knew it, because it would have added some quite impressive evidence to the evaluation of the spies that “the land is good” (Deut 1:25b).

### 2.3. *The Report of the Spies (Deut 1:25b)*

Compared to the complicated and dramatic report of the spies in Num 13:26–33, the report in Deut 1:25b is very brief: everything is entailed in two statements in stereotypical language: “This land is good” and “it is the land that YHWH is going to give to Israel”.<sup>55</sup> Any negative aspects are completely missing in the oldest layer of the text; only later did the negative aspect come in, but only within the response of the people (Deut 1:28). The version of Deut is completely self-dependent, and only the motive is shared with Num 13: that the land appeared to be a fruitful place, where one can live sustainably. This points more in the direction of a shared oral tradition than in that of literary dependence.

### 2.4. *The Reaction of the People (Deut 1:26–27(28) // Num 14:2–3)*

Compared to the short but positive report of the spies, the reaction of the people in Deut 1 is described as very aggressive toward God. The people even insinuate that God has planned to kill them. And if this were not enough, Deut 1 makes clear that the reaction of the people comes out of nowhere.<sup>56</sup> Nothing in the mission of the spies can lead to the very harsh judgment of the people, who even accuse YHWH of hating Israel! As we have seen, later editors were puzzled by this unmotivated reaction of the people and brought in the idea from Num 13 that the report of the spies was at least ambiguous. Thematically in both texts the people question the exodus and fear that the exodus now will lead to the death of the whole generation, but significant overlap in the wording is missing. As a result, there is no evidence for direct literary dependence in either direction.

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<sup>54</sup> Plöger, Deuteronomium, 46–47 lists the similarities, but assumes no dependence on either side. This too easily dismisses the need for an explanation.

<sup>55</sup> Taschner, Mosereden, 209: “Es geht in der Moseversion nicht darum, in komplexen Dialogen aufzuzeigen, wie eine Fehlentscheidung zustandekommt, die auf Gerüchten und Zaghafteigkeit beruht, sondern darum, dem Volk den Nachweis der Schuld der gesamten Generation zu erbringen, die nicht ins Land ziehen darf.”

<sup>56</sup> Taschner, Mosereden, 210: “Von daher wirkt das Nicht-Wollen des Volkes in Dtn 1,26 völlig unmotiviert.” Taschner also notes the marked contrast between v. 28 und v. 25; Plöger, Deuteronomium, 52: “völlig unerwartet, schockierend, und zunächst unverständlich”.

### 2.5. YHWH's Verdict (Deut 1:34–35\* and 39)

YHWH's speech contains a verdict that is similar in content to Num 14:21–23, 28–35: The generation that experienced the exodus must die, but their children will reach the land. Besides this global thematic similarity, no verbal overlap supports the hypothesis of direct literary dependence. Remarkably, only YHWH's taking an oath (v. 34) resembles Num 14:21, 28.

A big difference is that Moses' intercession in Num 14:11–25\* is completely absent.<sup>57</sup> In the oldest layer of Deut 1, Moses does not undertake any attempt to rescue Israel. It was already noted that a later redactor felt that this did not fit the character of Moses as known from elsewhere and added the "*Kriegsansprache*".

### 2.6. Failure of the Unauthorized Conquest (Deut 1:41–45//Num 14:41–45)

In this case again, the plot of the narrative is identical in both passages. Concerning the wording one has to be aware, however, that a redactor harmonized them.<sup>58</sup> Num 14:42 is almost identical with its counterpart in Deut 1:42, so that direct literary dependence must be assumed. Since the text in Num 14:42 interrupts the flow from the preceding to the following sentence, it is more likely that Num 14:42 was borrowed from Deut 1 than the other way around.<sup>59</sup> Uncertain is the case of the confession "we have sinned" in Num 14:40b and Deut 1:41. On the one hand the sentence stands quite isolated at the end of the Numbers text, but is well integrated in Deut 1:41a, which would lead to the assumption that it was secondarily added in Num 14:40. On the other hand the sentence contains the object "against YHWH" in Deut 1:41, which could be explained if Deut 1 had enhanced the incomplete sentence in Num 14:40. In the other cases the verbal overlap is not significant enough to assume direct literary dependence, but Otto is right in these instances that Deut 1 must represent the party that borrowed from the version underlying the text in Numbers and not the other way around.<sup>60</sup>

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<sup>57</sup> Taschner, Mosereden, 212: "Die Fürbitte Num 14,13–19 fehlt völlig. Dies könnte einer Schematisierung zu verdanken sein, dass sich Mose in Dtn 9–10 ein für alle Mal als der Fürbitter schlechthin darstellt." Taschner is right that Moses is seen in Deut 9–10 as the intercessor without whose help Israel would no longer exist; cf. J. Jeremias, *Der Zorn Gottes im Alten Testament. Das biblische Israel zwischen Verwerfung und Erwählung*, BThSt 104, Neukirchen-Vluyn: Neukirchener 2009, 152: "Ohne Mose hätte Gottes Zorn Israel schon am Sinai/Horeb getroffen. Mit Mose aber ist Israel vor diesem Zorn sicher — nicht nur am Sinai, sondern für alle Zeiten." However to claim that the author of Deut 1 left out the Mosaic intercession with respect to Deut 9–10 is very speculative.

<sup>58</sup> Otto, *Deuteronomium*, 382–383 provides a nice synopsis of both texts that shows the overlap.

<sup>59</sup> So rightly Schmidt, *Kundschaftererzählung*, 43 n. 11.

<sup>60</sup> The small detail that the people "wept" is not too significant, but it is possible that Deut 1 borrowed it from Num 14:1. Otto, *Deuteronomium*, 384: "Die Autoren der deuteronomisti-

### 2.7. In Sum

The comparison of Num 13–14 and Deut 1 adds additional evidence to the internal source-critical analysis of Num 13–14. Both texts are the result of complex redactional work. There are no signs that the oldest layer of Deut 1 had any knowledge of the P version. Instead, it seems to have known the spy story roughly in a form as presented in the J version of Num 13–14. However, the similarities are limited to the plot of the story and only few details. In places where significant verbal agreements that would suggest a direct literary dependence are obvious, this can better be explained with the redactional activity of harmonization that happened apparently in both directions. This pattern of overlap of narrative elements with only minor verbal agreements is typical for cases when two texts share the same oral tradition. It is therefore wise to assume that the J version in Num 13–14 and the oldest layer of Deut 1 are mutually independent versions of an oral version of the story. When they were written down, the two literary versions must originally have been part of two distinct text corpora; otherwise one could not explain why two versions displaying such strong variance between them became part of the same corpus. In fact, when they became part of the same narrative strand one following after the other, great difficulties emerged because the reader was compelled to ask why in Deut 1 Moses remembers things so differently – and also to his own advantage – from how they actually happened according to Num 13–14. Smoothing out this discrepancy was the source of several additions.

In the second phase Deut 1, and the J version of Num 13–14 for that matter, was edited as an independent unit; the redactor who inserted Deut 1:29–33\* probably did not even know the J version. The addition is completely understandable as an attempt to bring the story more in line with other passages that deal with military campaigns in the deuteronomistic narrative tradition. The redactor felt that a “*Kriegsansprache*” was missing and composed one using stereotypical language from other texts (v. 30 לַחַם נִי. plus the preposition לְ, importance of trust, root אָמַן). Likewise, the passage was made to cohere more with the rest of Deuteronomy by the addition of stereotypical phrases. As a consequence, at least some of them could have been added in this phase, but the need to adapt the style of the passage to accord better with the rest of the corpus was obviously felt in other phases, too.

In the third phase Deuteronomy became connected to an earlier version of Numbers, in which the spy story had played a central role. The first bodily contact with the land, although only the spies actually walked over the soil, collected some fruits, and saw the inhabitants with their own eyes, discour-

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schen Moabredaktion setzen das Motiv, das Volk habe aufgrund des Berichts der Kundschafter geweint (Num 14, lb), an den Schluss der Kundschaftererzählung in Dtn 1,45, um zu zeigen, dass mangelndes Vertrauen auf das Wort Gottes Trauer und Verzweiflung nach sich ziehen.”

aged the people and revealed their mistrust in YHWH and YHWH's plan for Israel. Now the necessity emerged to harmonize the speech of Moses with the Numbers version. Clearly there are harmonizations that only presuppose the J version of Num 13–14, namely Deut 1:28 and Deut 1:40. Likewise, it is obvious that there are additions that presuppose the P version: Deut 1:36 and 1:38. The addition of the name of the father in both cases, which can only be found in P, is a clear indicator. In addition, Deut 1:37b presupposes Num 20:12, which belongs to P. As a consequence, the final version of Deut 1:19–46 clearly presupposes a version of Num 13–14, in which J and P are combined. However, given the diversity of the harmonizing additions, it is safe to assume that they were not all made by the same hand. It seems plausible to differentiate between harmonizing additions on the basis of J and a second set of additions that operated with the P version in mind. It is important to note that this second redactional layer obviously had not only the P version but at the same time the book of Joshua as part of its larger narrative framework. In the case of Caleb and likewise in that of Joshua, their role during the conquest of the land is emphasized. The information that the two were exempted from YHWH's verdict in the first place was needed because they had an important role to play in Joshua. As a result, there is some evidence for a redactor who knew the P version and thought to bridge the gap between the spy story and Joshua.

Difficult to evaluate is the point where Moses' intercession in Num 14:11–20\* came in. It is clear that it is not mentioned or alluded to on any level of Deut 1. An easy explanation would be that the intercession was inserted in Num 14 very late, when nobody felt the need to allude to it in Deut 1 anymore. But the problem with an argument *e silentio* is well-known. One would have to argue that Deut must have mentioned the intercession motive, if Deut had found it in its *Vorlage*. At least one can be sure that the intercession of Moses is of eminent importance in Deut 9. There the author clearly implies that Israel would have ceased to exist if Moses had not interceded with God on its behalf. If the author of Deut 1 had had a *Vorlage* that contained the intercession motive, there would have been no reason why he or she should have neglected it. And, the other way around, the arguments that Moses advances against YHWH's anger in Num 14 are totally in line with the reasoning in Deut 9–10, so that the author of Deut 1 should have had no objection to this passage. This suggests that the *Vorlage* of the author of Deut 1 did not contain the intercession motive. This assumption perfectly matches the source-critical analysis of Num 13–14, where there are clear signs that the intercession of Moses was added later by a redactor. On the other hand one must admit that so far no evidence has been given that allows us to identify when the intercession in Num 14:11–20\* was inserted.

### 3. Comparison with Numbers 32:8–13

In Num 32 two tribes of the second generation after the exodus, the Reubenites and Gadites, approach Moses because they want to stay on the Eastern side of the Jordan. Some redactor inserted a passage (v. 8–13) in which Moses retells the spy story as a warning for the Reubenites and Gadites not to repeat the great mistake that their fathers had made, namely, to reject the gift of the Promised Land and to discourage the people on their way to the Western side.

A comparison of this passage with the spy story in Num 13–14 shows that Num 32:8–13 clearly presupposes the P-layer. This can be derived from the following observations:

- The phrase “the land that has been given” is reminiscent of Num 13:2.
- The specification that only those persons will “not see the land” who are “more than 20 years old” stems from P (Num 14:29).
- That the sojourn in the wilderness will last for 40 years likewise is told in the P stratum (Num 14:33).
- That Caleb and Joshua are characterized by the name of their fathers is also typical for P.

Likewise there are clear signs that Num 32 presupposes the J-Layer.

- That the spies shall see (ראה v. 8, 9) the land can be found in Num 13:18.
- The valley אשכול is also mentioned only in the J layer (Num 13:23–24) and in Deut 1:24a.
- In Num 32:12 it is stated that Caleb and Joshua “stood fully behind YHWH”. This phrase stems from J (14:24) and can also be found in Deut 1:36. However in J, Caleb is not identified with his patronymic.
- The notion in v. 11 that YHWH not only promulgated his judgment but even took an oath that the men will not see the Promised Land is close to the formulation in Num 14:23 (secondary to J) and resembles the one in Deut 1:35a.
- In addition, it is stated two times (Num 32:10 and 13; cf 32:14) that the anger of the Lord was kindled. This phrase can be found in pre-priestly material Exod 4:14; Num 11:10; 12:9; 25:3, but not in Num 13–14. Likewise the phrase כל־העם הזה (Num 32:15) “this whole people” is found in Exod 18:23; Num 11:11,12,14; (Jer 27:16), but not in Num 13–14.

Finally Num 32 has some peculiarities that do not stem from a different text:

- Moses’ audience is clearly separated from the generation that became guilty, since Moses consistently talks about the guilt of the fathers.
- The misconduct that the spies committed is paraphrased as “they discouraged the heart of the children of Israel” (Num 32:9). The exact

phrase is not found elsewhere, although the concept is equal to that expressed in Deut 1:28.<sup>61</sup>

One point is shared with Josh 14:6: In v. 12 Caleb is introduced not only with his father's name but also with his gentilic identity.<sup>62</sup>

This suggests the following assumptions: Num 32:8–13 in any case presupposes that J and P had already been merged in Num 13–14. The passage is also familiar with the topic of the recurrent anger of the Lord, which is characteristic of Num 11–12.<sup>63</sup>

It is significant that Num 32 does mention two details from the J-layer that recur in Deut 1 (“valley Eschkol” and the oath) and one detail, the name “Kadesh-Barnea”, which seems to stem from Deut 1.

The passage was inserted by a redactor who wanted to clearly distinguish between the first generation that experienced the exodus and the Sinai/Horeb event, but failed to seize the land and the second generation, which stood in front of Moses when he held his last speech reported in Deuteronomy. Since this separation is not clear enough in Deut 1:19–46 itself, the redactor created Num 32:8–13 as a bridge. Therefore, it is probable that the redactor worked after J, P and Deut\* were combined in one work. The use of the gentilic as an apposition to Caleb points in the direction that the redactor also has had access to Josh 14:14.<sup>64</sup>

#### 4. Comparison with Deut 9:1–2 and 23–29

Within the Book of Deuteronomy Deut 1 is quoted in Deut 9:1–2, 23–29: The phrases גוים גדלים ועצמים ממך ערים גדלת ובצרת בשמים “nations larger and mighti-

<sup>61</sup> Schmidt, *Ansiedlung von Ruben und Gad*, 500.

<sup>62</sup> L. Schmidt, *Die Ansiedlung von Ruben und Gad im Ostjordanland in Numeri 32,1–38*. ZAW 114 (2002), 497–510, 499–500 considers V. 12 to be a secondary insertion; however, besides the gentilic element connected with the name of Caleb there is no additional evidence for this.

<sup>63</sup> Baden, J, E, and the redaction of the Pentateuch, 142–148 has tried to separate two independent layers of E and P in Num 32 that were combined by a redactor, who, at the same time, inserted words from chunks of one layer into chunks of the other and added material that harmonized the resulting mixed text with the final version of Num 13–14 comprising already J and P. This theory seems overly complicated, cf. Carr, *Formation*, 137 n. 82. The hypothesis of a basic layer that was expanded by different redactors is much more convincing; although one certainly can opt differently concerning the details, Schmidt, *Ansiedlung von Ruben und Gad*, 506–507 provides a plausible analysis.

<sup>64</sup> Otto, *Deuteronomium*, 373 may be too confident when he declares: “Num 32,6–15 ist ein später Einschub in den Pentateuch, der mit der Redaktion des Pentateuch im ausgehenden 5. oder frühen 4. Jahrhundert im Gespräch ist”. Otto also seems to downplay the connection of the passage to Joshua, which would suggest that the passage belongs to a Hexateuch-redaction.



er than you, great cities, fortified to the heavens” (Deut 9:1 NRSV) is almost verbally identical with *עם גדול ורם ממנו ערים גדלות ובצורת בשמים* in Deut 1:28a and must therefore stem from direct literary dependence. Likewise Deut 9:2 combines the expression *עם-גדול ורם*<sup>65</sup> with the phrase *בני ענקים*, which both stem from Deut 1:28. It is clear that Deut 9:1–2 presupposes Deut 1 only at a developmental stage when the cited *dtr* expressions had already been inserted.

Deut 9:23 combines the name “Kadesh-Barneah” from Deut 1:19 with phrases from Deut 1:8 (*ורשו את-הארץ אשר*) and Deut 1:26, 43 (*ותמרו את-פי יהוה*) and the statement that the hearers did not trust (root *אמן*) in God (Deut 1:32). This can also best explained by the assumption that Deut 9 made use of formulations and motifs from Deut 1.

Especially interesting is that in Deut 9:25–29 Moses retells his intercession on the people’s behalf. This motif is shared with Num 14:11–23, but is not mentioned in Deut 1. It is important to note that a similar intercession passage can also be found in the golden calf incident (Exod 32:11–13). In Deut 9:25–29 Moses advances three arguments against YHWH’s plan to destroy Israel: First, he argues that the relation to the fathers Abraham, Isaac, and Jakob establish a relation that should be remembered in case of stubbornness of a later generation. This argument is also used in Exod 32:13. Second, he points to the possible misunderstanding in the sight of the Egyptians that YHWH was not capable of bringing Israel into the land or destroying them because YHWH hated them.<sup>66</sup> This argument with the witness of the Egyptians is used in a very close way to Num 14 and to Exod 32 (cf. Deut 9:28 with Num 14:16 and Exod 32:12). Third, he takes it for a permanent self-determination by YHWH that Israel is God’s people and inheritance, even if Israel itself calls this into question. This argument is only implicit in Num 14:13–14 and in Exod 32:11. However, not all of the arguments that Moses uses in Num 14 are part of the intercession in Deut 9. It is especially noteworthy that the reference to YHWH’s merciful essence (Num 14:18; cf. Exod 34:6–7) is not mentioned in Deut 9, neither in the recapitulation of the stay at Horeb (Deut 9:8–21; cf. Exod 34:6–7) nor in the context of the spy story. Given the weight of this argument, it is easier to imagine that the composer of Deut 9 did not know it than that the composer deliberately choose to avoid it.

In sum, Deut 9:1–2 is directly dependent on Deut 1, whereas the intercession passage in Deut 9:25–29 does not share the same strong verbal similarities with the intercession in Num 14:11–23. This can be explained with the hypothesis that Deut 9 knew Num 14:11–23 at an earlier stage of its development or that Num 14:11–23 took up the Egyptian argument from Deut 9. In any case, Deut 9 does not display any knowledge of the source P.

<sup>65</sup> Note the same confusion of *רם* and *רב* as in Deut 1:28 and 9:2.

<sup>66</sup> That YHWH hated Israel was presumed as a motive that YHWH has brought Israel out of Egypt by Israel itself in Deut 1:27.

## 5. Comparison with Josh 14:6–15a

Josh 14:6–15a is secondary within its context and not a unity in itself, especially the verses 10–11 stand out as dealing with a different matter. It is obvious on first glance that the core of the passage coheres with the J-layer in Num 13–14 because Caleb is singled out as the only spy who encouraged the people to seize the land, whereas the others let the people's heart melt. The characterization of the cities in Josh 14:12 as "great and fortified" and the mentioning of the "Anakim" further underline that Josh 14 knew the J-layer.

In addition, there are some details that occur in Num 13–14 and at the same time in Deut 1: The words *אנכי מלאתי אחרי יהוה* "I was full behind YHWH" stem from Num 14:24a and Deut 1:36. And the phrase *ואשב אתו דבר* is used in Num 13:26b and Deut 1:22b. The use of the verb *רגל* (Josh 14:7, 9) to designate the activity of the spies in the land can only be found again in Deut 1:24.

Also there are details that are shared with Num 32:8–13, especially the use of the gentilic in the name of Caleb, the name Kadesh-Barnea (Num 32:8; Josh 14:6, 7), the motif of "melting the heart of the people" (Josh 14:8 cf. Num 32:7, 9).

In sum, there is unambiguous evidence that Josh 14 knew the J-layer of Num 13–14. There is further evidence that Josh 14 knew Num 32:8–13. Only the use of the verb *רגל* could be proof that Josh 14 knew Deut 1. But there is no evidence that Josh 14 made use of the P-layer in Num 13–14. Quite to the contrary, if P would have been known, one would expect that Caleb had included some reference to the fact that Joshua, to whom he now appeals to fulfill what Moses has promised, was once a partner on the spy mission.

## 6. Comparison with Josh 15:13–14 (cf. Judg 1:10–15)

In Josh 15 the lot of the tribe of Judah is described. After the borders of the lot are described precisely, for some reason Caleb, who is obviously representing a Judahite clan, is singled out and it is told how he could get his part of the lot in the area of Hebron. Only in the verses 13–14 are some details given that have their equivalents in Num 13–14: In Josh 15:13 Caleb is identified with his father's name, Jefonai, which presupposes P. And in Josh 15:14 it is told that Joshua displaced the sons of Anak, whose names are given as Scheschai, Ahiman, and Talmi (Josh 15:14b). These names are also given in a very similar way in Num 13:22, the combination of the three names in one place and the phrase *ילידי הענק* is exclusive to these two passages, so that a direct literary dependence is obvious:

Josh 15:14b: *את־ששׁי ואת־אחימן ואת־תלמי ילידי הענק*

Num 13:22: אחימן ששי ותלמי ילידי הענק  
 The names are superfluous for the narrative in both cases.

Judg 1:10 mentions the names Scheschai, Ahiman, and Talmai, exactly in the order as they appear in Josh 15:14, which is evidence for their direct literary dependence.<sup>67</sup> It is slightly more probable that the concept that the Anakites comprised the three figures Scheschai, Ahiman, and Talmai originated within the conquest tradition and was then inserted into the J-version of the spy story (Num 13:22, 28) than the other way around.<sup>68</sup> Since in Judges Caleb is consistently not designated with his father's name and likewise in Joshua 15:14, 16, 17, 18, it is probable that Caleb's patronymic (Josh 14:6, 13, 14 and 15:13) is later. Either the P source picked up Caleb's father name from Judges or the patronymic was inserted at some places by scribes that knew the P-version of the spy story.

In sum, there is clear evidence that a redactor worked with a Hexateuch-perspective. The goal was to intertwine the spy story in Numbers with the conquest of the Promised Land. This Hexateuch-redaction very likely did not yet work on the basis of a corpus that included the P-version of the spy story. In turn, one may conclude that a Hexateuch-layer existed that already comprised the J-layer, a deuteronomic version of Deuteronomy, in which Deut 1 and 9 were integrated, and a version of Joshua to which secondary passages like Josh 14:8–13 were already added. Only later was this Hexateuch combined with the P-layer.

## 7. Comparison with Ps 106

In Ps 106 the spy story shows up in v. 24–26. This is only a very short summary; the story is condensed to serve the goal of the psalm. In the first bicolon (v. 24) the land is praised in a way that comes closest to Deut 1:25b and 35b. In the second bicolon (v. 25), the mistrust of the people is mentioned, which is reminiscent of Deut 1:32, but closer to Deut 9:23. In v. 25 the “murmuring in your tents” is an exact and exclusive match to Deut 1:27a. To be sure, the murmuring motif appears a couple of times, but the wording never matches as closely. In the second colon in v. 25, the sentence “they did not hear the voice of YHWH” is a standard phrase, but it is again attested in Deut 9:23. In v. 26 the lifting of the hand can be found in Num 14:30, however, there the gesture

<sup>67</sup> In the MT the three figures are not related to Anak, but the LXX has γεννήματα τοῦ Ἐνακ, what suggests that the apposition ילידי הענק was part of the LXX-Vorlage.

<sup>68</sup> Even later, when the J-version was combined with the P-version, the Anakites were identified with the descendants of the Nephilim (Num 13:33) in order to smooth out a tension between the Anak-additions to J and P. This could have been done by the redactor who combined J and P or, because the gloss “the Anakites come from the Nephilim” has no equivalent in the LXX, more probably, by a later copyist (cf. Carr, *Formation*, 93).

serves to confirm the giving of the land, but not the punishment of the people. The closest parallel stems from Ezek 20:23, where the gesture of lifting the hand also confirms that YHWH had already decided in the wilderness to disperse the people between the nations.<sup>69</sup> The statement in the second colon of v. 26, namely that the people will “fall in the wilderness” (נפל במדבר) comes close to that in Num 14:29, 32, (33), which belongs to P. However, the formulation is not especially significant.

When all of the evidence is combined, the psalm clearly presupposes the spy story versions of Deut 1 and 9.<sup>70</sup> There is no independent detectable knowledge of the J-layer of Num 13–14. Only in one case might knowledge of the P-version be possible, but the significance of the verbal overlap is weak. This leads to the assumption that Ps 106 adapted the deuteronomistic spy story only. This can best be explained, if the dtr spy story existed independently of Num 13–14. By implication it is likely that P was merged with the J-layer and with the deuteronomistic edition of Deuteronomy only after Ps 106:24–26 was composed.<sup>71</sup>

## 8. Conclusions

### 8.1. Redaction-critical conclusions

The comparison of the different versions of the spy story confirms the basic assumptions of the documentary hypothesis. The origin of the development was an oral version of the spy story, which is reflected in the two independent versions of the Yahwist (Num 13–14\*) and the oldest layer of the deuterono-

<sup>69</sup> See J. Gärtner, *Die Geschichtspsalmen. Eine Studie zu den Psalmen 78, 105, 106 und 136 als hermeneutische Schlüsseltexte im Psalter*, FAT 84, Tübingen: Mohr Siebeck 2012, 218.

<sup>70</sup> Gärtner, *Geschichtspsalmen*, 216 notes the influence of Deut 1:19–46.

<sup>71</sup> It is usually presupposed that Ps 106 used a Hexateuch-version, in which P already was included; cf. H. Gunkel, *Die Psalmen*, HKAT 2,2, Göttingen: Vandenhoeck & Ruprecht 1926, 465 and recently Gärtner, *Geschichtspsalmen*, 208. However, since the psalm summarizes the hexateuchal narratives in a brief, poetical, and creative way, unambiguous verbal links are minimal and confined to specific sections, e.g. v. 16–18 (cf. Baden, above, 237). Also, it is not clear whether the psalm does not contain secondary harmonizations with the final form of the Pentateuch. If the author of Ps 106 had used P as written *Vorlage* throughout, it would be difficult to explain, for example, why Korach is not mentioned in v. 18 or important concepts of P, like the tent of meeting, are missing. Shared motifs without significant lexical overlap with P, e.g., the rebellion against both Moses and Aaron in v. 16, can also be explained by oral influence. In any case, P did not exercise any conceptual influence on the author of Ps 106, who represents a much more deuteronomistic way of thinking (Kraus, *Psalmen*, 727: “Bemerkenswert ist die Durchdringung aller dieser Traditionen mit dem thematischen Prinzip–Jahwes Huld und Israels Schuld. Dieses Gestaltungsprinzip erinnert an die auch formal scharf konturierte deuteronomistische Geschichtstheologie.“).

mistic framework of Deuteronomy (Deut 1:9–45\*). The oldest layer of Deut 1:9–46 was already composed to fit its place within the opening passage of Deuteronomy. This is made clear by the fiction that Moses is retelling something that his hearers already know.<sup>72</sup> In addition, the spy story connects to the situation as described by Deut 1:6–8, e.g., “hill of the Amorite” (Deut 1:7a//17a).<sup>73</sup>

Several observations tend to suggest that the literary connection between Num and Deut 1 was not in place when the oldest layer of Deut 1 was written down. First, the story itself does not provide any indication that Moses is in fact addressing the second generation after the exodus. This contradicts the overall plot of the Numbers–Deuteronomy sequence on the level of the final text, namely that the first generation excluded itself from the land and had to die in the wilderness, that the second generation, however, will have a new chance and will manage to seize the land with the help of a new covenant in the area of Moab and with a new version of the law, which was originally given at Sinai/Horeb, but now is actualized by Moses. Likewise, the addition of the *Kriegsansprache* (Dtn 1:21) would naturally fit into a stage of textual development when Deut 1 was not attached to Numbers; at least there is no indication that the author of this speech wanted to remind the reader of the speeches by Caleb and Joshua. Again, some of the deuteronomic Phrases may also have been added at this stage, for example the sentence “as YHWH, our God, has commanded us”, a sentence that enhances the style according to dtr standards and at the same time serves to tighten the connection between the spy story and the command in Deut 1:6–8.

The additions that clearly have the goal of harmonizing Deut 1 with Num 13–14 presuppose that both versions became part of the same narrative sequence, presumably by attaching a dtr version of Deuteronomy to a Tetrateuch that contained the J-version of Num 13–14, and were read one after the other; otherwise the need for the harmonization of the two versions would not have emerged in the first place. In accordance with the principle of not postulating more hands reworking the text than necessary, it would follow that the redactor who attached Deuteronomy to Numbers also was responsible for inserting at least some of the harmonizing additions.

One can differentiate between two groups of harmonizations: One group only presupposes the J-layer of Num 13–14, and the other presupposes the P layer. The second group of additions must therefore stem from the redactor who combined J with P or from one who had the combined work before her or him.

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<sup>72</sup> That of course is the oldest layer that can be reconstructed from the text we have. It may be that there was a written source before it, which narrated the story in the third person.

<sup>73</sup> Cf. Otto, *Deuteronomium*, 384. The direction of literary dependence, however, is not clear in this case.

It is remarkable that at the same time both groups of additions want to provide some sort of transition to Joshua.<sup>74</sup> In the case of Caleb, there is the phenomenon that he is designated as “the Kenizzite” three times (Num 32:12; Josh 14:6, 14). This rather unmotivated detail may even support the thesis that the redactor who inserted Josh 14:6–15a is identical with the person that inserted Num 32:8–13. In any case, although the data collected in this analysis are too limited to allow far-reaching hypotheses, they do support the hypotheses that redactional additions in Numbers tried to build bridges to Joshua and vice versa.<sup>75</sup> The Hexateuch-perspective should gain more attention than in most studies from the previous decades.<sup>76</sup> The hypothesis of Eckart Otto and Reinhard Achenbach, however, that a Hexateuch-redactor is responsible for combining the J- and the P-version of the spy story in Num 13–14 and at the same time substantially reworked Dtn 1:19–46 and included both texts into the same narrative sequence contains more speculation than the data allow.<sup>77</sup> The above analysis also shows clear indications that the Hexateuch-perspective was already brought in before the P-layer was combined with the Non-P-material.

P knew the J-version of the spy story but created its own version, which was transmitted as an integral part of the P-source, but completely independent from the J-version and the deuteronomistic version: The literary connec-

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<sup>74</sup> Otto, *Deuteronomium*, 381: “Die nachexilische Fortschreibung in Dtn 1,19–46 interpretiert die Kundschaftererzählung im Horizont des Tetrateuch einerseits, des Josuabuches andererseits. Hinweise auf literarische Bezüge, die über das Josuabuch etwa in einer enneateuchischen Perspektive hinausweisen, fehlen dagegen.”

<sup>75</sup> The tendency to link the narratives in Numbers to Joshua is strong in the late additions to Numbers, too. C. Frevel, *Die Wiederkehr der Hexateuchperspektive. Eine Herausforderung für die These vom deuteronomistischen Geschichtswerk*, in: *Das deuteronomistische Geschichtswerk*, ÖBS 39, Frankfurt am Main et al.: Lang 2011, 13–53, has put together a nice chart to demonstrate this, and he concludes: “Es kann kein Zweifel bestehen, dass die Komposition des hinteren Teils des Numeribuches auf das Josuabuch bezogen ist. Mit der Einschätzung, dass dies ein nachdeuteronomistischer Zusammenhang ist, der das Dtn bereits im Hexateuchkontext voraussetzt, und dass die entsprechenden Texte des Numeribuches nach Pg entstanden sind, wird Noth sicher recht haben.”(23)

<sup>76</sup> Frevel, *Hexateuchperspektive*. To be sure, although in Jewish tradition it is quite clear that it is the Pentateuch alone that is designated by the term “Torah” and that this part of the Hebrew Scriptures is of higher canonical value than the others, before the Second World War it was a well-established practice in Christian circles to perceive the Hexateuch as a literary unity instead of only a Pentateuch. Quite a few scholars assumed that the sources that could be isolated in the Pentateuch could also be found in the book of Joshua. This tradition ended with Martin Noth’s very influential works: M. Noth, *Das Buch Josua HAT 1,7*. Tübingen: Mohr 1953, 1. ed. 1938; idem, *Überlieferungsgeschichtliche Studien. Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament*, Tübingen: Niemeyer 1957, 1. ed. 1943; and idem, *Überlieferungsgeschichte des Pentateuch*. Stuttgart: Kohlhammer 1948.

<sup>77</sup> Otto, *Deuteronomium*, 367–407; Achenbach, *Landnahme*; see in this volume Otto, *Books of Deuteronomy and Numbers in One Torah*, 385.

tion between the J-Tetrateuch and the dtr edition of Deuteronomy was implemented before P was merged with this material.<sup>78</sup>

In the next step a redactor combined the narrative comprising J and the dtr Deuteronomy with the P-source.<sup>79</sup> Again, this redaction, probably at the same time, worked in a Hexateuch-context, since some of the elements added to Joshua presuppose that the J- and the P-version in Num 13–14 were already combined. It is difficult to perceive the different elements as a unified redactional layer with a distinct style, wording, and profile. Rather one has the impression that different hands felt the need to smooth out tensions between Numbers and Joshua. It is notoriously difficult to decide whether a motif, e.g., the different designations associated with Caleb, Hebron, the *נחל אשכל*, the Anakites, the names of the three descendants of Anak, and Kadesh-Barnea, originated in the course of the redaction history of Joshua and was then retrojected into Numbers or the other way around.

### 8.2. Num 13–14 and Deut 1 within the Final Composition

The redaction-critical task is not finished by explaining how the different versions are related to each other; it is imperative to interpret how they function within the framework of the final canonical text.<sup>80</sup> In this respect it is of special importance to understand the juncture between Numbers and Deuteronomy.

The character of the connection between Numbers and Deut 1–3 is disputed. On the one hand it is claimed that the retelling of stories that the reader knows from Numbers is *per se* a significant break in the coherence between Numbers and Deuteronomy, especially since there are significant differences between the stories in Numbers and those in Deuteronomy, as could be shown in the case of the spy story. Some, most prominently Wellhausen and Noth, have therefore concluded that Deut 1–3 must have served as the introduction to a version of Deuteronomy that existed independently from Numbers.<sup>81</sup> Noth for example proposed that Deut 1–3 was written as an opening for the

<sup>78</sup> The limited textual base of this study does not allow far-reaching conclusions concerning P, but no evidence was found that would support the thesis that the P-version of Num 13–14 does not belong to the *Grundschrift* of this source either.

<sup>79</sup> This study therefore lines up with Wellhausen's judgment: "Am Schluss meiner Untersuchung angelangt, fasse ich ihre Ergebnisse noch einmal kurz zusammen. Aus J und E ist JE zusammengefloßen und mit JE das Deuteronomium verbunden; ein selbständiges Werk daneben ist Q. Erweitert zum Priestercodex ist Q mit JE+Dt vereinigt und daraus der Hexateuch entstanden." (J. Wellhausen, *Composition des Hexateuchs und der historischen Bücher des Alten Testaments*, Berlin: de Gruyter 41963 = 31899, 207).

<sup>80</sup> This task was especially emphasized by B.S. Childs, *Introduction to the Old Testament as Scripture*, Philadelphia, Fortress 1979. Otto, *Deuteronomium*, for example, masterfully switches between a source-critical analysis and a reading of the final canonical text, which does justice to both perspectives.

<sup>81</sup> Wellhausen, *Composition*, 193.

Deuteronomistic History and had nothing to do with the Tetrateuch.<sup>82</sup> Only later editors, who desperately wanted Deuteronomy to be part of the Penta-teuch, smoothed out some of the discrepancies in the narrative flow and tolerated the others for the sake of their more important goal, presumably because they wanted the laws contained therein to have a comparable legal status to the Sinaitic laws. On the other hand scholars take the retelling of the stories from Numbers as a fitting narrative transition from Sinai – which is called Horeb in Deut – to Moab, where Deuteronomy locates Moses' last speech. According to this opinion, Deut 1–3 was written not independently of or to separate, but to attach the book of Deuteronomy, which had emerged as an independent literary work, to the book of Numbers.<sup>83</sup> What can the comparison of the different versions of the spy story contribute to this discussion?

The first problem when asking for coherence of the sequence of the different retellings of the spy story is the perspective, in which the “biblical narrator”, this is the label with which the author of the final canonical text can be designated, presents the narrated events.<sup>84</sup> The narrative strategy of the biblical narrator in Num 13–14 is to give an account of the things as they really happened. In Num 32 the event is retold by Moses himself and the author simply confines himself to reporting what Moses said. There is no explicit evaluation of the statement of Moses, but there is nothing in the report that explicitly contradicts the version of Num 13–14. It is even clearly stated that Moses is faced with the second generation and distinguishes them from the generation of their fathers. In Deuteronomy, likewise, the biblical narrator purports simply to present Moses' own words without giving the reader any additional information. This version of Moses, however, markedly differs from the event as it had actually happened according to Num 13–14. This is puzzling to the reader.

First, it is not clearly stated in Deut 1:19–46 that Moses is addressing the second generation. In contrast to Num 32:8–13, where the first and the second

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<sup>82</sup> Noth, *Überlieferungsgeschichtliche Studien*, 12–16.

<sup>83</sup> Cf. J.C. Gertz, *Kompositorische Funktion und literarhistorischer Ort von Deuteronomium 1–3*, in: *Die deuteronomistischen Geschichtswerke in den Büchern Genesis bis 2. Könige. Neue religions- und redaktionsgeschichtliche Perspektiven zur jüngsten "Deuteronomismus"-Diskussion*, ed. by M. Witte et al., BZAW 365, Berlin: de Gruyter 2006, 103–123 perceives Deut 1–3 as a “relecture” of some parts of Numbers, which gives the deuteronomic laws its appropriate place in relation to the Sinaitic laws (esp. 122); Frevel, *Hexateuchperspektive*, 33 agrees: Dtn 1–3 “[waren] niemals Einleitung eines eigenständigen und vom Tetrateuch unabhängigen Literaturwerks”. Taschner, *Mosereden*, represents an approach that asks for the narrative function of Dtn 1–3 solely on the basis of the given Masoretic text.

<sup>84</sup> Taschner, *Mosereden*, differentiates between the perspective of the biblical narrator (“biblischer Erzähler”) and that of the narrative figure of Moses, which serves as a “personaler Erzähler”: “Der biblische Erzähler und Mose kommen beide deutlich voneinander abgehoben zu Wort. Sie sind zwei klar zu unterscheidende, gleichsam erzähltechnische Größen.” (62)



generation are clearly differentiated, the impression in Deut 1 appears quite to the contrary. The constant addressing of the audience as if they remember the event themselves is in tension with the view that after Num 26 the second generation is in place, which cannot be accused of being guilty in the spy incident. However, Moses is speaking to them as if they themselves have constantly rebelled against YHWH's guidance and not their parents. The reader probably has to infer the concept that even the second generation, who theoretically could separate itself easily from the first, is commanded by Moses to perceive its own identity as if they were identical with the generation of their mothers and fathers.<sup>85</sup>

Second, the phenomenon that Moses only recalls the favorable part of the report of the spies, namely that the land is good (Deut 1:25b), and that the skeptical part is left to the people's response (Deut 1:28) is puzzling, too. The reader must excuse that as an insignificant slip in memory or the reader would have to assume a clear bias against the people on Moses's side.

Third, that Moses – according to his memory – had himself tried to convince the people not to deny the conquest of the land, and not Caleb and Joshua, might likewise be accepted by the reader as the well-known tendency of human memory to increase one's own importance and to downplay the role of others; alternatively the reader would have to assume that Moses tried to impress his hearers by overstating his own role.

Fourth, the reason why Moses is not allowed to enter the Promised Land, which implies that he cannot conclude the mission for which he was elected in the first place (Exod 3), is seen differently by Moses on the one hand and by the biblical narrator on the other. Taschner has observed that within the passages that deal with Moses' death (Num 20:12, 24; 27:14; Deut 1:37; 3:26; 4:21; 31:2; 32:52; 34:4) the biblical narrator consistently assumes a personal guilt of Moses, whereas Moses himself never mentions such a possibility.<sup>86</sup> According to his self-perception he was pushed to his conduct solely by the

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<sup>85</sup> Otto, *Deuteronomium*, 405 insists that the spy story in Deut 1 is of eminent importance for understanding the relation of Sinai-torah and Moses own presentation in Deut: "Die Differenzierung von Erster und Zweiter Generation durch die Kundschaftererzählung in Dtn 1,19–46 erstellt überhaupt erst den narrativen Rahmen, um in gesamt-pentateuchischer Perspektive auf die der Ersten Generation promulgierten Sinaitora eine auslegende Moabtorah in Gestalt des Deuteronomiums folgen zu lassen, da die Zweite Generation die Sinaitora nicht gekannt haben kann." The reader of the final text would be pushed to identify with the second generation. However, at least with equal strength, the reader is led to identify with the first generation. As Otto himself points out, the second and subsequent generations are not much better than the first (406), but they can trust in God's merciful essence that Moses has brought forth through his intercession at Horeb/Sinai once and for all time: God simply is incapable of destroying God's people, even if it provokes God's anger (Jeremias, *Zorn*, 152: "Wie in Ex 32,7–14 ist auch in Dtn 9–10 vom Zorn Gottes nur darum die Rede, weil den Lesern eingepreßt werden soll, dass Gott zur Vernichtung seines Volkes gar nicht fähig ist.").

<sup>86</sup> Taschner, *Mosereden*, 213–217.

people, not by his own free decision. Following the biblical narrator, however, this self-perception expresses Moses' unwillingness to take over responsibility for what he has actually done.<sup>87</sup> The author of Ps 106, however, has adopted the perspective of Moses: Moses was led to his behavior by the people because they rebelled so often that in the end even he could not hold back his anger.

### *8.3. Theological implications*

However the historical process behind the conquest tradition really was, the Israelites developed the self-understanding that they were somehow alien to the land they lived in. The space where Israel could feel at home was not the unquestioned possession of Israel since the creation of the world. The land was given in the course of history by YHWH and it was taken away by the same God for a couple of reasons and this cycle was reiterated a number of times over the course of Israel's historical experience. As a result, the life-securing possession of the land was perceived as fragile and endangered. The gift of the land had to be handled with great care and in full accordance with YHWH; otherwise it could be taken away again. Within this framework, the spy story served to clarify the basic conditions Israel had to fulfill, even before it got the chance to settle there permanently. This topic was thought over again every time that Israel's possession of the land was endangered or even lost. Although we do not have enough data to reconstruct this process precisely, it is important to get at least a rough understanding of the process, so that the biblical texts can be read in the correct historical setting and then inspire new adequate solutions, Jewish, Christian, and Islamic ones, how Israel can find peace in its land among the nations.

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<sup>87</sup> Taschner, Mosereden, 218: "In beiden Episoden [Num 13–14 and 20, AS] ist zwar das Volk der Auslöser für die 'Schuld' des Mose, aber am Ende dieser Episoden unterscheidet sich Moses Verhalten nicht von dem des Volkes. Insofern hat die Art, wie Moses seinen Tod interpretiert, auch ihr Recht. Aus seiner Perspektive ist er 'wegen' des Volkes schuldig geworden. Doch der biblische Erzähler fügt seine Sichtweise hinzu: Das hätte anders kommen können, wenn Mose Jhwh vor der Gemeinde 'geheiligt' hätte. Gerade aus dieser Doppelung der Perspektive ergibt sich somit eine Reflexion über die Ausführung eines religiösen Amtes auf höchstem Niveau. Die wirklich tiefgehende Kritik der Tora an Mose, die diese beiden Sichtweisen umschließt, besteht jedoch darin, dass sie Mose selbst nicht zu dieser Erkenntnis gelangen lässt. Nur der Leser wird dazu aufgefordert, aus der doppelten Perspektive seine Schlüsse zu ziehen. Diese subtile Kritik an Mose als Individuum, in der sich die Gefährdungen des religiösen Amtes generell spiegeln, ändert jedoch nichts an seiner alles überragenden Bedeutung."

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