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INTRODUCTORY NOTE

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Ronald M. Hals

Introduction

In the study of OT legal forms it has always been evident that in certain portions, most especially Deut 12-26, the legal materials are preserved within a hortatory framework, so that the end product is what might be called "preached law." All investigation of Deut 12-26 has had to come to terms in one way or another with the question about the nature of the relationship between the legal material and this hortatory framework within which it is presented. In those investigations which approached the question primarily from the perspective of literary criticism the nature of this relationship has been explained as the result of an editorial process, one in which the "laws" have been expanded by means of editorial additions of a hortatory nature.

The application of form-critical methods to Deut 12-26 has to a certain extent complicated matters. Because form-critical study by definition concentrates on both the shape of the material and its use in a Sitz, the understanding of the editorial process has been forced to face an additional area of questions. This additional area of questions becomes clearest when we contrast the way in which the material in the Book of the Covenant responds to literary-critical and form-critical analysis with what happens when the same methods are applied to Deut 12-26. In the case of the Book of the Covenant both methods of study work in harmony. The basic nature of the material is that of a collection of laws. The basic literary-critical questions deal with 1) the implicit cultural background, and therefore date, presupposed by the laws, and 2) the process of the collecting of the laws. Form-critical study seeks 1) to analyze the various types or genres of laws contained in the collection, and then 2) to reconstruct the appropriate Sitz within which each legal genre would function and also the Sitz for such a collection as a whole. This is obviously somewhat of an over-simplification, but it will serve to indicate where the complicating factor is introduced when the same methods are applied to Deut 12-26. There, too, literary-critical study asks about the implicit background and the process of collecting of this legal material, and form-critical investigation analyzes the genres and reconstructs each Sitz. However, since the legal material exists within the hortatory framework in such a way that the great majority of units are colored by it, the extra step of editorial activity providing this hortatory aspect must be fitted in by literary-criticism either preceding, accompanying, or following the process of collecting the "laws."

However, it is when we turn to the corresponding extra step in the form-critical treatment of Deut 12-26 that the complicating factor suddenly becomes apparent. Since form criticism continually asks about Sitz, it must ask what cultural context or setting in life is to be presupposed for this editorial adding of the hortatory element. By definition "editorial process" implies a literary Sitz, and yet the limited circumstances of the publication process in ancient times mean that by definition "hortatory" implies an oral Sitz. The customary way out of this apparent incongruity is to point out that the nature of the editorial process involved was in this case the adapting of the laws for use in an oral or at least pseudo-oral Sitz, namely the proclamation of the laws in a covenant renewal situation.

It is the purpose of this study to ask if there is not

another possible way in which to come to terms with the above apparent incongruity. If, for purposes of assumption, there were a genre of preached law, i.e. one in which the unity of law and hortatory framework already existed, then the problem of accounting for an editorial process of providing a hortatory orientation either before, during, or after the collecting of the material would be eliminated. Instead, methodologically speaking, the literary-critical treatment of Deut 12-26 would be back to a pattern parallel to that applied to the Book of the Covenant in which only the study of background and of the process of collecting would be involved. On the other hand, the form-critical task would be the one to be complicated, but only to the extent of having one more genre and corresponding Sitz with which to work.

Naturally, the question of which of the preceding alternatives to prefer, the more literary-critical or the more form-critical, in coming to terms with the apparent incongruity described above is not to be decided on the basis of which way is the simpler. Reality does not always follow the simplest path. Nevertheless, other things being equal, the one of two alternatives which involves the lesser number of assumptions is to be preferred. In this case it seems clear that enough of a possibility exists to make worthwhile the pursuit of the question whether or not there is a genre of preached law. Gerhard von Rad has suggested such a genre,¹ but to the best of my knowledge the suggestion has not been picked up. Rather a more strictly literary-critical approach to Deut 12-26 seems to dominate current studies. It is in the hope of reopening the question that this paper is undertaken. How should such a question be pursued? It is not enough to accumulate examples reflecting a common structure and Sitz, for the alternative here is not the absence of any genre, but rather the hypothesis of several other genres subjected to an editorial process. Instead, investigation will have to concentrate on the relationship of the "laws" to their homiletical expansion, aiming to determine what kind of mental process the expansion material reflects, i.e. whether it reflects a mental process more appropriate to a literary editor or one more appropriate to an independent genre. Particularly the consistency of this mental process will need to be examined, for a true genre will be dominated by one mental process, whereas inconsistency is the chief evidence whereby the hand of the later editor has always been detected.

Investigation

For purposes of simplicity this study will be organized around the familiar three basic questions used by Gunkel and others as the guideposts of form-critical analysis: who speaks? who is addressed? and what is the mood? As will become apparent, the answers to these questions will serve to clarify and pin down which are the crucial factors.

A. Speaker

It is here, of course, that the distinctiveness of the material in Deuteronomy lies. It is formulated from beginning to end² with Moses as the speaker. The two major styles familiar from elsewhere in the OT, i.e. the impersonal style familiar from the majority of the paragraphs of the Book of the Covenant³ and the style of direct address by the deity familiar from the Holiness material of Lev 17-26,⁴ are simply not characteristic of the legal material in Deut 12-26. The reason for this uniqueness of the material in Deut 12-26 has

naturally been found in its being linked to the speeches of Moses in Deut 5-11. That reason may be adequate from a literary-critical point of view, but form criticism must ask, "who speaks as Moses?" If the material in Deut 12-26 had any use in Israel's life beyond that of a documentary record to be stored in some "library," then someone must have functioned as Moses, if only for the reading aloud of the text. The Moses of Deut 5-11 and 27ff has the role of a mediatorial figure between Yahweh and Israel linked to the idea of a covenant and the situation of a covenant reaffirmation. If this is what is characteristic of the "who speaks?" dimension of Deut 5-11 and 27ff, then to explore the consistency question before us it must be asked to what extent this same "Moses" is the speaker in Deut 12-26.

While Moses is not even named in 12-26, not only is he still clearly implied as speaking, the nature of his role, i.e. the identity of this "Moses" role, is alluded to in occasional spots. The "I" of 12:11, 14, 21, and 28; 13:1 and 19; 15:5, 11, and 15; 17:3; 19:7 and 9; and 24:18 and 22 is indeed purely formulaic, but its frequency does serve to indicate that at least a good number of laws formulated in direct address style could "comfortably" be identified as the expression of someone issuing commands as God's representative even though preserving his own "I." In four of these cases the word "today"⁵ appears, qualifying the situation of the commanding "I." By itself this word would not perhaps necessarily imply a situation of covenant reaffirmation, but the extremely characteristic frequency of this "I command you this day"⁶ in Deut 5-11 makes it plain that a deliberate connection is being expressed. Still, by virtue of the formulaic character of this phrase, it could easily be explained as a purely literary expansion. Similarly, when in 12:29, 17:14, 18:9, 19:1, and 26:1 the applicability of certain sections is introduced with a condition such as, "when you come to the land," only a formulaic beginning seems involved, since not just these sections but virtually every one in 12-26 presupposes a situation "in the land." Although this "in the land" formula comes later in the section 25:17-19, it still serves basically just to introduce the actual command. In all of these cases the "in the land" formula simply serves to make explicit the same context implicitly carrying over from 5-11.

In only a few instances does the presupposed situation of the speaker find expression in the actual "body" of the legal material, at least as opposed to formulaic refrains. In 12:8-10 the current⁷ pre-Canaan locale of speaker and addressees serves as an express contrast to the situation which will obtain "in the land." And in 18:15-17 the "me" in "a prophet like me" and "the Lord said to me" is employed to spell out the "Mosaic" character of the prophet being treated. Admittedly these two instances are special cases, inasmuch as legislation about a central sanctuary and about a Mosaic prophet in contrast to false prophets is often felt to be a priori editorial expansion.⁸ Still it appears already at this point that the question of what is "primary" and what is "expansion" will require careful consideration. All that can be said thus far is that the "Mosaic" situation of Deut 5-11, of a mediatorial figure speaking for Yahweh but in his own name, is consistently⁹ maintained wherever the speaker is identified.¹⁰

B. Addressee

While the addressee in Deut. 12-26 appears only as a second person singular or plural,¹¹ it is, of course, transparently clear that Israel is meant. This is not only the consequence of the material in 5-11 which precedes, but also clear from a number of formulae encountered repeatedly in 12-26. The references to Egyptian bondage (13:6 and 11; 15:15; 16:1, 3, 6, 12; 17:16; 20:1; 23:5 and 8; 24:9, 18, and 22; and 25:17). The "all Israel shall hear and fear" formula (13:12, 17:13, 19:20, and 21:21),¹² the purge formula (13:6; 17:7 and 12; 19:13 and 19; 21:9 and 21; 22:21, 22, and 24; and 24:7)¹³ the "folly in Israel" formula (22:21)¹⁴ the "Hear, O Israel" formula (20:3), and the references to election (as in 14:2 and 21) all make plain how widespread this specification of the addressee is. And yet the formulaic, appositional, or appendix character of the vast majority of these items makes it easy to regard them as editorial expansion. Once again it is evident that the question of what is "primary" and what is "expansion" will need to be approached from some more suitable perspective. As in regard to the speaker, all that can be said thus far is that Israel as the people of Yahweh is consistently the one addressed wherever the addressee is specified.¹⁵

C. Mood

It is abundantly clear that the legal material of Deut. 12-26 is dominated as it presently stands by a parennetic mood, that is, a mood of command provided with a motivating basis.¹⁶ Motivating clauses are not unique to Deut. 12-26,¹⁷ but it is their frequency here which gives this material its distinctive cast. Some of the motive clauses have been mentioned above in other connections, i.e. references to Egyptian bondage as stimulating gratitude (15:15) or warning (24:9), the "hear and fear" formula, the purge formula, and references to election. In fact, all of the identifications of speaker or addressee have really served primarily as motivational. The commanding "I" stressed the underlying authority, and the references to Egypt and election stressed obligation. The "hear and fear" formula and the purge formula clearly have admonition rather than identification of the addressee as their central intention. This receives striking confirmation from the many cases in which the actual name Israel was not even mentioned,¹⁸ and from the occurrence of another formula, the one to show no pity (13:9 and 19:13 and 21), which occurs repeatedly in connection with the purge formula, but which has only an admonitory and not an identifying function.

But a wealth of further motivations could easily be noted. Promises of blessing (as in 15:4-6) and warnings against apostasy (as in 13:11) are broad general categories which are both frequent and strongly reminiscent of 5-11, but, while the general admonitory tone in 12-26 is close to that in 5-11, there is a definite difference. The broad generalities of 5-11, such as the "go well" and "surely perish" formulae are quite rare in 12-26.¹⁹ This difference is quite understandable, however, in view of the more general and less specific character of the content of 5-11 in which the focus is on obedience and disobedience as blanket categories. Once again, though, in the vast majority of these motive clauses, of whatever type, appear as appended to the more strictly legal material, and could thus be seen as purely editorial expansion.

From every angle, then, it seems that the crucial question is that of the relationship between the "laws" and their "expansion." From what has been examined so far it is clear that the hortatory framework of Deut 12-26 is not simply the consequence of its position following 5-11. Although speaker, addressee, and mood are indeed the same, the references to speaker and addressee as well as the explicit expressions of mood do not occur within the "laws" themselves, but come as motivational attachments, whether prefixed, inserted, or most commonly appended. This motivational aspect dominates in a truly overwhelming way all of the material which goes beyond the "laws" themselves. There are no simple glosses or editorial smoothings which simply serve to maintain clarity about speaker and addressee, or even any editorial links or headings which join, separate, or classify the individual legal items. All that is not "laws" is motivational, or to use the word so long deliberately avoided, it is preaching.

This preaching may, however, as has repeatedly been noticed above, still be editorial expansion. Its framework position as occasionally prefixed or inserted, but normally appended seems, in fact, to make editorial character natural. But so far this much is clear: it may be editorial, but it is still preaching, and it is the only kind of editorializing which this material has undergone. Now it remains to be investigated whether the relationship between the "laws" and the preaching can be more precisely formulated than has thus far been done with such vague terms as prefixed, inserted, and appended.

D. The Phenomenon of Elaboration

To achieve the desired clarification a number of things must be done. First of all, the term "expansion" must be abandoned as prejudicial. It implies a relationship of primary and secondary which has yet actually to be demonstrated. From an examination of both the "laws" and the preaching it will become apparent that elaboration is a more suitable term. Let us begin by asking what is left in Deut 12-26 when the preaching, that is the motivational material, is set aside. One would suppose that surely just the "laws" would be left. Indeed in certain places that is the case. In the later parts of 12-26, especially chapters 24 and 25, the removal of all motivational material does leave a few impersonal case and prohibitive laws. This is clearest where whole laws devoid of motivational elaboration occur, as in 22:28-29; 23:1, 2, and 3; 24:5, 6, and 16; and 25:5-10.²⁰ In addition, again especially in the latter part of 12-26, there are some sections in which the second person motivation is just "tacked on" the end of an otherwise impersonal law, as in 21:18-21 in which 21a^{8b} consists of the purge and "hear and fear" formulae, in 22:5 in which 5b is an "abomination to the Lord your God" formula, in 22:13-21 in which 21b is the purge formula, in 22:22 in which 22b is the purge formula, in 23:4-7 in which 5-7 is a lengthy specification of the guilt of the Ammonites and Moabites against "you," in 23:18-19 in which 19 bans the money of cult prostitutes from use in vows and adds an abomination formula, in 24:1-4 in which 4b adds "you shall not bring guilt, etc.," in 24:7 in which 7b³ is the purge formula, and in 25:1-3 in which 3b is a warning against degrading "your brother." But, unless I am mistaken, these few items are the only ones in which the "original" impersonal "laws" without motivational material can so easily be recovered. If a "law" is to be limited to an impersonal formulation of crime and punishment or situation and prescription,²¹ this would be all the easily recoverable "laws" in the whole corpus of Deut 12-26. Surely

6 the situation characteristic of the vast preponderance of the material, i.e. all of 12-20, must be given priority in determining the relationship between law and preaching. Granted that a theory of simple editorial expansion will work for the above few sections, surely that theory can only provide a minor part of the solution to the problem of how law and preaching fit together in the whole of 12-26.

There are, of course, a number of other genres of laws which appear in Deut 12-26 either without or easily separable from motivational elaboration. Among prohibitions in the second person singular 14:21b, 22:10 and 11, and 25:4 appear without any motivation, and in 16:21a/b,²² 16:22a/b, 17:1a/b, 19:14a/b, 22:9a/b, 23:8a α/β , 23:8b α/β , 23:20/21, 24:14a/b-15, 24:17/18, and 25:13-15a/b-16 the "original" prohibitions may be more or less readily isolatable. However, once the boundary from impersonal laws to direct address forms such as the "thou shalt not" prohibitions is crossed, it is quite difficult to separate away the preaching elaboration. After all, is not the casting of the law into the style of an unconditional prohibition in direct address at least as much of an underlining of the authority dimension of motivation as an "as I command you this day" formula or perhaps even an abomination formula? The uncertainties about the background of "apodictic" law make it difficult to be definite here, but in any case the motivational aspect of the unconditional prohibition style in direct address cannot be ignored.

"If-you" laws, providing there is actually such a genre,²³ may occur without preaching, as in 23:11-12 and 23:25-26 and in easily recoverable form in 24:19-22. Finally, cultic directives in the second person singular are represented without preaching in 22:12. In almost all other cases the recovery of original laws detached from preaching elaboration is a much more complex procedure. It is to that more complex situation that we turn now.

As an initial step in attempting to analyze the relationship between law and preaching in the more complex cases which constitute the majority of Deut 12-26, it will be necessary to define the nature of the phenomenon of elaboration somewhat more precisely. Not all elaboration in Deut 12-26 or elsewhere is homiletical. In Exod 21:2-6, 7-11, and 12-14 three consecutive laws, vv 2, 7, and 12 are provided with elaboration in the form of sub-cases. A good bit of this legal elaboration occurs in Deut 12-26. In 15:16/17²⁴ we have a sub-case with its appropriate consequence spelled out in order to provide proper legal elaboration of the basic law in v 12. In 12:20a/b, 12:21a α/β b-24, 14:24/25-26, 15:21a/b-23, and 22:25a/b-27 similar elaboration of both case and consequence occurs.

While a large part of the motivational elaboration does come as additions to the concluding, i.e. consequence, part of the laws in 12:26, this is not always the case. A few promises occur, as was noticed, at the beginning of laws, and on a few occasions promises are inserted somewhere in the middle of a section, as in 15:4-5, 15:6, and 20:4. However, there remains an entire additional kind of non-legal elaboration which has not so far been considered here at all, and which occurs both in the case and the consequence parts of laws. This kind of non-legal elaboration is less easy to label than most of what has been examined hitherto, because it is not formulaic. Basically what is involved is that kind of elaboration which is non-legal because it deals with areas which are completely non-regulable, such as the feelings of the heart. In 15:7-8 and 10 behavior is prescribed which is totally beyond the power of any

authority to regulate: "You shall not harden your heart or shut your hand...but...lend him sufficient (vv 7-8)" is hard enough to imagine being enforced, but "You shall give to him freely, and your heart shall not be grudging (v 10)" would have to be perceived by every legal authority as simply out of bounds. Who would even concern himself with the secrets of a man's motives? Who but a preacher! And this passage is not unique by any means. In 15:14 and 18, 17:20, 20:1 and 3, 22:3b, 23:8, 22, and 24 similar regulation of feelings is baldly set forth. Also in a consequence part, 18:19b has Yahweh announce that he will avenge himself on the one who ignores his prophet.

Such elaboration of non-regulable areas is less common in the parts which describe the cases, but 15:9 belongs here as it posits the situation of "a base thought in your heart," and even more so do 13:4, 18:15 and 18, and 20:13 which presuppose knowledge of God's intent.

Conclusion

When all of this variety of perenetic elements and the variety of ways and places in which the preacher's concern has penetrated into the legal material is assessed, it becomes exceedingly difficult to assume that it is all the result of a literary process of editorial expansion. Indeed old laws of varying sorts do provide the point of departure for the process by which the material of Deut 12-26 has reached its present form. There can be little doubt about this, since we do have in many cases the old "bare" laws in question in the Book of the Covenant.²⁵ Nevertheless, the process by which these laws have come to have their present manifoldly elaborated shape can scarcely be envisaged as a purely literary one. In order to account for such contradictions as the legal regulation of the non-regulable, as in the "your heart shall not be grudging" of 15:10, and the multiple clash resulting from the promise in 15:4 that "there will be no poor among you" followed within the same section by a case which presumes that "there is among you a poor man" (15:7) and the bald assurance that "the poor will never cease out of the land" (15:11), a series of editors would have to be assumed, the complexity of whose revisions would be exceeded only by their insensitivity. Of course, not every paragraph is as complex as 15:1-11, but others are not far behind. The Holy War legislation in chapter 20 with its demand for fearlessness and trust, its assurance of Yahweh's presence, its extermination of everything "that breathes," and its prohibition of cutting fruit trees for siege lumber is surely a close second as regards its non-regulable character.

Far more likely than a purely literary editorial process is the assumption that this material comes to us out of an originally oral Sitz in which old laws served as "texts" for the sermonizing of men who stood in Moses' place and who sought to aim and empower these old laws for the hearts of an Israel of a relatively late date. Rather than having its consistency located in the areas of wording and logic as might be expected of a literary editor, we have here that far different kind of consistency of concern which is not bothered by extravagantly impossible promises or demands, because of the priority it assigns to sharpening the old laws so that thereby the will of God may penetrate into the hearts of the hearers. This is the kind of consistency characteristic of a preacher, and the results of the efforts of these preachers could appropriately be given the genre label "preached law."

To try to go beyond the label is difficult, largely because of the lack of information about how preaching went on in Israel. Still, some conjectures about speaker, addressee, and Sitz may not be entirely without value. Certainly there is little point in trying to read back into OT times the customs of either synagogue or church. The material most closely analogous to Deut 12-26 is naturally Deut 5-11, but that material is not of much specific help. Much of it is sermonic²⁶ and may be the result of collecting and combining a number of homiletical introductions to a ceremonial reading of the law,²⁷ but such related preaching is equally unilluminated by information elsewhere, apart from the familiar passage in Deut 31:10-13 prescribing the reading of the law by Levitical priests every seven years before all Israel, and the equally familiar description of the reading and explaining of the law by Ezra and the Levites in Neh 8. There are also many other links between Deut 12-26 and 5-11. Several of the motivational elements in 12-26 are also encountered in 5-11, especially the more general items of concern for the thoughts of the heart, for Holy War, remembering Egypt and Sinai and looking ahead to the fulfillment of promises about the land. In addition a few more specific items appear in both sections, among which may be noted: the "which I command you" formula in 6:2; 7:11; 11:8, 13, 22, 26, and 28; the "no pity" formula in 7:16, the abomination formula in 7:25; and the remark that Yahweh is Levi's inheritance in 10:9 (parallel to 18:2).

Doubtless because of the paucity of outside illumination about the occasion and functionaries presupposed by the Deuteronomistic material, various suggestions have been offered. While older literary criticism saw strong prophetic influence, more recent writers have pointed to Levitical priests,²⁸ Jerusalem priests,²⁹ or scribes.³⁰ In any case, the content of the material makes it plain that a relatively late situation is to be envisaged, an Israel with an advanced and complicated socio-economic structure, a monarchy, a threatening Baalism, an advanced festival calendar, and centralized worship. It seems quite apparent that 12-26 itself reflects the presence of materials accumulated over a considerable span of time, with that being even more the case for 5-11 and 28-30. When the question is posed as to which one group with a continuing existence attested in Israel's on-going history would be characterized by a heritage in which were stressed the traditions of the confederacy, such as the Exodus, Moses, and Sinai, those of the Book of the Covenant and of Holy War, together with a profound theological depth and a concern for didactic popularization, it seems to me that the Levites are still far and away the most likely candidates to be entertained for the position of preachers of the law. The similarities to the parenthetic material in Leviticus³¹ also points in this direction, as do the responsibilities inherent in the torah-giving aspect of the priestly office.

When the focus shifts from the question of the speaker to that of the addressee, conjecture becomes even more difficult. We simply are not informed in any detail about the audience at a covenant reaffirmation ceremony even in the few passages which do bear on this issue, not even to raise the question of regional or village ceremonies in which the local community's identity as a part of the people of Yahweh could have been fostered. Perhaps most intriguing of all would be those conjectures which might try to account for the persistent stress on the internalization of law in the Deuteronomistic material. An impressively high degree of individualization, particularly in the area of intellectualizing reflection,

is so prominent in the whole gamut of motive clauses that one can only be amazed at the extent of this emphasis on rationality. The aspect of authority and custom inherent in such basic motivations as "just because I told you so" and "just because that's the way it's done" seem to have been by no means adequate for the audience of Deut 12-26, to say nothing of 5-11 and 30. The prohibition of images is rationalized in 4:12 and 15-18 by a theological reflection on the word of Yahweh which is simply awesome. The way the reason for Israel's election is rationalized in terms of the oath to the fathers may strike us as only an exchange of one mystery for another, but at least it does attempt to come to terms with the question of God's love, a matter we are ourselves extremely hesitant about. Perhaps even beyond these items is the way the whole question of the choice between obedience and disobedience is adhered to in all its frightening simplicity throughout. No excuse is permitted whereby the fundamental question of the choice between "yes" and "no" could be somehow dodged. And some possible excuses are even raised, as in 29:28 and 30:11-14, only to be dismissed on rational grounds. To be sure, some of this intellectualizing, as for example the treatment of true versus false prophecy in 18:21-22, may seem at first glance to be shallow, but perhaps we fail to give sufficient weight to the deliberateness of that apparent shallowness. To me it has always seemed reminiscent of the deliberately "naive" anthropomorphisms of the Yahwist in Gen 2-3 or of the "simplistic" affirmations of Yahweh's all-causality by Micaiah ben Imlah in 1 Kings 22:19-23 or by Deutero-Isaiah in 45:7. After no little struggle I can only confess for myself that such shallowness "is too wonderful for me; it is high, I cannot attain it" (Ps. 139:6).

In final assessment it seems to me that a two-fold kind of Sitz must be assumed for material of the particular kind of complexity found in Deut 12-26. Its initial Sitz must have been an oral one, that which I have called "preaching" on "texts" from old laws. But there seems also to have been a second Sitz, that of the collecting of the deposits of this preaching. Here it is that the truth of the theory of a process of literary editing is to be found. But in my opinion it seems far less likely that this was a process of expansion than that it was one of selection and condensation. The fact that there are only a few relatively minor attempts at organization which appear anywhere in 12-26, such as the gathering of "office" laws in 17-18 and of most briefer laws in 22-24--and even these groupings are entirely devoid of headings--makes me feel the literary editing involved in the collecting Sitz was minimal.

Obviously, some exceedingly troublesome questions remain. Among them I mention only two: 1) how is it that there are in 12-26 a number of "unpreached" laws, i.e. laws which are not elaborated homiletically? and 2) how is it that there are some sermons with no "texts," i.e. units like the law about the king in 17:14-20 for which any legal basis is simply unrealistic because of its totally negative orientation? With regard to the existence of "unpreached" laws, I think the answer lies in the direction of the way the collecting process was governed by selection and condensation, that is more by excision than by expansion. As far as the sermons without texts are concerned, I feel that such a phenomenon is exactly what the updating of a heritage demanded. Because older Israel had no king, there was no old law about a king. But because in

the later Israel of these preachers of the law the king was there, his office had to be dealt with, if only negatively, if the will of Yahweh was realistically to be updated to speak to a changed situation. In more modern words, it seems quite understandable to me that fidelity to the message of the Scriptures should prefer an occasional sermon without a text to one which used a text only as a pretext.

Because of the differentness of the genre of preached law, a few summarizing observations are appropriate. Precisely what kind of a genre is preached law? It is not a primary genre like that of a message, in which all of the elements involved come naturally out of the situation, being created so to speak "from scratch." Rather, preached law is as the label implies a secondary genre, that is one which employs material from several other literary types which is then altered either explicitly or implicitly. It is not, however, at least not in Deut 12-26, a single editorial phenomenon, for the representatives of this genre are too varied, too inconsistent, and too reflective of an oral setting. While the instances of preached law in Deut. 12-26 could conceivably be the result of repeated editorial efforts,³² compiled in a wooden, ineffective way, it seems far more likely that the varieties and inconsistencies are the result of later editorial combining of materials whose earlier Sitz had given them a shape too definite to be eliminated by editorial revision, just as the still earlier Sitz of the laws themselves had given them a shape too definite to be erased by their use in paranesis. This paranesis seems to have been oral, diverse rather than uniform, and characterized by the aim for fidelity to heritage, psychologization, individualization, heart-obedience, and the total welfare of both individual and community. These concerns are what the term "preached" law aims to imply.

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FOOTNOTES

1. Gerhard von Rad, Studies in Deuteronomy (London, 1953), pp. 14-24 and Deuteronomy (Philadelphia, 1966), pp. 19-20.

2. For the present purposes the role of chapters 1-3 (4) and 27-34 can be ignored.

3. Cf. Exod 21:18-22:16.

4. The question of the extent to which impersonal material has been artificially bracketed within a framework of divine address need not concern us here.

5. The Hebrew is always **ה'יו**.

6. The Hebrew again is usually simply **ה'יו**, but when in 6:24, 8:18, 10:8, and 10:15 a preposition is used, then the demonstrative is expressed, e.g. **כִּי־הוּא ה'זֶה**.

7. Once again **ה'יו**.

8. Similar observations could be made about the passages in 12:20 and 19:8 where a still later situation in the land is identified with the condition "when Yahweh your God enlarges." Such material is indeed clearly subsequent to that which precedes it, whatever--if anything--that may imply form-critically.

9. There are, of course, the familiar "slips" in which the West Jordan perspective shows through, but these are presumably accidental.

10. Impersonal passages will be dealt with later.

11. The phenomenon of the variation between singular and plural remains a difficult one, and will not be treated here, since it is not vital to the present question.

12. 17:13 and 19:20 do not name Israel in this "here and fear" formula, but "the people" in 17:13 clearly picks up the "Israel" of the purge formula in 17:12. In 19:19b-20 both purge and "hear and fear" formulae appear without specific reference to Israel.

13. 13:6, 17:7, 19:19, 21:9 and 21, 22:21 and 24, and 24:7 admittedly do not name Israel in the formula, but in 21:9 and 21 and 22:21 Israel is specified in the immediate context.

14. 17:4 with its reference to an "abominable thing in Israel" should be included here.

15. Once again impersonal passages will be dealt with later.

16. Cf. for example E. Schlink, "Gesetz und Paraklese," Antwort, Festschrift for Karl Barth's 70th birthday (Zürich, 1956), pp. 323-335 for the theological dimension of this mood.

17. Cf. for example the latter part of the Book of the Covenant, Exod 22:20ff, and the Holiness Code.

18. The "go well" formula occurs only in 12:25 and 28, and the "surely perish" formula not at all. Fairly close to the "go well" formula are the promises of blessing in 13:18, 14:29, 23:21, and 24:19.

19. Cf. notes 12 and 13 above.
20. Two additional items should be mentioned as borderline matters: 21:15-17 is impersonal throughout, but is rather "wordy" and may contain motivation of a sort in 17b; and 25:11-12 is impersonal throughout except for the formulation of the punishment as direct address and for the "no pity" formula in 12b.
21. Cf. Volker Wagner, Rechtssätze in gebundener Sprache und Rechtssatzreihen im israelitischen Recht (BZAW 127; Berlin, 1972).
22. The (/) indicates the division between law and preaching.
23. I am still unconvinced by Harry Gilmer, The If-You Form in Israelite Law (Unpublished dissertation, Emory University, 1969).
24. Here the (/) indicates the division between sub-case and consequence.
25. Gerhard von Rad gives a list of such laws in his Deuteronomy, p. 13. There is always the possibility that other unpreserved collections, formulated slightly differently, also existed.
26. Cf. von Rad Deuteronomy, pp. 19-21.
27. Cf. here also the view of Norbert Lohfink, Das Hauptgebot (Analecta Biblica 20; Rome, 1963).
28. Gerhard von Rad, Studies in Deuteronomy, pp. 66-68.
29. E. W. Nicholson, Deuteronomy and Tradition (Philadelphia, 1967), pp. 83-106.
30. Moshe Weinfeld, Deuteronomy and the Deuteronomic School, (Oxford, 1972) pp. 158-178.
31. von Rad, Studies in Deuteronomy, pp. 25-36.
32. As, for example, suggested by Gottfried Seitz, Redaktionsgeschichtliche Studien zum Deuteronomium (BWANT 93; Stuttgart, 1971).

S 32a CRITICAL REMARKS ON SEVERAL OF LIEDKE'S THESES

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Members of the Task Force on Law agreed at the annual meeting of the SBL last fall that we should all attack one question this year. We chose the problem of technical names for legal Gattungen. Gerhard Liedke's work, Gestalt und Bezeichnung alt-testamentlicher Rechtssätze,¹ seemed to be a good place to start and work out from.

My paper is a series of critical remarks directed to some of Liedke's theses and reflections prompted by them. They range over the entirety of the monograph, not only the chapters devoted specifically to legal terminology. Remarks number 5, 8 and parts of 9 address Liedke's terminological proposals, while the rest are directed to his analysis of legal Gattungen.

It is my opinion, by way of summary, that Liedke's work does not establish beyond reasonable doubt that mishpat and hoq (or mitzwah, for that matter) were technical names for types of law. The procedure of relating the "concept" of a term to the "concept" of a Gattung is questionable. One must identify examples of technical usage and it is difficult to do so for the terms in question. It appears that ancient Israel did not develop a technical legal nomenclature, or if it did, it does not correspond to our Gattungen.

1. LIEDKE argues that in early Israelite jurisprudence, the judges who heard cases were arbiters between disputants and that their "judgments" were proposals for settlement which had to be agreed upon by the disputants to become binding. The judgment of the court was not binding if the disputing parties were not satisfied.² Comments:

1.1 This thesis is illuminating and well-taken. The court process was analogous to a civil suit in our law, but the judges had even less role in the determination of the terms of settlement.

1.2 Nevertheless, the judges in Israelite jurisprudence did possess real authority. They had the power to arrive at a verdict. The defeated party had to submit to the court's decision. Moreover, the legal tradition in the possession of the judges did outline the terms of settlement, e.g., whether a defeated party was vulnerable in his person or in his property.

1.3 Many casuistic laws prescribe precisely what compensation is appropriate. In others, we see evidence of amendments to give the judges the right to fix the sum of compensation (e.g., Exod 21:22).³ Thus, the court's power is growing.

1.4 The difference Liedke is seeking to establish between authoritative decisions and disputes settled by arbitration is more a matter of degree than of kind and the difference was shrinking even as early as the Covenant Code.

2. LIEDKE seems to find the blood feud behind the death penalties in the casuistic laws.⁴ Comments:

2.1 The concept of blood feud should, in my opinion, be restricted to laws actually governing blood vengeance and asylum.

2.2 When the texts (Exod 21:13-14, Num 35:9-34, Deut 19:1-15, Josh 20:1-9) mention the cases posing the question of asylum, the examples are of killing in which the killer was the direct cause of death. The legal issue revolves around intent and evidence thereof.

2.3 The casuistic laws of the Covenant Code which allow for the death penalty do not involve direct killing, but rather liability for death caused by one's ox or liability for death to a bystander during a brawl. The casuistic laws do govern direct killing of a slave or thief, but here the victim is not fully protected as a person.⁵

2.4 Num 35:21 expressly forbids any other composition than the death penalty for murder, whereas the casuistic laws make provision for (and the courts undoubtedly encouraged) compensation instead of execution. This should be the distinction between cases of blood vengeance proper and execution in which other concepts were operative. Of course, execution may be a hold-over from an early period when the blood feud was operative for the cases in question. This would have been a period in law where absence of intent was not recognized as a defense in the case of killing.

2.5 The blood feud is tried when the killer seeks asylum and revolves around whether he will be granted it. The casuistic laws are not formulated with reference to asylum.

3. LIEDKE makes a number of suggestions regarding the collecting of casuistic law into codes, without attempting a general account of it: The collections are assemblages of precedent decisions which were cited by judges to support their rulings. They had the authority of common law, not enacted statutes. Perhaps collections of precedents were not made in pre-Israelite Syria and Palestine because legal authority had passed to the city king.⁶

3.1 Liedke's suggestions may be a helpful contribution to an important and unsolved question: Why were precedent decisions collected into codes? Much more needs to be reconstructed, however.

3.2 I wish to offer some reflections regarding the collecting of precedent decisions in the Covenant Code. It seems to me that the personal address in the Cov. Code is an important clue to its origin. In the code taken as a whole, the people of Israel (explicitly in Exod 20:24, 21:13-14, 22:20, 24, 30, 23:9, 14-17) are addressed by their God, Yahweh (explicitly in Exod 20:23-26, 21:13-14, 22:22-23, 24, 26, 28-29, 30, 23:7, 23, 24, 28). The Israelite whose action is governed is economically secure (Exod 21:2, 22:20-21, 23, 24-25, 23:9), a layman in the cult (Exod 23:14-17, 18, 19, implicitly in Exod 20:24-26 and elsewhere), and a member of the court (Exod 21:13-14, 23-25, 23:1-3, 6-8).

3.3 In the casuistic law, the talions formula (Exod 21:23-25) is personally addressed. The talions formula is a poetically stated rule for the assessment of penalties. It addresses the court, which "imposes" (ntn) penalties. We can infer from this that the casuistic law was incorporated into the Cov. Code to instruct the judges in the legal traditions valid for the people of Israel.

3.4 Since the Cov. Code as a whole addresses the people of Israel, the casuistic law in it must stand as a uniform case law for the entire people. This means that Israel is a "legal community," at least in the sense of a community which shared a common law, recognized a common legal authority (Yahweh, speaking through a person commissioned by him, Exod 21:1), and shared common (cities of asylum?) and parallel judicial institutions.

3.5 It would be quite possible to interpret the very assemblage of the casuistic laws of the Cov. Code as an act of standardizing law for the people of Israel. It is probably the case that most of the ANE legal collections are related to standardizing law for an empire. I would so interpret the Code of

3.6 Though the precedent decisions probably antedate Israel, it may be that the collection of the laws in the Cov. Code arose out of the evolution of Israel as a legal community. Perhaps the city-states of Canaan did not develop codes because they did not have large territories over which to standardize legal practice, while the people of Israel lived in a geographically large and broken-up territory and standardization was a necessary step in the evolution of the religiously associated groups into a nation.

3.7 The fact that the Cov. Code possesses personally addressed material suggests strongly that it came into being in the public proclamation of law to the people of Israel. Personal address in law is more likely indicative of an oral setting than of literary reworking. The recent assaults on the thesis of the public proclamation of law have ignored the Code as a creation in its own right.

3.8 One other personal address is important: The commission of a human speaker of *mishpatim* (Exod 21:1). This commission coincides with our thesis that the casuistic law came into being as a collection under divine authority. The publication of a uniform law could not be undertaken casually, since it represented a rather significant departure from local autonomy. We should look to the currently disputed theory of a tribal confederation presided over by a "judge" as the institutional framework of the Cov. Code.

4. LIEDKE treats the personally formulated casuistic law - under the title of "if-you" formulations - in a short appendix. He suggests that these are reformulations of casuistic law under the influence of paranesis. Beyond that, he finds them somewhat comparable to treaty stipulations and suggests that they bind both casuistic and "apodictic legal formulations" to the covenantary formulary.⁷ Comments:

4.1 Gilmer, in his dissertation on "if-you" laws,⁸ finds suggestive proto-types in wisdom and legal documents addressed by kings to various officials. These parallels are closer, in my opinion, than treaty stipulations. At least he has shown that there was a style at hand for this type of personal formulation.

4.2 I must admit that I am still of the opinion that most of the personally formulated casuistic laws are derived from impersonal proto-types. The type of law which I have elsewhere labelled "casuistic law governing primary rights and duties"⁹ regularly attracts the personal style in Biblical law. I believe that this was due to the difficulty of enforcement, so that the formulation migrated toward moral appeal. Nevertheless, the Cov. Code examples treat legal subjects and most have impersonally formulated parallels in ANE legal codes.

4.3 The personal address style in this type of casuistic law, as well as the others, almost requires an oral setting for the origin of the formulations. There would be no evolution of law toward moral appeal unless there was a setting in which appealing was natural and obvious.

4.4 These personally addressed casuistic laws are "covenantal" in that they are addressed to one party to the covenant by the other. One mentions "the poor of my people," clearly drawing the circle of the covenant. Twice Yahweh promises to hear the lament of the victim, which means judgment against the addressee.

4.5 However, there is no real connection between these personally addressed formulations and treaty stipulations, for the former govern specifically defined legal relations, whereas the pro-

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visions of a treaty govern the relations of the parties to each other.¹⁰ To be comparable to treaty stipulations, they would have to govern corporate acts of Israel.

5. Some comments on LIEDKE's renderings of mishpat and his supporting passages:

5.1 Liedke offers a translation for one group of occurrences: the "sphere which surrounds one" ("Bereich, der einen umgibt").¹¹ Mishpat is said to be a sphere that men are in, rather than something in men. Most of his examples (running מִשְׁפָּט) could just as well be translated "perform justice" or even "act justly." In any case, Liedke's attempt to attribute a "concept" to mishpat - with metaphysical undertones - seems unwarranted.

5.2 Another rendering is "what one is due" ("Das, was einem zukommt").¹² While one would expect such a meaning for a word like mishpat, most examples cited could be rendered by "customary," "appropriate," or "customary way" and "appropriate way." Mishpat often connotes the "traditional way," which is ipso facto the right way.

5.3 The examples Liedke presents for "judgment,"¹³ "proposal of judgment"¹⁴ and "legal claim"¹⁵ may need to be purified. For example, 1 Sam 27:11 does not appear to mean "judgment" (RSV: "custom"). 2 Sam 15:4 could simply mean "case" rather than "proposal of judgment." 1 Sam 2:13, 8:9, 11 probably do not carry the connotation of "right" so much as "accustomed practice." This list could be expanded.

5.4 Many of Liedke's "judgment proposals" are actually proposals for capital punishment. This fact suggests that mishpat is not narrowly restricted to cases treated under casuistic law, but encompasses those that come under his "apodictic legal formulations" as well. There are some death penalties allowed in casuistic law, but cases like Jer 26:11 would not be the subject of casuistic law.

5.5 Some of Liedke's examples for the rendering of mishpat as "legal claim" refer to actual legal formulations which are not casuistic. An example that has interested me is 1 Sam 2:13, in which mishpat refers to a customary practice at the Shiloh sanctuary. The rights of the priests are involved, but it was the way they took their share of the offerings that was in dispute. In any case, we have a "law" called a mishpat which is far removed from court cases.

5.6 Despite the common scholarly assumption, Liedke is hard-put to demonstrate that mishpat is the technical name for the legal Gattung of casuistic law.¹⁶ The term is quite compatible with casuistic law, but it cannot be shown that it means case law and only case law.

6. LIEDKE argues convincingly that the participial and relative clause legal formulations are a distinct Gattung. His survey of examples of this type in narrative texts shows dramatically that it originates in the authoritative pronouncement of a superior which is binding on subordinates. It is spoken prior to violation and creates something new.¹⁷ Comments:

6.1 Liedke's depiction of the evolution of such pronouncements in specific situations to a more general and timeless law is compelling. However, he does not mention that this evolution by its very nature would remove the "newness" of the original promulgation. As a law becomes general and timeless, it would become a protection of an existing social order and the execution of remedial provisions would be restorative of order.

6.2 Liedke does not examine this type of law within the context of the Cov. Code.¹⁸ What is its place in the "economy" of

Israelite law? First, the examples are clearly remedial law, as¹⁷ Liedke himself points out. They are collected in the same sections of the Cov. Code as the casuistic law. Secondly, they govern matters for which there are no casuistic laws collected. Thus, they fill a necessary niche in the Cov. Code.

6.3 The radical distinction between the *mot yumat* laws and casuistic law is the former's exclusively retaliatory character. None of the casuistic laws allow only for retaliation. Composition is usually restitution with compensation. There is a striking analogy here between these two types of Biblical law and criminal and civil law.

6.4 The peculiar style of formulating the protasis makes some of the *mot yumat* laws more general, others more specific than casuistic law. The law governing killing (Exod 21:12) has a very broad coverage. It lays down a pillar of the law. It also attracts further definition: provisions for asylum are appended, and many casuistic laws presuppose it (e.g., the definition in Exod 22:1-2a). The participial and relative clause protasis is limited in its capacity to be expanded for greater specificity (Exod 21:16 is about the limit) and there is no way to create subsumed cases in the same style (note the very awkward serialization in Lev 20). On the other hand, the two examples covering the attack of parents by the children are unusually narrow, due to the verbs chosen.

6.5 The execution of the sentence seems to be left open to various institutions and authorities. The murderer was executed by the avenger of the blood. The militia had authority to execute (1 Sam 14:36-46) and so did the local court (1 Kg 21:13). Of course, the king too would have had that authority, as numerous narratives indicate.

7. LIEDKE finds the oldest of the *mot yumat* laws (Exod 21:12, 15-17) to be the creation of the family father and passes over the possibility of an all-Israelite legal authority with only a brief paragraph.¹⁹ Comments:

7.1 The laws governing striking or "cursing" father or mother sound like the creation of the offended parties. At least his case is plausible here.

7.2 Exod 21:12 and 16 do not fit the family setting. First, the actual formulations show evidence of a formal judicial origin. The further definitions of v. 16, "sells him or he is found in his possession," defines the legal evidence of abduction.²⁰ This looks to the formal trial of the case. The provisions for asylum in Exod 21:13-14 are for a case of blood feud. The law to which it is attached, v. 12, probably originated in relationship to the communal institution of asylum. Only then did the community gain some jurisdiction over the "self-help" blood feud.

7.3 Liedke has not presented any compelling argument or evidence that the family had an articulate remedial law. His examples (Gen 31:32, 44:9) from narratives of the family use of this style involve situations in which the family has been charged with a crime by someone outside the patriarch's jurisdiction.

7.4 Liedke discards the king and the tribal confederation as originators of the laws in the Cov. Code. Yet, his best narrative examples of the origin or use of the participial or relative clause formulations involve kings, God or the tribal confederation.²¹

7.5 Exod 22:17, 18, 19 are obviously formulated by and for the people of Israel.²² The case of religious apostasy nails this down. Exod 21:12, 15 and by implication vv. 14, 16 are now for the judicial practice of Israel. The clearest demonstration of this occurs in the supplement to Exod 21:12, viz. vv. 13-14,

which personally address the Israelite people as a whole (v. 13) and the court at places of asylum (v. 14). The speaker is Yahweh. This address is clear evidence that remedial law had a place in the covenantal law; It was formulated for the legal institutions of the people.

7.6 Liedke's remarks about the authority of the participial style of law deriving from the authority of the speaker fits well, of course, with the divinely imposed laws of the Cov. Code. We would argue, then, that the mot yumat laws originated in their collected form in the proclamation of the divine law to the people of Israel. Most of the individual laws also arose in an all-Israelite setting (Exod 21:12,16, 22:17,18,19), but others could derive from the family (Exod 21:15,17).

8. Some comments on LIEDKE's case for hoq as a technical name for the "apodictic legal formulations":²³

8.1 Several of the occurrences of hoq are accompanied by citations of law (Job 38:10f, Gen 47:22, Exod 5:14). Neither of the three is an apodictic legal formulation: one is a commandment, the others are duties. Liedke fails to show any cogent reason for not accepting the fact that hoq can be used for other types of law than "apodictic legal formulations." On the other side, God is said to have commanded (tzwh) an "apodictic legal formulation" (Gen 26:11). The evidence for technical differentiation along the lines of legal genres is hardly overwhelming.

8.2 There are clear differences between the semantic fields of hoq, mishpat and mitzwah, but I do not think that each term represents a "concept" or should be distinguished conceptually. I believe that linguists like J. Barr would have some critical remarks to make of Liedke's analysis of words.

8.3 Hoq does not function once in the Biblical text as a technical term for the "apodictic legal formulations," at least not once where a technical denotation is certain. It would seem a moot question whether it could function in that capacity. The attempt to interpret some passages with a technical meaning in mind seems to be futile if the meaning cannot be established securely.

9. Remarks on various theses presented in the Appendix:²⁴

9.1 The commandments and prohibitions have been shown to be a much more common form of speech in Biblical and ANE literature than A. Alt recognized. Gerstenberger's thesis that the style or Gattung derives from the family or clan ethos and was disseminated to more specialized usages has become very popular.

9.2 While Gerstenberger's thesis may be accepted as established for the prohibition style, the examples from the Cov. Code appear to have been formulated with the covenant between Yahweh and his people in mind. Few if any (perhaps Exod 22:27) show evidence of deriving from other settings. They have words, motive clauses and possessives which place them squarely in the setting of a divine address to Israel. Evidently the institution which established a uniform law for the people of Israel took responsibility for declaring moral norms for the people as well.²⁵

9.3 The place of the commandments and prohibitions in the economy of Israelite law: They resemble the casuistic law governing primary rights and duties in that they forbid the violation of others' rights and occasionally impose duties to others. They make a moral appeal to potential aggressors, which of course distinguishes them from strict positive law. Some of the relations governed are general (e.g., 22:20-21,27), others are institutional relations (Exod 23:1-3,6-8).

9.4 The commandments of cultic duties and prohibitions of various practices associated with the religious life or cult are stylistically similar to the other commandments. They form a distinct group only in that they govern acts within a definite institutional sphere. It is noteworthy that the cultic and religious activity of the community is under the authority of the law-giver.

9.5 Liedke's argument for identifying mitzwa as a technical term for the commandments is not particularly strong. The word does mean the express demand of a superior. There is a kind of analogy between the word and personally addressed commandments as there is between hoq and the "apodictic legal formulations." But this does not demonstrate the existence of a technical nomenclature.

9.6 The verb tzwh is used numerous times with God as the subject. It would seem that the idea of divine law-giving pervades Biblical literature and should not be shrugged off when it comes to reconstructing the origin and development of Israelite law.

1. Eine formgeschichtliche-terminologische Studie ("Wissenschaftliche Monographien zum Alten und Neuen Testament," 39; Neukirchen: Neukirchener Verlag des Erziehungsvereins, 1971).
2. Ibid., pp. 39-53.
3. Cp. David Daube, Studies in Biblical Law (New York: KTAV Publishing House, Inc., 1969), p. 108.
4. Liedke, op. cit., pp. 48-51.
5. I have my doubts that ngm in Exod 21:20 means the death penalty, as Liedke evidently believes, ibid., pp. 48-49.
6. Liedke, ibid., pp. 53-59.
7. Ibid., pp. 59-61.
8. To be published in the S.B.L. Dissertation Series if the readers' recommendations are followed.
9. JBL 92/2 (1973), pp. 180-184.
10. Cp. Erhard Gerstenberger, "Covenant and Commandment," JBL 84/1 (1965), p. 47.
11. Liedke, op. cit., pp. 73-76.
12. Ibid., pp. 78-83.
13. Ibid., pp. 83-88.
14. Ibid., pp. 88-92.
15. Ibid., pp. 92-94.
16. Ibid., pp. 94-98.
17. Ibid., pp. 117-130.
18. Liedke, ibid., pp. 105-6, rejects Reventlow's attempt to approach mot yumat law by way of its place in the Cov. Code.
19. Ibid., pp. 130-135, 138-143.
20. Cp. Daube, op. cit., p. 95.
21. See Liedke, op. cit., pp. 120-126. I would also add passages like Judg 20:12-13 and 1 Sam 28:3,9.
22. Ibid., p. 110, cp. 136. Liedke does not include 22:17 because of its stylistic deviation. I follow Daube, op. cit., p. 307, n 43, in emending the point^{ing} to Qal: "A witch shall not live."
23. Liedke, ibid., pp. 161-180.
24. Ibid., pp. 187-195.
25. John Bright's reflections, "The Apodictic Prohibition: Some Observations," JBL 92/2 (1973), pp. 185-204, are supportive of our position.

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Two years ago I presented to the SBL Form Criticism Task Group on Law a paper in which I attempted to rethink some of the terminological and form-critical issues relating to the study of pentateuchal law.¹ Since that time the focus of my research has shifted toward an interest in those laws which deal with sexuality as a part of a larger research project having to do with Biblical views of women and marriage. From the standpoint of an interest in law it is my belief that laws bearing on sexuality are singularly equipped to reveal to the researcher basic presuppositions in the Israelite law since such laws very often fail to find their grounding on primary observation and are thrown instead back upon legal analogy and inference. Although this tendency is more pronounced in the detailed law of the Mishnah than in Biblical law, I believe that the present paper will show that at least in the case of Leviticus 18 the legal groundwork stands out very strongly.

In my paper of 1971 I held strongly to the view that we must be extremely careful to distinguish between rules which are designed to decide cases and rules which are designed to help find new rules to decide cases. The former rules are properly called "law" in that they provide a court or other judicial body with a means for deciding particular cases. The latter rules are themselves inadequate for the purpose of deciding cases and must be used in concert with other rules in order to reach a decision. Nevertheless, these "heuristic rules," as I chose to call them, provide us with an unusually clear picture of the kind of legal reasoning which enabled courts in ancient Israel to decide cases not directly dealt with in existing laws. These heuristic rules are the buds which in later times flowered into useful rules which were capable of deciding cases. I dealt in that paper with some of the means for handing these heuristic rules down to later generations, suggesting that lists of rules in participle format and curse format were exceptionally well designed for this function.

Recently I have been influenced by two rather different works which, however, pointed me in the same direction. In the first place, while reading Volker Wagner's work², I was impressed with his argument that the grammatical structure of a passage cannot be equated with "form" in a technical sense. Although I believe that he is mistaken in his view that the several different formats of legal materials in the Tanach can represent different forms in different situations, I did agree with the point that structure and form are not the same.

A second influence in this regard came from reading John Bright's recent essay in the JBL³ in which he cast doubt upon our ability to associate apodictic prohibitions with unique settings in life.

It may be that the direction of Wagner's work holds the future in that it focuses our attention upon larger complexes of laws instead of single laws. If it is difficult to associate a particular curse with a particular Sitz im Leben (it could be used by a court in sentencing or by the cultus in reciting the sacred law), there is little doubt about the cultic Sitz im Leben of the list of curses in Deut. 27. To borrow from our colleagues in prophetic studies, we might point out that the phrases kōh 'āmar yhwh or n^e 'ūm yhwh are recognizably prophetic, but we cannot associate unique settings in life with them. Rather, these phrases may play a part in any one of the several varieties of prophetic speech and hence may be associated with more than one Sitz im Leben.

The direction of my own work at this time together with my growing conviction that legal materials must be seen in larger complexes has led me to present for your examination the study of a single legal pericope which illustrates some of the points I have discussed here. In particular, I am impressed with the highly developed structure of Lev. 18:6-18 and the role of the two heuristic rules in vss. 6-7 in giving coherence to that structure.

Leviticus 18:6-18

1. The Concept 'erwāh. While it is unusual to begin a form-critical study with a discussion of the meaning of a particular lexical item such as 'erwāh, I believe it necessary to make an exception in the case of Lev. 18:6-18 since without a proper understanding of 'erwāh we may not be able to perceive the rationale for the structure of the pericope. In dealing with the notion of nakedness in the Bible we are, in fact, dealing with two related ideas: (1) the concept of nudity, of being without clothing, and (2) the concept of the exposed reproductive organs. The former concept is expressed primarily by the words 'ēyrōm and 'ārōm.⁴ The latter concept is usually expressed by the word 'erwāh which is almost always to be found in the construct or with a suffix.⁵ A term closely related to 'erwāh is 'eryāh which, except in the difficult expression 'eryāh bōšet (Mic. 1:11) is used as an adjective, usually in conjunction with 'eyrōm.⁶ The word ma'ar in Nah. 3:5 and the word mā'ôr in Hab. 2:15 seem to be synonymous with 'erwāh, though in 1 Ki. 7:36 ma'ar has the more generalized meaning "space". I shall argue further that the term kānāp in several places has a meaning closely related to 'erwāh.

The 'erwāh of a person is the most intimate and private portion of his body. It is considered especially demeaning to be seen 'erwāh or 'eyrōm. For this reason exiles were led off by their conquerors naked, signifying the exiles' subjugation and shame, a custom which underlies the poignant prophetic act described in Is. 20:2-4:

At that time the LORD spoke by the hand of Isaiah, the son of Amoz, saying, "Go and open the sackcloth from your loins and take off your shoes from your feet." And he did this so as to walk 'ārôm and barefoot. And the LORD said, "Just as my servant Isaiah has walked 'ārôm and barefoot for three years as a sign and portent against Egypt and against Ethiopia, so shall the king of Assyria lead away the inhabitants of Egypt and the exiles of Ethiopia, boys and elders alike, 'ārôm and barefoot, with buttocks uncovered. O the 'erwāh of Egypt!"

The LXX is certainly not incorrect when it renders 'erwat miṣrayim as tēn aischynēn Aigyptou, for 'erwāh can only be taken in the sense of "shame". In a textually difficult passage (Mic. 1:11) the theme of 'erwāh as shame is again picked up when the passage says something like, "Pass on, O inhabitants of Shapir, in 'eryāh bōšet..."

In the Rabbinic literature additional emphasis is put on the element of sexual embarrassment and shame.⁷ However, in the Tanach there are some passages which use 'erwāh as "shame" without any particular sexual overtones. Certainly the practices commanded in Deut. 23:15 are not sexual in nature,⁸ nor is it clear that 'erwat dābār has sexual meaning in Deut 24:1 which provides that a man may divorce his wife if he finds in her 'erwat dābār. Normally, sexual misconduct was considered to require more serious consequences than divorce.⁹

I have already pointed out that at Is. 20:4 the term 'erwāh is translated in the LXX by aischynē.¹⁰ 'erwāh is also often translated as aschēmosynē which should probably be taken in the sense of unseemliness. Only in Gen. 9 is 'erwāh translated as gymnōsis which is somewhat strange to me considering the content of the story. I should have expected aischynē or aschēmosynē to serve especially well. The translation ta ichthē for 'erwāh in Gen. 42:9,12 I imagine really points us to a different Hebrew text. The Greek translations, therefore, help establish the meaning "shame" for 'erwāh in the period of the translation. On the other hand, the terms 'ārôm and 'ēyrôm are regularly translated in the LXX with some form of gymnos which carries no particularly negative meaning. The New Testament more or less continues the same usage as is to be found in the LXX.¹¹

The final connotation of 'erwāh is that of vulnerability, hinted at in Is. 20:4 (see above), but more explicit in other passages. In Gen. 42 Joseph chides his brothers for having come to spy out the 'erwāh of the land of Egypt. Often we find a double sense of sexual shame and vulnerability as in Ez. 16:36-37 and Lam. 1:8.

We could not pass by the subject of nakedness without taking note of how nakedness is dealt with in Gen. 2. In that chapter the first insight gained by Adam and Eve from their

eating of the tree of divine knowledge¹² is that they are naked ('ēyrumīm, gymnoi), leading them to make ḥāgōrōt for themselves, garments obviously designed to hide their 'erwāh. The wording of the passage makes it clear that awareness of nakedness is a direct result of eating the fruit of knowledge: ...יתפאחנה עיני שניהם וידעו כי עירומם הם... (Gen. 3:7).

I think Von Rad, representing a scholarly consensus, is probably incorrect in his analysis of the meaning of this revelation:

Innocence is lost, men are afraid of their nakedness and weave aprons for themselves. They react to their deed, however, not primarily with a spiritual feeling of guilt, but with bodily shame.¹³

It is doubtless our western viewpoint which sees the shame of nakedness as negative. There is some evidence to suggest that it would be the lack of shame at nakedness which would be unusual, sinful, or wrong from a Biblical point of view. We know, for example, that differing views of nakedness in athletic contests was an issue between traditionalist Jews and Hellenizers in the time of Antiochus (1 Macc. 1:14-15). Further, we find in the New Testament nakedness as a sign of madness (Mark 5:15, Luke 8:27).¹⁴

Finally, we find an important Near Eastern parallel to our discussion in the story of the humanizing of Enkidu found in the Gilgamesh Epic. In the Assyrian version of Tablet I Enkidu's intercourse with the harlot alienates him from the wild beasts, but in return he receives wisdom and understanding (iv.22-29). The harlot exclaims, "Thou art wise, Enkidu, art become like a god! (iv.34).¹⁵ In the Old Babylonian version a slightly different cast is given the same tale, and emphasis is placed upon clothing Enkidu's nakedness before he goes to Uruk (Tablet II, ii.27-30).¹⁶ Finally, in II.iii.24-25 putting on clothing is associated with becoming human.¹⁷

It is my view that the ḥāgōrōt of Gen. 3 represents less the marks of sin and more the discovery of full humanity. It is just at the point of enlightenment that Adam and Eve feel the shame of nakedness. Indeed, covered nakedness appears to me to represent a new level of understanding and maturity, not a consciousness of sin.¹⁸ Consequently their covered nakedness represents a new dignity and integrity for the man and woman.

An interesting passage in this regard is 1 Sam. 20:30 in which Saul berates Jonathan for choosing David:

ויחר אף שאול ביהונתן ויאמר לו בן נרות¹⁹ המרדות
הלוא ידעתי כי בחר אתה לבן ישי לבשתך ולבשת ערות
אמך:

In this passage the term 'erwāh could almost be translated "character" or "dignity". Somehow Johnathan's perfidy reflects a character of rebelliousness on the part of the woman who bore him; but more importantly for our purposes, that rebelliousness is associated with her 'erwāh.

The passage from 1 Samuel also illustrates the last point to be made about 'erwāh and that is that 'erwāh can be shared through genealogy or transmitted through sexual intercourse. The sharing and transmission of 'erwāh underlie the rules of Lev. 18 and Lev. 20, but these notions are most important in Lev. 18. A man may not uncover the 'erwāh of his granddaughter because it is also his 'erwāh.²⁰ A son may not uncover the 'erwāh of his father's wife because that would involve uncovering the father's 'erwāh. Likewise one is prohibited from uncovering the 'erwāh of one's brother's wife for that would be to uncover the 'erwāh of the brother.²¹ It is not difficult to understand why 'erwāh would be shared through the birth process. It is more difficult to understand how 'erwāh can be transmitted sexually. We turn for further clarification on this point to the related term kānāp which I believe will illustrate this kind of transmission more clearly.

2. Sexual Connotations of the Term kānāp. One cannot miss the obvious parallel between the meaning of 'erwāh in Lev. 18 and the meaning of kānāp in the following passage from Deuteronomy:

לא יקח איש את אשת אביו ולא יגלה כנף אביו:

(23:1)

ארור שכב עם אשת אביו כי גלה כנף אביו:

(27:20)

In these passages, as well as in Ez. 16:8, Ruth 3:9 the RSV translates kānāp as "skirt".²² However, the basic meaning of kānāp as "wing" or secondarily as "corner" or "extremity" seems difficult to relate to "skirt". Indeed, in those references to clothing where kānāp is to be found the more basic meaning "corner" or "extremity" is always appropriate. One must ask, therefore, why it is correct for us to render kānāp as "corner" in contexts having to do with clothing and "skirt" in contexts having to do with sexuality. Obviously a better understanding of the term in sexual contexts is required.

The primary meaning "wing" for kānāp is perhaps the most help to us, although at first one might think that the secondary meaning "extremity" could be a reference to the genital organs. However, it is very difficult to apply such a specific meaning as "genital organs" to the term kānāp; its meaning is broader. Associated with the idea of wings is the idea of the shadow cast by the wings. Hence in Syriac the word knp can have the meaning of the shadow cast by the wing as well as the meaning "wing".²³ In the Bible we find a similar association in passages such as Ps. 17:8:²⁴

שמרני כאישון בת עין בצל כנפיו חסתירני:

By the Rabbinic period *kānāp* can simply mean a cover,²⁵ and the denominative in the niph'al comes to mean "to be hidden". It is this abstract meaning of overshadowing which *kānāp* takes in sexual contexts to make it a virtual synonym of 'erwāh. A man "overshadows" his wife, and she carries that impression with her for the rest of her life. To uncover the 'erwāh of a married woman is to reveal the 'erwāh of her husband as well because that 'erwāh has been transmitted to her through the overshadowing which takes place in intercourse.

We have now had a look at one of the important thematic notions underlying the complex of rules in Lev. 18:6-18 and are now ready to turn our attention to some of the more formal matters of structure and format.

3. Structure of the Laws in Leviticus 18. The most striking feature of Leviticus 18:7ff. is the placement of the object clause in front of the verb, contrary to usual Hebrew structure. A primary clause stating the prohibited conduct is usually followed in these rules by a second clause which attempts to give some rationale for the primary clause. We may illustrate this feature by giving two examples:

ערוה אחות אמך לא תגלה כי שאר אמך הוא:

(18:13)

ערוה אחי אביך לא תגלה אל אשתו לא תקרב

דדתה הוא: (18:14)

So long as the object clause is fairly simple, no real problem exists with the inverted format. The second clause of 18:14 is interesting in that it restates the original rule and then provides its own rationale. Further, the restatement is in the same format as the initial rule to the extent, at least, that the object clause is put first. The term 'ištō explains more clearly what is meant by the phrase 'erwat 'ahī 'ābikā, and I do not think that we have to do with a more primitive 'el 'ēšet, 'ahī 'ābikā lō' tiqrāb.

The object of the verb *gālāh* may be modified as necessary, but this sometimes leads to unwieldy sentences such as the primary clause in 18:10:

ערוה בת בנך או בתך לא תגלה ערוהך"

This prohibition illustrates the fact that the extension of the object clause often forced reintroduction of the object later because the verb-object relationship has become obscured to the native ear. Here the problem is handled by reintroduction of the object with the word 'erwātān. Reintroduction can also take place in the second clause as is illustrated in 18:15:

ערוה כלתך לא תגלה אשת בנך הוא לא תגלה ערוהך:

The reason for reintroduction in this case might also be sought in an attempt to balance the unusual order in which the object is first with the normal order in which it follows the verb.

Lev. 18:9 illustrates some interesting features which ought to be looked at here:

ערוה אחותך בת אביך או בת אמך מולדת ביה

או מולדת חוץ לא תגלה ערותך:

The grammatical confusion caused by the displacement of the object clause and its severe modification is revealed by the n- suffix on the last 'erwāh which obscures the fact that the object is properly a singular. Furthermore, the "second clause" is simply a completion of the missing verbal component of the first clause.²⁶ Another way of saying the same thing is to point out that the function usually played by the second clause in this case is played by the modification of the object. It is possible that Lev. 18:9 reflects a more primitive 'erwat 'ahôt^ekā lō' t^egallēh as Wagner claims,²⁷ but that hardly explains the present form of the rule.

We have another example of the rationale's being found within an initial dependent clause in 18:11:

ערוה בת אשת אביך מולדת אביך אחותך

חורא לא תגלה ערותה:

One would certainly expect something more like

ערוה בת אשת אביך לא תגלה כי אחותך

חורא:

Indeed, it was my first thought that just such a transformation had taken place, but I found it impossible to give good reasons for such a transformation. The development of the object has been a one-step or a two-step move. Wagner,²⁸ following Ellinger, sees mōledet 'ābikā as a gloss, and I am inclined to agree. The second step would be the addition of 'ahôt^ekā hiw'. The phrase lō' t^egallēh has been pushed away from the original object far enough to require reintroduction by means of 'erwātāh.

Save for the exceptions noted above the motive clauses²⁹ of these laws simply state the prohibited relationship again:

It is the <u>'erwāh</u> of your father.	vs. 8
... they are your <u>'erwāh</u> .	vs.10
She is the near relation of your father.	vs.12
...for she is your mother's near kin.	vs.13
...she is your aunt.	vs.14
She is your son's wife...	vs.15
This is the <u>'erwāh</u> of your brother	vs.16

The important question to be raised about these clauses is in regard to their suitability. Obviously to say in vs. 14 that a proposed or actual union is invalid because the woman is the aunt of the man presupposes that such a union has already been declared invalid. A motive clause is supposed to answer the question "Why?". It is not immediately obvious that these clauses do so. It is circular to forbid marriage with one's aunt and then justify that prohibition on the grounds that she is one's aunt. The motive clauses here point beyond themselves, and we cannot understand them in isolation.

I find it impossible to accept the view that the motive clauses have simply been tacked onto a series of rules of the format 'erwāt...lō' tēgallēh at a single stage in the transmission of the tradition, although I have no doubt that they are secondary accretions. Lev. 18:9 and especially Lev. 18:11 suggest that addition of the motive clauses came at different times and in different ways and that in some cases further development followed.

4. Isolation of the Pericope. Although there are some important variations in format, it is obvious that the rules of Lev. 18:8-16 are of a kind. Equally obvious is the fact that 18:7-18 and 18:19-23 demonstrate entirely different formats. This has led to several different theories about the composition of 18:6-23. Most recently Wagner has held that vss. 7-16 form a commentary on vs. 6 and that vss. 17ff. simply pick up the train of thought broken after vs. 6.³⁰ Our first task here will be to isolate the various strata of the tradition in Lev. 18 and then see what interrelationships bind them together.

Broadly conceived, all the laws in 18:6-23 have to do with sexual matters, but upon closer scrutiny we find that the subject matter divides after vs. 18. In vss. 6-18 we are dealing with proposed marital unions which are to be prohibited. In vss. 19-23 we are dealing with the broader topic of prohibited intercourse. Certainly the intent of the laws in vss. 6-18 is not to make adultery or fornication with the women described more serious, for adultery and fornication are serious enough in themselves. Even if one supposes that the inference Qal Wa-homer would operate in cases of sexual misconduct which also involved incest, such an inference can hardly be brought forward as the rationale for the laws in vss. 6-18.

The one exception to the prohibitions of 18:6-18 has to do with vs. 16 in that levirate marriage actually commands uncovering the 'erwāh of the dead brother. The reason for this important exception is that the living brother must perpetuate the 'erwāh of the dead brother so that the first male offspring might inherit his dead "father". This rule, therefore, could not be brought forward to confound the notion that the rules of vss. 6-18 have to do with prohibited marital unions.

Once the basic division in intent as well as style between vss. 7-18 and 19-23 is recognized it will also be recognized

that vs. 6 is more closely related to vss. 7ff. than to vss. 19ff. It does, however, show a very different structure from that found in vss. 7-18:

איש איש אל כל שאר בשר לא תקרבו לגלות

ערוה אני יהוה:

The phrase 'anī yhwh is, of course, characteristic of the Holiness Code and is an addition to the basic rule. Although the rule is different in format from vss. 7ff., it uses the technical expression 1^egallôt 'erwāh in an absolute sense and the verb qarab in reference to near kin not in a direct line with the father or mother (cf. vss. 14, 17).³¹ Hence, despite differences in format, there is a strong relationship between vs. 6 and the verses immediately following, a much stronger relationship than would be expected were these verses simply brought forward to illustrate vs. 6.

Vs. 17 initially fits the pattern found in vss. 8-16, but soon deviates:

ערוה אשה וכתה לא תגלה את בת בנה

ואת בת בתה לא תקה לגלות ערוהה שארה

הנה זמה הוא:

In this case the object of the verb is fairly simple and the elaborations all occur in the second part of the rule. The rationale (ša'arāh hennāh) has to do only with the prohibitions of the second part of the rule. We note too that the phrase 1^egallôt 'erwātāh only adds a suffix to the 1^egallôt 'erwāh to be found in vs. 6.

Vs. 18 hangs onto the previous verses only by virtue of subject matter, i.e. the prohibition of a martial union between a man and a woman who is the sister of another wife. Although we find the expression 1^egallôt 'erwātāh as in the previous verse, the prohibition seems to me not to be founded on the same kind of rationale, i.e. shared 'erwāh, since the rule obviously allows for marriage after the death of the sister. The term 1^egallôt 'erwātāh in this case may only mean "to contract a marriage" without laying any emphasis upon nakedness itself.

One wonders why it is necessary in vs. 7 to forbid the uncovering of the 'erwāh of one's father and mother. Also strange is the fact that the rationale has to do only with the 'erwāh of the mother:

ערוה אביך וערוה אמך לא תגלה אמך הוא

לא תגלה ערוהה:

It is clear from the context that to uncover the 'erwāh of the father means to have intercourse with anyone who bears the 'erwāh of the father through inheritance or transmission, but this matter has already been dealt with in vs. 8. It seems superfluous also to add a prohibition against contracting a marriage

with one's own mother. Can we imagine that such a relationship could have been contemplated? Certainly the addition of the mother to this rule is secondary as is the motive clause which is devoted entirely to the mother. I shall hope to explain below how this came to be.

In summary, we see that only vss. 7-16 demonstrate a unity of format and that vs. 7 appears to be superfluous. Vs. 6 differs strongly in format, but it is related strongly in language and content with vss. 7-16. Vs. 17 has only superficial resemblances to the format of vss. 8-16, and vs. 18 differs in content, format, and rationale from all of the rules preceding it. Vss. 19-23 deal with other areas of sexuality entirely.

5. Development of 18:6-18. In Lev. 18:6-18 we have to do with a kernel list of regulations (vss. 7-16) surrounded by material of a related but not identical format and content. Based upon what has been said above, a general picture of the development of the pericope may be drawn. Beginning with the motive clauses of vss. 7-16, we saw that these clauses were secondary but had probably been added at different times in the history of the transmission of the tradition. We may imagine that vss. 7-16 at a more primitive stage consisted of rules of the format 'erwat...lō' tēgallēh. The inverse order of the object clauses identified the legal principle clearly and also provided a convenient means for memorizing the series.

It is difficult to look far back beyond the stage in which the rules of the format 'erwat...lō' tēgallēh were linked together into a series. The individual rules gain substance and definition from one another, and the effect of the sum of them is greater than the individual effects taken together. The intent of the various motive clauses is to draw out the implications of a given rule within the context of the entire series. For instance, to prohibit the brother's wife because it is the 'erwāh of one's brother begs the question as to why it is wrong to uncover the 'erwāh of one's brother. However, within the context of vss. 12a, 13a, 14a the obvious wrongness of that relationship is made clear. The nakedness of any near kin related through the father or the mother is prohibited. This is plain even without the motive clauses of vss. 12-14. Vs. 14b also begs the legal question, but again the prohibition of the 'erwāh of near relations found in the primary clauses of the series lends force to the simple statement dōdātēkā hiw'. Such clauses give emphasis but add nothing new to the rationale behind the rules they support. The motive clauses containing še'er (but not še'er bāšār) actually develop our understanding of the rationale for the laws with which they are associated, introducing a very high level of abstraction to the discussion.

Turning now to vs. 7, we see that it heads the series of laws beginning with the word 'erwāh, but we find it difficult to understand what its function is. The story in Gen. 9:20-27 is certainly based upon a prohibition of this kind, but the function of the prohibition there is to supply a reason for the subjugation of Ham, not to improve our understanding of the

meaning of the prohibition against uncovering the 'erwāh of the father. If 'erwat 'ābikā were meant literally (or only literally), the vs. 7a would differ significantly from the other rules in the series in that it does not deal with a proposed marriage. Clearly the 'erwat 'ābikā is a transmitted 'erwāh borne by the wife and children of the father. This is the basic underlying rationale of all of the rules following except vs. 13, which has probably grown up on analogy with vs. 12, and vs. 17 which is rather late in the history of the development of the pericope. The prohibition 'erwat 'ābikā lō' t^egallēh originally was placed at the head of the series to supply a rationale for the whole and not to set out a single prohibition as in vs. 8. The addition of the prohibition against uncovering the mother's nakedness and the second clause which emphasizes this addition would give a rationale for the prohibition against uncovering the 'erwāh of one's mother's sister (vs. 13) and the 'erwāh of a sister though the mother only (vs. 9). All of the rules in vss. 8-16 can, in one way or another, be related to the prohibition against uncovering the nakedness of one's father.³² The prohibition in vs. 17 against taking a woman and her daughter or her granddaughter is related at a later stage to the prohibition against uncovering the nakedness of one's mother.³³ Since vs. 17 does not at all depend upon the prohibition of the father's nakedness, it is difficult to see how it could be early in the tradition.

Vs. 6 introduces the notion of še'ēr bāsār, which is a non-sexual term but is in other respects much like 'erwāh in establishing relationship. še'ēr is something which can be shared, but evidently not transmitted. A rather strict definition of še'ēr, or more exactly še'ēr haqqārōb 'el³⁴ is provided in Lev. 21:2, but since this strict definition includes only the near relatives related by 'erwāh to the father, we are obviously dealing with a broader concept in Lev. 18 than we are in Lev. 21. Probably the term reflects any direct familial relationship as in Lev. 25:49. It is difficult to escape the conclusion that we have to do here with a šeyāg lattōrāh which points beyond the specific cases referred to in vss. 7-17. In general, all proposed marriages between persons sharing kinship are to be prohibited. This has the effect of changing the ground of the laws from 'erwāh to še'ēr. This also has the effect of protecting all relationships of nakedness from transgression since they are included in the larger category of flesh. This new grounding smooths out some of the rules which are not as directly related to the 'erwat hā'āb. To uncover the nakedness of one's father's sister is not to uncover the nakedness of the father but of the grandfather (cf. vs. 10). However, vs. 6 gives a much clearer rationale for this prohibition. This is a heuristic rule of great importance for the subsequent development of rules regarding allowable marriage in the Rabbinic law.

We have seen how two heuristic rules have affected the final shape of 18:6-18. Vs. 7 was designed as a rationale for the prohibitions which followed it which shared the same format. As the tradition was expanded to include consideration of the

nakedness of the mother, so was vs. 7 expanded to include the mother, and its motive clause was devoted entirely to the mother. The addition of vs. 6 as a general heading for the series changed the legal grounding of the entire collection from 'erwāh to šē'ēr. The various motive clauses are related to these heuristic rules, but they do not necessarily presuppose them in their present format. I would conclude from the very different motive clauses scattered throughout the series that the heuristic rules are later in the tradition than the motive clauses. Vs. 18 bears little substantial relationship to the rest of the pericope, and it is my view that it was probably added at a rather late stage and depends on vs. 6 for its rationale.

For the sake of completeness something needs to be said about vss. 19-23. As I pointed out above, these verses are related to vss. 6-18 only in that they deal with sexual matters (but see vs. 21). The only lexical connection is in the phrase l'gallôt 'erwātāh. This may have been one of the links which led vss. 19ff. to be associated with vss. 6-18. The motive clauses in vss. 19-23 deal with notions of defilement, perversion and abomination, notions which do not arise in 18:6-18. Certainly the effect of adding vss. 19-23 to vss. 6-18 is to attach the notion of defilement to the prohibited marriages in these verses. In my view this shows that the association of vss. 19-23 with vss. 6-18 comes from the hand of the redactor of the Holiness Code who then proceeds to finish off the chapter by classing all the prohibited acts in vss. 6-23 as defilement and abomination.

6. Final Remarks. I have attempted to show in this paper how a proper understanding of heuristic rules can help reveal to us the structure and form history of a legal complex. In this case the identification of the heuristic rules was fairly obvious, especially in the case of vs. 6 which stands as a general heading. Neither of the heuristic rules legislated anything in and of itself; rather, they grew up out of existing law to clarify the basis on which that existing law stands. Yet the heuristic rules are able to point beyond the limitations of the more specific rules and establish a means for a court to decide cases strongly differing from those contained within existing law. In this process the heuristic rules become primary and the older specific laws become examples of the more general rules.³⁵ Something of the same heuristic function was played by some of the motive clauses, pointing the court to the reason for the particular rule found in the law and inviting the court to use a similar kind of reasoning to find the right law to apply to a new situation. For instance, the implications of the motive clause in Ex. 21:21 in reference to the relationship between master and slave (kaspō hū') certainly go far beyond the limitations of the single case with which they are connected and are available to the court for any number of new applications. The drawback in a motive clause from our point of view is that it is closely bound to a specific law and is not complete in itself.

FOOTNOTES

¹"A Reassessment of the Legal Forms in the Pentateuch and their Functions," The Society of Biblical Literature: One Hundred Seventh Meeting: Seminar Papers, pp. 347-396.

²Volker Wagner, Rechtssätze in gebundener Sprache und Rechtssatzreihen im israelitischen Recht (BZAW 127, Berlin and New York: de Gruyter, 1972).

³"The Apodictic Prohibitions: Some Observations," JBL xcii (June, 1973), 185-204.

⁴See, for example, Gen. 3:10, Ez. 18:7 where these words occur alone. The LXX translates both as gymnos

⁵The only occurrences of the absolute are in Ex. 28:42 and Lev. 18:6.

⁶Cf. Ez. 16:7, 22, 39; 23:29.

⁷For example, m. Aboth 3:13: רבי עקיבא אומר שחיק וקלית which uses 'erwäh in the sense of shameful sexual conduct.

⁸I know of no satisfactory translation of 'erwat dābār. The LXX translates the phrase here as aschēmosynē pragmatos. Whether the phrase was sexual in meaning was a point of dispute between Shammai and Hillel. Cf. m. Gittin 9:10.

⁹As is shown by the surrounding legislation.

¹⁰Very singular, but not surprising, is the translation kakias sou for 'erwātēk in the LXX of Ez. 16:37.

¹¹There is a preference for aschēmosynē and related terms in reference to the genital area. Cf. 1 Cor. 12:23, Rom. 1:27, Rev. 16:15.

¹²Cf. G. Von Rad, Genesis: A Commentary, trans. John H. Marks (Philadelphia: Westminster Press, 1961), p. 86f. and John Skinner, Genesis (ICC, Edinburgh: T&T Clark, 1930), p. 75, for the evidence on this point.

¹³Op. cit., p. 88, Skinner, op. cit., p. 76 avoids this error but draws no particular conclusions about the meaning of shame here.

¹⁴See also the First Infancy Gospel 6:4.

¹⁵ANET², p. 75.

¹⁶ANET², p. 77.

¹⁷ANET², p. 77.

¹⁸It seems to me that to hold otherwise would require showing some kind of ideology which glorifies nakedness or at least considers nakedness "natural". I know of no such ideology in the Tanach.

¹⁹The Greek reading huie korasiōn automolountōn suggests that n'wt should be read n'rt. Though it might be attractive for my hypothesis, there seems to be little support for the conjecture of BH³ that n'wt be read as 'rwt.

²⁰Lev. 18:10.

²¹Lev. 18:16; 20:21.

22I cannot at all understand the translation "shame" in the NEB.

23Cf. J. Payne Smith, ed. A Compendious Syriac Dictionary Founded Upon the Thesaurus Syriacus of R. Payne Smith, D. D. (Oxford: The Clarendon Press, 1903), sub voce.

24See the passages brought forward by M. Jastrow, A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature (Brooklyn, N.Y.: Shalom Press, 1967), sub voce.

25Ibid.

26In fact there is no first clause per se because of the extension of the object to specify the prohibited contact more clearly. This extension has occurred either in one step or in two. If the primitive form was 'erwat 'aḥōt^ekā lō' tēgallēh, then the next addition was bat 'ābikā ō' bat 'immekā, and finally mōledet bayit ō' mōledet ḥūg. The verbal component lō' tēgallēh is now so far removed from the original object that a reintroduction of the object is called for. In terms of length, however, the resulting formation so closely approached the rules of the same class as to interfere with the addition of a second clause which would give a rationale for the rule.

27Wagner, op. cit., p. 42.

28Ibid., p. 43n23.

29On the motive clauses in the Tanach see Bernard Gemser, "The Importance of the Motive Clause in Old Testament Law," VTSup i (1953), 50-66.

30See Wagner, op. cit., p. 40f. and the literature there cited.

31The obvious exception to this is vs. 12.

32I believe this claim to be true even for vs. 16 which prohibits uncovering the nakedness of one's brother. If we understand that nakedness is inherited from the father, we recognize that to uncover the nakedness of the brother's wife is also to uncover the father's nakedness. Certainly the prohibition is strengthened by the addition of vs. 6, but it does not depend on it for its rationale.

33The notion that the nakedness of a woman can also be transmitted to her mate is not as strong in our literature, but it seems to be an underlying assumption in this passage. Remember above that in 1 Sam. 20:30 Jonathan bears his mother's nakedness.

34^{se}·ērō is probably incorrectly interpreted in b. Yeb. 90a as 'ištō.

35Ex. 22:8 is certainly such a heuristic statement, designed to commit all matters of peša' ("breach of trust?", so RSV) which fail of witnesses to the jurisdiction of the sanctuary. The effect of this is to make the surrounding laws which deal with specific peša'im (the legal term has now been assigned to them) single cases of the general heuristic rule.

APPEAL TO ANCIENT TRADITION
AS A LITERARY FORM

by

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Rhetorical questions and quotations are typical of disputation speeches.¹ In some cases the quotations involved are selected statements expressing the opinion of the opposing party (e.g., Isa 40:27). Gordis suggests that many quotations appear without any formal designation to that effect.² Among the various types of quotations included in the Old Testament Gordis lists "citations from current folk wisdom, generally couched in the form of an apothegm or a rhetorical question," and "the citation of a proverb, either without comment or expanded by an additional observation by the author, supporting or opposing the sentiment embodied in the quotation."³ Such quotations represent an appeal to a commonly accepted tradition or authority offered in support of arguments proposed by a disputant or speaker (e.g., Job 6:5,6; 11:12; Amos 6:12). In certain instances, however, these appeals seem to assume a formal character or pattern within a variety of biblical Gattungen. Our task here is not to isolate all quotations or rhetorical questions which may be classified as appeals to an acknowledged authority,⁴ but to focus upon one category of argument, namely, the appeal to ancient tradition. The recognition of this form-critical category leads to additional insights into the function of ancient tradition in the religious life of Israel. The following investigation is a preliminary analysis of the form and significance of typical appeals to ancient tradition in a diversity of biblical contexts. The book of Job is the starting point for our consideration of this topic and will provide the major context for the preliminary application of our findings.

The basic structure of the form under consideration appears to be a) the appeal to consult or recognize ancient tradition, b) the citation of the tradition and c) the application of the tradition cited to the situation or argument at hand. Each of these components may be expanded or modified in a variety of ways, but this underlying structure appears to remain constant. The several characteristics of each of these components will become apparent in the analysis of specific texts. The passages chosen have been divided into two major groups, those which begin with an appeal to consult ancient tradition and those which commence with an appeal to recognize ancient tradition.⁵

I

Whether or not this form arose in the wisdom schools of the ancient Near East,⁶ it is obviously at home in a sapiential context. The example of Job 8:8-13 makes this abundantly clear:⁷

- appeal to consult tradition: Ask now of ancient generations
(vs.8) and consider the truth of their fathers!
- rationale for the appeal: For we are of yesterday and know nothing,
(vss.9-10) our days on earth are a shadow.
Will they not guide you, speak with you,
and bring forth the words of their minds?
- citation of the tradition: Can papyrus grow without marshes?
(vss.11-12) Can reeds flourish without water?
While they are still fresh and uncut
they will wither, quicker than any grass.
- application (proposition): Such are the paths of all who forget El;
(vss.13-18) and the hope of the godless will perish.
- (explication): His confidence is gossamer,
His trust the house of a spider...
- recapitulation: Behold, that is the joy of his way
(vs.19) and from the dust another sprouts.

The imperative še'al-nā, appears to be an opening formula typical of this first group of appeals.⁸ Bildad here exhorts his opponent to consult the wisdom of the past and the mysteries verified by the fathers.⁹ The past is specifically designated the dōr ri'šōn, which may mean the "former" generation or the "first" generation. The emphasis on primordality and antiquity of tradition in other examples of this form favors the rendering "first" or "ancient."¹⁰ Bildad is countering the arguments of Job with the weight of ancient tradition; for Bildad the authority of antiquity is greater than any recent evidence from experience.

The peculiar feature of the appeal in Job 8 is an explicit rationale for consulting ancient tradition. Elsewhere the right to make such an appeal is self-evident, but in answering Job's forceful existential argumentation Bildad offers a complete formal justification for his methodology. His rationale provides two distinct grounds for maintaining the superiority of ancient tradition: a) each individual man is an ephemeral creature and during his short lifetime can gain no depth of wisdom, but b) from the great mind of accumulated knowledge he can find guidance into the truth. The fleeting present can be best interpreted in the light of the acknowledged axioms of antiquity.

The tradition cited is an axiom or proverb formulated as a rhetorical question (vs.11)¹¹ Whether or not verse 12 is a later expansion of the original proverb for the sake of this argument, is perhaps secondary; the proverb itself is a concise and balanced axiom appropriate for the point of

disputation. None can disagree that papyrus perishes without water. From that universally acknowledged fact an application can be made to man's relationship with God. While the application is introduced with a formal kēn, "so," "thus" or "in like manner," it does not necessarily follow as a strict logical conclusion from the tradition cited.¹² The analogy is chosen because the disputant believes that it confirms the position he has assumed. The application (vs.13) of the proverbial tradition cited is technically the opening thesis or proposition which Bildad intends to develop. The subsequent verses (14-18) introduce the premises or arguments which further substantiate his proposition. The concluding line of the argument (vs.19) is a recapitulation of the thesis drawing upon the imagery of verses 11-13. Thus the appeal to ancient tradition (vss.8-12) sets the stage for presenting the substantive arguments of Bildad's disputation speech; his position is grounded in the authority of the fathers.

A second appeal to ancient tradition is found in the expanded rib of Deut 32.¹³ Within the argumentation of that covenant court trial the rhetorical question is posed, "Is he not your father who begat you, who made you and established you?" (vs.6). Instead of allowing the rhetorical question to stand as self-evident and proceeding to enumerate the historical mighty acts of Yahweh as in other rib texts, the author appeals to ancient tradition. In outline the appeal of Deut 32:7-9 assumes the following pattern:

- | | |
|--|---|
| appeal to consult tradition:
(vs.7) | <u>Remember the days of antiquity,</u>
<u>consider the years of generations</u>
<u>long ago;</u>
<u>ask your father</u> and he will show you,
your elders and they will converse
with you. |
| citation of the tradition:
(vs.8) | When Elyon gave the nations their
inheritance
when he separated the sons of men,
he fixed the bounds of the peoples
according to the number of the sons
of God. ¹⁴ |
| application:
(vs.9) | But Yahweh's portion was his own people,
Jacob his allotted heritage. |

The opening imperatives reveal two distinct dimensions of the appeal to ancient tradition, the first being a demand to go back to antiquity as such for the authoritative answer and the second an exhortation to consult (še'al) the fathers as the source of information for that answer of antiquity. The archaic character of the tradition is underscored by reference to the past as yēmôt 'ôlām and by the very subject matter of the tradition cited. This citation recalls a primordial act of El Elyon, who divided all peoples of earth according to the number of the sons of God, each of whom was apparently responsible for jurisdiction over one assigned nation.¹⁵

Israel's relationship with Yahweh, therefore, was not a historical accident, but part of the eternal order of the cosmos. That ancient tradition is interpreted in such a way, however, that Israel is not merely under the control of one of the sons of God, but has been destined to be Yahweh's heritage from eternity. History is viewed as revealing what had been planned primordially.

The application given in verse 9 becomes the leading proposition of this rib and is substantiated by the citation of historical acts of Yahweh through which Israel came to recognize Yahweh as its God (vss.10ff). A further implication of this appeal is that Yahweh and Elyon seem to be identified, just as El the creator and father of mankind is one with Yahweh in the preceding verses (4-6).¹⁶ By appealing to a primordial tradition the author introduces a new self-understanding of Israel's relationship with Yahweh. It is widely assumed that Israel's early identity and theological consciousness seems to have been determined largely by its historical experiences. But a concern for integrating its understanding of Yahweh with questions of primordially and mythic reality raised by the presence of names like El, El Elyon and El Olam was apparently a lively issue in Israel, as the appeal of Deut 32 seems to testify. In this instance, then, the application of the ancient tradition cited is really a reinterpretation and appropriation of an important mythic truth from El theology that demanded attention within the Israelite community.

The recognition of this form of appeal to ancient tradition is helpful for the interpretation of several texts which appear to be dependent on the form in question. One such appeal from the sermonic argumentation of Deuteronomy 4-11 is found in Deut 4:32-35:¹⁷

- | | |
|---|--|
| appeal to consult tradition:
(vs.32a) | For <u>ask now</u> of the <u>ancient days</u> which were before you, since the day God created man on the earth, and ask from one end of heaven to the other: |
| questions put to tradition:
(vss.32b-34) | <ol style="list-style-type: none"> a. Has anything as great as this ever happened before? Or has anything like been heard of? b. Did any people hear the voice of a god speaking out of the midst of the fire as you have heard, and still live? Or has any god ever attempted to go and take a nation for himself from the midst of another nation, by trials, by signs, by wonders, and by war, by a mighty hand and an outstretched arm, and by great terrors, according to all that Yahweh your God did for you in Egypt before your eyes? |
| application:
(vs.35) | To you it was shown that you might know that Yahweh is God, there is no other besides him. |

The initial appeal opens with a formal šē'al-nā' and designates the ancient past as yāmīm ri'sônīm (cf. Job 8:8 above). Here, however, the appeal to consult ancient tradition is coupled with a request to search the wisdom of the world. The concern of the author is not the evidence of tradition in general, but the witness of the total range of all tradition from the primordial to the present. In the ancient Near Eastern context there was a strong mythic perspective that the time of Adam, the Urzeit, was precisely the era with which such miraculous happenings were associated. The archaic and the primal were governing forces in the development of past tradition. By appeal to "ancient" tradition one could argue, therefore, that certain things had always been the case and consequently were indisputable and normative, or that other things had never happened and hence demanded a special interpretation.

In place of the usual citation of tradition which may assume the form of a rhetorical question, a series of questions are put to tradition in search of a precedent. The opening pair of questions are probably formal queries typical of this kind of search:¹⁸ "Has anything like this ever been heard of?" Or to be more precise, "Does tradition preserve any recollection of a similar situation?" The specific questions designed to highlight the uniqueness of Yahweh's role pertain to the Sinai scene where Yahweh spoke from the midst of a fire, and to the exodus of Israel out of Egypt. Examples could no doubt have been cited of gods who were thought to have spoken from the heavens or even from fire. Amos could cite the exodus of the Philistines from Caphtor and the Syrians from Kir as comparable exodus events from the past (9:7).¹⁹ For the preacher of Deuteronomy the uniqueness of the acts cited appears to lie in the greatness of the events coupled with the fact that the Israelites actually heard and saw these miracles firsthand and that they survived close contact with the deity. In any case, to make his theological point, this preacher chose to support his thesis with an appeal to ancient tradition which would reveal the incomparability of Yahweh's mighty acts in history.

Once again, the application of this truth does not follow as a logical conclusion--theological perhaps but hardly logical. For in verse 35 the claim is made that the uniqueness of the events performed by Yahweh proves that he is God and, moreover, that he is the only God. Strictly speaking we would have expected the conclusion that Yahweh was incomparable rather than that he was the only existing deity. In the verses which follow (36-40), the questions previously put to tradition concerning certain unique events in the life of Israel are reformulated and expanded as indicative statements supporting the proposition of verse 35. Within the exhortation of verse 39 this proposition is recapitulated.

Is Jer 18:13-17 dependent on the practice of appeal to ancient tradition for its total impact? Is the form in question incorporated into the prophetic judgment oracle of 18:13-17?

oracular formula: (vs.13a)	Therefore thus says Yahweh:
appeal to consult the nations: (vs.13a)	<u>Ask now</u> among the nations, <u>who has heard</u> the like of this?
ground for the appeal: (vs.13b)	The virgin Israel has done a very terrible thing.
citation of the tradition: (vs.14)	Does the snow of Lebanon leave the craggs of Sirion? Do the mountain waters run dry, the cold flowing streams?
application (indictment): (vss.15-17)	Surely my people have forgotten me, they burn incense to false gods; they have stumbled in their ways, in the <u>ancient roads</u> . . .
(threat):	Like the east wind I will scatter them before the enemy. I will show them my back, not my face, in the day of their calamity.

This passage appears to be a mixture of two forms, a judgment oracle and an appeal to universal authority.²⁰ The axiom cited is a proverbial saying in the form of a rhetorical question comparable to those cited above in Job 8:11-12. That tradition stands in contrast to the abnormal actions of Israel which break all the patterns of tradition. The incomparability of Israel's deeds is analogous to the uniqueness of Yahweh's mighty acts on Israel's behalf in Deut 4:32-34. The indictment of Israel which derives added force from the axiom cited, condemns Israel for idolatry and for "stumbling in the ancient roads." Jeremiah apparently cites an accepted tradition as a way of heightening his condemnation of Israel for having deserted the ancient traditions.

The practice of appealing to ancient tradition to discern the best course of action in a critical situation seems to be alluded to in Jer 6:16. Although the practice is here incorporated into an oracular address, it reflects a specific technique which is apparently derived from the wisdom traditions of Israel. The text reads:

Thus says Yahweh,
Stand beside the ancient ways²¹
and ask concerning the eternal paths,
"Where is the good way?"--take it
and find rest for yourselves.

The practice reflected in this passage is the investigation of ancient tradition as the normative guide for faith and conduct. "Ways" and "paths" are technical sapiential terms for the destiny and direction of life dictated by wisdom. Features of this practice seem to include formal exhortations to return to the traditions of antiquity and discover the truth of

past lore. The inquirer is to "ask concerning" the past, presumably through elders trained in conversing with ancient tradition (cf. Deut 32:7).

š'e'al l'e appears to be a formulaic designation of the technique involved. The inquirer then puts certain questions to the past, such as "Where is the good way?" or "Has anything like this ever happened?" The source of the inquiry is the ancient or primordial past, the authoritative netibôt 'ôlām and darkê mērō's. The normative past is searched for answers which apparently assume the form of maxims or truths readily appropriated by the inquirer. Having discerned an appropriate answer from antiquity, the individual or community is expected to act upon the findings. Upon so doing, peace and prosperity can be expected in accordance with the principles of Israelite wisdom. Jer 6:16, therefore, seems to provide an explicit allusion to the practice of consulting ancient tradition and thereby supports the plausibility of the formal appeal category under consideration.

II

A second group of texts which reflect this genre open with one or more interrogatives that have the effect of an appeal, since they move the disputant's opponent or audience to acknowledge a commonly held tradition. Reference to the common knowledge of all parties concerned may be introduced by the use of the verb yāda' in a rhetorical question form. These introductory rhetorical questions tend to preclude a similar grammatical construction being assumed by the actual tradition cited.

Job 20 is the third disputation speech of Eliphaz. After an initial retort in which Eliphaz gives his reason for prolonging the dispute, he appeals to ancient tradition for a basic axiom upon which he grounds his argumentation. The following is a summary outline of verses 4-29:

appeal to acknowledge tradition: (vs.4)	<u>Do you know this</u> has been so <u>from of old</u> , since man was set on the earth?
citation of the tradition: (vs.5)	That the mirth of the wicked is brief the joy of the godless lasts but a moment.
application: (vss.6-28)	Though his pride reach to heaven and his head touch the clouds, he will perish forever like dung, and all who saw him will say, "Where is he?" He will fly away
recapitulation: (vs.29)	Such is God's portion for the wicked man the lot appointed him by El.

The initial "do you know" clearly means "surely you know" (as translated in NEB). The demonstrative zō't logically refers ahead to the traditional truth which is to be the basis of discussion. Significantly the tradition considered is held to be primordial, an axiom evident since the

days of the first man. The allusion to placing 'ādām 'alê-'āreṣ recalls the creation of 'ādām 'al-hā-'āreṣ in Deut 4:32. Thus the truths asserted about the wicked man are as ancient as man himself; what is true of wicked men can be argued as a primordial truth verifiable since the very existence of man.

The axiom cited portrays the joy of the wicked as fleeting. Job had said that the life of every man was short and sated with turmoil (14:1). Elihu claims that "all of God's creatures are alike; they die in a moment (rega') in the middle of the night" (34:19-20). The tradition espoused by Eliphaz is more specific; it is the wicked man whose life lasts but a moment (rega'), or to be even more precise, the joy of his life survives but an instant (cf. 8:19). Job counters this axiom of Eliphaz in the following chapter by insisting that the wicked live a prosperous life, full of enjoyment. The only rega' experience they encounter is a quick death when their long life is over (21:7,13). The axiom character of 20:5 is further supported by its balanced structure and its relationship to the verses which follow.²² Unlike the example from Job 8 given above, the tradition cited (in vs.5) is also the proposition or thesis which the disputant intends to develop. Verses 6-28 are a series of arguments which support the basic thesis concerning the wicked man established in the preceding citation. The 3MS suffixes of this discourse refer back to the wicked and godless man of verse 5. The summary statement of verse 29 draws all these arguments together with the concluding comment that "such is God's portion for the wicked man." It is noteworthy that this wicked man is designated 'ādām rāṣā', "man of wickedness," thereby combining the allusion to the wicked one of the citation (vs.5) and the first man ('ādām) of the appeal (vs. 4). The recapitulation (vs. 29), therefore, seems to maintain that the ancient tradition being endorsed asserts that there is a swift and certain fate fixed for wicked men who follow the ways of the primal man of wickedness.

The disputation speeches of Isa 40-55 include a number of appeals to ancient tradition. The form of this appeal is exhibited clearly in the speech of Isa 40:21-24:

appeal to acknowledge tradition: Do you not know? Have you not heard?
(vs.21) Has it not been recited from the beginning?

Have you not understood
from the foundations of the earth?

citation of tradition:
(vs.22)

He is the one enthroned above the
horizon of the earth,
and its inhabitants are like
grasshoppers,
the one who stretches out the heavens
like a curtain
and spreads them out like a tent
to reign there.

application (expansion):
(vss.23-24)

He is the one who brings princes to
nought

and makes the rulers of the earth
like chaos.

(interpretation): Scarcely are they planted, scarcely
sown,
scarcely has their stem taken root
in the earth,
when he blows upon them and they
wither,
and the tempest carries them off
like stubble.

"Do you not know? Have you not heard?" is probably a standard form of appeal to recall tradition.²³ The focus of Deutero-Isaiah, however, is on the primordial character of the tradition as it has always been recited (ngd) and understood (bin) among his people. Not only has the tradition been known ab origine, from the time men began to recite God's cosmic deeds to each other, but the truth of that tradition is as ancient as the eternal foundations of earth. Thus Deutero-Isaiah is grounding these disputation speeches about God's role in the Babylonian crisis on ancient creation theology traditions that antedate the historical magnalia frequently cited as the point of departure for recognizing the incomparability and involvement of Yahweh. Such an appeal tends to support the primacy of the creation traditions in the theology of Deutero-Isaiah.

The tradition to which Deutero-Isaiah alludes seems to be part of the creation theophany complex according to which Yahweh appears in regal splendor in the cosmic tent he has prepared for that purpose.²⁴ The participles which open the quotations of verse 22 suggest a hymnic source for the tradition cited. Verse 22b is a hymnic expansion of a traditional formula designating Yahweh as "he who stretches out the heavens." Verse 22a, however, has no clear Old Testament parallel but embraces a wisdom type analogy according to which men can be compared to grasshoppers when Yahweh is sitting enthroned on the cosmic horizon (cf. Num 13:33). The poetic imagery and structure of this line support the contention that Deutero-Isaiah is quoting a known tradition about Yahweh as the High God rather than developing a nature analogy of his own.²⁵ Subsequently, however, it is only the formula about Yahweh "stretching out the heavens" that Deutero-Isaiah employs in his message.

This creation tradition becomes the basis for the proposition (vs.22) that Yahweh is the one cosmic authority who nullifies all earthly rulers. The hymnic style is continued and the creation theology language is preserved as a bridge with the theme of the preceding verse. The power of Yahweh over the princes of earth is analogous to his power over tôhû, primal chaos. The same progression from primordial self-sufficiency to current international control appears above in the speech of Isa 40:12-17. The all-encompassing control of Yahweh is implied in the cryptic analogy of the first tradition cited (40:22a). The proposition which Deutero-Isaiah is

espousing and which the Israelite exiles needed to hear is that Yahweh can bring all the mighty powers of earth to nothing. He is in total control. That word is expanded in the argumentation of verse 25, but grounded in the creation tradition cited previously in verse 22. In this way tradition speaks to an historical situation on the basis of a primordial truth.

Related appeals to tradition in the disputation speeches of Deutero-Isaiah reflect a persistent concern for the normative truths of primordial times.²⁶ This holds true in several passages where a specific reference to the distant past is not mentioned in the opening appeal itself. The disputation speech of Isa 40:27-31 is a case in point. After the quotation of the opponent's complaint in verse 27, the disputant repeats the first half of the formal appeal in verse 21: "Do you not know? Have you not heard?" It is plausible that the second half of that formula (found in vs.21) is to be supplied by the listener and that the appeal is also directed to ancient tradition. The tradition cited tends to support this suggestion:

Do you not know?
Have you not heard?
Yahweh is God Eternal ('elôhê 'ôlām),
Creator of the ends of earth.
He does not faint, he does not fade;
there is no limit to his understanding.

Here an identification of Yahweh with God Eternal, presumably El Olam in the earliest form of the tradition, is asserted as a dictum of the past, not a theological point first introduced into the debate by the disputant. A similar concern was reflected in the rib of Deut 32:1-9 discussed above. The remaining arguments of Isa 40:28-31 are a theological interpretation of the tradition that Yahweh is the Eternal God whose resources are inexhaustible. It is also possible that, in the light of Jer 16:6, Deutero-Isaiah is citing this ancient tradition precisely because Israel claims that her way (derek) is hidden from Yahweh (Isa 40:27). There is a truth from the "ancient ways" claims the prophet, that gives life to Israel. Yahweh himself is Olam and able to give Israel a future.

Deutero-Isaiah includes several allusions to an ancient tradition about how Yahweh the Creator announced the ri'šônôt, the "first things" or the "former things" in antiquity.²⁷ The prophet is not so much emphasizing the greatness of the events of antiquity as he is asserting the priority of the divine word that initiated those events. That word, according to 40:21, was understood from the very foundations of the earth. Since all the "first things" are fulfilled words of the Creator God, Israel can be assured that the announcements of Yahweh through his prophet Deutero-Isaiah will likewise come to pass. An appeal to remember those "first things" is found in Isa 46:8-11:

appeal to recognize tradition: Remember this and consider;
(vss.8-9a) call it to mind, you transgressors;

	remember the first things <u>from antiquity</u> :
citation of tradition: (vs.9b)	That "I am El and there is no other; I am God and there is none like me."
application (proposition): (vss.10-11)	I declare the end from the beginning and from ancient times things not done, saying, "My plan will stand, my purpose will be achieved."
(explication):	I am summoning a bird of prey from the east a man from a distant land to fulfil my purpose, I have spoken; I will bring it to pass. I have purposed and I will do it.

The formula of appeal, zīkrû, is related to the examples in the first group of texts treated above (e.g. Deut 32:7). Functionally, however, the exhortation seems to be an appeal to acknowledge the past tradition rather than interrogate it. The primal traditions of antiquity, the ri'sšōnôt mē'ôlām, (cf. Deut 4:35) are introduced with a typical kī particle of quotation. On the basis of this citation Deutero-Isaiah makes the oracular assertion that from antiquity Yahweh has announced his purposes and fulfilled them. That assertion is explicated in relation to the existing situation in exile; Yahweh is planning the advent of a specific man to execute his purposes. Here Deutero-Isaiah has appealed to ancient tradition to provide a rationale and justification for his message of imminent salvation. Ancient traditions about the identification of Yahweh with the Creator El support the prophet's contention that the purposes of the great High God, decreed perhaps in the heavenly council, are certain to be implemented. A similar identification was employed by Deutero-Isaiah in much the same way in 40:28.

III

In the light of the preceding findings concerning the appeal to ancient tradition as a form-critical category, a number of tentative suggestions can be made toward the interpretation of specific pericopes in Job. The zēkār nā' with which Eliphaz opens his formal argumentation (Job 4:7) may be an apocopated form of the full appeal to tradition found in Deut 32:7. The subsequent axiom about the innocent man may therefore be a citation from tradition which Eliphaz then substantiates with arguments from personal experience and proverbial wisdom theology (4:7-11). It is interesting to note that Eliphaz later challenges Job to appeal to a different authority to obtain his answers (5:1). Eliphaz follows this appeal by citing another traditional proverb about the fool (5:2).

Job, in turn, exhorts his listeners to consult the animal world for verification of his position (12:7-12). Job's appeal can be understood as a satirical adaptation of the appeal to ancient tradition employed by Bildad

in 8:8ff. The following components can be discerned:

appeal to consult the animals: (vss.7-8)	Now <u>ask</u> the beasts and they will teach you; the birds of the sky will tell you. Or talk to the earth and it will teach you; and let the fish of the sea instruct you.
rationale for the appeal: (vss.9-10)	Who does not know from all these that God's hand has done this? In whose hand is every living soul and the breath of all human flesh.
citation of the tradition: (vss.11-12)	Does not the ear test words and the palate taste food? Is there wisdom with age and understanding with longevity?

Job's appeal to the animals employs technical terminology found elsewhere in appeals to ancient tradition.²⁸ Job's rationale for appealing to the beasts parallels Bildad's rationale in 8:9-10. The claim that all life possesses the breath of the Almighty and is therefore capable to knowing his ways is also made by Elihu (32:6-9). Both Elihu and Job challenge the validity of appeal to ancient tradition as the normative source of religious knowledge. The proverbs from tradition which Job cites substantiate the assertion that experience rather than the wisdom of the aged is the test of truth concerning God's ways.²⁹ In the verses which follow Job uses hymnic materials to make two major propositions concerning God (vss. 13 and 16). It is noteworthy that in the argumentation supporting the second of these contentions Job insists that God disrupts all earthly authorities and "removes the taste of the old men" (20b). With age comes a loss of judgment rather than an increase of wisdom. Accordingly Job's appeal to the animals is apparently his way of repudiating any appeal to ancient tradition as valid for ultimate religious truths about God.

This Joban debate about the source of authority highlights the significance of Eliphaz' sarcastic interrogation of Job as to whether he could possibly be the First Man (ch.15). The apparent assumption of the orthodox position of wisdom theology is that ultimate authority and truth is primordial. Wisdom is the primal companion of the Creator (Prov 8:22-31). Job's arrogant claims to knowledge provoke Eliphaz into asking whether Job is his own ancient authority, that is, whether he was the First Man whose presence in primordial times gave him access to the power of pristine wisdom (15:7-10). For Eliphaz the elders of his community have much more authority than Job, no matter who he may claim to be.

This concern for primordial authority sets the stage for Eliphaz' axiom about man (in 15:14-16) and his subsequent appeal to tradition (in vss.17ff). The imperative šema'-lî introduces the appeal to heed Eliphaz because he is reporting what is derived from the tradition of the wise and the fathers

(vss.17-18; cf. 8:8). The claim that the land of the fathers was free from any foreign settlers is apparently offered as a rationale for the purity of the tradition being proposed. The tradition about the wicked man cited by Eliphaz (in vs.20) is a converse of the citation by Zophar in his appeal to tradition (20:5), but lacks the opening ki typical of citations. The subsequent verses of Eliphaz' speech elaborate on the fate of the wicked man described in the quotation.

Ironically Yahweh's answer from the whirlwind leads Job back through the ancient tradition he seems to have repudiated to specific primordial events. Yahweh challenges Job to answer as a spokesman of antiquity, as the First Man of primal times who was privy to the deliberations of the heavenly council. Yahweh insists that he will "ask" or consult Job as if he were the ancient authority who could provide answers to the cosmic riddles posed by the universe (38:3-4; 40:7). Thus the "asking" of God may be a deliberate play on the practice of "asking" ancient tradition. By "asking" these questions Yahweh guides Job back to the primordial without passing a final verdict on his claims. Job is left with a wealth of mysteries from the primal and cosmic realms. He is led back through these mysteries to the archai, the very beginnings from which all new beginnings arise.³⁰ Vicariously Job experiences the primordial in all its ambiguous splendor, its chaotic awe and its providential wisdom (cf. 42:5). He returns to the birth of the cosmos through the rhetoric of a wisdom poet. For Job that was more than appeal to ancient authority; it was a psychic experience of the authoritative arche.

IV

A tabular analysis of the formal elements of the appeal to ancient tradition as a literary genre reveals the following components:

The Formula of Appeal:

- a) Imperatives
- | | |
|--------------------------------|-----------------------|
| <u>še'al-nā' l^e</u> | - Job 8:8; Deut 4:32 |
| <u>še'al-nā'</u> | - Jer 18:13; Job 12:7 |
| <u>še'al</u> | - Deut 32:7 |
| <u>ša'alû-nā'</u> | - Jer 30:6 |
| <u>ša'alû</u> | - Jer 6:16 |
- For related usage in appeals to consult
see also: Judg 18:5; Isa 7:11; Hag 2:11
- | | |
|------------------|---------------------------------------|
| <u>zekor-nā'</u> | - Job 4:7; cf. Mic 6:5 |
| <u>zekōr</u> | - Deut 32:7 |
| <u>zikrû</u> | - Isa 46:8,9 |
| <u>bînû</u> | - Deut 32:7 (Job 8:8?)
cf. Ps 94:8 |
- b) Interrogatives
- | | |
|------------------------|--|
| <u>hāzō't yāda'tā</u> | - Job 20:4 |
| <u>hālō yāda'tā</u> | - Isa 40:28; cf. Josh 14:6 and 2 Sam 11:20 |
| <u>hālō' tēde'û</u> | - Isa 40:21; cf. 2 Chr 32:13 |
| <u>hālō' tismā'û</u> | - Isa 40:21 |
| <u>'im-lō' šāma'tā</u> | - Isa 40:28 |
| <u>hālō' hābînōtem</u> | - Isa 40:21 |

The Designation of Antiquity:

- a) The Primal Era
- | | |
|--|---|
| <u>rī'sōnôt mē'ôlām</u> | - Isa 46:9 |
| <u>dōr rī'sōn</u> | - Job 8:8; cf. Isa 51:9 |
| <u>mērō's</u> | - Isa 40:21; cf. 41:4;
48:16; Prov 8:23 |
| <u>yāmīm rī'sōnīm</u> | - Deut 4:32 |
| <u>mīsudôt hā'āreṣ</u> | - Isa 40:21 |
| <u>yēmôt 'ôlām</u> | - Deut 32:7; cf. Prov 8:23; Isa 42:14;
2 Kgs 19:25 |
| <u>šenôt dōr-wādōr</u> | - Deut 32:7 |
| <u>min-hayyôm 'ādām 'al-hā'āreṣ</u> | - Deut 4:32; cf. Job 20:4 |
| <u>minnî-'ad</u> | - Job 20:4 |
| <u>'ābik</u> | - Deut 32:7 |
| <u>hēqer 'ābôt</u> | - Job 8:8 |
| <u>zēgēne(y)kā</u> | - Deut 32:7 |
| <u>šebilē 'ôlām</u> | - Jer 18:15 |
| <u>nētibôt 'ôlām</u> | - Jer 6:16 |
| <u>darkē mērō's</u> | - Jer 6:16 |
- b) The Ancient Sources

The Citation of Tradition:

a) Mode of Citation

Interrogative Particle	- Job 8:11; 12:11; Jer 18:14; Deut 4:32; cf. Job 4:7,17; 6:5
The Particle KI	- Isa 46:9; Job 20:5; cf. Deut 32:9; Job 5:2,6,7
Without Citation Particle	- Isa 40:22 (cf. 28); Isa 40:28 Deut 32:8

b) Form of Tradition Cited

Proverbial Sayings	- Job 8:11; 20:5; Jer 18:14; cf. Job 12:11; 5:2; 5:7; 11:12
Affirmations about Yahweh	- Isa 40:22,28; 46:9b; cf. Deut 4:35
Ancient Acts of God	- Deut 4:33-34; 32:8-9; cf. Isa 51:9-10; Ps 74:12-17

V

Our findings can be summarized as follows. The practice of appealing to ancient traditions as the normative source for crucial matters of faith and life seems to be illustrated by the prophetic summons of Jer 6:16. According to this example the inquirer formally "asks" antiquity, presumably through those trained in conversing with ancient tradition. The questions put to the authoritative past yield pertinent maxims or propositions which speak to the situation of the inquirer.

This practice, which seems to be at home in a sapiential context, is reflected in a literary form which we have designated "The Appeal to Ancient Tradition." In broad outline the features of this form can be discerned as a) the appeal to consult or recognize ancient tradition, b) the citation of a truth from ancient tradition and c) the application of the tradition cited to the situation or argument in hand.

The opening appeal of this genre can be couched in terms of an imperative or interrogative. The formula še'al-nā' and its variants seem to be normal technical expressions for expressing this appeal. Imperatives of the verb zkr provide an alternate form of appeal.³¹ The usual interrogative formulations are "Do you not know?" or "Have you not heard?" The goal of the speaker in each case is not the expressing of amazement at the ignorance of the listener, but an appeal to recognize the truth of an ancient tradition which is known to the community. The speaker is not content to cite tradition by using a formula such as, "Thus saith tradition!" Rather, he leads the listener into the discussion through a common conversation with

ancient tradition. Since both parties apparently grant the normative character of the tradition, the assumption can then be made that the truth cited from tradition provides a common ground for disputation, discussion, or exhortation. Appeal to tradition, therefore, seems to have a didactic rather than a prophetic or kerygmatic function.

The appeal of this literary form is to antiquity, that is, to the distant past when the normative verities of existence were established. In the ancient Near Eastern community the primal or mythical age represented the foundational era of all cosmic and communal structures. In the primordial time truth and reality were first expressed in their pristine simplicity. The various designations of antiquity found in these biblical appeals to ancient tradition reflect an impulse to return to primal tradition as the authoritative word for the present situation. Expressions like "from the beginning," "from the foundations of the earth," or "the days of antiquity" are typical designations of the "ancient" character of the tradition being cited. Thus the forms in question are more than general appeals to an authority, whether it be a local priest or a prophetic word of revelation. This genre seems to suggest that there existed for the wise in Israel another primordial authority available through the elders and fathers of Israel which could be cited as normative, Mosaic authorities notwithstanding.

The traditions quoted in the preceding examples are usually introduced formally through a kî particle of citation or with an interrogative particle typical of proverbial sayings. While some quotations appear without any formal particle of quotation, their position directly after the opening appeal to ancient tradition and their specific kinds of grammatical construction, suggest that they too are citations rather than insights of the writer. Many of these quotations are proverbs or wisdom sayings which apparently claim the stamp of orthodox antiquity. The quotations in Deutero-Isaiah differ from the proverbial in that they seem to draw upon ancient traditions for the purpose of verifying Yahweh's primordial identity with the Creator El. The citation of primal acts of God in Deut 32:8-9 ultimately serves the same function. These ancient primordial traditions about El or Elyon as the Creator of life and order provide an authoritative source which can be cited as true for Yahweh in his conflict with contemporary dieties. Thus the immediate purpose of citing materials from past tradition will vary, depending on the goals of the individual writers.

The applications of the specific traditions cited illustrate the diverse use of these quotations. In general, there is no consistent formulaic particle or expression introducing these applications, although the particle kî does occur several times, and the expression kēn "thus" in Job 8:13 might be expected or presupposed in other cases. The application

tends to reflect the genre of the wider literary context. In Jer 18:15-17 the application assumes the normal prophetic pattern of indictment and threat, while in Deut 4:35 the sermon style of the Deuteronomist is maintained. Despite this diversity of applications a pattern of proposition and explication can be seen in connection with many disputation contexts. In such texts the proposition states the thesis or major contention of the disputant while the explication develops, supports or expands the proposition. In logical argumentation these might be termed the conclusion and supporting premises respectively. This central proposition of Job 8:13; Isa 40:21; 46:10; and Deut 32:9 are typical examples which are explicated in the subsequent verses of their respective contexts. In a few cases the quotation from tradition may serve as the central thesis rather than a grounding or supporting premise (e.g. Job 20:5). This technique of formulating a central proposition and supporting it with subsidiary arguments is relatively frequent in the disputation passages of Job (e.g. 4:7ff; 4:17ff; 5:2ff). At the conclusion of the argumentation a recapitulation of the thesis can sometimes be discerned (e.g. Job 8:19 and 20:35).

The preceding analysis is offered as a contribution to form-critical research in wisdom literature and related contexts. The structural analysis of the materials, however, is seen as but one aspect of the process. Insights into Israelite ways of using tradition and the recurring impulse to return to primal authority are significant components of the religious life of Israel which grow out of this study and deserve further elaboration.

(July 1973)

Footnotes

¹On disputation speech forms see J. Begrich, Studien zu Deuterojesaja: Theologische Bücherei 20 (Munich, 1963) 48-53; C. Westermann, "Sprache und Struktur der Prophetie Deuterojesajas" in Forschung am Alten Testament: Theologische Bücherei 24 (Munich, 1964) 127-132; H. E. von Waldow, "The Message of Deutero-Isaiah," Interpretation 22 (1968) 259-287.

²R. Gordis, The Book of God and Man (Chicago, 1965) 169-189.

³Ibid., 174f.

⁴Passages from non-Joban speeches we would consider possible quotations from tradition are 2:4; 4:7,17; 5:2,6,7,17; 8:11-12; 11:6b,12; 15:14; 20:5; 22:12.

⁵The first group of texts employs an imperative form of šā'al thereby suggesting the practice of researching and consulting the past to ascertain the validity of a cited tradition. The second group calls upon the listener to recall, or acknowledge the truth of, a commonly accepted and known tradition from antiquity.

⁶One Near Eastern connection might be seen in the opening speech of the friend in The Babylonian Theodicy lines 16-17:

Our fathers in fact give up and go the way of death.
It is an ancient saying: "They cross the River Hubur."

⁷The brief comment of F. Horst, Hiob: Biblischer Kommentar Altes Testament XVI (Neukirchen, 1969) 127, recognizes the formal character of vss. 13 and 19 as Abschlüsse. He describes vss. 8-10 as "die Bedeutung der Väterlehre" and vss. 9-13 as Gleichnisse but offers no treatment of the total unit as a distinct literary form. The same is true of other commentaries at this point.

⁸See Deut 32:7; 4:32; Jer 8:13; 6:16; for related appeals to authority note Judg 18:5; 1 Kgs 3:5; Isa 7:11; Hag 2:11; Ps 2:8.

⁹The "truth" of the fathers renders the noun heqer. The term is used elsewhere in Job to denote the mystery of God's wisdom which man attempts to probe but cannot fathom. The heqer of the fathers is a comparable deep truth. The themes and language of Job 28 illustrate the nature of man's search (hāqar) to know the mysterious truths of wisdom.

¹⁰See yāmīn ri'šōnīm in Deut 4:32 where the expression is qualified with a reference to the "day God created man," and Isa 40:21 where mērō's is paralleled by "since the foundations of the earth." N. H. Tur-Sinai, The Book of Job (Jerusalem, 1957) translates Job 8:8 "For enquire of the first generation, go right on and question their fathers," and makes the interesting comment that this expression was itself probably a citation or formula from

the past and that the passage means "You doubtless know that this or that hero of the past was told to ask those of the first generation! Such a hero in the biblical view was actually able to question those persons of the past and even birds, beasts, and fishes." (cf. 12:7-8)

¹¹As E. Dhorme, *A Commentary on Job* (Leiden, 1967) 117 remarks, "The wisdom of the fathers is expressed by means of proverbs (Sir 39:1-3)." He cites Job 6:5-6 as a parallel pair of proverbial sayings.

¹²The application of the tradition may be an argument from analogy, one of several possible interpretations of the tradition, a related comment or a theological conclusion drawn from the tradition, whether logically consistent or not.

¹³On the form and motifs of Deut 32 see G. E. Wright, "The Lawsuit of God: a Form-Critical Study of Deuteronomy 32" in *Israel's Prophetic Heritage* (New York, 1962) 16-67.

¹⁴See LXX.

¹⁵Cf. W. F. Albright, "Some Remarks on the Song of Moses in Deuteronomy XXXII," *VT* IX (1959) 343f and P. Skehan, "The Structure of the Song of Moses in Deuteronomy (32:1-43)," *CBQ* 13 (1951) 153ff.

¹⁶Verse 4b speaks of 'ēl 'emūnāh while verse 6b alludes to a god who is both father ('ab) and creator or procreator (qōnēh). The designation of qōnēh is used of El Elyon in Gen 14:19 while the title 'ab 'adm is linked with El in the Ugaritic texts. These references suggest that El and Yahweh are being identified in the opening verses of Deut 32. As 'ab 'adm, El Elyon is the logical deity to determine the destiny of the b'ēnē 'ādām (vs. 8).

¹⁷On this passage see N. Lohfink, *Höre Israel!* (Düsseldorf, 1965) 114-116, who dates Deut 4 in the exile. The concern for comparing Yahweh with other deities to expose his uniqueness is also typical of Deutero-Isaiah whose disputation speeches are considered below.

¹⁸Related uses of *hyh* in the Niphal appear in Joel 1:2; Exod 11:6; Judg 19:30; Jer 48:19; Dan 12:1. Note especially Joel 1:2 where appeal is made to those who know the ancient traditions to mark and recount the current incomparable events for posterity.

¹⁹This word of Amos is couched in the form of a rhetorical question typical of disputation speeches and has the effect of challenging the uniqueness of Israel's exodus in the face of their persistent rebelliousness. The exodus tradition is thereby negated as an automatic ground for Israel's special claim on Yahweh. See J. L. Mays, *Amos* (Philadelphia, 1969) 156-160.

²⁰The appeal to universal knowledge is a correlative of the appeal to ancient tradition as Deut 4:32 indicates. The idiom "Who has heard the like of this?" is an appeal to all nations to search their traditions for an analogous event. Compare the use of related idioms in Isa 40:21,28 and Deut 4:32b.

²¹Here we follow the proposal of Driver and others in reading darkê mēro's. See G. R. Driver, "Linguistic and Textual Problems: Jeremiah," *JQR* 28 (1937) 103.

²²Note the strict parallelism of the members in this verse, a feature absent from the subsequent argumentation of Zophar. This verse, moreover, is a self-contained axiom whereas most of the following verses are arguments relating to the wicked man introduced in this axiom.

²³See Isa 40:28; 48:8. "Do you not know?" as a more general appeal to recognize what is self-evident or common knowledge in a given situation appears in Judg 15:11; 2 Sam 2:26; Gen 44:15; 2 Sam 11:20; Exod 10:7; 2 Chr 32:13; 2 Sam 3:38; Isa 43:19.

²⁴See N. Habel, "He Who Stretches Out the Heavens," *CBQ* 34 (1972) 417-430.

²⁵The structure in verse 22a is arresting. Each colon begins with the participle yōšēb, but with divergent senses. Word plays of this kind are typical of proverbs and ancient axioms. In the first reference the verb refers to Yahweh "enthroned upon" the horizon of earth and in the second to man "dwelling on" the earth. The nouns which follow the respective participles are pūg and h'gābīm, which have the first two radicals in common. The "earth" is the common denominator of both cola.

²⁶Isa 41:4; 45:18-23; 46:8-11; 48:3-8. Hymnic elements treating creation themes and primordial allusions such as Isa 51:1 indicate the persistent concern for ancient tradition throughout Deutero-Isaiah.

²⁷Isa 41:22; 42:9; 43:9,19; 46:9; 48:3. On the related expression mēro's in 40:21; 41:4; 41:26; 48:16 see E. Eichrodt, "In the Beginning," *Israel's Prophetic Heritage* (New York, 1962) 1-10. This is not the place to enter into the debate over the specific content of the traditions identified as ri'sōnōt. Isa 40:21 and the related passages discussed above suggest that these ancient traditions were creation events or normative happenings in Israel's distant past rather than recent acts of Yahweh.

²⁸Note the imperative š'e'al-nā', the verb yrh (cf. 8:10) and the rhetorical question introducing the quotation of verse 11.

²⁹Whether the proverb of 12:12 is to be rendered with an interrogative or to be understood satirically, there is little doubt from the context that

Job is repudiating age as the guarantee of wisdom. Cf. Gordis, op cit., 184.

³⁰For an appreciation of the archai theme in Job see James Williams, "You Have Spoken Truth of Me," ZAW 83 (1971).

³¹On the various uses of zkr see W. Schottroff, Gedenken im Alten Orient und im Alten Testament (Neukirchen, 1964).

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The Temple Program for the New Year Festival at Babylon calls for recitation on the evening of the fourth day of Enuma Elish, the account of Marduk's battle with Tiamat and his creation of the cosmos. The Hittite Purulli festival celebrating the beginning of the agricultural year also has associated with it a story telling how the weather-god bested the dragon. But on comparison, these two stories, that are often brought into relation in discussions of the Battle with the Monster myth, appear to be fundamentally different in their outcome and intention. This is evidenced by the fact that a human being plays a decisive role in the Hittite story, both in its older and newer versions, and that the focus of interest in these stories is not so much the god's success, but the decision the human hero makes. In the first story he forfeits immortality to satisfy his longing to be with his family; in the later version, he throws in his lot with his father-in-law against his "natural" father. If we consider the significance of this difference from the Babylonian story, we will be opening questions about the relation of the stories to the rituals with which they are associated, and the purport of the New Year festival as a whole.

Beginning with the larger question, we may start with a generalization that the festival, coordinated as it is with renewal in the natural world, celebrates and brings about the ordering and renewal of nature and society, in coordination. Natural change gives nature's support, in effect, to the purport of the ritual. It is more difficult to make a general statement about the relation of myth and ritual, but Frankfort's suggestion may still be helpful here, in reference to the recital of Enuma Elish: "The recital of the god's victory over chaos at the beginning of time cast a spell of accomplishment over the hazardous and all-important renewal of natural life in the present." (*Kingship and the Gods*, p. 314) Who is being acted upon by the spell? Frankfort goes on to discuss the significance of the ritual procession to the Bit Akitu, of the king, priests, and people, as a representation in the cult of Marduk's victory. It will be remembered that Marduk's prerequisite for undertaking the battle was the sole right to issue decrees; also, that the circumstances of man's creation define him as servant of the gods, who inherits his rebellious impulse from the leader of the rebel gods. The order that is celebrated is hierarchical. The king at the top is no less a servant, but to the degree that he identifies with Marduk, he is the more obedient to the dictates of the agricultural rhythms, which his rule carries out.

If we assume the same functions for the Hittite festival, and for the stories that are a part of it, we can see that what is being invoked and celebrated is the human impulse of loyalty

that transcends egotistical ends in conflicts that may equally well take place at any level of society. Hupasiyas disobeys the goddess in order to take up his responsibilities as husband and father; he chooses to fight and die honorably to preserve the non-natural bonds on which social life depends. The assumption with which this paper begins is that this difference is significant of a general shift in the locus of divine authority that took place in the Near East in the second millennium, and that is reflected no less in political structure than in literary expression: the need to express a new religious perspective accounts for the development of a new genre, in this case, the epic.

For the moment, I would like to limit the view to one text, to see what we can learn from it directly about its "intention." A distinction is sometimes made between the intention of an author and the intention of a genre. I will not try to make that distinction, because we haven't enough examples of epic in the ancient Near East to say anything about the choices the author of Gilgamesh has made within it (even if we can assume that the work is the product of one author). To speak of a composition such as Gilgamesh as belonging to a genre though, already implies that it is to be regarded as a unity when the question of intention is put. Needless to say this is a highly dubious procedure when one is dealing with a literature that has been preserved on scattered clay tablets, which is found in a variety of versions not all of which contain the same episodes (and which is written in a language one hasn't studied!). So without further apology, I will say what I have in mind, in the case of Gilgamesh.

In the last scene, Gilgamesh urges Urshanabi to admire the ramparts of Uruk which he had built, and we are told that three sar and the precinct of the temple of Ishtar comprise Uruk. The story which ends in this way, began with a situation in Uruk during the reign of Gilgamesh that badly needed remedying. What lies between this beginning and that end is the working out of the remedy, which happens, not through one action following another sequentially (though the cause-effect relationship is attended to in a minimal way), but more fundamentally by the unfolding of the significance of the opening scene. Each episode becomes another way of looking at the same thing, exploring it at another level. It is as though one focused on the problem with an ever-increasing magnification, and resultant loss of context, until Gilgamesh returns to Uruk and the perspective opens out once more. Gilgamesh has stepped out of bounds, misusing his position of leadership to make illegitimate demands on his people. He "leaves not the son to his father...leaves not the maid to her mother," oblivious, in his godlike detachment, of his role as shepherd. In response to Uruk's complaint, the gods authorize the creation of Enkidu. How is Enkidu, the god's remedy, an unfolding of the opening situation?

The frame of reference within which the whole of Gilgamesh must be set, is the normative definition of the role of king, appointee of Enlil, as it had developed since Sumerian times. Now it is particularly in the festival of the New Year that this role is articulated, the culmination of which is the marriage of

king and goddess (Ishtar) that assures fruitfulness in the year to come. But in this matter of marriage also Gilgamesh apparently misuses his privilege (II iv). Whatever the case here, the introduction of Enkidu at the point when Gilgamesh is engaged in nuptial rites of some sort is an indicator of his significance, and begins the analysis of the disorder of the opening scene. In so many ways it is indicated that Enkidu takes the place of the bride of Gilgamesh, their friendship substituting for and somehow fulfilling the function of the sacred marriage. In the dream foretelling Enkidu's appearance, as Gilgamesh relates it to his mother, he is "drawn to it as though to a woman. And I placed it at thy feet, for thou didst make it vie with me." (I v 36f.)

Though "for Ishtar the bed is laid out" (II v 28), "Enkidu barred the gate with his foot not allowing Gilgamesh to enter" (II vi 12f.) and they engage. Enkidu is shorter, but stronger than Gilgamesh. However when Gilgamesh ceases to feel furious toward Enkidu, Enkidu concedes to Gilgamesh's greater stature. Enkidu accepts the legitimate authority of Gilgamesh (which has yet to be actualized) as Gilgamesh accepts his own natural attraction to Enkidu. But this is not yet a union that can be consummated fruitfully.

They form a friendship, and together set out to slay Huwawa "that all evil from the land we may banish." It is the business of heroes, which Gilgamesh in combination with Enkidu is now beginning to be, to slay dragons. But what is the dragon? Once again the episode serves to reveal what is the matter with Uruk's king: Why, the king is doing battle with the monster. But what does that mean? It means as many things as Humbaba has cloaks and this seeming rambling tale now proceeds to divest him of some of them. Truly, as the elders point out to Gilgamesh, "thou art yet young, Gilgamesh, thy heart has carried thee away. That which thou wouldst achieve thou knowest not" (III v 10). But if he has Enkidu to go before him, he may yet be saved from his own blindness.

The conquest of Humbaba proceeds as it should, with the help of Shamash and the winds, and most especially with the encouragement of Enkidu (whose hand, however, becomes limp in the process of opening the gate to the cedar forest). At this point in the course of the "orthodox" monster-battle, we are entitled to expect the release of forces held back by the guardian-gorgon: a treasure, water, or a woman. With such a large sign post it is impossible to mistake the significance of the appearance just at this point of Ishtar, who "raised an eye at the beauty of Gilgamesh: 'Come, Gilgamesh, be thou my love! Do but grant me of thy fruit'" (VI 6). The trouble with Uruk's king is that he does not welcome this reward of his labor. He sees that in slaughtering Humbaba he has only removed one of the monster's cloaks: the goddess herself is monstrous. Those who submit to her demand may expect only oblivion, in one form or another. The goddess's demand must be met of course, and the holy marriage consummated. But what is that demand?

And so we are given a chance to explore further the monstrousness of Ishtar in the form of the Bull of Heaven, and the strength pitted against it is now clearly Enkidu's. Why, since it was Gilgamesh's idea to go against Humbaba, and he was the one who rejected Ishtar's advances, is it Enkidu who must die? asks Shamash, "who much like one of their comrades didst daily go down to them." What is not reasonable or just in the limited comprehension of the light of day is nonetheless required in the larger order of things known by the gods, to preserve him who rules by divine right (VII 10). Gilgamesh has indeed laid Enkidu at the goddess's feet. But not before the attachment has been formed which like Ariadne's thread is going to lead Gilgamesh out from under the mountain of what oppresses him, imprisons him, makes a rebel of him. "He veiled his friend like a bride...like a lion he raises up his voice, like a lioness deprived of her whelps" (VIII ii 17f). Now it is clear that the gate being guarded by him "whose terror is awesome and whose glance is death" (IX ii 7) leads into the unknown dark that has claimed Enkidu.

It has been said that the Gilgamesh epic is about the fear of death. As is probably clear by now, I think this picks it up by the wrong end. Individual human existence becomes problematical to the degree that the individual feels consciously responsible for it; feels himself, by virtue of his intelligence (Skukallituda's virtue), in a position to gain control of his emotions: to direct his life, consider possibilities, choose. Death is not so much the problem as it is the appropriate metaphor for the open-endedness of man's possibilities, once he has become an instigator.

Gilgamesh's journey now leads him to the Mashu (or, twin) mountain. The description of its guards recalls that of Humbaba and links the monster manifestations. Humbaba guards the cedar mountain, abode of the gods; in a dream, the mountain topples on Gilgamesh and the glare is overpowering. But when he confronts the scorpion-men whose "shimmering halo sweeps the mountains," he persuades them of his determination to brave the dense darkness of the mountain "that I may have my fill of the light." The treasure guarded by the mountain monster is, finally, that light to which Gilgamesh is irrevocably drawn, though at first it is overpowering. Throughout the epic, it is Shamash, the sun, light (which is everywhere a symbol for consciousness), that guides and protects Gilgamesh. However, no sooner does he find his way to it, than he must immediately relinquish it, or rather, acknowledge his incapacity to live in it. For the man who loved Enkidu, it is in the finite and the particular world of wives, children, subjects and wall-building, that his satisfaction, his sense of personal significance, must lie. In the light of his new understanding, so insistently and so hardly won, Gilgamesh himself is shown to be committed also to the dark; as the snake renews its skin, so his renewal, symbolized by the fresh garments, is dependent on the human community as a whole of which he is but one part. His part as leader must be performed in the absence of clear knowledge of where he is leading his people, and in faith that their confidence in him is justified. This representation of what

authority looks like and how it is sanctioned appears to me to be fundamentally different from that of the king who is the spouse of the Great Goddess. Whereas Enuma Elish confirms the hierarchical order in which the king as the servant of Marduk (or Enlil) is the ultimate authority in the world of men, the Gilgamesh epic celebrates those human qualities on which any structuring of society must ultimately rely.

It is the relationship between Enkidu and Gilgamesh that is the focus of the epic, rather than the opposition between, say, Tiamat and Marduk. Though Gilgamesh resisted the enticements of Ishtar, he could not resist Enkidu's friendship, the result of which is essentially the same for him as Enkidu's succumbing to the harlot was for him. Just as Shamash comforts Enkidu with the reminder of the benefits of civilization, the human substitute for the kind of "immortality" that was given up when men ceased to be merely members of an animal species, so Gilgamesh must be comforted by his fame as the Good Shepherd of Uruk. Enkidu is the agent of Gilgamesh's coming-of-age, as the harlot was of Enkidu's. Enkidu curses the harlot (wanting to return to the Garden of Eden), but then relents and blesses her. This corresponds to Gilgamesh's acceptance of mortality, and of his social role on a new level, not as the servant to the goddess, though he gives her her due, but as a mortal man pursuing ends appropriate to his condition.

Gilgamesh's inability to embrace the conditions of his royal role, his inclination, instead, to do battle, to spurn the seductress, indeed, to crash hell itself, is an irresistible urge toward discovering his own limited, human self, that he may the more effectively serve the goddess who embraces all things including his own death. Having been led through his relation to Enkidu to experience that limit, the oppressive mountain is gone. He returns to his starting place to find creative consummation in relation to his people, as evidenced by the building projects - including the temple of Ishtar.

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In 1881, Eduard Reuss wrote that "the prophets are older than the law and the Psalms are later than both."¹ Subsequent decades witnessed the wide acceptance of this position and then its gradual erosion. Speaking very broadly, one can say that the history of prophetic studies during the last decades of the nineteenth century and the whole of the twentieth century is the history of this proposition; its meteoric ascendancy to almost canonical status, its time of siege and defense, its final capitulation, and its subsequent amplification. The exuberance characteristic of the nineteenth century's discovery of prophecy as a unique religious phenomenon and the recognition that the prophets were flesh and bone representatives of historically conditioned humanity speaking face to face with their contemporaries has dimmed. In spite of prophecy's loss of its triumphalism in Old Testament studies, prophetic research has retained its vibrant and exciting qualities; perhaps not in spite of this loss but because of it. In Old Testament research, prophecy has now had its bar mitzvah, prophecy too has had its pilgrimage to the cult, and prophecy has even been instructed by the teachers of ancient Israel.

I. THE FIRST GENERATION

A. Hermann Gunkel

As a genre, histories of form-critical research seem to adhere to a law which requires that all such surveys begin with an analysis of the contributions of Hermann Gunkel (1862-1932)². This is as it should be since his writings and influence have left an indelible impression upon all areas of Old Testament form-critical studies either directly, in the case of the psalms, narratives, and prophecy or indirectly, in the case of law and wisdom. Gunkel shared in the original thrusts of two distinct but closely related developments in biblical studies: the history of religions approach³ and form-critical analysis.⁴ The two developments had their origin in a common intellectual, historical, and cultural milieu and have, since their origin, been related in lesser or greater degree although on occasions somewhat ambivalently.

Gunkel spoke of four movements of his day which he understood as advancements leading to altered perspectives and new approaches in Old Testament study.⁵ In relating these directly to Old Testament prophecy, he argued that they challenged both the orthodox interpretation of the prophets as implements in the hands of a supernatural revelation and the rationalistic assessment of the prophets as devout teachers and respectable preachers.⁶ These four movements were neo-Romanticism, comparative religion (Erforschung fremder Religionen), history of literature with its stress on form analysis and history, and psychology. According to Gunkel, the neo-romantic or "impressionistic" movement⁷ saw new colors and heard new sounds which manifested the inner life of man. Comparative religion provided a wealth of valuable material for comparison with the Old Testament. Literaturgeschichte⁸ offered the means to analyze the literary forms which themselves provided a means of

access to the inner life of the user. Psychology as a science allowed the investigator to seek for and appreciate an immediate perception of the ancient person which had not been the concern of the orthodox and rationalistic approaches.

These four movements which Gunkel saw as bringing a deeper understanding of the Old Testament were supported by a general widespread negative attitude toward, even a certain exhaustion with, the results of purely literary-critical study of the scriptures. Literary criticism, it was claimed, with its obsession with external problems about dates, documents, and authors did not penetrate esthetically, to the essence of the materials.⁹

Gunkel belonged to a circle of scholars with strong interests in the history of religious approach and who saw great weaknesses in literary criticism. Hugo Gressmann expressed the feelings of this group when he said: "We are fed up with being treated with literary criticism only."¹⁰ Such sentiments, revealing a deep dissatisfaction with literary criticism, found expression in the English speaking world in similar forms largely independent of the continental disquietude.¹¹ This negative attitude toward the products of literary critical investigations was in reality a positive desire for a greater appreciation of the biblical materials, for an esthetic, empathetic understanding of the very life and soul of the ancient authors and their literature.

Gunkel considered form criticism (a term which he does not seem to have used), or *Gattungsforschung*, *Literaturgeschichte*, as one of the tools for acquiring this greater and deeper understanding and appreciation of the biblical traditions. The overall goal of such an endeavor was the ability to see the literature of ancient Israel in its totality, that is, in its functional relationship to the whole of the people's life and history. The study of literary genres would allow the interpreter, Gunkel believed, to relate the individual forms to their context and usage in human life, that is, to their *Sitz im Leben*. Gunkel felt that form-critical analysis of the Old Testament would yield categories into which the whole of the Old Testament would fall.¹² Such categories could then be studied in their interrelatedness and individuality. The analyzed types of Old Testament traditions would provide the means for developing an esthetic appreciation of the material. This stress on the esthetic appreciation of the biblical materials occurs frequently in Gunkel's writings and on this point he recognized his kinship with Herder.¹³ Form-critical analysis was seen as the means for discovering the inner life of the writer. Here again, the theme of the inner life of the writer - the desire to discover and explore the inner thoughts of the ancients - with its romantic, idealistic expectations appears as a recurring goal in Gunkel's work ¹⁴, a goal which led him to preserve a strong individualistic and spiritualized interpretation in many areas, often to the detriment of his form-critical analysis, particularly in his study of the psalms.¹⁵ A form-critical emphasis, Gunkel believed, would allow one to trace the evolution of the individual, at least negatively, by revealing the extent of the individual's divergence from the traditional.¹⁶

What Gunkel meant by a literary genre or a form-critical unit was best expressed in writings published toward the close of his career.¹⁷ He wrote:

Every genre shows its individuality in defined characteristics:

(1) In a common store of thoughts and moods, which is carefully transmitted from generation to generation, despite the sundry changes in the customary spiritual quality that can be carried out at the hands of outstanding individual authors;

(2) In a traditional linguistic form, i.e., definite phrases, sentence structures, images, and so forth; that is the customary form which usually preserves the thoughts and

can endure sometimes for many centuries; on this linguistic form we lay a special value because it is just this which is the easiest to recognize.

(3) A third characteristic of a genre is a definite "Sitz im Leben" of the people, in which it originally had its special place, out of which just these thoughts and their forms of expression have arisen and in which they are therefore also to be understood, even if it is true that the genres in a more developed time, when writing came to dominance in the cultural life, had given up this oldest situation in favor of the written book.

Only where we have all three criteria preserved together, only where we can ascertain that definite thoughts in a definite form on a definite occasion were expressed have we the right to speak on a genre.¹⁸

According to Gunkel then, every genre has a specific content and mood, a formal language of expression, and a setting in life.

Gunkel's interest in the prophets¹⁹ spanned the whole of his career. His first publication in the area was a study of the opening chapter of the book of Nahum published in 1893²⁰ and his last writings on the prophets were published in the second edition of Religion in Geschichte und Gegenwart (1927-1931). Unfortunately, Gunkel never devoted a systematic and extensive study to the form criticism of the prophets comparable to his introduction to the psalms, which would have given his insights free reign nor did he prepare a form-critical commentary on any prophet comparable to his work on the narratives in Genesis, which would have revealed his methodology at work. Three of his longer publications on the prophets²¹ contain form-critical discussions but in the general context of an overall study of the prophets.

Before examining in some detail Gunkel's particular observations on prophetic form criticism, it should be pointed out that Gunkel shared with many of his contemporaries four basic and important concepts concerning the prophets which greatly influenced his form-critical analysis. Three of these were concepts inherited from earlier literary critical studies and the fourth was a concept which had risen to prominence through the writings of Duhamel,²² Holscher,²³ and Gunkel himself. The first of these was the acceptance of the idea of a unilinear evolution of phenomena, an opinion shared in Gunkel's day by many Old Testament literary critics. The idea of the development from the primitive, the simple, the pure, and the ordinary to the sophisticated, the complex, the complicated, and the spiritual pervades much of Gunkel's Old Testament research and was an unrecognized hindrance in many respects. (Similar verdicts will rightly be pronounced on contemporary Old Testament studies someday!). The prophets developed from ecstasies, to orators, to poets, preachers, teachers and thinkers. The prophetic oracles developed from a single saying, to several lines, to long sermons. The prophetic tradition developed from oracle sayings, to small collections, to pamphlets, to books. Prophetic oracles developed from a set rhythmic form, to a freer style, to prose.²⁴

A second important concept for Gunkel was the assumption that the prophets represent the culmination and pinnacle of ancient Israelite religion. The excessive enthusiasm attendant upon the nineteenth century's rediscovery of the prophets lived on in the work of Gunkel. Nonetheless, in many respects, Gunkel interpreted the prophets within the context of the traditional religion of Israel. He claimed that they did not seek to proclaim something new; they represented the old religion, especially in their ethics, and they preached in the name of the ancient Israelite deity. They challenged the new developments associated with the monarchy and in so doing were spokesmen of older Israelite concepts of freedom and values.²⁵ The prophets harked back to the historical traditions of Israel, especially those associated with Moses and Sinai and David and the Israelite empire. None-

theless Gunkel could talk about the newness and originality of the prophets⁶³ especially in their combination of religious and ethical concerns and their consistent monotheistic outlook.²⁶

A third dominating hypothesis which Gunkel shared with much of the prophetic research of his time was the emphasis on the priority of the future and prediction in prophetic proclamation.²⁷ Gunkel could describe the prophets as future-oriented men, foretellers, men who lived in future, and the revelation received in the revelatory state as a word concerning the future.²⁸ As will be noted below, this concept possessed numerous ramifications for Gunkel's form-critical analysis of prophetic preaching.

A fourth important emphasis in Gunkel's prophetic studies was his stress on the personal experience of the prophets and in particular the ecstatic experience in which they received their revelatory words concerning the future. This emphasis on the person and personal experience of the prophets was a natural outgrowth of the nineteenth century's stress upon the prophet as a creative individual. However, for Gunkel, Duhm, Holscher, and others the new emphasis was on the irrational, the extraordinary experiences of the prophets. Gunkel was apparently the first of modern scholars to this aspect of prophecy and he first did so in his dissertation on the Holy Spirit.²⁹ In his subsequent publications the ecstatic character of prophecy and ecstasy as an important element in all aspects of prophecy received a particular stress.³⁰ Numerous works published contemporaneously with Gunkel's research also stressed this aspect of prophecy,³¹ an element already noted as early as Philo.³² The important role assigned to ecstasy by Gunkel influenced his form-critical analysis in a direct manner as shall be seen below.

Gunkel was the first modern biblical scholar to stress the indispensability of genre study and analysis for an adequate interpretation of the scriptures. This in itself is not an overly significant fact since *Gattungsforschung* in several disciplines and in its relationship to religious literature was in the air near the end of the last century.³³ Gunkel declared that the first question in *literaturgeschichtliche* study is the question of the *Gattung*.³⁴ "Whoever would investigate an author without an acquaintance with the genre used by him begins the building of the house with the roof."³⁵ Form-critical study therefore, for Gunkel, is a basic and foundational requirement, an intellectual and esthetic requirement for the interpreter. Such an assumption implies that one must ask form-critical questions before asking interpretive, content, and theological questions although in actuality and in theory Gunkel emphasized the role of content even at the level of asking form-critical questions. The necessity of form-critical study was threefold: (1) many genres used by the ancients are completely unknown or foreign to the modern reader; (2) genres in the literature of ancient people were far more important than for moderns; and (3) the function of the literature within the ancient folk-life of Israel must be the beginning point of one's understanding, and this is attainable only through form criticism. Gunkel considered one of the particularities of the spiritual life of ancient culture to be that the individual was bound to the speech and literary forms by social custom and every new thought was expressed in customary thought forms.³⁶

In discussing the prophetic materials form critically,³⁷ Gunkel stressed that the prophets were originally speakers and not authors. They began their messages with a call "to hear", not "to read."³⁸ These speakers functioned as oracle givers, counsellors, and intercessors.³⁹ Enquiry addressed to the divine and the response in an oracle, Gunkel saw as one of the basic aspects of early prophecy. When man reached his wits' end, he turned to God with questions about everyday life: dreams (Gen 41), sickness (II Kings 1), siege (II Kings 7:1), journeys (Jud 18:5), battle (I Sam 14:18, 37). Appeal in such cases were directed to "men of God" of whom the prophets were one type. Questions about the future were addressed to the prophet who in the form of prophecies and predictions foretold the future. In his counsel and intercession the prophet moved beyond the prediction of to a control over the future. The word of the prophet spoken in the name of God possessed

the power to control the future and to control the powers of the world (Is 55:10-11; Hos 6:5; II Kings 1; Jer 1:10; 25:15ff; 28:16). From these considerations, Gunkel arrived at what he considered to be one of the basic characteristics of the earliest form of prophetic address: it was a future-oriented word.⁴⁰ The certainty of the coming events in the immediate future came to the prophet in ecstatic experiences.

The ecstasy of the prophets Gunkel spoke of in terms of the "psychically abnormal," the "second self," "mental illness and nervous derangements."⁴¹ This ecstatic experience had its influence on the earliest form of prophetic address. "Men who acted in such special ways cannot have spoken calmly and discreetly."⁴² They screamed, cried out, and slavered.⁴³ Thus the "Original prophetic genre was an ecstatic description of the future."⁴⁴ Some oracles even in the classical prophets, Gunkel suggested, appear to be directly related to and spoken out of ecstasy (Jer 4:19ff; Is 21:1ff; 63:1ff; and the Balaam oracles). The oracle was however, most commonly spoken in the more dispassionate situation after the demise of the ecstatic experience; in a calmer condition the prophet introduced his oracle with "Thus has Yahweh spoken to me."⁴⁵ As a result of the revelations and in his calmer state "the prophet regards himself as the 'messenger' of Yahweh - a favorite and characteristic image from an early period - and just as the messenger reports the words of his master exactly as he had heard them from him, so the prophet also has the right to speak in the first person in the name of Yahweh himself. 'Thus has Yahweh spoken,' his oracle begins, and at certain points at the end of the sections he adds 'says the Lord' (*n'e'um jhwh*). This can alternate at will with another form, in which he speaks about Yahweh's thoughts in his own name, and so speaks of Yahweh in the third person."⁴⁶

In discussing the ecstatic future word as the earliest form of prophetic utterance, Gunkel cited as examples of this form two widely different specimens. In emphasizing sayings in the classical prophets in which he said one could still see the "cries" of the ecstatic, he wrote:

The short enigmatic words and combinations of words such as Jezreel, Lo-ammi, Lo-ruhamah (Hosea), Emmanuel, Shear jashub (Isaiah), Maher-shalal-hash-baz - 'the spoils speed, the prey hastes' (Isa 8:1), Rahabhammoshbath ('Rahab who sits still,' the bound dragon of chaos; Isa 30:7) are examples of the very earliest prophetic style. In such mysterious words the literary prophets, imitating the cries of the ancient ecstasies summed up their ideas.⁴⁷

In emphasizing the future aspect, Gunkel wrote as follows:

There never arose a prophet in Israel whose first saying was not the foretelling of an event of the immediate future. Consequently, we may accept that the earliest prophetic style is to be found in passages in which the future is described. It is characteristic that particularly clear examples of this style are found in the oracles concerning foreign nations (Isa 13-21; Jer. 46-51; Ezek 25-32 etc.)...however, the passages aimed at foreign nations represent a category which at the time they wrote was completely dead, but which reveals to us the concerns of an earlier period.⁴⁸

It is difficult to see how Gunkel could understand the oldest prophetic style reflected in both the short, enigmatic words and the oracles against foreign nations. No reference is made to the possibility that oracles against foreign nations may have originally been only short, enigmatic words nor is any attempt made to explain the length and form of the foreign oracles except to say that only late examples have survived. Nonetheless, Gunkel's three main publications on the prophets⁴⁹ contain almost identical paragraphs on these two items; the only difference is that the oracles against foreign nations as genuinely prophetic descriptions of the

future are said in one place to be "the clearest examples of the genuinely⁶⁵ prophetic form of revelation"⁵⁰ whereas in two places the word "ekstatische" is added to read "genuinely-prophetic, ecstatic form of revelation."⁵¹ I suggest that the use of these two examples (short, enigmatic words and oracles against foreign nations) reflect two unreconciled emphases in Gunkel's thought regarding the style of the earliest prophetic genre, namely the ecstatic and the futuristic. This seems to be the case in spite of his use of the term ecstatic with reference to oracles against the nations in two of his writings.

In addition to its ecstatic and futuristic character, the earliest prophetic style was characterized by brevity: "The oldest units of prophetic style are likewise the shortest..."⁵² Speaking in short oracles was a practice of the early prophets which was taken over by the later classical prophets who however, developed the ability to deliver longer forms of address. This tendency to shortness in the address demands that the exegete isolate and distinguish between the units in a prophetic work.

Since it is characteristic of every literary category, that the units within the category are of a specific form and extent, and since if these units are not identified, it is impossible to understand the style in question, the study of the style of the prophets must begin with the units in which their utterances were made. This study is all the more valuable, in that in general they are not indicated in the tradition of the text we possess, and many scholars, who have not yet realized the necessity of this task, and following modern ideas of style, still think in terms of units which are much too large and display great uncertainty in the distinguishing and identification of the passages.⁵³

Gunkel insisted that one of the innate laws of a *Gattung* was the fact that as a unit it possessed a thoroughly customary and conditioned extent. The discovery of the true limits of the individual, originally independent passage, not necessarily reflective of the present chapter and verse division, was of signal importance. When the prophetic unit extends to two, three or more lines (as in Amos 1:2; 3:1-2; 5:1-3; 9:7; Is. 1:2-3; 3:12-15; 14:24-27; 17:12-14; 49:1-2, 3-5, 6-8, 9-11; Jer. 2:1-3, 4-9, 10-13, 14-19) one is already dealing with a developed form and stage in the history of prophecy and the prophetic form of address.⁵⁴

Associated with the brevity of the original prophetic oracle is Gunkel's emphasis on the poetical and metrical character of the earliest prophetic speech. For him, poetry took precedence over prose.

Of its nature, enthusiastic inspiration speaks in poetic form, and rational reflection in the form of prose. Consequently, in form the prophetic speech was originally a poem. People like the prophets, who received their ideas in times of exalted inspiration, and uttered them under the impulse of an over-flowing emotion, could only speak in poetic rhythms.⁵⁵

As an antecedent and parallel to the poetic form of the prophetic oracle, Gunkel pointed to the verse form of the divine response at the sanctuary (*die Antwort Jahwes am Heiligtum*: see Gen. 25:23) and to the words of the Delphic Apollo. This poetic verse form was characterized by a rhythmic meter.⁵⁶

As far as the metrical form is concerned, two categories can be distinguished in the poems of the prophets: a stricter

style, in set rhythms, and a more free style which, depending upon the fluctuation of the prophet's mood, used a mixture of different verse forms. Examples of the first category are Isa. 1.10ff; 3.12-15; Jer. 2. 1-3; Micah 4. 1-3, and of the second such passages as Isa. 1.28 and 29.1-8. From the aesthetic point of view, these poetic compositions of the prophets reach extraordinarily high standards, and represent the most sublime element in the Old Testament, which is full of the sublime.⁵⁷

The rhythmic meter of the early prophetic style suggested to Gunkel that some of these oracles were sung, a practice still reflected in Isaiah.⁵⁸ The "stricter style" (noted in the above quote) appears to have been utilized in song form while the "freer style" belonged more to the category of recited poetry.⁵⁹ The movement away from purely poetic, rhythmic address to a much freer form which ultimately turned into prose or led to the utilization of such forms as torah or historical narrative which naturally made use of prose was associated by Gunkel with the development of the prophets from ecstasies into preachers and religious thinkers.⁶⁰

A further characteristic of early prophetic style of address in addition to its brevity, predictive content, ecstatic quality, and rhythmic and metrical form was its "mysteriousness," a reflection of the fact that "revelations were received in mysterious times of ecstasy; they appeared obscure and shadowy before the soul of the prophet. This is faithfully reflected in the style of the visions of the future, and explains the strange demonic and enigmatic tones of these passages."⁶¹ The mood of mystery in the prophecies is reflected in the avoidance of specific names, the use of approximate or generalized numbers, the employment of indirect expressions, the utilizations of concrete but imprecise imagery, the use of allegorical and mythological references, and the coining and application of special names.⁶² This secretive mysteriousness in the prophetic prediction was traced by Gunkel to both the nature of the ecstatic revelation and conscious concealment on the part of the prophets. In interpreting the prophets Gunkel noted that "we ought to recognize that mysteries are being presented to us, and take care not to destroy with our own over-hasty explanations the impression that the prophet is trying to achieve."⁶³

"Another characteristic of the prophetic prediction is its particularly jumpy style."⁶⁴ What Gunkel is referring to is the abruptness, incoherence, and discontinuity found in many oracles in which the prophet jumps into a subject with both feet, without introduction, and without regard for his hearers' understanding, or changes subject, especially from doom to salvation (Is. 6:13; 29:5), or heaps up "isolated individual elements, uprooted from their context." The reading of such magnificent passages as Jer. 64, 3ff. (sic! so also RGG²), Joel 4.9ff. and Nahum 3.1ff. is sufficient to show that this very heaping up of apparently incoherent elements is a genuinely prophetic trait.⁶⁵

A further characteristic of prophetic prediction is the use of extraordinarily concrete descriptions and visual imagery.⁶⁶ Such concreteness reflects both the manner of the revelation and a characteristic of Hebrew thought. As examples of this employment of concrete imagery, Gunkel refers to Is. 2:13,16,20; 6:12; 7:21,23; 14:9ff, 22,23; 16:14; Jer. 2:1; Amos 6:9-10; Micah 3:12; Zeph 1:8.

Prophetic speech is, according to Gunkel, passionate address.

No characteristic is so evident as the profound and passionate intensity of the prophets. No word is too terrible or too cruel for the prophets of doom, and nothing too extravagant for the prophets of good fortune.⁶⁷

The prophet had sensed the significance of what was approaching and it had

set his soul on fire; in his passion and vehemence, the prophet sought to kindle a glow in the hearts of his hearers. The passion and intensity of the prophet vented itself in a spate of puns, reminiscences, allusions, ironic and satirical expressions, and mythological illusions especially in contrasting the present with the future.

A final characteristic of the distinctly prophetic manner of speaking are certain elements related to syntactical style.⁶⁸ In discussing this point, Gunkel reiterated his major premise concerning the relationship of genre to syntactical forms: "It is characteristic of the peculiarity of fixed genres that they favor (lieben) certain syntactical constructions."⁶⁹ Characteristic of prophetic address is the use of the future tense or prophetic perfect in which the predicted is treated as already having happened, of address in the second person reflecting the prophet's function as messenger coming face to face with those to whom Yahweh had sent him, of the imperative which is genuinely prophetic and through whose usage the prophet feels justified in giving commands to the whole world in the name of Yahweh, and of questions which reflect the use of enquiries as the prophets' means of understanding the initial revelation.

To summarize Gunkel's characterization of the oldest prophetic style and prediction, one might say that the original prophetic addresses were short, future oriented, ecstatically colored, poetic, metrical, mysterious, sometimes jumpy, passionate, and dominated by certain syntactical constructions. Gunkel would surely not have argued that all of these features are to be found in any one prophetic passage and he certainly did not attempt to suggest any single passage as a specimen of the earliest style. However, he did write that

All the characteristics which we have described, and to which it would be an easy matter to add many other similar features, show the considerable degree to which the prophets' revelations of the future display the original and genuine prophetic style.⁷⁰

The oldest prophetic style could take the form of either a promise (Verheissung) or a threat (Drohung) depending on whether the word about the future was of good or evil omen.⁷¹ Corresponding to these were of course the two types of Israelite prophecy - salvation and judgment prophecy - which at almost every period existed side by side.⁷² Gunkel does not devote much space in his writings to the discussion of promise and threat, he simply notes their existence as two means of preaching about the future and then proceeds to expound the characteristics of the early prophetic style which have been discussed above.

Before proceeding to examine what Gunkel referred to as the more developed prophetic style, it is necessary to comment on his classification of prophetic oracles into two groups: visions and auditions.⁷³ His discussion of this division appears in the context of his comments on the infinite variety of genres in the prophetic books and the insurmountable difficulty involved in arranging the material according to genre. He writes:

There we find narratives about the deeds and events of the prophets, reported by contemporary or later disciples, and beside them passages which originated from the prophets themselves, among which are those written for themselves and their God and in addition to those others which were produced for the people. We will examine first of all the last of these because they comprise the essential, basic stock of the prophetic writings. These prophetic "oracles" fall according to type, just as the revelation was received, into two classes: visions and auditions, the seen and the heard, the appearance and the "words", with the characteristic beginnings: "Thus has Yahweh shown me" and "Thus has Yahweh spoken to me."⁷⁴

From this statement, it is obvious that Gunkel, in dividing this public material into visions and auditions, is attempting to accomplish three objectives: (1) to treat some of the narrative material in the prophetic books as distinctly narrative material; (2) to integrate this material with what he has written about the prophetic experience with its accompanying phenomena of seeing and hearing - vision and verbal revelations; and (3) to insist that most of the tradition was preaching material.⁷⁵ Commenting on visions, Gunkel discusses their extent, content, narrative and prose form, their quality of mystery, and their tendency to stress the spoken word rather than the vision per se. In his discussion of auditions, he is concerned with the message given the prophets as divine messengers, their speaking of Yahweh in the first person, and the prophets' dialogue with Yahweh. (Only passages in which intercession appears are referred to: Amos 7:2,4; Hab.1:11ff; Jer.11:14; 12:5; 14:10; 15:1,19). As is obvious, Gunkel, in speaking of visions and auditions, is not primarily concerned with forms of address but rather with forms of revelation and how these experiences were then used. Nowhere in his specifically form-critical analyses does he rely on this division into visions and auditions; nonetheless his use of the word oracles for these two classes of material was unfortunate. The point he was pursuing is understandable. However, a discussion of visions and auditions could have been more properly assigned to his section on the prophetic experience although such an arrangement could have led to a loss of the sense of these traditions as preaching material.

"The earliest prophetic style never completely disappeared"⁷⁶ but in proclaiming their message the prophets adopted a wide range of foreign genres and added new developments to the older style.⁷⁷ On the basis of content, Gunkel spoke of the incalculable variety of prophetic words: "promise and threats, descriptions of sins, exhortations, priestly injunctions, historical review, disputes, songs of every kind, religious poems and imitation of secular poems, songs of lamentation and rejoicing, short lyrical passages and complete liturgies, parables, allegories, etc."⁷⁸ This borrowing of genres and the more developed prophetic style were discussed by Gunkel in terms of the prophets having developed into, on the one hand, poets and, on the other hand, into preachers, teachers, and thinkers. The reason for this prophetic development and the prophets' adoption of foreign forms was "their burning desire to gain power over the minds of their people. The fact that they mastered such an extraordinary number of literary categories is a sign of the zeal with which they struggled with the hearts of their people."⁷⁹

First, Gunkel discussed the prophets as poets and here he primarily emphasized the prophets' appropriation of forms from Israel's rich and ancient lyrical traditions. Among the borrowed forms utilized by the prophets in the ornamentation of their proclamations were such secular types as victory songs (Is. 37:22ff; 47), wedding songs (Jer. 33:11), drinking songs (Is. 22:13; 56:12), watchman's songs, (Is. 21:11), mocking songs (Is. 23:16) and funeral songs⁸⁰ (Amos 5:2; Is.14:4ff; Jer. 9:16ff; Ez. 19:26; 17-18; 27; 28:11ff; 32). Among the religious lyrics borrowed and imitated by the prophets, Gunkel noted the thanksgiving song (Jer. 33:11), pilgrim songs (Is. 2:3; 26:2; 30:29; Micah 4:1ff.), hymns (Is. 25:1-2; 40: 22-23; 42:5, 10ff; 43:16-17; 44:23ff; 46:13; 52:9; Jer 31:35; 51:15; Amos 4:13; 5:8; 9:5-6), communal laments (Is. 16:9, 11; 63:7ff; Jer 4:10; 14:1-6,7-9, 13,19-22; 15:5-9; Ez 9:8; 21:11-12; Hos 9:14; Amos 7:2,5; Joel), penitential songs (Hos 6:1-3; 14:3-4; Jer 3:21-25; Zech 12:10-14), the response of Yahweh (Hos 14:4-6; Jer 15:1), liturgies (Is 33:14-16; Micah 6:6-8),⁸¹ and individual laments (Jer 11:18-23; 12:1-6; 15:11, 15-20; 17:12-18; 18:18-23; 20:7-13, 14-18).⁸² Gunkel also distinguished a mixture of prophetic and lyrical styles in examples of prophetic communal laments with associated oracles (Jer 3:22-4:2; 14:1-11; 14:19-15:2; Is 26:16-21; 63:7-65:25; Hab 1:12-2:1ff; Micah 7:7-13; 7:14-20).

The prophets also developed into preachers, teachers, and thinkers and correspondingly altered the old form of prophetic address. For Gunkel, this was demonstrated in several ways but especially in speaking of the sins of Israel and the wickedness of the people by the prophets of doom.

The earlier prophets prophesied individual events in the immediate future; the later literary prophets certainly did not cease to speak in the first instance of the future, but they were able to do more than this: they were capable of giving the reasons why Yahweh was sending the event they prophesied; they knew his thoughts and they felt his moods.⁸³

They were not satisfied merely with foretelling the future, although this always remained their principal purpose; but they also began to give the ethical reason why what they had prophesied had come to pass.⁸⁴

In explicating the reasons for the proclaimed threat, the prophets utilized the reproach (Scheltwort).⁸⁵ The threat and reproach (Drohung und Scheltwort) belong together in the same passage, the former proclaims the coming doom (Unheil) and the latter, following "because," adds the exposition of the sins (classical examples are Amos 1:3, 6, 9, 11, etc.) or the reproach precedes the threat which is introduced by "therefore" (Amos 4:11; 5:11; 6:7; Is 5:13; 10:16; 29:14; Jer 2:8; 5:7 etc.). Gunkel assumed that this close association was the ordinary usage of the threat and reproach although sometimes the prophets "in their carelessness toward the fixed arrangement" would move from reproach to threat and back again (Amos 2:6-16).⁸⁶ When the reproach appears first, it is sometimes introduced by hōy ("woe") with a following participle or something similar (Is 1:4, 5, 8, 11, 18, 20, 21, 22; 29:11; 30:1; Amos 5:16; 6:1; Jer 22:13 etc.) or with "hear" (Amos 4:1; 8:4). Whole books, such as Amos, could consist essentially of these two categories - the threat and the reproach.

The prophets' desire to expose the sins of the people led "to a new, uniquely prophetic genre, the independently appearing reproach" (Is 1:2-3, 4-9; 58:1; Jer 2:10-13).⁸⁸ For Gunkel then, the independent status of the reproach was a development subsequent to the use of the reproach in support of the threat. The independent reproach could be expressed in the form of a judgment speech (Gerichtssrede)⁸⁹ of Yahweh to Israel (Is 1:18-20; 3:13-15; Micah 6:1ff.; Jer 2:4-9; Hosea 2:4ff). Sometimes such judgment speeches were introduced with an indignant question (Is 3:15; Micah 6:3; Jer 2:5). Later prophets proclaimed their message in eschatological judgment speeches (Joel 4:1-8).

In addition to threats and reproaches,⁹⁰ the prophets also uttered exhortations (Mahnen or Mahnrede) and preached repentance since there steals into everyman's heart a little "perhaps" and because every legitimate prophet had as his final goal the conversion of the people from its evil ways. The prophetic exhortation developed out of the ancient prophetic practice of answering questions and giving advice (Jer 42:1ff; Zech 7:1ff; Micah 6:6ff.) The exhortation might be employed ironically (Amos 4:4; Jer 7:21) or legitimately (Amos 5:15; Hosea 2:4; 4:15; Is 1:10-14, 19-20; 7:9; 28:16; 29:5ff; 30:15 etc.). Isaiah offered political advice throughout his career (Is 7:13; 28:12; 30:15) and Jeremiah made extensive use of exhortations (Jer 3:13; 14ff; 4:1, 3, 14; 5:20ff; 6:8; 7:1-7; 11:1ff; 13:15-16; 18:11; 21:11-12; 22:3ff; 23:16; 26:13; 27:12). The exhortation might be associated with promise (Jer 3:13, 14ff; 22:4:1-2 etc.) or with threat (Jer 4:3-4; 7:1-15; 13:15ff; 21:11ff etc.) or the two combined (Jer 18; Ez 18; Amos 5:4-6). The prophetic oracle was proclaimed as Yahweh's revelation; the exhortation appears to have frequently represented the prophet's own good advice (Jer 26:13; 27:13). The style of the prophetic speech of exhortation was mainly poetic but in the case of Jeremiah often prose.

Closely allied with prophetic exhortation is the prophetic imitation of priestly torah which the priests had employed for instruction in worship and ethics and in liturgical exercises. The prophets utilized this method of instruction (Jer 3:1; Hag 2:12-13; Amos 5:21-24; Is 1:10-17; Hos 6:6; Jer 6:20; 7:21ff; Is 58:6-7; 66:3; Ez 18; Zech 7:4ff.) as well as the liturgical torah with its question and answer character (Is 33:14-16; Micah 6:6-8). The use of the torah form allowed the prophets to expound on the will of God or express their exhortations. Thus they moved toward being philosophers.

In order to express their abstract thought, the prophets utilized a new genre, the historical narrative (Geschichtserzählung) or historical review (Geschichtsbetrachtung). This form was used to relate the past to the present, making special use of the exodus and conquest traditions (Amos 2:9-10; 5:25; 9:7; Hos 9:10; 11:1; 12:14; Jer 2:1ff; 7:22 etc.). With Ezekiel, this usage reached its apogee (Ez 16; 20:23) where it tended toward allegory, a factor already present in Hosea 1-3.

Arising out of the prophets' dialogue and conversation with their audience and prophetic opponents are the controversy speeches (Streitgespräche) or disputations (Amos 5:14; Is 22:12; 28:9ff; 30:16; Zeph 1:12; Jer 2:20, 25, 27, 35; 3:4-5; 7-10; Ez 11:3, 15; 12:22-23; 18:2; 21:5; Is 40:27; 58:1ff; Hag 1:2; 2:3; almost all of Malachi, etc.). Sometimes the words of the opponents are recorded but in most cases they are omitted although entire passages in the prophets, Gunkel argued, read like the answers of the prophets to objections raised by their audiences. Many of these disputations reflect the efforts of the prophets to convince their audiences of the rightness of their proclamation and to justify the work of God. Such efforts attempting to convince led the prophets to the use of parables (Amos 3:3-8; 5:19; Is 5:1-7; 28:23-29) and proverbs (Hos 4:11; Ez 12:21; 16:44).

B. HUGO GRESSMANN

Hugo Gressmann (1877-1929) stands with Gunkel as a pioneer in the history of form-critical work on the prophets. Several of his writings dealt in systematic fashion with a form-critical elucidation of the prophetic preaching.⁹¹ Except for Gunkel's brief discussion of prophetic form-criticism

in his contribution to P. Hinneberg's Kultur der Gegenwart,⁹² Gressmann's form critical analysis in Die Schriften des Alten Testament,⁹³ written as a part of the introduction to his exegesis of Amos, constitutes the first systematic presentation in this area. The parallels between Gunkel's and Gressmann's treatments are striking and often too similar to be coincidental. It is difficult however to ascertain the lines of influence since the two men carried on extensive oral and written communications.⁹⁴ The main issues that characterize both men's subsequent work on prophetic form-criticism are already outlined in Gunkel's "Die israelitische Literatur." Nonetheless, Gressmann's study published in SAT in 1910 goes far beyond this early contribution of Gunkel and has its closest parallels in Gunkel's 1913 article in RGK.⁹⁵ Gressmann's priority may be only a priority of publication rather than of conception and personal communication may have provided opportunity for the exchange of ideas. In several of his works, Gressmann admits his general dependency upon the published works of Gunkel.⁹⁶ However, in a 1908 letter,⁹⁷ Gressmann spoke of a new and better understanding of prophecy which he had developed in his study of Amos through the use of Stilgeschichte which he says previously only Gunkel had taken into consideration. Such a statement implies both a dependence upon Gunkel and a creative independence on the part of Gressmann. At least, the emotional independence of Gressmann is suggested by two further factors. Among Gunkel's close circle of friends and associates, Gressmann seems to have been least willing to accept Gunkel's role as teacher and father.⁹⁸ In addition, Gunkel was initially hesitant about Gressmann's participation in the SAT project although he later praised his "brilliant work."⁹⁹ Such initial hesitancy and subsequent praise suggest Gressmann's independence of thought and a certain lack of familiarity with and confidence in him by Gunkel.

Gressmann began his discussion of prophecy and the prophetic Gattungen in SAT II/1 with a statement about the individual personality of the prophet and a short general comment about the nature of the prophetic word.¹⁰⁰ In discussing the general character of the prophetic word,¹⁰¹ he noted its enigmatic quality, the influence of the ecstatic experience, its futuristic orientation, its extreme brevity and its poetical and rhythmic form.¹⁰² He stressed the necessity of isolating the individual and independent unit of address through the aid of introductory and concluding formulas although he stated that, in importance, it is the content that is most decisive in such an understanding.

Gressmann divided specifically prophetic Gattungen into two broad categories; visions (or appearances) and auditions (or words).¹⁰³ Visions, with their characteristic formulas ("So the Lord Yahweh showed me" or "I saw the Lord"), do appear in the prophets but Gressmann considered these of slight importance. The call visions of many of the prophets reflect their experience of being carried away to the "heavenly parliament" where they participated in the deliberations about the future.¹⁰⁴ The words (or oracles, as he subsequently refers to them) are recognizable by their introductory formulas, "Thus says Yahweh" or "In those days" and by their concluding or intermediate formula, "Yahweh whispered."

According to their content, prophetic words or oracles may be broken down into the categories of promise and threat.¹⁰⁵ The scarcity of promises in the preexilic canonical prophets is noted by Gressmann. Although he recognized a preponderance of promises in post-exilic and non-canonical prophecy, Gressmann refused to deny the proclamation of promises to the canonical pre-exilic prophets. He claimed that salvation and judgment could co-exist in the message of the same prophet and even in the same prophetic oracle.¹⁰⁶

The counterpart to the promise was the threat which had been employed by the early prophets against Israel's enemies. From the time of Amos, the threat came to be directed against Israel and became the dominant form of prophetic address.

The exhortation, according to Gressmann, occurs infrequently in the prophets (see Is 1:10-17; Jer 7:1-15). In the whole of the book of Amos, only two examples appear (Amos 5:4ff, 14f.). Originally, the words of exhortation were the condition on the basis of which salvation could be proclaimed and were thus associated in proclamation with promise. Later, the exhortation was loosed from this connection and became independent.

Reproaches were used in conjunction with threats where they served as the reason (Begründung) for the proclamation of judgment. Like the exhortation, the threat was developed, on occasion, into an independent genre (Is 1:2f; 3:13-15; Jer 2:10-13). The reproach was the product of prophetic reflection on the oracle of threat and was developed in an attempt to elucidate the reason for the act of God.¹⁰⁷ The threat, and the exhortation as well, was considered by Gressmann as the prophet's word expounding the divine oracle (the threat or the promise). "Characteristically, the exhortation and reproach words were not, in general, introduced as the words of God as were the threats and promises. The prophet distinguished between the oracle which he had received from Yahweh and his own observations thereon through which he hoped to make the oracle understandable."¹⁰⁸ On the secondary use of the reproach as an independent genre, Gressmann wrote: "It is of special interest to pursue how the words of reproach assumed an ever greater importance for the prophets, how these reproaches which in scope and inner importance ought to have prepared for the threat sometimes came to predominate and how they finally appear as an independent genre."¹⁰⁹ According to Gressmann, the customary introductory formula for the reproach was "woe."

In addition to the promise, threat, exhortation, and reproach, Gressmann discussed the judgment-speech as a genre of prophetic oracle. The judgment-speech, which rarely appears in the prophets (see Is 1:18ff; 3:13ff; Jer 2:4ff), was taken over by the prophets from Israelite legal proceedings. In conjunction with his comments on the judgment-speech, Gressmann spoke of the prophetic development of "historical reviews" (Geschichtsbetrachtungen)¹¹⁰ found in such passages as Amos 2:9ff; Jer 3:6ff, 25:1ff. and noted that certain passages originate from the prophetic discussion with their contemporaries (Is 23:7ff; Jer 28).

Finally, in the SAT article, Gressmann discussed the prophetic use of lyrical Gattungen ¹¹¹ which the prophets took over and imprinted with their spirit. Among these, Gressmann noted victory songs, funeral songs, drinking songs, watchman's songs, hymns, laments, liturgies and monologues (the latter a literary creation of prophecy). In all of these, the prophets poured new wine into old skins.

The most comprehensive and detailed form-critical study of prophecy undertaken by Gressmann was his analysis of Deutero-Isaiah published in 1914¹¹² In many respects, it is an outstanding example of a rigorous application of form-critical methodology.¹¹³ The article is particularly significant because of Gressmann's attempt to divide the material into independent units primarily on the basis of introductory and concluding formulas. The 333 verses of Deutero-Isaiah were divided by Gressmann into 49 independent prophetic units which were then categorized on the basis of their particular Gattungen.

Gressmann operated on the assumption that introductory and/or concluding formulas provided an important clue for distinguishing the independent units. "The customary introduction to prophetic speeches ¹¹⁴ is: 'Thus said Yahweh'; for a word of the prophets is a word of God; it is an oracle. Therefore where we find this formula we must first of all be inclined to recognize the beginning of a prophetic saying."¹¹⁵ As an introductory formula, "Thus said Yahweh" (kô'amar yahweh) appears at the beginning of a unit or as the introduction to an exhortation or reproach within a unit on eighteen occasions (42:5, 43:1, 14, 16; 44:2, 6, 24; 45:1, 11, 14, 18; 48:17; 49:5, 7, 8, 22; 50:1, 51:22).¹¹⁶ "Yahweh says" (yômar yahweh) or similar, appears at or near the beginning of three units (40:1, 25; 41:21). n'e'um yahweh introduces a divine word in four

places (41:14; 43:10; 49:18; 55:8). "A voice crying" (qôl kôrē') or "a voice saying" (qôl 'omer)¹¹⁷ introduces two oracles (40:3,6).

Concluding formulas, he argues, appear at or near the end of seven oracles: "Says Yahweh: ('amar yahweh or similar) in 45:13; 54:1,8,9; ¹¹⁸ne'um yahweh in 43:12; 54:17; and "for the mouth of Yahweh has spoken" (kî pî yahweh dibber) in 40:5. Four of these (54:1,8,10,17) appear with units lacking an introductory formula so that the concluding formula serves to mark off the unit.

In addition to the strictly prophetic introductory and concluding formulas, Gressmann noted the secondary (that is, borrowed) prophetic introductory formula, "Woe" (hōy), which occurs in only two passages (45:9,10) introducing a double-woe reproach.

Gressmann distinguished lyrical introductory formulas which the prophet utilized in 41:1; 42:18; 44:1; 46:3,12; 48:1,12; 49:1,51:1,4,7,21 as well as hymnic introductory formulas in 42:10; 52:9; 54:1.

Gressmann's division of Deutero-Isaiah into forty-nine independent units does not coincide identically with the results of his analysis of the use of introductory and concluding formulas. Ten of his units contain no formula and in some units more than one formula appears.

After his "literary analysis" of the formula usage, Gressmann examined the prophetic *Gattungen* used by Deutero-Isaiah dividing these into visions (represented only in the form of the aftereffects of ecstatic experience, 40:3-5, 6-8), threats (none against Israel), promises (43 out of the 49 units contain direct promises), reproaches ¹¹⁹(42:18-25; 43:22-28; 45:9-13; 48:1-11; 50:1-2a) which are associated with promises rather than threats, exhortations (44:21-22; 48:18a; 50:10; 55:6-7), consolations (Trostworte: 40:1-2a, 27-31; 46:12-13; 49:15-17; 51:7-8, 12-13, 17-20; 54:1-6; 55:1-3) which had their origin in the exhortation and their parallel in the divine answer to the communal lament, judgment words (41:1-13; 41:21-29; 43:8-13; 44:6-20; 45:20-21, 48:12-16; see also 43:26), words of assurance (45:18-25; see also 40:6-8; 43:17, 45:17, 55:8-11), and historical review (51:1-3; historical allusions occur throughout the book).

Foreign *Gattungen* were employed by the prophet: the victory song (40:9, 52:7-8), the mocking song or lampoon (47:1-15), and the hymn. Gressmann devotes considerable space to the use of the hymn and hymnic elements by Deutero-Isaiah.¹²⁰ He considered hymnic style to be more characteristic of Deutero-Isaiah than for any other prophet. Gressmann distinguished between the prophet's employment of hymnic elements and motifs to expand existing standard formulas and his use of hymns proper. He spoke of the hymnic expansion of the prophetic introductory (41:14; 42:5; 43:1, 14,16; 44:2,6, 24,45:11; 48:17; 49:5,6; 51:22) and concluding (43:12-13; 47:4) formulas as well as the use of hymnic elements to expand the introductory and concluding formulas of divine address. In discussing the latter, Gressmann commented on two types of revelatory-address formulas encountered in Deutero-Isaiah: the divine self-predication (41:4,10,13,15,17; 42:8f; 43:11ff; 44:3ff., 12, 18f., 21; 46:9; 48:11ff., 17; 49:26; 50:2f.; 51:15 f.) and the command not to fear (41:10,13,14; 43:1,5; 44:2,8; 51:12). He placed the origin of the self-predication formula within the sphere of polytheism where it served to identify the deity, but in Deutero-Isaiah he recognized the influence of Babylonian oracle style and compared the self-predication and "Fear-not" formulas to the Esarhaddon and Assurbanipal oracle texts.¹²¹ The use of hymns and hymnic elements which went beyond the expansion of existing formulas, was noted by Gressmann (Schluss hymnen: 44:23; 45:1-8, 15-17; 48:20-21; 49:13, 50:26-3; 51:3; 52:9-10 and grossere Hymnen: 40:12-26; 42:10-13).

The importance of Gressmann's study of Deutero-Isaiah in the history of form-critical study of the prophets is manifold.¹²²

- (1) The attempt to subject a large body of material to form-critical analysis goes beyond anything undertaken in the published works of Gunkel.
- (2) His utilization of formulas as the key for determining the literary units anticipates many subsequent developments (and problems!) in form-critical study.¹²³ On the use of formulas Gressmann wrote:

The indispensable precondition for interpretation rests in the determination of literary units. The last conclusive recourse about whether a connection exists or whether something new begins lies however with logic. But logical considerations ... are supported by the investigation of Gattungen, and indeed partly replaced. Whoever pays attention to style will frequently be able to say for superficial reasons, such as the occurrence of particular formulas, whether there is a connection or not. Since the prophetic Gattungen have not been handed on in tradition, they must first be recovered and reconstructed. A methodological investigation must begin with the introductory and concluding formulas since they formed the germ cells of every Gattung and in the course of later development they have also always remained characteristic signs. Where one encounters introductory and concluding formulas, no doubt can exist about the divisions of literary elements ... The prophetic sayings are usually very simply constructed. Beginnings and conclusions are almost always recognizable to the trained eye at first glance because of the constantly recurring introductory and concluding formula.¹²⁴

Gressmann's division of Deutero-Isaiah into 49 independent units was frequently based on logical rather than formula considerations since these formulas were sometimes missing. In this regard, it should be noted that Gressmann elsewhere allowed logic to overrule formula considerations in determining the limits of a unit: he treats Amos 1:3-2:16 as a unit of seven strophes although each strophe contains clear introductory and concluding formulas.¹²⁵ (3) Gressmann concluded that the basic forms of prophetic address could be modified and expanded in diverse ways but that in Deutero-Isaiah one witnesses the onset of the disintegration of these forms.

If one assigns a place to Deutero-Isaiah in the literary history of Israelite prophecy, it must be stated as characteristic that with him the dissolution of the prophetic Gattungen begins. The fixed forms that had prevailed till then break up. While the types of speech which the pre-exilic prophets had employed are mostly quite sharply distinguished from one another, with Deutero-Isaiah exact separation is often impossible; the reflective supplements, with which the oracles are entwined, have overgrown everything, so that the dividing lines between divine word and prophetic word cannot always be clearly recognized. Thus the promises and the consolations coalesce. Further, the distinctions between the exhortations and the reproaches have lost their meaning. Individual motifs have become independent and have found their expression in poems which can nowhere be rightly classified. Finally, hymnic components, which were originally foreign to prophecy, have been included and have burst the old framework.¹²⁶

Before leaving Gressmann, a word should be said about his discussion of prophetic genres in Der Messias.¹²⁷ Although Gressmann devoted a large section of this work ¹²⁸ to a discussion of prophetic genres, his treatment is argumentative and specific rather than descriptive and comprehensive. His

form-critical assessments of the material are primarily expounded as a service to his eschatological contentions. As is well-known, Gressmann believed in the existence of a pre-Israelite and a pre-prophetic Israelite eschatology whose focus of concern was a great world catastrophe and world renewal. This eschatology was taken over and employed by early Israel and is reflected in the preaching of the classical prophets.

In *Der Messias*, Gressmann is, first of all, anxious to defend the authenticity of numerous ¹²⁹ prophetic promises or oracles of salvation which have been and still are assigned to the exilic or post-exilic periods.¹³⁰ Secondly, he argued for a close connection, in fact an original unity, between the prophecies of salvation and the prophecies of doom. In addition to a utilization of psychological,¹³¹ religio-historical,¹³² and chronological ¹³³ considerations, Gressmann sought to establish the antiquity of the prophecies of salvation or eschatological oracles on form-critical grounds. He argued that one finds, in the threats and promises, identical introductory and concluding formulas, identical phrases ("in that day," "in those days," "in that time," "behold the days are coming"), and that statistically the distinct phraseology is more characteristic of the promise than the threat. The promise found in the classical prophetic preaching, he argued, had close parallels to the blessings of Jacob and the songs of Balaam (from the time of Saul and David), in the prose and conventional promises to the patriarchs (Gen 12:2-3; 13:14-17; 15:4-5; 16:10; 18:17-19 and so on, from the early monarchy), in the promises to David and his descendants (II Sam 7:8ff; Ps 89), and in the royal psalms.¹³⁴

Gressmann not only argued for the antiquity of the promise but also contended that "originally threats and promises were bound together in a literary unit" as attested in ancient Egyptian oracles.¹³⁵ This original connection between threat and promise - doom and salvation - is illustrated, according to Gressmann, in prophetic speeches which contain conditional predictions (Is 1:18-20; 7:9; Jer 4:1-2; 7:1-11; 12:14-17; 17:24-27; 22:1-5; 26:1-6; 38:17-18; 42:7-22),¹³⁶ by speeches which proclaim both threat and promise, often successive (Hos 1:1-2:3, 3:4-5; Micah 4:9-10; Is 1:21-26; 28:1-6),¹³⁷ and by the speeches on foreign nations. According to Gressmann, "salvation and judgment were regularly combined in the oracles on foreign nations"¹³⁸ and he devoted over fifty pages to a discussion of these foreign oracles. Gressmann divided oracles on foreign nations into two classes: Heidenorakel and Völkorakel. Völkorakel referred to a complex of peoples, most often unnamed and unspecified, who stand in hostility over against Israel or Jerusalem while Heidenorakel refer to a specific, individual known people who may not necessarily be in opposition to Israel. The proclamation of doom upon the foreign nation in the Heidenorakel was always indirectly a promise or salvation oracle to Israel.¹³⁹ Gressmann claimed that the Völkorakel (such as Is 8:5-10; 10:5-19, 20-26, 28-34; 28:14-22; 29:1-8; 30:27-33; Zeph 3:8-10; Joel 4:9-17; Zech 12-14)¹⁴⁰ always combined doom and salvation: doom (Unheil) against Zion, judgment against (destruction of) the peoples, salvation for Zion. Thus they contained both threat and promise addressed to Israel or Zion. The development of the threat or doom against Zion in strongly ethical and religious terms, Gressmann considered a contribution of the prophets of doom - the classical prophets - although he considered the Völkorakel without the ethically-religiously oriented character of the threat or doom against the prophet's own people to be the best representative of the prophetic preaching prior to Amos.¹⁴¹ Gressmann, of course, correlated the Völkorakel which he considered to be "pre-prophetic" (pre-classical) with his ideas about the nature-oriented, eschatological world catastrophe and world renewal.

In light of Gressmann's discussion of the oracles on foreign nations, it is now possible to summarize his reconstruction of the history of the eschatological oracle in his own words.

"Originally, threats and promises were combined in one literary unit; this postulate which can be inferred from the Israelite traditions can actually be proven on the basis of the Egyptian

oracles. The oracles on foreign nations have preserved this oldest form...With Amos...the great shift begins.¹⁴² The threat which had been previously directed against the peoples is now directed against Israel...Threats against Israel were something so new and unheard of that they could develop into an independent genre, indeed they must so develop; all new genres originate in this fashion. New ideas require new forms; one does not put new wine into old skins... Thereafter each genre had its independent existence and its individual history."¹⁴³

C. SIGMUND MOWINCKEL

The history of religions approach in general and form-critical studies in particular experienced a sympathetic response in much Scandinavian Old Testament study. The work of Sigmund Mowinckel (1884-1965) represents an admirable and creative combination of these two interests. Two impulses contributed enormously to his unique combination of interests. On the one hand, Mowinckel was a student of Gunkel and adopted his form-critical perspectives.¹⁴⁴ On the other hand, he was indebted to his two outstanding Danish professors, Vilhelm Grønbech and Johannes Pedersen, who stressed the social, psychological, and institutional, especially the cultic, forms of primitive religion and the creative and mysterious powers of the individual and communal primitive mentality.¹⁴⁵ For Mowinckel, form, content, and sociological setting were always important elements in interpreting Old Testament literature.¹⁴⁶

Broadly speaking, it can be said that Gunkel's decisive contribution to form-critical study consists in his division of the prophetic material into genres and his esthetic and stylistic analysis and appreciation of these genres. Gressmann's decisive contributions lie in his attempts to relate promise and threat-salvation and judgment - to one another, to a general scheme of new eastern eschatological thought, and to comparative, especially the Egyptian,¹⁴⁷ Near Eastern texts. Mowinckel's distinctive contribution was his emphasis on the function and usage of genres within the institutional, especially the cultic, life of ancient Israel.¹⁴⁸ Mowinckel posed, in an unavoidable fashion, the question of the relationship between the prophets and prophetic genres and the cult.¹⁴⁹ These three elements - the formal and stylistic analysis of the genres, the comparison of Old Testament and Near Eastern texts, and the institutional association of prophetic address - have dominated subsequent form-critical study of the prophets.

Mowinckel's first published work on the prophets¹⁵⁰ was an investigation of the relationship between the various types of prophets and seers in ancient Israel and the relationship of these to Near Eastern phenomena in general¹⁵¹ and to the priesthood in particular. According to Mowinckel, the early seer and the ecstatic prophet derived from two distinctly different sociological and institutional backgrounds. The seer belonged to the earliest stratum of Israelite society and was related to the priest who "was not originally in the first instance a sacrificer, but as with the old Arabs, custodian of the sanctuary, oracle priest, 'seer' and holder of the effectual future-creating and future-interpreting word of power, the blessing and the curse."¹⁵² Ecstatic prophecy - nebiism - and temple priests were indigenous to Canaanite culture and represented elements adopted by the Israelites. With the fusion of the functions of the seer-priest with the functions of the temple-sacrificial priests and ecstatic prophets, two main groups developed: the priests occupied with cult and sacrifice but in control of the "technical system of oracles, 'urim and thummim' and so on, dispensing 'guidance' on cultic, ritual, moral and spiritual questions, and mediating Yahweh's 'laws' (toroth) and 'judicial decisions' and 'judgments' (mispatim) and 'the prophets'...who..."continued the more 'pneumatic' aspect of the character and work of the old 'seers'" and "were mediums of the divinely inspired 'word' which was 'whispered to' them, or 'came to them'."¹⁵³ The prophets retained, in guild fashion, the old seer relationship to the cult so that one can legitimately speak of the institution

of cultic prophecy and is required to see a close relationship between cult and prophecy.¹⁵⁴

Before proceeding to outline Mowinckel's theories on the relationship of prophecy, prophetic speech forms, and the cult, it should be noted that he pursued form-critical investigations along lines very similar to the work of Gunkel and Gressmann. In a work published in 1914, Mowinckel utilized stylistic, form-critical, and traditio-historical considerations in order to elucidate the origin and composition of the book of Jeremiah. In Jeremiah 1-45, he distinguished four types of material in addition to editorial redactional notations. Class A consisted of genuine poetic oracles,¹⁵⁵ B of historical narratives influenced by the style of legendary narratives,¹⁵⁶ C of prose first-person speeches in deuteronomistic style,¹⁵⁷ and D of later originally anonymous interpolations.¹⁵⁸ In addition to this study of Jeremiah, Mowinckel published a purely form-critical analysis of Jeremiah in 1926, a work which has received little or no attention in form-critical studies.¹⁵⁹ In this work he commented on the general characteristics of prophetic speech stressing its poetic and oral form and its close association with the seer's vision, the nabi's oracle, and the nabi's symbolic-magical actions of power. In general, Mowinckel's formal analysis of the prophetic speech genres parallels Gunkel's work. He stressed the cultic influence more strongly than Gunkel, not only with regards to the lament material but also in his association of the "woe" sayings with cultic curse and his comparison of the prophetic call to the royal ritual of anointment and ascension to the throne. In discussing the reproach, Mowinckel pointed to the diversity in the motivations for the coming doom - in addition to sin-registers, he noted the employment of references to Yahweh's earlier saving deeds and judgments. Mowinckel stressed the exhortation or warning function of the doom oracle and took due note of prophetic symbolic actions and the accounts reporting such actions.

The clearest and most concise summary of Mowinckel's formal analysis of the earliest form of prophetic address is found in his work Prophecy and Tradition.¹⁶⁰ Relying upon prophetic oracles in prophetic narratives and the psalms, Mowinckel argued that the self-contained prophetic message was very brief, poetic and metric and introduced by the messenger or some corresponding formula of introduction. The simplest content of the saying was "either a prediction of what is to happen...or an instruction (guidance as to the right behaviour in the concrete situation), a command, or a task...or a combination of both...The second type contains two elements: the prediction and the motivation...The order of the two elements may vary. An extension of the basic type may occur because of both elements being further developed... Ultimately all forms and elements of the prophetic message may be derived from these two basic elements."

Just as Mowinckel saw a close relationship between the seer-prophet and the priest, between prophecy and the cult, so he also believed that a close relationship existed between the oracle of the seer-prophet and the torah or oracle of the priest.¹⁶¹ Behind much of Mowinckel's association of prophecy and prophetic speech forms with the cult lies his theory of an autumn New Year festival with its celebration of Yahweh's enthronement and the reestablishment and recreation of cosmic order.¹⁶² Working with much of the "eschatological" material investigated by Gunkel and Gressmann, Mowinckel differed from them in his anchoring of the material within a concrete cultic observance (through the use of Near Eastern analogies) rather than in some nebulous Near Eastern eschatological perspective. In addition, Mowinckel assigned a far greater role to cultic considerations and to the importance of the king in Israelite culture than was the case with either Gunkel or Gressmann.¹⁶³ In his study on cultic prophecy and prophetic psalms, Mowinckel placed prophetic oracles within the *Sitz im Leben* of the great New Year festival, royal rituals, and communal and private services of lamentation.

Mowinckel contended that the oracles in the psalms in which there is direct divine address were spoken by prophets during cultic observances as responses to the worshipper or worshipping community. The content of these oracles, as a rule, were promises or oracles of salvation. Mowinckel distin-

guished prophetic oracles from priestly instruction or oracles in the following manner.

The guidance of the priest from the very first had a characteristic style of its own: the more or less apodictic instruction or order: 'thou shalt do (not do) such and such a thing'; or with an introductory sentence stating the particulars of the case: 'when such and such a thing shall happen, or if such be the case, thou shalt do so and so.' As far as the psalms are concerned, neither the promises ('oracles') of Yahweh that have been handed down to us, nor those that may be inferred from different allusions, have this form; they are all of them clearly and distinctly kept in the usual prophetic style. This seems to show a likelihood that they arose within the prophetic circles on the basis of prophetic style and traditional ideas, consequently that they were also announced by one of the temple prophets in the cult liturgy. The occasional statements of the Chronicler point in the same direction; the promises of Yahweh at the cultic festivals are always put into the mouth of a singer or a Levite. But this in no wise implies that in earlier times priest and temple prophet may not on occasion have been one and the same person... It is therefore quite possible that in the time of the monarchy Yahweh's promise in the cult would be announced by one of the priests on duty. But even in this case it shows how extraordinarily strong was the influence of the prophetic movement: the priest speaks like a prophet and in the traditional style of the prophetic speech.¹⁶⁴

Prophetic oracles of promise were generally expressed as direct oracles of salvation to the worshipper but might also assume the form of an indirect promise expressed as an oracle directed against the worshipper's enemy or foe. The cultic prophet not only proclaimed oracles to the worshipping congregation or individual but also offered intercessory addresses to the deity on their behalf. "Not only the cult oracle but also the cultic prayer was the responsibility of the prophet."¹⁶⁵

Mowinckel not only related the oracles of promise and the prayers of intercession to cultic prophecy, but also saw the cultic prophets as proclaimers of admonitory oracles and judgment preaching. The New Year festival, according to Mowinckel, contained elements stressing Yahweh's judgment over the nations and powers of the world ¹⁶⁶ and in its stress on the covenant contained elements exhorting the people to obedience and condemning them for transgression of the covenant.¹⁶⁷ In the proclamation of the judgment of Yahweh against the nations, one finds the background - the original *Sitz im Leben* - for the prophetic oracles against foreign nations.

In the oracles of doom against the enemies of Israel, these latter are always referred to in general terms, not mentioning any particular people - unlike the casual oracles in the psalms of lamentation. It is, however, very possible that a custom of pronouncing a series of oracles against different peoples may have developed out of the general oracles at the epiphany feast, and that we have here the 'cultic' background of such oracles as we find in Am 1-2.¹⁶⁸

The prophetic admonition to obedience and the prophetic speech of judgment (as evidenced especially in Pss 50, 81 and 95) condemning the people for transgression were considered basic elements in the New Year festival.¹⁶⁹

In this cultic admonition and rebuke of the transgressions of the people lies the root of the prophetic speech of rebuke and doom. Yahweh's claim to the complete surrender of the people to him as their one and only God, and the inherent ethical approach of the Yahweh religion, resulted in picturing the just judgment of his

coming as a judgment not only of their demonic and historical enemies and of the sinners within Israel, but as judgment of his own people as well...The differences between the ordinary cult prophets and the classic 'great prophets' are not to be blurred; but the first creative impulse came from the ideas of the cult prophets.¹⁷⁰

Mowinckel's form-critical work on the prophets deserves to be set alongside that of Gunkel and Gressmann as representative of a major and innovative approach to the problems. This is especially the case with his discussions of the *Sitz im Leben* of prophetic speech forms. Mowinckel studied under Gunkel and of course was heavily dependent upon him but many of his concepts about the role, functions, and *Sitz im Leben* of prophecy were developed prior to his student days with Gunkel.¹⁷¹ This was apparently also the case with regard to the cultic use of the psalms and the central role of the New Year festival.¹⁷² With Mowinckel, the problem of prophecy and cult became the issue of the prophet in the cult. Unfortunately, in his discussion of the prophetic oracle in the cult and the form of that oracle, Mowinckel is less precise than one would prefer. Any oracle utilizing divine address but not characterized by very specific priestly address style he designated as prophetic.

II. THE SECOND GENERATION

Gunkel, Gressmann, and Mowinckel laid the foundations, defined the issues, and, in many respects, set the boundaries for subsequent form-critical study of the prophets. Refinements, modification, more detailed analysis, the introduction of new evidence and perspectives, and controversies over earlier conclusions have characterized form-critical study executed in the shadow of these three giants. Some important work has been done apparently uninfluenced by these three. The second generation in the title to this section refers to those scholars who worked in the period following the trail blazing innovations of Gunkel, Gressmann, and Mowinckel but prior to the dominance of neo-orthodoxy or theology of the word in systematic theology and biblical studies and the later but concomitant perspective designated covenant theology.

Several of Gunkel's students made significant contributions to the form-critical study of the prophets. Along lines already laid down by Budde, to whom Gunkel was deeply indebted,¹⁷³ Hedwig Jahnow investigated the form of the funeral song and its influence on many prophetic passages.¹⁷⁴ Earlier than her work, Walter Baumgartner had studied the lamentations of Jeremiah along lines laid down by Gunkel.¹⁷⁵ The two most important of Gunkel's students, in so far as form-critical study of the prophets is concerned, were Emil Balla (1885-)¹⁷⁶ and Joachim Beggich (1900-1945).¹⁷⁷

Balla's study of the threats and reproaches in Amos¹⁷⁸ attempts to subject the entire content of a prophetic book to a rigid form-critical analysis along the lines laid down by Gunkel. Balla gives due regard to the questions of mood¹⁷⁹ and meter¹⁸⁰ in prophetic address (both issues having already been discussed by Gunkel) as well as to the issue of introductory and concluding formulas¹⁸¹ (an important emphasis in the work of Gressmann). Balla divided the words of Amos into "pure threats" (5:3, 16-17; 6:11; 7:11; 8:2b-c, 9-10; 9:1-4), "threats with short motivations" (*Begründungen*) (1:3-5, 6-8, 13-15; 2:1-3; 3:1-2, 12, 13, 13-15; 5:5b, 18-20, 26-27; 6:8-10; 7:8b-9; 8:11-14), "threats with developed motivations" (2:6-16; 3:9-11; 4:1-3; 5:7+10-11; 6:1-7, 13-14; 7:16-17; 8:4-5+7) which because of the motivations developed and rather independent character he designated as "reproaches," and "pure reproaches" (5:12; 6:12).¹⁸² Like Gunkel, Balla saw the close association which existed between threat and motivation and designated the reproach as simply a developed form of the motivation. He explored the linguistic and syntactical relationship between the threat and reproach and recognized the preponderance of divine address in the threat (but see 5:5b, 18-20; 6:11; 7:11) and the preponderance of the prophetic word in the developed motivations or reproaches (but see 2:6-11; 4:6-11; 5:12; 6:13). Balla attempted to relate the material in Amos to the history of the prophetic threat¹⁸³ and concluded that:

The development which the genre has undergone is extremely important. Originally it existed only in the form of pure threats or threats with short motivations. The utterance was the repetition of a vision or an audition. With Amos, the strong association with this mysterious inner experience is already broken. Even though he, for the most part, only reports what Yahweh has allowed him to see or what Yahweh has said to him, nonetheless he still threatened and reproached occasionally himself and in so doing was certain of his conviction that he was speaking completely in accord with Yahweh. In the background, there lies here the certainty, although for Amos still fully unconscious, that God speaks to man not only in visions and voices. Also the deepest thoughts which man himself thinks are finally of divine origin. Likewise, the reproaches which Amos himself speaks demonstrates a further development of the genre. Originally, the emphasis lay fully on the threat. It is still there indeed in most of the examples in Amos. In the reproaches which he himself speaks, a slight shifting of emphasis takes place. This can be seen most clearly in 6:1, 3-7. The reproach is here seven lines long; the threat only one line long. The exposure of sin has begun to be a more important part of the prophetic task.¹⁸⁴

In something of an appendix to his analysis of Amos, Balla discussed what he called the "doom oracle" (*Unheilsorakel*), a genre he considered to be originally independent of the threat and reproach.¹⁸⁵ Examples of this genre he saw in I Kings 22:17; Is 21:1-10; and Jer 46:2-6. The characteristics of this genre, unattested in Amos, were, according to Balla: (1) The genre is prophetic address rather than divine address although divine address may be quoted in the oracle.¹⁸⁶ (2) The prophet speaks of the future as if it had already occurred by use of the prophetic perfect in contrast to the use of the imperfect in the threats.¹⁸⁷ (3) The prophet speaks of the coming occurrences in a demonic-enigmatic tone. (4) The style of the oracle is particularly disjointed, abrupt and jumpy. Balla attributed the threats to the prophetic experience of visions and auditions; the doom oracle he related to the immediate experience of ecstasy. He claimed that many prophetic passages reflect a mixed style in which the threat genre and the oracle genre have been combined. In some texts, the style of the oracle has penetrated the reproach-threat (Is 5:11-13) whereas in other examples the reverse is true (Is 17:12-14). Balla did not explore the historical relationship of these two genres, nor examine questions related to their origin, employment, and Sitz im Leben.

Joachim Begrich, Gunkel's close associate during his last years, published a number of works relevant to the form-critical study of the prophets.¹⁸⁸ Begrich provided a detailed analysis of the "oracle of salvation" or "oracle of assurance (of a hearing)"¹⁸⁹ which Gressmann had discussed in his study of Deutero-Isaiah.¹⁹⁰ Begrich saw in the prophetic use of this form an imitation of the cultic priestly oracle spoken as a response to the lamenting community and individual in which the oracle alludes to the description of distress and promises redemption from the distress.¹⁹¹ The elements in the typical oracle as described by Begrich were (1) an exhortation to fearlessness, (2) a declaration of Yahweh which speaks of his intervention, (3) a description of the change in the distress situation, and (4) a statement of the purpose of Yahweh's intervention or hearing. Begrich discussed, in detail, the so-called "judgment speech" or "judicial speech" which Gunkel and Gressmann had noted as being sometimes used by the prophet to clothe his speech.¹⁹² The importance of the legal process which Begrich saw as the background of the judicial speech was first fully outlined by Ludwig Köhler.¹⁹³ Begrich classified the various forms of judicial speech according to their place in the legal proceeding. He distinguished the following forms: (1) The speech of the accused (Is 43:22-28; see Gen 31:32,37,41-42; I Sam 24:10-16), (2) the speech of the accuser (Is 41:1-5; 48:3,6,11; see Gen 16:5; Is 1:18-20), (3) the speech of the plaintiff before

the court (Is 44:6-8; see Is 1:2-3; 3:13-15; 5:3-6; Ps 50), (4) the speech of the defendant before the court (Is 50:1-2a; see Jer 2: 4-13, 29-30; Micah 6: 3-5; Joel 4:4-8), (5) the speech of the judge (Is 41:21-29; Ps 82:1-7) and judicial pleading (Is 43:8-13).

Begrich isolated the disputation words in Deutero-Isaiah (40:12-17; 18-20=25-26, 21-24, 27-31; 44:24-28; 45:9-13, 18-25; 46:5-11, 12-15; 50:1-3) and subjected the genre to a more detailed analysis than had Gunkel.¹⁹⁴ The elements in his analysis of the genre are question and answer, assertion and counter-assertion. He noted that in Deutero-Isaiah, the disputation or controversy genre, like the judicial speech, contained hymnic elements and forms. Begrich's description of the lyrical genres in Deutero-Isaiah¹⁹⁵ shows no appreciable variation from the treatment by Gunkel and Gressmann although he did compare Is 52:13-53:12 with the narrative of redemption, a constitutive element in the thanksgiving hymn.¹⁹⁶ In addition to these genres, Begrich spoke of "brief directives" (Is 48:20-21; 52:1-2, 11-12) in imitation of some such address to a city's population, of exhortations which he related in form to priestly torah, of the herald's message, wisdom teaching, and call oracle.¹⁹⁷ In his discussion of priestly torah, Begrich pointed to prophetic imitation in Amos 4:4-5; 5:4b-5b, 5:21-22; Is 1:10-17.

Not associated with Gunkel's circle was Ludwig Köhler who made several significant contributions to prophetic form-critical study.¹⁹⁸ In many respects, Köhler stood worlds apart from Gunkel, Gressmann, Mowinckel, and Begrich¹⁹⁹ but he shared their concern for genre research and sociological setting. His most significant contribution, or at least the one most frequently noted, was his analysis of the messenger speech in Deutero-Isaiah. In this regard, he was developing an insight of Gunkel and was strongly dependent upon Gressmann's work on the introductory and concluding formulas in Deutero-Isaiah.²⁰⁰ Köhler compared passages from the prophets (Is 40:1-2; Amos 1:6-8; Jer 2:1-2) and the pentateuch (Gen 32:4-6; Ex 4:21-36) with Near Eastern epistolary style which he argued reflected the style of oral transmission.²⁰¹ The usages of the messenger formula ("Thus says the Lord" and variations) in Deutero-Isaiah were described by Köhler as Einleitung, Weiterleitung and Ausleitung depending upon the location in the pericope.

Utilizing the insights of his research on the legal institution or justice in the gate process, Köhler distinguished nine judicial speeches in Deutero-Isaiah (40:12-16; 17-20; 21-26; 41:1-5; 21-24; 42:18-25; 43:8-13; 48: 14-16; 49:14-21) which he designated Streitgespräche and which corresponds to Gunkel's designation Gerichtsrede.²⁰² According to Köhler the participant in the trial brought against his opponent his legal dispute (the rit) in which he called upon the witnesses in the form of a Zweizeugenruf, delivered his accusation, presented his arguments, invited refutation, and ended with a statement of the offence and a declaration of the punishment. This form of address Köhler saw in its literary form in the prophets and especially in Deutero-Isaiah. Köhler noted that the controversy or judicial speech in Deutero-Isaiah, in some passages, focuses on the dispute between Yahweh and the gods, in others, on the dispute between Yahweh and his own people. In the former, Yahweh is the accuser, in the latter he is the accused. Although Köhler related the controversy speeches to the dialogue situation of the trial, he argued that in Deutero-Isaiah, the manner of the dialogue appears but the speech is in reality a monologue.

The self-predication and "Do not fear" formulas which occur frequently in Deutero-Isaiah and had been discussed by Gressmann were related by Köhler to the theophany.²⁰³

In one of the first form-critically oriented introductions to the Old Testament, J. Hempel²⁰⁴ built upon the work of previous scholars, especially Gunkel, and compared Israelite prophetic address with numerous Near Eastern parallels. Hempel argued for various stages in the development of the prophetic oracle.²⁰⁵ The basic oracle was a short oracle received in ecstatic experience and expressed in the form of divine address. This short oracle

was then subjected by the prophet to a "primary rationalization" in which a motivation (*Begründung*) was associated with the divine saying. A "secondary reworking" in light of the prophet's experience came to expression in warning, exhortation and woe-cry. The subjective developments by the prophet utilizing foreign forms could produce extensive units and compositions such as prophetic liturgies. Hempel divided the prophetic sayings into epic genres (visions, salvation and historical descriptions) and predicative genres. The latter he divided into conditional (exhortation, repentance-speech and conditional promise) and unconditioned (threat, salvation-speech, and reproach) forms. The prophetic reflection and confession he considered to be secondary to the divine oracle. Like Gunkel, Hempel placed particular stress upon the prophetic experience and influence in both the receipt of revelation and in the formulation and expression of that revelation. In the development of prophetic address, Amos does not represent a beginning but rather a high point.

K. Beyer devoted his 1933 Erlangen dissertation to the development of the prophetic sermon.²⁰⁶ Beyer considered the basic prophetic saying to be the prediction announcing weal or woe.²⁰⁷ This basic saying could be and was expanded with reproaches or exhortations.²⁰⁸ The budding sermon was built around a divinely expressed threat and elaborated with either a reproach or exhortation with divine address sometimes found in the latter.²⁰⁹ The full-fledged sermon contained a far more complicated and developed structure and reflected the incorporation of other genres.²¹⁰

The primary focus of continental research on the prophets during what I have called the first and second generations concentrated overwhelmingly on the address and poetic forms. Two studies which contain a different focus should be noted since they were precursors of subsequent studies. The visions in the prophetic books were subjected to a typologically study by Moses Sister who stressed the striking similarity in structure to be found in the visions from Amos to Daniel.²¹¹ Otto Plöger investigated the prophetic narratives in the books of Samuel and Kings.²¹² He categorized these narratives into three divisions depending upon the emphasis of the account as: "Prophetenwort" - *Geschicht*, "Prophetentat" - *Geschichten*, and *Propheten-geschichten*.

During this period, numerous form-critical studies on the prophets were undertaken by Scandinavian scholars of whom the most important are Johannes Lindblom and Gunnar Hylmø. Lindblom²¹³ stood firmly within the history of religions approach and sought to relate prophetic experiences and prophetic preaching to the activity of medieval mystics.²¹⁴ He classified both the words of medieval mystics and the words of the prophets as "revelation literature." The material in Amos, he divided into fifteen revelation units.²¹⁵ These he described as *die grosse Volkerrevelation in Orakelform* (Amos 1-2); four *Predigt-revelationen* (3:1-11, 4:1-13; 5:1-6; 8:4-14), three *Wehe-revelationen* (5:7-17; 5:18-27; 6:1-7), *eine Schwur-revelation* (6:8-14), five *Gesichts-revelationen* (7:1-3, 4-6, 7-9; 8:1-3, 9:1-8a), and *die biographische Bethel-revelation* (7:10-17).²¹⁶ Such a division suggests rather extensive rather than short units as the form of prophetic address. Throughout his *Die literarische Gattung*, Lindblom argued against dividing the prophetic traditions into minute units.²¹⁷ For him, the prophetic speeches were not in the first instance speeches but revelations or auditions which became speeches when they were given public expression.²¹⁸ In an appendix to *Die literarische Gattung*, Lindblom discussed what he called the "prophetic oracle formula."²¹⁹ He detected three forms in which the oracle formula appeared: *kō 'āmar yahweh*, *'ā mar yahweh*, and *wē' amartā* (or *'ēmor*) *kō 'āmar yahweh*. The second of these he considered to be a fragmented form of the first. The other two forms he considered quite ancient and argued that *kō 'āmar yahweh* was a formula unique to the prophets in the Old Testament. This formula he compared with similar expressions in other Near Eastern texts. In addition, he compared *kō 'āmar yahweh* to similar formulas used in Near Eastern epistolary documents, public proclamations and edicts, and the introductory statements to messages brought from one person to another. Epistolary parallels to *wē' amartā kō 'āmar yahweh* were also noted. Lindblom considered the formula to have been borrowed by the prophets from its usage in one of

these areas, but from which area, be considered of little significance.²²⁰⁸³ Lindblom pointed to the absence or infrequent occurrence of these formulas in large portions of the prophetic books (especially Hosea and Isaiah)²²¹, a factor often bypassed in subsequent research.

Gunnar Hylmø published several significant studies on form-criticism of the prophets which one seldom sees referred to perhaps because of the language barrier.²²² Hylmø's study on prophecy was the most extensive form-critical study of the prophets published to its date. He was heavily dependent upon Gunkel and Gressmann and provided his readers with a synopsis of their work and approach.²²³ Hylmø divided the prophetic sayings into the distinctly prophetic, the lyrical, and the didactic forms.²²⁴ The distinctly prophetic speech he classified into future-sayings or oracles (which could be divided psychologically into visions and auditions or according to content into doom or salvation oracles), rebukes or reproaches (which might appear with an oracle or independently), exhortations (which might appear in conjunction with other forms or independently), and the prophetic legal decisions or torah. Hylmø considered the reproach to be a categorical judgment and the exhortation, since it proclaimed the conditions for salvation, to be a hypothetical judgment. In his introduction, Hylmø pointed to I Kings 21:17-27 to illustrate the use of the reproach, to Is 7:1-9 to demonstrate the use of exhortation, and to Is 56:1-8 and Zech 7:1-7 to suggest the situational usage of the torah.²²⁵ Lyrical types be divided into secular (victory songs, drinking songs, watchmen's songs, reviling songs, and lamentations or *qinas*) and religious (hymns or public praises, public lamentations, liturgical torahs, individual laments or prayer songs, and pilgrim songs). Didactic types be divided into historical reflections, prophetic contention or controversy speeches, prophetic trial speeches, and proverbs.

III. POSTSCRIPT

Time and space do not permit the completion of this survey to bring it up to the present. At this stage, only some of the main lines of research can be noted, hopefully to be explored in more detail later. Several important developments in Old Testament study, beginning in the 1930's, have introduced new perspectives which have greatly influenced form-critical research on the prophets. The following ten developments seem to me to have been of major consequence. (1) Neo-orthodox theology of the word with its stress on the radical character of divine revelation and its antipathy toward human experiences and prophetic ecstasy has intensified the search for the divine word within prophetic address, has stressed the prophet as merely the mediator of revelation, and has played down the exhortatory role earlier assigned to the prophets (Wolff, Wildberger, Westermann and others). (2) The comparison of early Hebrew tribal structures and institutions with the amphictyonic Greek and Italian leagues (first by Paul Karge in 1910, then others, and in its most developed form by Noth). (3) The idea of the covenant as a dominant institutional concept in Hebrew life and thought from the earliest times (Noth, Eichrodt, von Rad and others). (4) The idea of a covenant renewal festival with structures and forms of address within which the prophetic office and prophetic speech could be placed (von Rad, Weiser, Würthwein, Reventlow, Hillers, Fensham, Muilenberg and others). (5) The comparison of the covenant with international treaties (already Paul Karge, Mendenhall and Baltzer). (6) Developments in the study of Hebrew law (Alt) and the association of law with amphictyonic cult, the covenant festival, and prophecy (Kraus, Bach, Zimmerli, Reventlow and others). (7) The association of law with international treaty agreements and the placing of the legal dispute (*rib*) within the arena of international and covenant relations (Huffman, Harvey, Wright, Limburg and others). (8) The assignment of a significant role to the military institutions in ancient Israel (already Schwally, Fredriksson and Weber) and the association of the prophets with warfare (von Rad, Bach, Rendtorff, and Ramlof). (9) The recognition of wisdom influence upon the prophets (already Rankin and Gressmann, Fichtner, Terrien, Lindblom, Wolff and Whedbee). (10) The discovery of the Mari prophetic texts and their comparison with

Old Testament prophetic address (Malamat, Westermann, Ellermeyer and others).

In addition to these general impulses related to the form-critical study of the prophets, numerous investigations have been made of particular prophetically employed genres: the threat and promise (Wolff, Westermann, von Waldow, Koch, Dion and others), the disputation (Pfeiffer and Crenshaw), the lament (Bright, Gerstenberger, Reventlow, Long and Berridge), the rib (Huffman, Harvey, Limburg and North), the woe-speech (Westermann, Gerstenberger, Clifford, Williams, Wanke, Janzen and Kraus), prophetic narratives (Fohrer, Steck, Rofe and Nicholson), and vision and call accounts (Horst, Zimmerli, Habel, Reventlow, Richter and Long).

2. For studies of Gunkel, see W. Baumgartner, "Hermann Gunkel," NZZ (1932) 489/499 = his Zum Alten Testament und seiner Umwelt (Leiden: E.J. Brill, 1959) 371-378; idem, "Zum 100. Geburtstag von Hermann Gunkel," VTS IX (1962) 1-18 = Hermann Gunkel, Genesis, 6th ed. (Göttingen: Vandenhoeck & Ruprecht, 1964) CV-CXXII; K. Gallig, "Hermann Gunkel," ZRM XLII (1932) 257-274; P. Humbert, "Hermann Gunkel, un maître des études hébraïques," RTP XXI (1932) 5-19; H. Schmidt, "In memoriam Hermann Gunkel," ThB XI (1932) 97-103; H. J. Kraus, Geschichte der historisch-kritischen Erforschung des Alten Testaments, 2nd ed. (Neukirchen-Vluyn: Neukirchener Verlag, 1969) 341-367; K. von Rabenau, "Hermann Gunkel," in Tendenzen der Theologie im 20. Jahrhundert, ed. by H. J. Schultz (Stuttgart: Kreuz-Verlag, 1966) 80-87; idem, "Hermann Gunkel auf rauhen Pfaden nach Halle," EvTh XXX (1970) 438-444; W. Klatt, Hermann Gunkel: Zu seiner Theologie der Religionsgeschichte und zur Entstehung der formgeschichtlichen Methode (FRLANT, 100 Göttingen: Vandenhoeck & Ruprecht, 1969); and M. Buss, "The Study of Forms," in Old Testament Form Criticism (TUMSR 2, San Antonio: Trinity University Press, 1973) chapter I, section VII/B. Bibliographies of Gunkel's publications have been compiled by J. Hempel, in Eucharisterion II, ed. by H. Schmidt (FRLANT 37, Göttingen: Vandenhoeck & Ruprecht, 1923) 214-225 and by Klatt, 272-274.

3. See H. Gressmann, Albert Eichhorn und die religions-geschichtliche Schule (Göttingen: Vandenhoeck & Ruprecht, 1914); Gunkel, Die Religionsgeschichte und die alttestamentliche Wissenschaft (Berlin-Schöneberg: Protestantischer Schriftenvertrieb, 1910) = The History of Religions and Old Testament Criticism (London: Williams and Norgate, 1919); H. F. Hahn, The Old Testament in Modern Research, 2nd ed. (Philadelphia: Fortress Press, 1966) 83-118; Klatt, 15-103; Kraus, 315-340.

4. See Hahn, 119-156 and Klatt, 104-116.

5. See his "Einleitungen," in H. Schmidt, Die grossen Propheten (SAT II/2, Göttingen: Vandenhoeck & Ruprecht, 1915) XX. In assessing the shift in Old Testament studies which took place at the turn of the century, Julian Obermann wrote: "(Gressmann's) work bears witness to the fact that the profundity of the Nineteenth has given way to the versatility of the Twentieth century: that, for better or worse, philological penetration, textual criticism, and source-analysis have been replaced by historio-comparative speculation, literary-aesthetic appraisal, psychological appreciation; that the Old Testament, as indeed all mental, science has come to deal not so much with dates, persons and phenomena as with epochs, milieus, movements" (in his "Preface" to Hugo Gressmann, The Tower of Babel [New York: Jewish Institute of Religion Press, 1928] XII-XIII).

6. For nineteenth century conceptions of Hebrew prophecy, see W. Baumgartner, "Die Auffassungen des 19. Jahrhunderts vom israelitischen Prophetismus," AfKG XV (1922) 21-35 = his Zum Alten Testament und seiner Umwelt, 27-41.

7. On the interpretation of the Old Testament by Romantics and especially Herder, see Kraus, 114-132; K. Scholder, "Herder und die Anfänge der Theologie," EvTh XXII (1962) 425-440; Thomas Willi, Herders Beitrag zum Verstehen des Alten Testaments (BGBH 8, Tübingen: J.C.B. Mohr, 1971); and Herder's The Spirit of Hebrew Prophecy, tr. by J. Marsh (Burlington: E. Smith, 1933; German original, 1782-83).

8. On this see Gunkel's programmatic essay, "Die israelitische Literatur," in Kultur der Gegenwart I/7 ed. by P. Hinneberg (Berlin: B.G. Teubner, 1906) 51-102, with its stress on what today would be called both diachronic and synchronic issues. The literary history of Old Testament literature was of course an issue prior to Gunkel's time and he acknowledged the importance of the works of Meier, Ehrt, Cassel, Kautzsch, Wünsche, Reuss, Kuonen, and others. In "Neue Ziele der alttestamentlichen Forschung," CW XXI (1907) 78-84, Gunkel spoke of the difference between historical criticism or a purely

literary history of the Old Testament as a Vorarbeit and an esthetic approach as a true history.

9. Gunkel, Die Propheten (Göttingen: Vandenhoeck & Ruprecht, 1917) 106.

10. See Klatt, 74. Gunkel's positions led him quite early in his career into controversy with Julius Wellhausen, the greatest representative of Old Testament literary criticism. In several respects, Gunkel shared many of the positions and ideas of Wellhausen, some of which were later to influence his form-critical work. The basic point of disagreement between Wellhausen and Gunkel centered on the employment of comparative religious phenomena to elucidate the Old Testament. For the controversy, see Klatt, 70-74.

11. See Buss, "The Study of Forms," in Old Testament Form Criticism, chapter I, section VI/B.

12. See his What Remains of the Old Testament and Other Essays, tr. by A.K. Dallas (New York: The Macmillan Company, 1928) 115.

13. "Die israelitische Literatur," 99.

14. What Remains of the Old Testament, 72 and "Einleitungen," XX.

15. See E. Gersternberg, "Psalms," in Old Testament Form Criticism, chapter V, section II/5.

16. Die Propheten, 108.

17. "Der Micha-Schluss. Zur Einführung in die literaturgeschichtliche Arbeit am Alten Testament," ZS II (1923/24) 145-183 = What Remains of the Old Testament, 115-149; "Jesaia 33, eine prophetische Liturgie," ZAW XLII (1924) 177-208; and Einleitung in die Psalmen: Die Gattungen der religiösen Lyrik Israels (Supp. HKAT, Göttingen: Vandenhoeck & Ruprecht, 1933) 22-23.

18. "Jesaia 33," 182-183.

19. See Klatt, 192-203

20. "Nahum I," ZAW XIII (1893) 223-244.

21. "Propheten II seit Amos," RGV IV (1913) 1866-1886 = Propheten: II B. Propheten Israels seit Amos, "RGV² IV (1930) 1538-1554 = "IIB. The Israelite Prophecy from the Time of Amos," in Twentieth-Century Theology in the Making, Volume I: Themes of Biblical Theology, ed. by J. Pelikan, tr. by R. A. Wilson (New York: Harper & Row, 1969) 48-75; "Einleitungen" (SAT II/2. Göttingen: Vandenhoeck & Ruprecht, 1915) XI-LXXII; and Die Propheten (Göttingen: Vandenhoeck & Ruprecht, 1917).

22. B. Duhm, Das Buch Jesaia (HKAT III/1, Göttingen: Vandenhoeck & Ruprecht, 1892, 1902²) 41-46.

23. G. Hölscher, Die Profeten: Untersuchungen zur Religionsgeschichte Israels (Leipzig: J. C. Hinrichs, 1914).

24. See throughout "Einleitungen" and "Propheten Israels seit Amos." Gunkel assumed that these developments eventually led to deviations and mixtures, that is, to the dissolution of pure forms. See What Remains of the Old Testament, 65.

25. On some of these issues, Gunkel like Max Weber seems to have been influenced directly or indirectly by the social and political thought and interests of his day. See Buss, "The Study of Forms," in Old Testament Form Criticism, chapter I, section VI/B.

26. See his chapter on the religion of the prophets in Die Propheten, 68-103.

27. For similar views, see J. Wellhausen, Israelitische und jüdische Geschichte (Berlin: Georg Reimer, 1894) 110; W. R. Smith, The Old Testament in the Jewish Church (Edinburgh: Adam and Charles Black, 1881) 278.

28. See, for example, Die Propheten, 125.

29. Die Wirkungen des heiligen Geistes nach der populären Anschauung der apostolischen Zeit und der Lehre des Apostels Paulus (Göttingen: Vandenhoeck & Ruprecht, 1888). Earlier, the term ecstasy had been used in describing the prophets but with reference to the inner rapture of their spirits. See for example A.W. Knobel, Der Prophetismus der Hebräer, I (Breslau: J. Max, 1837) 155-156. See B. Duhm, Die Theologie der Propheten (Bonn: Adolph Marcus, 1875) 87-88, who does speak of vision and ecstasy.

30. See his "Die geheimen Erfahrungen der Propheten," in Das Suchen der Zeit I, ed. by Doab-Wegener, 112-153 = "Einleitungen," XX-XXXVI = Die Propheten, 1-31; and "Propheten seit Amos," 1539-1543 = "Israelite Prophecy from the Time of Amos," 48-55.

31. See footnotes 22 and 23 and B. Duhm, Das Geheimnis in der Religion (Leipzig: J. C. B. Mohr, 1896); *idem*, Die Gottgeweihten in der alttestamentlichen Religion (Tübingen: J. C. B. Mohr, 1910). For similar emphasis in English works, see W. R. Smith, The Old Testament in the Jewish Church, 278-294 and A. B. Davidson, Old Testament Prophecy (Edinburgh: T. and T. Clark, 1903) 115-143. Hölischer's work, Die Profeten, with its use of Wundt's psychology, was, in actuality, a frontal assault on the rationalistic interpretation of prophecy represented in such works as A. Kuenen's De Profeten en de Profetie onder Israël (Leiden: P. Engels, 1875) = The Prophets and Prophecy in Israel, tr. by A. Milroy (London: Longmans, Green, and Co., 1877).

32. Philo wrote: "For no pronouncement of a prophet is ever his own; he is an interpreter prompted by Another in all his utterances, when knowing not what he does is filled with inspiration, as the reason withdraws and surrenders the citadel of the soul to a new visitor and tenant, the Divine Spirit which plays upon the vocal organism and dictates words which clearly express its prophetic message" (De Specialibus Legibus IV. 49). Philo is here comparing prophecy and divination. Elsewhere he writes: "When the light of God shines, the human light sets; when the divine light sets, the human dawns and rises. This is what regularly befalls the fellowship of the prophets. The mind is evicted at the arrival of the divine Spirit, but when that departs the mind returns to its tenancy. Mortal and immortal may not share the same home. And therefore the setting of reason and the darkness which surrounds it produce ecstasy and inspired frenzy" (Quis Rerum Divinarum Heres, LIII). Plato wrote similarly of inspiration associating the mantic faculty with that part of the soul located in the liver: "For inspired and true divination is not attained to by anyone when in his fully senses, but only when the power of thought is fettered by sleep or disease or some paroxysm of frenzy" (Timaeus, xxxii). These descriptions are similar to what Gunkel says about ecstasy and may suggest an acquaintance with them although Gunkel, so far as I know, does not refer to them. (Both Gunkel and Duhm, however, do refer to Greek ecstasism as a parallel to Old Testament prophetism.) Note Gunkel's remarks that "the prophet demanded a belief in his person, in his divine inspiration. And this inspiration was so conceived that it excluded all human cooperation" ("Israelite Prophecy," 48). The similarity between Gunkel's and Philo's descriptions of ecstasy suggests Gunkel's familiarity with Philo but I have found no direct proof. It should be remembered however that Gunkel's primary field of specialization was the Hellenistic and New Testament era, an area in which one could assume his familiarity with Philo.

33. Form-critical studies in the classics predating Gunkel were under-

taken by such scholars as Nietzsche, Reitzenstein, Wendland, Bethe, Norden, and others. For bibliographical references, see A. Gercke and E. Norden, eds., Einleitung in die Alttestamentwissenschaft, I (Leipzig: B. G. Teubner, 1910) 585 and E. Bethe and P. Wendland, "Quellen und Materialien, Gesichtspunkte und Probleme zur Erforschung der griechischen Literaturgeschichte," ZKP XXXIX (1904) 427. Some of the interests of these scholars are reflected in the titles of two works by Eduard Norden: Die antike Kunstprosa vom VI. Jahrhundert v. chr. bis in die Zeit der Renaissance und Agnostos Theas. Untersuchungen zur Formengeschichte religiöser Rede (Leipzig: B. G. Teubner, 1898, 1913). The first extensively form-critically oriented volume on the prophets was Wilhelm Erbt's Jeremia und seine Zeit (Göttingen: Vandenhoeck & Ruprecht, 1902) but his work was apparently influenced by Gunkel; see Baumgartner, Die Klagegedichte des Jeremia (BZAW32, Giessen: A. Töpelmann, 1917)⁴ and below, footnote 95.

34. "Einleitungen," XXXVII.

35. "Einleitungen," XXXVIII and similarly, Die Propheten, 108-110.

36. "Einleitungen," XXXVII-XXXVIII.

37. For Gunkel's specific contributions to prophetic form-critical research, see Klatt, 210-218 and C. Westermann, Grundformen prophetischer Rede (BEvTh31, Munich: Chr. Kaiser Verlag, 1960,² 1964) 15-21 = Basic Forms of Prophetic Speech, tr. by H. C. White (Philadelphia: The Westminster Press, 1967) 23-31. Westermann's treatment of Gunkel is, as a whole, extremely poor and in places omission of elements in Gunkel's presentations does a great disservice to Gunkel.

38. "Einleitungen," XXXVIII.

39. "Einleitungen," XXVIII-XXIX.

40. "Einleitungen," XXXIX; Die Propheten, 125.

41. "Israelite Prophecy," 48-54.

42. "Einleitungen," XXXIX.

43. "Einleitungen," XXIV.

44. Die Propheten, 125.

45. "Einleitungen," XXXIX; "Israelite Prophecy," 62.

46. "Israelite Prophecy," 67-68. Gunkel spoke of the prophet as Yahweh's messenger to his people and compared the function and speech of the prophetic messenger with royal messengers and messages with references to the negotiations between David and Abner (II Sam. 3:12-16) and David's message sent to Zadah and Abiathar (II Sam. 19:12). See "Einleitungen," XLVIII, LVII.

47. "Israelite Prophecy," 64-65; more fully, "Einleitungen," XXIV-XXV.

48. "Israelite Prophecy," 69; see also "Einleitungen," IL.

49. "Israelite Prophets," 64-65, 69; "Einleitungen," XXIV-XXV, IL; Die Propheten, 116, 125.

50. "Israelite Prophecy," 69.

51. "Einleitungen," IL; Die Propheten, 125.

52. "Einleitungen," XLII. See also Die Propheten, 116; "Israelite Prophecy," 64-65. The division of the prophetic texts into short units

is reflected in the commentaries on Isaiah by Duhm (1892) and Gray (1912) who divided the tradition into short units but not on the basis of form-critical considerations. See T. H. Robinson, "Higher Criticism and the Prophetic Literature; ET L (1938/39) 198-202.

53. "Israelite Prophecy," 64.

54. "Einleitungen," XLII-XLIII.

55. "Israelite Prophecy," 66. See also "Einleitungen," XLIV-XLV.

56. Gunkel had already utilized metrical structure in his treatment of Nahum I in ZAW XIII (1893) in reaching his verdict that "the poem in Nahum I is no prophetic vision but a post-prophetic psalm" (242).

57. "Israelite Prophecy," 66. See also "Einleitungen," XLIV.

58. "Einleitungen," XXV.

59. "Einleitungen," XLIV.

60. "Israelite Prophecy," 66.

61. "Israelite Prophecy," 69. See "Einleitungen," IL and Die Propheten, 125-129.

62. "Israelite Prophecy," 69-71; "Einleitungen," IL-LII.

63. "Israelite Prophecy," 71. See "Einleitungen," LII where the same idea appears and the "mysterious quality" of prophetic speech is related to the category of "mood."

64. "Einleitungen, LII; misleadingly translated in "Israelite Prophecy," 71. In Die Propheten, 129, he uses the term impressionistische with regard to this jumpy style.

65. "Israelite Prophecy," 71.

66. "Israelite Prophecy," 71-72; "Einleitungen," LIV; Die Propheten, 130-131.

67. "Israelite Prophecy," 72. See also "Einleitungen," LIV-LVI; Die Propheten, 131.

68. "Einleitungen," LVI-LVIII; "Israelite Prophecy," 72-73; Die Propheten, 132-133.

69. "Einleitungen," LVI-LVII.

70. "Israelite Prophecy," 73.

71. "Einleitungen," IL.

72. Gunkel gave an appreciative evaluation of the prophets of good fortune ("Einleitungen," XXXII; "Israelite Prophecy," 55-59; Die Propheten, 32-36) who had much in common with the prophets of doom and whose words are now to be found here and there in the scriptures and not least in the form of additions and accretions to the prophetic books, some of which may be quite early (Die Propheten, 35-36).

73. Westermann writes: "In this division of the prophetic speeches into visions and auditions lies the basically erroneous starting point of Gunkel's and Gressmann's genre investigation" (Basic Forms, 24).

74. "Einleitungen," XLV; the following section (3.9), about three

pages in length, has no counterpart in the RGG article which Westermann used as the basic statement of Gunkel.

75. "Israelite Prophecy," 50-51; "Einleitungen," XXII-XXIII; Die Propheten, 14-19.

76. "Israelite Prophecy," 73.

77. "Israelite Prophecy," 68-69, 73-75; "Einleitungen," XLVII-IL, LVIII-LXXI.

78. "Israelite Prophecy," 68; "Einleitungen," XLVIII-IL. See Die Propheten, 124, for a slightly different terminology. Duhm in his Die Theologie der Propheten (Bonn: Adolph Marcus, 1875) had already used some of the terminology employed by Gunkel such as Mahnrede and Geschichtebe-
trachtung.

79. "Israelite Prophecy," 68-69.

80. Gunkel acknowledged the work of K. Budde on the funeral song and attributed to him the discovery of the first of Israelite genres. See Budde's "Das hebräische Klagelied," ZAW II (1882) 1-52 and "Ein althebräisches Klagelied," ZAW III (1883) 299-306. This genre was given detailed study under Gunkel's direction by Hedwig Jahnow, Das hebräische Leichenlied im Rahmen der Volkerdichtung (BZAW 36, Giessen: A. Töpelmann, 1923).

81. See Gunkel's "Jesaia 33, eine prophetische Liturgie," ZAW XLII (1924) 177-208 and "Der Micha-Schluss," ZFS II (1923/1924) 145-183.

82. W. Baumgartner's Die Klagegedichte des Jeremia (BZAW 32, Giessen: A. Töpelmann, 1916) demonstrated that the material in Jeremiah was dependent upon traditional lamentation forms and thus countered the widely held view that Jeremiah was the originator of psalmody.

83. "Israelite Prophecy," 53.

84. "Israelite Prophecy," 74.

85. Westermann (Basic Forms, 29-30) seems to me to have completely misrepresented Gunkel's treatment of the threat and reproach. He claims that Gunkel considered the reproach a borrowed form. Gunkel did not; he considered it instead as an inner prophetic development utilized to undergird or explain the threat. Westermann claims that Gunkel considered the two as independent and separate genres. Gunkel did not; he considered them closely bound together. Westermann in attempting to reproach Gunkel writes: "This lack of clarity has produced aftereffects in most of the investigations down to this day. It has caused the evidence that is clear in the texts to remain hidden. This evidence shows that, in actuality, the "threat" and the "reproach" are found in a great majority of the prophetic texts, not as two separate genres, but as one speech form, i.e., as two constituent parts or members of one speech form - the prophetic judgment-speech" (30). The last sentence could easily have been written by Gunkel; in fact the first paragraph on page LXV of his "Einleitungen" says it just as well.

86. "Einleitungen," LXV.

87. "Einleitungen," LXV.

88. "Einleitungen," LXV.

89. In RGG², 1553 (see "Israelite Prophecy," 74) he spoke of a Rede vor Gericht ("speech before a court").

90. For the following paragraphs see "Einleitungen," LXVI-LXXI and "Israelite Prophecy," 74-75.

91. Die "älteste Geschichtschreibung und Prophetie Israels" (SAT II/1, Göttingen: Vandenhoeck & Ruprecht, 1910) 322-329; "Die literarische Analyse Deuteronomias," ZAW 34 (1914) 254-297; Der Messias (Frlant 43, Göttingen: Vandenhoeck & Ruprecht, 1929) 64-148. His earlier important work on the prophets, Der Ursprung der israelitisch-jüdischen Eschatologie (FRLANT 6, Göttingen: Vandenhoeck & Ruprecht, 1905) contains no form-critical discussion per se but does display what can be called, speaking broadly, form-critical interests such as his focus on the influence of court style on the prophets and the relationship of salvation and doom proclamations. For a complete list of Gressmann's writings, see G. Sprondel, "Bibliographie Hugo Gressmann," ZAW 69 (1957) 211-228.

92. "Die israelitische Literatur" (KdG I/7, Stuttgart: B.G. Teubner, 1906, 1925²) 80-90 = Die israelitische Literatur (Darmstadt: Wissenschaftliche Buchgesellschaft, 1963) 28-38.

93. This section was subsequently omitted in the second edition of SAT II/1 published in 1921 since Gunkel, in the meantime, had written his more extensive treatment in his "Einleitungen" to Schmidt's volume in the series.

94. See Klatt, 136.

95. See footnote 21. Parallels between the early presentations of Gunkel and Gressmann are noted in subsequent footnotes. Whether the material in Gressmann's presentation which is without parallel in Gunkel's early publications can be considered uninfluenced by Gunkel and thus the creative work of Gressmann is a difficult question to answer. If Erbf's work on Jeremiah was dependent on Gunkel (see footnote 33), perhaps through Gunkel's class lectures, then it suggests that Gunkel's remarks on the prophets in "Die israelitische Literatur" were only "the top of the iceberg" insofar as his early analysis was concerned. Erbf spoke of Mahnworte and Drohworte as if these were commonly understood designations which needed no explanation.

96. Ursprung der israelitisch-jüdischen Eschatologie,⁴; SAT II/1 327; and ZAW 34 (1914) 258-259.

97. See Klatt, 195-197.

98. See Klatt, 197, note 18 and Gressmann's letter in the same volume, 223-266.

99. See Klatt, 195-197.

100. As had Gunkel, Die israelitische Literatur, 28.

101. He argued that "prophetical sayings" or "prophetical words" was a more adequate terminology than "prophetical speeches" (SAT, 323). Gunkel had spoken of prophetische "Rede" (Die israelitische Literatur, 33).

102. See Gunkel, Die israelitische Literatur, 30-33.

103. As had Gunkel, Die israelitische Literatur, 33.

104. See further Gressmann's discussion of Micaiah ben Imlah (I Kings 22:1-28); SAT II/1, 278-280. Gunkel had spoken of the prophetic transference, in his vision, to "Yahweh's Council" (Die israelitische Literatur, 34).

105. Gunkel's discussion of the prophetic genres in Die israelitische Literatur (35-37) contains nothing really comparable to Gressmann's anal-

92. ysis of promises, threats, exhortations, reproaches, and judgment speeches (SAT II/1, 324-326). Gunkel simply refers to the diversity of prophetic words ("These prophetic words reflect an amazing diversity: there are promises and threats, descriptions of sins, exhortations, historical reviews, disputations, songs of all sorts, not only religious, but also imitations of profane songs, songs of lament and jubilation, short lyrical pieces and complete liturgies, parables allegories, and so forth," 35) and then proceeds to discuss what he called the earliest and then the more developed style. The closest parallels to Gressmann's discussion are found in Gunkel's 1913 RGG article.

106. This was a consistent emphasis in Gressmann's writings on the prophets. This emphasis derived from his assumption that the prophets inherited a mythological eschatology which embodied the concepts of both a world judgment or catastrophe and a world renewal. See SAT II/1, 327-328, and his "Foreign Influences in Hebrew Prophecy," JTS XXVII (1926) 241-254.

107. So also Gunkel in his brief remark on the reproach (Die israelitische Literatur, 37). Gressmann wrote (ZAW 34 [1914] 269-270: "The threats of the preexilic prophets are almost always accompanied by a shorter or longer introduction which reflects upon the following oracle. The form is generally a reason (Begründung), the content accordingly a reproach (Scheltwort). The union of threats with reproaches can be explained very simply because the prophets had to make understandable on the basis of the sins of Israel the doom which they preached. In doing so, they pointed to the sins which they dealt with. Frequently, then, the reproach became a special Gattung and became completely detached from the threat."

108. SAT II/1, 326.

109. SAT II/1, 326

110. These form the beginning of a philosophy of history which exercised a strong influence on Israelite historians. "The deuteronomistic edition of the historical books would not have been possible without prophecy" (SAT II/1, 326.)

111. See Gunkel, Die israelitische Literatur, 36-37, for a very similar discussion.

112. "Die literarische Analyse Deuteronomias," ZAW XXXIV (1914) 254-297.

113. In this essay, Gressmann acknowledges his indebtedness to Gunkel and refers to the latter's articles in KdG and RGG (see footnotes 21 and 92).

114. See footnote 101.

115. "Die literarische Analyse Deuteronomias," 260.

116. Gressmann did not take Is. 52:4-6 into consideration since he considered this passage a redactional gloss. The formula in 49:25, he felt was a secondary development within a unit rather than the beginning of a new unit.

117. Both of these formulas Gressmann recognized as unique to Deutero-Isaiah and he noted that they introduce not a divine but an angelic word ("Die literarische Analyse Deuteronomias," 262).

118. An error on Gressmann's part, read 54:10.

he wrote: "Since no threats are encountered in Deutero-Isaiah,

119. On the reproach in Deutero-Isaiah, one also expects no reproaches. But the expectation is disappointed" ("Die literarische Analyse Deuteronomias," 270). The reproach, he discovered, was related in Deutero-Isaiah to the promise.

120. "Die literarische Analyse Deuteronomias," 283-295.

121. Gressmann referred to the work of M. Jastrow (Die Religion Baby-loniens und Assyriens, II (Giessen: A Topelmann, 1912) which contains a discussion of these texts. In addition, the influence of Eduard Norden's discussion of these texts in Agnostos Theos (see footnote 33) is acknowledged on several occasions by Gressmann.

122. For a critique of Gressmann's study, see Sidney Smith, Isaiah Chapters XL - LV: Literary Criticism and History (Schweich Lectures 1940, London: Oxford University Press, 1944) 6-9.

123. See Westermann, Basic Forms of Prophetic Speech, 35. Some of the weaknesses involved in the division of prophetic material into independent units on the basis of formula analysis are already reflected in Gressmann's study and become more obvious in later attempts at isolating the independent units in Deutero-Isaiah. See Sydney Smith, Isaiah Chapters XL-LV, 7-11, 90-96.

124. "Die literarische Analyse Deuterojesajas," 259-260.

125. SAT, II/1, 333-337.

126. "Die literarische Analyse Deuterojesajas," 295.

127. It is unfortunate that this was the only work of Gressmann discussed by Westermann in his survey of the history of form-critical study of the prophets (Basic Forms of Prophetic Speech, 31-34). Gressmann's work was published posthumously; it does not represent a final polished product but contains gaps and certain incompletely developed ideas which have contributed to some of the inconsistencies noted by Westermann. See the introduction to Der Messias by Hans Schmidt (3*-7*) and his notes throughout the work.

128. "Zweites Buch: Prophetische Gattungen," 65-148.

129. He admitted that some of the salvation prophecies now attached to prophetic sayings and books date from the exilic and later times (75).

130. "Die Echtheit der Verheissungen," 69-74.

131. Gressmann spoke of the temperament, the inner life, and the changing moods of the prophets as explanations of the movement between doom and salvation (see especially 67-72). Gunkel had spoken in somewhat similar terms in his explanation of the prophetic exhortation (see "Einleitungen," LXVI).

132. Gressmann pointed to Egyptian parallels as support for his contentions; see Der Messias, 72-73, 82, 415-445 and in English, see his "Foreign Influences in Hebrew Prophecy," JTS XXVII (1926) 241-254. Gressmann's extensive (and excessive?) comparisons with Egyptian texts should be read in light of a statement he published in 1924 within a context focusing on the similarities and differences between Old Testament and ancient Near Eastern materials: "The problem of all problems remains prophecy, which forms the high point of Israelite religious history and which, in the final analysis, can be understood only in its own terms" ("Der Aufgaben der alttestamentliche Forschung," ZAW XLII (1924/32).

133. The prophets, like Amos, already presuppose the existence of a developed eschatological perspective and the proclamation of promise. See Der Messias, 74-77, 144. In addition, throughout Israelite history "prophets of salvation" and "prophets of doom" existed side by side with the latter a decided minority (77-82).

134. Der Messias, 82-87. Gressmann outlined the chronological development of the promise in the following stages: (1) the absolute promise, (2) the combination of promise with exhortation, and (3) the absolute exhortation; but he argued that the oldest form was never completely lost but continued to be used in later times (92-93).

135. Der Messias, 82; see 72, 436, 440-445.

136. Der Messias, 70-72.

137. Der Messias, 72-73.

138. Der Messias, 72

139. Der Messias, 94. The section on the Heidenorakel was apparently being rewritten or written by Gressmann at the time of his death. The manuscript edited by Schmidt contained no discussion but only a list of individual oracles belonging to this class. Nonetheless, Gressmann's discussion does not suffer from the "lack of clarity" ascribed to it by Westermann (Basic Forms of Prophetic Speech, 33) who makes no reference to Gressmann's lengthy discussion of these two types of oracles on foreign nations. For Gressmann's treatment of the Völkerorakel, see Der Messias, 97-148.

140. Gressmann compared the elements in some of these oracles to the Zion psalms, especially Pss. 46 and 76.

141. See especially Der Messias, 139-141, 148.

142. In a discussion of I Kings 22 (Der Messias, 77-78), Gressmann had argued that the separation of the threat and promise was already evident in the preaching of Micah.

143. Der Messias, 82.

144. See his tribute to Gunkel in his Zur Komposition des Buches Jeremia (VS, II, HFK, 1913,5, Kristiania: Jacob Dybwad, 1914) 67.

145. Note the influence of these two men in his chapter on "The Psalms and the Cult" in The Psalms in Israel's Worship, tr. by D. R. Ap-Thomas (Nashville: Abingdon Press, 1962) I, 1-22.

146. See The Psalms, I, 24-29.

147. Gressman of course was not the first to suggest analogies between Old Testament prophetic texts and Near Eastern materials. See Eduard Meyer, Geschichte des Altertums, I/2, 2nd, ed. (Stuttgart: J. G. Cotta, 1909) 274-275; Die Israeliten und ihre Nachbarstämme (Halle: Max Niemeyer, 1906) 451-455 and Eduard Norden, Agnostos Theos.

148. Gunkel had of course recognized the similarity between certain royal and "eschatological" psalms and certain prophetic oracles. Gressman had spoken of the court style and its influence on the prophets and in his projected revision of his work on the messiah had planned to incorporate a section on court prophecy (see Schmidt's introduction to Der Messias). Both Gunkel and Gressmann had pointed to the influence of the legal institutions in their descriptions of the "word or speech of judgment" which the prophets had used to "clothe" some of their reproaches against Israel. Max Weber, in 1921, pointed to the association of prophets with warfare and

the importance of this for understanding the prophetic movement (see his Ancient Judaism, tr. and ed. by H. H. Gerth and D. Martindale, [Glencoe: The Free Press, 1952] 90-117).

149. Of course, both Gunkel and Gressmann had drawn analogies between prophetic speeches and certain cultic forms of address, especially the divine response and words of assurance to the worshipping parties, the use of lyrical materials, and the employment of torah.

150. "Om nebiisme og profetie," NTT X (1909) 185ff; 330ff.

151. "Om nebiisme og profetie," 217-224, 358-360. Mowinckel utilized much of the material which figures prominently in the reconstruction of early prophecy in the later and independent work of Gustav Hölischer, Die Profeten: Untersuchungen zur Religionsgeschichte Israels (Leipzig: J. C. Hinrichs, 1914) 79-142.

152. The Psalms in Israel's Worship, II, 53. See also Psalmenstudien III. Kultprophetie und prophetische Psalmen (VK, II, HFK, 1922, 2, Kristiania: Jacob Dybwad, 1923) 9-14 and cf. Hölischer, Die Profeten, 100-107.

153. The Psalms, II, 55.

154. Psalmenstudien III, 16-17; The Psalms, II, 55-56; and earlier in "Om nebiisme og profetie," 220-237. W. Robertson Smith, The Old Testament in the Jewish Church (Edinburgh: A. & C. Black, 1881) 285-286, had already pointed to the association of prophecy and cult. See Hölischer, Die Profeten, 140-147, for opinions very similar to those advanced by Mowinckel.

155. Zur Komposition des Buches Jeremia, 17-23.

156. Zur Komposition, 24-30.

157. Zur Komposition, 31-45.

158. Zur Komposition, 45-48.

159. "Stilformer og motiver i profeten Jeremias diktning," Edda XXVI (1926) 233-320.

160. Prophecy and Tradition: The Prophetic Books in the Light of the Study of the Growth and History of Tradition (ANVAO, HFK, 1946, 3, Oslo: Jacob Dybwad, 1946) 45-47. See also his introduction to the prophets in Det Gamle Testament (edited by Michelet, Mowinckel and Messel).

161. See Prophecy and Tradition, 101, note 13.

162. See his Psalmenstudien II. Das Thronbesteigungsfest Jahwäs und der Ursprung der Eschatologie (VK, II, HFK, 1921, Kristiania: Jacob Dybwad, 1922) and The Psalms in Israel's Worship, I, 106-192.

163. In his Einleitung in die Psalmen, completed by Joachim Begrich (HKAT Suppl., Göttingen: Vandenhoeck & Ruprecht, 1933), Gunkel accepted, somewhat begrudgingly, many of the insights of Mowinckel. Gunkel had, of course, stressed the importance of the royal psalms (see his "Königs-psalmen," PJ CLVII [1914/ 42ff.) and in the projected revision of his work on Israelite and Judean eschatology, Gressmann had assigned a significant role to court prophecy (see footnotes 127 and 148). In his analysis of OT eschatology, Gressmann had come very close to Mowinckel's concept of the annual enthronement festival; see Mowinckel, Psalmenstudien II, 16-18.

164. The Psalms in Israel's Worship, II, 58. See also Psalmenstudien III, 12-14, 23-24. The problem of the cultic oracle - whether priestly or

prophetic - still remains a debatable issue. KÜchler and the Gunkel circle attributed these oracles to the priests. See Friedrich KÜchler, "Das priesterliche Orakel in Israel und Juda," in Abhandlungen zur semitischen Religionskunde und Sprachwissenschaft (Baudissin Festschrift) (Giessen: A. Töpelmann, 1918) 285-301; Gunkel-Begrich, Einleitung in die Psalmen, 367-375; and Joachim Begrich, "Das priesterliche Heilsorakel," ZAW LIII (1934) 81-92 = his Gesammelte Studien zum Alten Testament (TB 21, Munich: Chr. Kaiser, 1964) 217-231.

165. The Psalms in Israel's Worship, II, 63.

166. See Psalmstudien II, 38-43, 65-74, 126-128, 263-276 and The Psalms in Israel's Worship, I, 146-154.

167. See Psalmstudien II, 288-290; Le Décalogue (EPHR 16, Paris: F. Alcan, 1927) 114-141; and The Psalms in Israel's Worship, I, 157-161.

168. The Psalms in Israel's Worship, I, 154. So already in Psalmstudien II, 337-338. Oracles against foreign nations were also related by Mowinckel to the prophetic response in general lamentation rituals and to preparation for warfare (see The Psalms in Israel's Worship, I, 196-200).

169. See Psalmstudien II, 152-157; Psalmstudien III, 38-45; Le Décalogue, 124-133; and The Psalms in Israel's Worship, 155-161.

170. The Psalms in Israel's Worship, I, 160-161 and footnote 149 on 161.

171. See the article in footnote 150. Mowinckel's employment of Near Eastern comparative material to reconstruct the early history of prophecy predated Hölischer's utilization of this material; see footnote 151.

172. See Psalmstudien II, XI.

173. See footnote 80.

174. Das hebraische Leichenlied im Rahmen der Volkerdichtung (BZAW 36, Giessen: A. Töpelmann, 1923).

175. Die Klagegedichte des Jeremia (BZAW 32, Giessen: A. Töpelmann, 1917).

176. Balla's inaugural work, Das Ich der Psalmen (FRIANT 16, Göttingen: Vandenhoeck & Ruprecht, 1912), was undertaken under the direction of Gunkel.

177. Begrich's dissertation, Der Psalm der Hiskia (FRIANT 42, Göttingen: Vandenhoeck & Ruprecht, 1926), was directed by Gunkel and he was Gunkel's assistant for several years, completing Gunkel's Einleitung in die Psalmen.

178. Die Droh-und Scheltworte des Amos (Leipzig: Alexander Edelmann, 1926).

179. Droh-und Scheltworte, 3-5.

180. Droh-und Scheltworte, 10-22.

181. Droh-und Scheltworte, 7-10.

182. For the preceding and what follows, see Droh-und Scheltworte, 22-34.

183. Droh-und Scheltworte, 40-46.

184. Droh-und Scheltworte, 45-46. Misquoted by Westermann (Grundformen prophetischer Reden, 29 = Basic Forms of Prophetic Speech, 41-42) who omits the reference to "pure threats" in line two of the quotation and thus radically distorts Balla's description.

185. Droh-und Scheltworte, 46-52.

186. The question of the speaker's identity was recognized by Gunkel as an important element in form-critical study, although he did not develop this interest very extensively in his study of the prophets. See his "Fundamental Problems of Hebrew Literary History," in What Remains of the Old Testament, 57-68, especially 62.

187. The use of the perfect tense in many prophetic passages was already noted by K. Keil, Manual of Historico-Critical Introduction I, tr. by G. C. M. Douglas (Edinburgh: T. and T. Clark, 1869) 275 and frequently since.

188. "Das prophetische in den Psalmen," in Gunkel-Berich, Einleitung in die Psalmen, 329-381 (in part); "Das priesterliche Heilsorakel," ZAW LII (1934) 81-92 = his Gesammelte Studien (TB21, Munich: Chr. Kaiser, 1964) 217-231; "Die priesterliche Tora," BZAW LXVI (1936) 63-88 = Gesammelte Studien, 232-260; and Studien zu Deuterocesaja (BWANT IV/25, Stuttgart: Kohlhammer, 1938) = (TB20, Munich, Chr. Kaiser, 1963). On Begriff and for a bibliography of his writings, see H. Bardtke, TIZ LXXV (1950) 441-446.

189. "Das priesterliche Heilsorakel" and Studien zu Deuterocesaja, 16-18 (TB 20, 14-26).

190. See above.

191. See Gunkel, Einleitung in die Psalmen, 136-138. Contrast Mowinkel's analysis of the oracle as prophetic; see footnote 164.

192. See above; Begriff, Studien zu Deuterocesaja, 18-48 (TB20, 26-41). The form was analyzed earlier by Köhler who will be discussed later. For a history of research on the form, see Julien Harvey, Le plaidoyer prophétique contre Israël après la rupture de l'alliance (Bruges: Desclée de Brouwer, 1967) 9-22.

193. "Die hebraische Rechtsgemeinde," Festrede des Rektors (April 29, 1931) = his Der hebräische Mensch (Tübingen: J. C. B. Mohr, 1953) 143-171 = "Justice in the Gate," Hebrew Man, tr. by P. R. Ackroyd (Nashville: Abingdon Press, 1956) 127-150.

194. Studien zu Deuterocesaja, 41-46 (TB20, 48-53).

195. Studien zu Deuterocesaja, 47-49 (TB20, 54-56).

196. Studien zu Deuterocesaja, 56-60 (TB20, 62-66).

197. Studien zu Deuterocesaja, 50-54 (TB20, 57-61).

198. Deuterocesaja stilistisch untersucht (BZAW 37, Giessen: A. Töpelmann, 1923) 1-2-127 and "Der Botenspruch" in his Kleiner Lichte (Zurich: Zwingli-Verlag, 1945) 11-17. See footnote 193.

199. In his Old Testament theology, originally published in 1935, Köhler wrote: "In the Old Testament the cult is almost identical with the sacrifices; there is little more to it than that, above all there is hardly any proclamation of the word" (Old Testament Theology, tr. by A. S. Todd [Philadelphia: Westminster Press, 1958] 181).

200. See above.

201. See also R. H. Pfeiffer, "Assyrian Epistolary Formulae," JAOS XLIII (1923).

202. Deuterocesaja, 110-120.

203. Deuterocesaja, 120-127 and "Die Offenbarungsformel 'Fürchte dich nicht' in Alten Testament," TZ XXXVI (1919) 33-39.

204. Die althebräische Literatur und ihr hellenistisch-jüdisches Nachleben (Wildpark-Potsdam: Akademische Verlagsgesellschaft Athenaion, 1930-1934) 56-69. See also his "The Forms of Oral Tradition," in Record and Revelation, ed by H. W. Robinson (London: Oxford University Press, 1938) 28-44, especially 43-44.

205. Die althebraische Literatur, 66-67.

206. Spruch und Predigt bei den vorexilischen Schriftpropheten (Erlangen: Gutenberg-Druckerei, 1933). His work was strongly dependent upon the 1929 study by Gunnar Hylmø. See also Mowinckel's examination of the sermon in Jeremiah; Zur Komposition des Buches Jeremia, 31-45.

207. Spruch und Predigt, 25-36.

208. Spruch und Predigt, 36-42.

209. Spruch und Predigt, 42-51.

210. Spruch und Predigt, 52-97.

211. "Die Typen der prophetischen Visionen in der Bibel," MGWJ LXXVIII (1934) 399-430.

212. Die Prophetengeschichten der Samuel - und Königsbücher (Griefswald: Hans Adler, 1937). See, already, Mowinckel's interest in prophetic narratives in Zur Komposition des Buches Jeremia, 24-30.

213. Die literarische Gattung der prophetischen Literatur (UUAU, 1924, 1, Uppsala: A. B. Lundequistska Bokhandeln, 1924); Hosea literarisch untersucht (AAAH, V/2, Abo: Abo Akademi, 1928); Micha literarisch untersucht (AAAH VI/2, Abo: Abo Akademi, 1929); and "Die Gesichte der Propheten," ST I (1935) 7-28. See also his Prophecy in Ancient Israel (Oxford: Basil Blackwell, 1962).

214. This was especially the case in his Die literarische Gattung der prophetischen Literatur, 19-66. See the breadth of his comparisons drawn from various religions and backgrounds in Prophecy in Ancient Israel, 1-46.

215. Die literarische Gattung, 66-97.

216. Die literarische Gattung, 95-96.

217. Die literarische Gattung, 14, 63-65.

218. Die literarische Gattung, 56.

219. Die literarische Gattung, 97-115. Lindblom's analysis of this formula is very similar to that of Köhler in his Deuterocesaja stilkritisch untersucht, a work with which Lindblom was familiar and which he quotes.

220. See his summary in Prophecy in Ancient Israel, 103-104.

221. Die literarische Gattung, 98-100.

222. Studier över stilen i de gammalttestamentliga profetbäckerna I:

De egentliga profetiska diktarterna (LUA, NF, I/25/4, Lund/Leipzig: C.W.K. Gleerup/Otto Harrassowitz, 1929); De s.k. profetiska liturgiernas rytm, stil och komposition (LUA, NF, I/25/5, Lund/Leipzig: C.W.K. Gleerup/Otto Harrassowitz, 1929); and Gamla Testamentets litteraturhistoria (Lund: C.W.K. Gleerup, 1938) 72-99, 151-156. For some reason, Scandinavian scholars like Lindblom and Mowinkel make little or no reference to Hylmø. Aage Bentzen's Introduction to the Old Testament, 2 vols. (Copenhagen: G.E.C. Gad, 1948) was however heavily indebted to Hylmø. Neither Eissfeldt nor Fohrer refer to Hylmø's introduction.

223. Studier över stilen, 8-12.

224. See his synopsis in Studier över stilen, 16-19.

225. Gamla Testamentets, 85, 91-92, 95-97.

The Gattung of the "present state paper" has recently been analyzed by Morton Smith, who finds that such papers usually have one of two forms: they are either thorough critical reviews of recent publications or rather general discussions of problems remaining to be solved.¹ In a sense the following paper will be both. The primary purpose of the study will be to point out the trends in recent form-critical treatments of the prophetic literature and then to outline some of the problems which require further research. Because of the complexity of modern scholarship on the prophets, the study must necessarily be in broad, general terms. Therefore, no attempt will be made to deal systematically with the current flood of books and articles which practice or discuss form criticism of the prophetic literature, although a number of these works will be mentioned in passing.² At the same time, however, some detailed attention must be given to the most important recent studies in order to prevent the discussion from indulging in total abstractions which have no relation to scholarly reality. In order to guard against such over-generalization, the study which follows will begin with a thorough survey of the work of Claus Westermann, whose research on the prophetic speech forms has dominated the modern discussion. Following this survey, some attention will be given to the scholarly reactions to Westermann's work, and an attempt will be made to sketch some general trends. Finally, several problems raised by recent research will be discussed. Although no solutions to these problems will be advanced in detail, the way in which the problems are identified and analyzed will inevitably suggest certain lines of inquiry.

Recent Form-Critical Work on the Prophets

Westermann's Basic Forms of Prophetic Speech

It is fair to say that the publication of Claus Westermann's Grundformen prophetischer Rede in 1960 began a new era in the history of prophetic form criticism.³ Both literally and figuratively Westermann sums up the results of previous investigations and then uses this research as a springboard for his own systematic analysis of the literary genres peculiar to the prophetic literature. Westermann's work remains the only full-scale monographic treatment of the subject in recent years, so it continues to be the starting point for most contemporary discussions, and it has come to be the "standard treatment" against which most critics react. Although it has often been criticized, it has not yet been replaced by a new comprehensive statement, a fact which in itself may throw some light on the current state of form-critical scholarship. Thus any discussion of the present state of prophetic form criticism must still begin with Westermann and then trace the divergent scholarly streams which flow from that point.

Although Westermann opens his work with a survey of previous scholarship, beginning with Baudissin, the real starting point of the investigation seems to be a question which was first raised by Gunkel. As part of a survey of the literary techniques of the prophets, Gunkel noted that although the

prophets made use of numerous literary genres, most of these genres were not originally prophetic but were borrowed from various areas of social life and then adapted by the prophets for their own particular purposes. This observation prompted Gunkel to ask whether or not it is possible to isolate a genre which was originally genuinely prophetic and which served as the starting point for the development of all of the other prophetic literary genres.⁴ Westermann appears to be primarily interested in investigating the same question, and as a result the history of scholarship which he presents at the beginning of his study is somewhat selective. It is essentially a survey of previous attempts to discover the uniquely prophetic features in the language of the prophets and in the phenomenon of Israelite prophecy itself.⁵ Westermann makes no secret of this fact but frankly admits that he is summarizing previous "positive gains" in the search for a basic prophetic genre.⁶ Thus he does not intend the first part of his book to be a comprehensive history of form-critical work on the prophetic literature. He is consciously writing a history of scholarship in the light of the question in which he is interested and under the influence of the conclusions which he has reached about the nature of the prophetic office and about the "basic forms of prophetic speech."

The above remarks should not be understood as a criticism of Westermann's methodology. Rather they are intended to underscore the fact that two questions must be raised in order to evaluate both the work of Westermann and the work of those scholars who have been influenced by him. First, from Westermann's own standpoint, one must ask whether or not Westermann has accurately analyzed the basic prophetic genres and faithfully portrayed the history of their development. This question has been the concern of most scholars writing since the publication of Westermann's book. However, it is essential that a second question be asked as well. Has Westermann correctly fixed the starting point for the investigation of the prophetic literary genres? To put the question another way, should future form-critical studies of the prophetic literature be primarily concerned with the search for a "basic," uniquely prophetic literary genre? In general this question has not been asked directly by scholars working in the wake of Westermann's book, in spite of the fact that the answer to the question would have an obvious impact on the direction of future research. Still, recent form-critical work on the prophets does imply an answer to this second question, and we will return to it and to the first question at the conclusion of our discussion of the work of Westermann and his successors.⁷

In Westermann's view, prior to the work of Gunkel there were only a few important contributions to the search for uniquely prophetic genres. For the most part scholars in this early period were still working with faulty models of the prophetic "office" and had not yet begun to ask form-critical questions in a systematic way. Therefore significant insights were sporadic and seldom developed in fruitful directions. Still, some progress was made. Baudissin correctly perceived that prophetic speeches were originally addressed orally to particular historical situations and were only later elaborated literarily in the prophetic writings which have been preserved. From Steuernagel came the helpful observation that the accusation and the announcement of judgment to Israel were major prophetic genres, but he also sidetracked the investigation

by identifying the accusation with the call to repentance and by forcing all forms of prophetic speech into a conceptual framework which not only wrongly separated the accusation from the announcement of punishment but also implied that the prophets were primarily the creators of coherently developed discourses. The tendency of early scholars to see prophetic utterances as polished, logically organized speeches was rudely challenged by Hölscher, who saw the incantation as the ancestor of prophetic speech. Although Hölscher undoubtedly went too far in his stress on the irrational character of prophecy, his work did succeed in establishing the short poetic speech as the basic prophetic genre.⁸

According to Westermann, the pivotal point in the early history of prophetic genre research was the work of Gunkel.⁹ As we have already seen, it was he who first inquired about those speech forms which were uniquely prophetic. Equally important, for Westermann's purposes, is the fact that Gunkel shaped the form-critical categories which both facilitated and hindered subsequent research. Accepting Hölscher's view that the original form of prophetic discourse was the brief poetic speech, Gunkel went on to suggest that the only uniquely prophetic genres were those dealing with the future, particularly the oracles against foreign nations. Westermann rejects the last part of this suggestion and claims that earlier scholars --and Gunkel himself--had clearly established the announcement of judgment to Israel, together with the reason or accusation, as the basic, or at least the most frequent, form of prophetic speech.¹⁰

Although Gunkel's emphasis on the oracles against the nations misdirected subsequent inquiry, he did provide the classic formulation of what Westermann considers to be the basic prophetic genre. In Gunkel's discussion of the prophetic speeches to Israel, he clearly distinguished the threat (*Drohrede*) and the reproach (*Scheltrede*). While the threat simply foretold the disasters which God would send to Israel, the reproach supplied the people with the reasons for these disasters. Unlike the threat the reproach was the product of the prophets' own ethical reflections and was frequently expressed in judicial language.¹¹

Gunkel's remarks on the threat and the reproach have had an enormous impact on the discussion of prophetic literary forms, but Westermann sees two basic flaws in Gunkel's work. First, Gunkel incorrectly implied that the threat and the reproach were originally unrelated literary genres.¹² As we will soon see, this error was corrected by subsequent research. Second, the terms which Gunkel used to describe the genres, "threat" and "reproach," are not accurate characterizations of the genres themselves. In Westermann's view the misleading nature of Gunkel's terms has not yet been recognized, so Westermann himself points out the problems and argues for new nomenclature. Instead of Gunkel's "threat," Westermann suggests the use of the designation "announcement of judgment" (*Gerichtsankündigung*) or "announcement of doom" (*Unheilsankündigung*).¹³ His reasons are as follows: (1) The word "threat" can refer either to an action or a word, whereas the term "announcement" always designates a word. (2) The word "threat" refers to a future event which is still uncertain, while the term "announcement" points to something which has definitely been decided. (3) The word "threat" is conditional in that it

implies that the thing threatened will happen only if the person being addressed reacts in a particular way, while the term "announcement" is unqualified and designates something that will certainly happen. (4) To say that God makes a threat implies some insecurity on his part, whereas to say that God announces doom preserves God's absolute lordship in history. Similarly, Westermann suggests that Gunkel's term "reproach" be replaced by the designation "reason" (*Begründung*) or, when the genre is not connected to an announcement, by the designation "accusation" (*Anklage*). Westermann gives the following reasons for this suggestion: (1) The term "reproach" would be appropriate only if the announcement and the reason are separate genres as Gunkel implied. In fact the reason is almost always a part of the announcement so that only one genre is involved. (2) A reproach is actually a mild form of curse, and the literary genre under discussion has nothing to do with cursing. (3) A reproach must be delivered directly to the person addressed and cannot be delivered by a messenger as the prophetic speeches were.¹⁴

After Gunkel no major gains were made in the analysis of basic prophetic speech until Lindblom and Köhler independently made a discovery which gave a new focus to the whole investigation. As part of a larger discussion of prophetic literary genres, Lindblom analyzed the common formula *kōh 'āmar yhw* and concluded that it was peculiar to the prophetic literature and thus indicative of the prophetic self-understanding. Then he demonstrated that the formula has extra-biblical parallels in ancient Near Eastern decrees and in the formulas with which messages were normally introduced. In the earliest prophetic literature the formula has its closest parallels in the Near Eastern messenger formula, while later occurrences of the formula seem to have been influenced by the more formal style of the decree. Köhler went even further and suggested that prophetic speech was originally modeled on the speech of the secular messenger and that the prophets therefore understood themselves primarily as messengers. According to Westermann this insight provides the first accurate characterization of the prophetic self-understanding and points to the true nature of prophetic speech. As a result, all future work must begin at this point.¹⁵

The insights of Gunkel, Lindblom, and Köhler were substantiated and refined--although sometimes unintentionally--by subsequent detailed treatments of particular prophetic books. Balla's research in Amos showed that the basic prophetic genre was probably a threat to which a brief reason was attached. Scott correctly pointed out that in Isaiah the reproach is frequently connected directly to the threat and serves as the reason for it. Scott also accurately saw that the reproach usually consists of a concise complaint which is then elaborated. Wildberger studied the introductory and messenger formulas in Jeremiah and found that the messenger formula is not used consistently to introduce a word of Yahweh. However in many cases the messenger formula has become part of the word of Yahweh itself and is a component of a larger literary genre, the report of a prophetic revelation (*Revelationsbericht*). This genre has six elements, although not all of them are found in every example: (1) the formula of revelation, (2) the commission to the prophet, (3) the summons to hear, (4) the messenger formula, (5) the speech of the messenger, (6) the middle or concluding formula (*nē'ūm-yhw*). Returning to Amos, Würthwein initially recognized that the announcement

of judgment and the reason are simply two parts of the same speech, but he later separated the two again in order to locate the reproach in the cult.¹⁶

In addition to these studies of specific books, important attempts to deal with the whole range of prophetic literary genres have been made by Hempel and Wolff. Although influenced somewhat by Gunkel, Hempel began at the correct point by seeing the prophet as the messenger of Yahweh who announces God's word to the people. The announcement is thus the basic form of prophetic speech. In the earliest stages of the development of the genre, the divine announcement itself sometimes contained a reason, although the prophets normally provided the reason out of their own reflection. From this base the "secondary" or borrowed prophetic genres, such as the exhortation, repentance-speech, and conditional promise, were developed.

Wolff in general agreed with Hempel in seeing the announcement as the basic form of prophetic speech and in seeing the reproach as a reason attached to the announcement of judgment. However, in his discussion of the reason he made a major advance by correctly analyzing the relation of the reason to the announcement. Wolff isolated a "standard form" in which the reason, consisting of a declaratory sentence, is attached to the announcement by means of the phrase *lākēn* or *ʿal-kēn*. The reason was the contribution of the prophet and was formulated to explain the divine announcement to the people. The reason itself has a number of different structures, and Wolff studied one of these structures, the citation, in detail. According to Wolff's analysis, the prophet began the reason with a statement linking the coming judgment to the guilt of the people. This statement was then expanded by citing the words of the people as proof of their guilt. From this description of the citation its original social setting can easily be seen. The prophets borrowed the citation from secular judicial procedure, where it appeared as part of the lawsuit. Wolff thus implied that the prophets recognized the existence of a divine lawsuit between God and the people.¹⁷

In Westermann's opinion the history of research outlined above demonstrates a growing consensus concerning the basic prophetic genres: (1) The original form of prophetic speech was a brief divine announcement about the future. (2) In both form and content the announcement was a message from God and was delivered by the prophet, who must be seen as God's messenger. (3) The prophets themselves supplied the reason for the announcement.

On the basis of this consensus Westermann develops his own analysis of the prophetic speeches. At the outset he distinguishes three types of speech in the prophetic books: (1) accounts, (2) prophetic speeches, (3) human speech directed to God. Of these the prophetic speeches are the most numerous and are the specific object of Westermann's attention. Still, he believes that the accounts cannot be overlooked, for prophetic words were originally preserved only in such accounts and from them comes our only information about prophetic speech before the work of the writing prophets.¹⁸ Thus there are two major sources for an investigation of prophetic speech forms: the accounts of prophetic speeches (found

primarily in the historical books) and the speeches themselves (found primarily in the prophetic books).

After indicating the sources for his inquiry, Westermann outlines the problems with which he will deal. These problems are all raised by the fact that prophecy is essentially an act of speaking. Whenever one considers an act of speaking, three basic questions emerge: (1) the identity of the speaker, (2) the identity of the addressee, (3) the content of the speaking. In the case of prophecy, the answer to the first question is already given in the consensus of previous scholarship. God speaks through a prophetic messenger. The prophetic literature itself supplies the starting point for treating the second question. A survey of the prophetic books reveals that the prophets addressed speeches to the following groups and subgroups:

- A. The prophet's own nation
 - 1. an individual
 - 2. a group within Israel
 - 3. Israel as a whole
- B. Other nations

The starting point for dealing with the third question can be deduced from the overall organization of individual prophetic books. Within each book the editors of the prophetic literature tended to place similar types of speeches together, and as a result the following collections were formed:

- A. Judgment-speeches to Israel
- B. Judgment-speeches to other nations
- C. Salvation-speeches to Israel

No other prophetic genres were collected in this way, so these three must be considered the basic genres to which others were later added.¹⁹

Using this outline, Westermann turns to a detailed study of the questions which he has raised. We may briefly summarize his results as follows:

The prophetic speech as the speech of a messenger

Both the form of the prophetic messenger's speech and the procedures accompanying the sending of the message were taken over directly from the ancient Near Eastern practice of message sending. This practice developed before the widespread use of writing, so messages were originally only in oral form.²⁰ A person who wished to send a message dictated it to a messenger, who memorized it and then repeated it verbatim to the addressee. The message was brief so that it could be easily and accurately memorized, and it was prefaced with a formula indicating that the message was a direct quotation. Both of these characteristics of the oral message can still be seen in some written messages.

On the basis of an analysis of relevant Near Eastern and biblical texts, it is possible to make the following outline of the structure of the message-sending procedure and the structure of the message itself:

- A. The sending of the messenger by means of
 - 1. the commissioning of the messenger, frequently an imperative such as "go and say..."
 - 2. the giving of a message having as its formal elements
 - a. the messenger formula or its functional equivalent
 - b. the body of the message, usually containing
 - 1) a report or statement usually designed to motivate the response of the addressee
 - 2) a summons (usually in the imperative) or a statement which is the real point of the message
- B. The transmitting of the message
- C. The delivering of the message
 - 1. the repetition of the messenger formula
 - 2. the repetition of the body of the message

In the prophetic literature not all of these elements are present in every unit. An account of the commissioning of the prophetic messenger is usually found in the call stories, although a commission may also precede individual prophetic speeches. Messages are normally recorded only once, so that a given unit will usually contain either elements A or C above but not both.

The recently discovered "prophetic" texts from Mari provide clear confirmation of the view that prophetic speech was considered messenger speech, for they supply formal parallels to some of the prophetic messenger speeches found in the biblical literature, particularly the announcements of salvation. In addition, the Mari letters suggest that at one time in Israel prophecies may have been directed only to the king and may have been concerned with cultic matters to an extent not found in the speeches of the writing prophets.²¹

The prophetic judgment speech to individuals (JI)

The Old Testament contains only a few examples of the JI, and almost all of them are to be found in the historical books, where the king is usually the recipient of the announcement.²² This fact, as well as the observation that the structure of the JI is simple and unelaborated, leads to the conclusion that the JI was the original genre used to announce God's judgment. The JI was gradually replaced by the announcement of judgment against Israel (JN), which is the most common genre in the prophetic writings. When the writing prophets did use the JI, they tended to elaborate both the accusation and the announcement. The structure of the JI may be outlined as follows:

- A. The commissioning of the messenger
- B. The accusation referring to a specific transgression of the addressee. The transgression mentioned violates a current Israelite law but has not yet been punished. The accusation may be in the form of a question or a declaratory statement and sometimes includes a citation of the words of the addressee.

- C. The announcement of judgment based on the accusation and consisting of
1. the introduction of the announcement by means of phrases such as "kōh 'āmar yhwḥ," "lākēn kōh 'āmar yhwḥ," "kī kōh 'āmar yhwḥ," "lākēn," or "hinnēh."
 2. the body of the announcement in the form of a direct address. The announcement usually has only one part, although it is sometimes expanded in various ways.

From this outline it is clear that the messenger's speech itself begins only with the announcement, which is usually connected to the accusation by means of one of the formulas listed above in C.1. Where the connection is not directly expressed, it is implied by the proximity of the accusation and the announcement. The form of the accusation clearly comes from the realm of secular legal procedure and can in no way be connected to the cult. The prophet, playing a role similar to that of a prosecutor in a legal case, composes and develops the accusation. God then appears as the judge and gives the verdict, which is delivered by the prophetic messenger. The execution of the sentence is usually delayed, although obviously the sentence must be carried out within the lifespan of the convicted individual.²³

The announcement of judgment against Israel (JN)

The JN is the speech form most frequently used by the writing prophets. Although it developed from the JI, the JN differs fundamentally from the JI in that the JN is directed to a nation or group rather than to an individual. This accounts for some of the changes which took place in the genre as it developed from the JI. Because in the JN the prophet is looking at a group, he is able to perceive a larger number of transgressions. As a result the accusation in the JN is usually more complex than the simple accusation of the JI. Similarly, because a group is involved, the announcement tends to be more detailed in the JN than in the JI, and the execution of the sentence can be projected much farther into the future. Although individual examples of the JN may differ markedly, it is still possible to outline the following general structure of the genre:

- A. [A summons to hear, which is not found in many examples]
- B. The reason, consisting of
 1. the accusation in general terms and frequently in the third person
 2. the development of the accusation which concretizes the accusation and illustrates it with examples
- C. The messenger formula
- D. The announcement of judgment consisting of
 1. the intervention of God, who speaks in the first person
 2. the results of the intervention described in the third person

Although this general outline can be related to most examples of the JN, the prophets allowed themselves a great deal of freedom in shaping the genre, and many variations exist.

The fluidity of the genre was both permitted and encouraged by the fact that the JN was strictly a literary creation. Therefore the JN was not bound by the rigid structure required in oral genres such as the JI. The fluidity of the JN can be seen not only in the elaboration of the accusation and the announcement but also in the rearrangement of the genre elements themselves. The announcement may precede the accusation, and in some cases announcements and accusations appear independently. This disintegration of the structure of the genre obscures or even destroys the logical connection which formerly existed between the accusation (or reason) and the announcement. The formulas and phrases which in the JI tied the reason and the announcement together lose their function in the JN. The messenger formula, which in the JI served only to introduce the announcement, is used in connection with other genre elements as well and sometimes is omitted entirely. When the messenger formula does appear, it frequently exhibits literary modifications which all but obliterate its original form and function.

The breakdown of the JN also allowed the prophets to expand it by means of other genres which were originally not prophetic but were borrowed from other sources. The most important of these genres are the following:

The cry of woe.-- The cry of woe has connections with certain curse formulas and exhibits a structure similar to that of the JI. In the cry of woe the accusation consists of the word hōy followed by two parallel participial phrases which describe the transgressions of those addressed. These phrases are then further elaborated by means of a clause containing a finite verb. The announcement of doom simply points to a future disaster.

The legal procedure (Rechtsverhandlung).-- The legal procedure simply makes explicit the judicial process lying behind the other prophetic judgment speeches. God, the divine judge, speaks directly to the accused and delivers the verdict without the aid of the prophetic messenger. Aside from the allusions to legal procedure at the beginning of the genre, no stable structural features are apparent.

The disputation (Streitgespräch).-- The disputation also reflects court procedure and presents a legal dispute either between the prophet (as God's advocate) and the people or between God and the people. Various elements of the JN can be seen in the disputation, but no structural patterns can be discerned.

The parable.-- The parable is rare in prophetic literature. The only clear example is found in Isa. 5:1-7, where it is used to convince the people of the justice of God's verdict. Some prophetic actions may also have parabolic force.

The lament.-- The lament in the prophetic writings has the structural features of laments found elsewhere in biblical literature. Either the accusation or the announcement may be cast in the form of a lament.

The prophetic torah.-- The prophetic torah is modeled on the priestly torah and contains both reproof and instruction.

Form-Critical Research in the Prophetic Literature Since 1960

For purposes of analysis the scholarly literature appearing in the wake of Westermann's Basic Forms (1st ed., 1960) may be divided into two categories: (1) general treatments of

prophetic speech forms (2) detailed studies of specific prophetic passages and genres.

General Treatments of Prophetic Speech Forms

Although no comprehensive monographic study of prophetic speech forms has appeared since the work of Westermann, several Old Testament introductions and handbooks on form-critical method do devote sections to the prophetic genres. These surveys are necessarily brief, but they do take Westermann's views into account and attempt to amplify or correct them.

Several years after the appearance of Westermann's work, Klaus Koch published his long-awaited introduction to form-critical methodology.²⁴ As part of his treatment of the prophetic literature, Koch considers some of the issues raised by Westermann.²⁵ Like Westermann, Koch believes that the starting point for research must be the prophetic narratives in the historical books rather than the speeches in the prophetic writings. However, his investigation produces conclusions somewhat different from those of Westermann. Koch agrees that the Old Testament contains examples of messengers' speeches having a structure roughly similar to the one outlined by Westermann. According to Koch, such speeches consist of (1) the messenger formula (2) an indication of the pressing situation (3) the wish of the sender (4) a concluding characterization.²⁶ Yet this structure is not found in the prophecies of disaster, which have the following components: (1) reproach (2) messenger formula (3) prediction of disaster (4) concluding characterization. Only the messenger formula itself is common to both. Thus Koch concludes that Westermann is wrong in characterizing prophetic speech as the speech of a messenger. Unfortunately Koch cannot supply a better suggestion. He concedes that messenger speech must have had some influence on prophetic speech, but he believes that other forces were also operative from the very beginning. Without much enthusiasm he cites the recent argument that basic prophetic speech was influenced by cultic forms, and then he himself suggests that perhaps the core of the prophetic speech was the seer's oracle.

Turning to the question of the prophetic judgment speech, Koch rejects Westermann's proposed revisions of Gunkel's terminology.²⁷ With respect to the reproach (*Scheltrede*, *Scheltwort*), Koch finds unconvincing Westermann's argument based on his understanding of the messenger's office. Koch agrees that the curse may lie behind the threat, but he sees no difficulty in connecting the curse to the prophetic literature as well. Westermann's term "accusation" must be rejected because it already presupposes a judicial background which cannot be demonstrated. Therefore Koch suggests that the neutral designation "indication of the situation" (*Lagehinweis*) be used, although he does not seem averse to retaining Gunkel's term "reproach."²⁸ In the case of the threat (*Drohrede*, *Drohwort*), Koch initially accepted Westermann's designation "announcement of doom" or "announcement of disaster," but he rejected the phrase "announcement of judgment" as wrongly implying a legal background. In the second edition of his work Koch suggests the phrase "prediction of disaster" (*Unheilsprofezeiung*) although he sometimes still uses Gunkel's term "threat".²⁹

Koch's analysis of the prediction of disaster is more general than that of Westermann, although the two are essentially similar. According to Koch, the genre has three elements:

- A. An indication of the situation (or reproach) in the form of a question or brief statement and sometimes introduced with the phrase yaCan aSer
- B. A prediction of disaster in the form of
 1. a brief negative statement with the verb in the imperfect or
 2. a participial phrase with Yahweh as the subject. This is sometimes followed by a statement of the consequences of Yahweh's intervention. The whole section is sometimes introduced by lākēn.
- C. A concluding characterization (abschliessende Charakteristik) usually beginning with kī. When the messenger formula appears, it usually comes before element B, but it may also come before element A.

Koch thus combines Westermann's JI and JN and believes that both exhibit roughly the same structure. For this reason it would appear that Koch rejects Westermann's analysis of the way in which the JN developed from the JI, although Koch himself is unclear on this point.³⁰ Koch also finds the prediction of salvation (Heilsprofezeiung) to have a form similar to that of the prediction of disaster and raises the possibility that both are simply variations of the same genre. Westermann does not deal with the announcement of salvation at all, although he clearly recognizes it as a basic form of prophetic speech. He thus implies that it is an independent genre.³¹

Koch's most important contribution in his debate with Westermann is a discussion of the life-setting of the prophetic speeches. Koch's remarks are important not because he throws any new light on the question but simply because he introduces the question into the discussion. Westermann does not deal in any detail with the life-setting of the prophetic speeches at all, although we have already seen that he implies a great deal in his choice of terminology. Unfortunately, Koch's treatment of the issue breaks no new ground. He points to the continuity between the writing prophets and the earlier prophets and stresses the oral character of prophetic speech. He leaves open the possibility that at least some prophets were cultic officials and then fruitfully suggests that scholars pay more attention to the situation in which the prophets received their oracles. This would lead to renewed study of the private oracles and the vision reports, but Koch himself does not indicate the results of such a study. It is worth noting that with this suggestion Koch returns to a line of inquiry pursued by earlier scholars--particularly Hölscher, Gunkel and Hempel-- but rejected by Westermann as misleading.

A year after the appearance of the first edition of Koch's book, Georg Fohrer published his revision of Ernst Sellin's *Einleitung in das Alte Testament*.³² In general Fohrer seems to depend heavily on Gunkel, and at several points he justifies his preference for Gunkel's views over those of

Westermann. Fohrer admits that certain types of prophetic speeches exhibit some of the formal characteristics of messengers' speeches, but he argues against Westermann that the appearance of these characteristics does not necessarily mean that the prophets actually considered themselves messengers. They may have only borrowed elements of the messenger's speech and then used them for their own purposes. Furthermore, even if it could be established that the prophets did consider themselves messengers of Yahweh, this would not mean that they refrained from modifying the speeches which they delivered. In short, Westermann's view of the prophetic messenger's task is too narrow and basically unsupported in the texts. In Fohrer's discussion of the prophetic speech forms, he traces the roots of the prophetic saying to the oracle delivered by the cult prophet. This type of oracle eventually developed into the negative and positive prophetic sayings now found in the writing prophets. The negative speeches (unheilkündende Prophetenspruch) are the threats (Drohwort), which may appear with or without motivation and which are sometimes connected to the reproach (Scheltwort). Fohrer's analysis of the components of the threat generally follows Westermann, but Westermann's terminology is rejected. The designation "announcement of judgment" is too specific and incorrectly implies that the speech always has legal overtones. On the other hand, Gunkel's term "threat" is more general and takes into account the possibility that the thing threatened will not actually happen. Similarly, Westermann's substitution of "reason" or "accusation" for Gunkel's "reproach" cannot be accepted. The reproach did indeed develop from the reason attached to the threat, but the reproach then became a genre in its own right, as the woe oracles clearly show. The term "accusation" again wrongly implies a judicial setting for the genre.

Parallel to the threat is the positive prophetic saying (heilverkündende Prophetenspruch)-- the declaration of salvation (Heilswort) or promise. In contrast to Westermann, Fohrer clearly sees this genre growing from the same roots as the threat.³³

Otto Kaiser's recent introductory work does not include a detailed structural analysis of the prophetic speech forms, but it does summarize the current debate between Westermann and Fohrer and then makes an assessment which has major implications for the problem of terminology. Kaiser perceptively notes that the terms "reproach," "reason," "accusation," "threat," and "announcement of judgment" all reflect particular ideas about the setting in which the prophets worked and about the view which the prophets had of their own task. Thus the dispute about terminology is also a dispute about the very nature and setting of prophetic activity. Because there are no generally accepted views on the latter question, there can be no agreement on the former one either. The solution to the terminological problem, then, requires new information on the history of Israelite religion.³⁴

The final general treatment with which we will deal is Gene Tucker's recent introduction to form criticism.³⁵ Although he begins his section on the prophetic literature with a helpful summary of Gunkel's contributions, Tucker's own position is heavily influenced by the work of Westermann. Following Westermann, Tucker sees the prophetic speeches as essen-

tially messenger speeches and the prophets themselves as Yahweh's messengers. However Tucker suggests that more study is needed before one can follow Westermann in seeing structural parallels between the prophetic speeches and Near Eastern messages. Similarly, Tucker is properly cautious about subsuming all of the prophetic genres under the heading "messenger speech." Here he returns to Gunkel's observation that the prophets borrowed a number of speech forms, and he further suggests that the prophets had more roles in Israelite society than Westermann admits.

Turning to an analysis of the prophetic speeches themselves, Tucker follows Westermann in seeing the bulk of the prophetic speeches as announcements concerning the future. Tucker's terminology here is also borrowed from Westermann. Prophetic announcements can be divided into two basic categories: announcements of judgment and announcements of salvation. Gunkel's reproach is not an independent genre but is actually a reason attached to the announcement of judgment. However, Tucker believes that Westermann's analysis of the announcement of judgment is too detailed to be useful, for many prophetic speeches in fact do not fit the "ideal" pattern. Following this discussion Tucker deals briefly with the other major prophetic genres without suggesting that they can all be derived from the announcement.

In a brief section on the setting of the prophetic speeches, Tucker suggests that three different points must be analyzed: (1) the setting of the speech in the activity of the prophet, (2) the original setting of the language itself, (3) the setting of the speech in later oral and written tradition. Although these distinctions are potentially useful, space limitations permit Tucker to make only brief comments on each point.³⁶

Studies of Specific Problems

It is of course impossible even to begin to summarize all of the recent specialized books and articles which have implications for our understanding of prophetic speech forms. However as we scan this body of heterogeneous material some trends do seem to emerge. At the risk of great oversimplification, we may say that since 1960 form-critical study of the prophets has moved in two major directions.

Form criticism

First of all, many scholars continue to work the ground staked out by Westermann and his predecessors. In some cases these scholars are reacting to previous studies by dealing with questions which were left unanswered or by pushing the inquiry into new textual material. In other cases they are not consciously reacting to previous studies at all but are simply applying to their own problems the form-critical tools forged by Gunkel and his successors. In either case the classic form-critical methodology is accepted and utilized. In so far as this approach leads to a deeper understanding of the nature of prophetic speech and helps to elucidate prophecy as a religious phenomenon, it is of course to be encouraged. Comprehensive statements, such as those of Gunkel, Westermann and Koch, are of necessity generalizations and must subsequently be tested and refined if they are to retain their value. However, cur-

rent form-critical work on the prophets also illustrates several traps which must be noticed and avoided if the form-critical method itself is to remain fruitful.

First, there is always a danger of over-generalization. This can lead to the reconstruction of "original" or "ideal" prophetic genres, which are then used on specific passages like a Procrustean bed. Westermann seems to be guilty on this count in several of his attempts to find his "basic form" in individual passages, and other examples can easily be supplied from the current literature.³⁷

Second, some recent form-critical work has fallen into the trap of over-specification. Scholars are frequently lured in this direction because of a sincere desire to avoid the first trap mentioned above. When they find particular passages which do not fit the "basic pattern," they posit the existence of a second pattern to include those passages. This leads to increasingly detailed analyses and the proliferation of genres, some of which depend on very meager evidence. A certain amount of this sort of activity is necessary as part of the process of refining genre descriptions, but extreme caution must be used in positing the existence of new genres.³⁸

Finally, some current work has cut form-critical analysis free from anything resembling a real life situation. This happens in particular where scholars concentrate on structural analysis to the point of neglecting the question of the life setting of the material or positing life settings which have no obvious basis in reality.³⁹ So, for example, scholars who follow Westermann in arguing for the judicial background of prophetic speech have supplied us with the life setting of the language itself but have not provided a coherent picture of the social setting in which the prophets used this judicial language.⁴⁰ Was the speech delivered in a legal setting or in the cult? Did the judicial language have any relation to the setting of prophetic activity at all? Similarly, most scholars who have seen the prophets as messengers of Yahweh provide no clear idea of the way in which such a messenger would have functioned in his society.⁴¹ Unless this social dimension remains a part of form-critical research, the discipline runs the risk of becoming simply an exercise in literary criticism.

Rhetorical criticism and structuralism

The second major trend in current form-critical research on the prophets can be seen in the recent attempts to move "beyond" form criticism.⁴² These attempts obviously reflect some dissatisfaction with the results of form criticism as it is now practiced, although it is difficult to isolate the sources of this dissatisfaction with any certainty. However, at least two factors may be involved. On the one hand, as we have already seen, there is a tendency on the part of some form critics to over-generalize and neglect the unique elements in particular texts. Rhetorical criticism is clearly an attempt to rectify this situation by focusing the inquiry again on the individual text and by attempting to appreciate the uniqueness of the text as a literary whole. On the other hand, some of the rhetorical critics may be responding to the fact that in some recent form-critical work the meaning of the text has been neglected. To put the matter bluntly, this sort of form-critical study has not led to an elucidation of the text or helped the reader to appropriate it.

It is still too early to assess the value of rhetorical criticism or to judge the impact that French structuralism may have on both form and rhetorical criticism. However, two comments are in order. First, the deficiencies which the rhetorical critics see in form criticism are not inherent in the method itself but result from the failure of scholars to pursue the full range of the form-critical task. In this sense rhetorical criticism need not lead beyond form criticism but may serve the useful purpose of re-emphasizing the last stages of the form-critical process: the study of the text as a literary whole and the recovery of the meaning of the text. Second, rhetorical criticism and structuralism are both vulnerable to one of the criticisms which we have already leveled at form criticism. With increased emphasis on the literary aspects of the text there is a risk of sundering the text from living reality and obscuring the meaning of the text. This situation must be avoided if the new methods are to prove fruitful.⁴³

The Problems which Remain

At the beginning of our discussion of Westermann it was suggested that two problems must be raised about his work and the work of those dependent on him. First, from Westermann's own starting point it must be asked whether or not he has accurately analyzed the prophetic genres. Second, the validity of the starting point itself must be assessed. The first question involves a decision about the specific points which Westermann makes; the second requires a more general evaluation of the results produced by Westermann and those who use his approach. Accordingly, the following discussion will have two parts: (1) an examination of specific problems remaining to be solved and (2) a treatment of more general issues.

Specific Problems Requiring Investigation

It is clearly an impossibility to deal here with all of the specific problems raised by current research. Therefore we will select three representative issues which have played a particularly prominent role in recent discussions. Many other important issues could be treated, but space will not permit that luxury.

The problem of sources

Many contemporary form-critical studies of the prophetic literature do not consider the problem of sources at all. However, there have been some attempts to deal with the issue, and these must be examined in greater detail. We have already seen that Westermann uses two major sources in his analysis of the prophetic genres: the speeches preserved in the prophetic books and the accounts of prophetic speeches found in the historical books. Of the two, he believes the latter to be more important, for he contends that this source preserves early speech forms which had already fallen into disuse or been severely modified by the time the later prophets began to write. Koch accepts this opinion and adds that redactional modifications may have warped the structure of some of the speeches in the prophetic books. Thus even if the original genres were not altered by the writing prophets themselves, changes may have taken place during the process of literary transmission.⁴⁴

Although a greater number of cases need to be tested, Westermann's assessment of the value of the accounts appears to be a plausible one. If, as he suggests, the accounts actually preserve early prophetic speech forms, then not only would this source provide important data for reconstructing the history of the forms, but it would also give some insight into the way in which prophetic speeches were delivered and thus would shed new light on the social function of prophecy. However, a note of caution must be sounded at this point. It must be remembered that the historical books have been rather thoroughly edited by the Deuteronomistic historians, so at least at a redactional level the histories reflect a particular point of view. This fact forces us to ask whether the speeches preserved in the historical books are actually accurate records of the original oral genres or are simply reflections of the Deuteronomistic historians' ideas about the structure of prophetic speech. The answer to this question would have a major impact on our understanding of the history of prophetic genres. A similar sort of question must be raised about the speeches in the prophetic books themselves, particularly books like Jeremiah where several sources or redactional layers are present. In such cases it would be important to determine whether or not speeches having the same structure tend to cluster in particular layers of tradition. If such clustering can be observed, then one might suspect that some sort of consistent editorial reworking is involved.

Further study also needs to be given to the validity of Westermann's decision to exclude from consideration the human speeches directed to God which are found in the prophetic books. Westermann's reason for this exclusion is apparently his belief that prophetic speech is essentially messenger speech. If this belief is correct, then he would be justified in considering human speeches to God worthless as sources for analyzing basic prophetic speech. However, as we will soon see, Westermann's position on the nature of prophetic speech is itself questionable. We must therefore take seriously the possibility that human speeches directed to God are integrally involved in some way in the basic nature of the prophetic task. If this should prove to be the case, then such speeches must be considered valid prophetic genres.⁴⁵

Westermann's invocation of the Mari letters to support his analysis of prophetic speech points to another dimension of the source problem: the role of extra-biblical material in form-critical analysis. This issue was first raised by Gunkel, who insisted that the study of Israelite literary history could fruitfully proceed only by taking into account the other literatures of the ancient Near East.⁴⁶ Gunkel's view on this point was accepted by Gressmann and later by a few other scholars, particularly in Scandinavia, but on the whole extra-biblical material did not play a major role in form-critical research on the prophets until the publication of the Mari letters. The scholarly literature on these texts and their possible relevance to biblical prophecy is growing rapidly, but no consensus has yet appeared.⁴⁷ For this reason future form-critical work on the prophets must continue to deal with the Mari material and the starting point of the inquiry must be a thorough form-critical study of the Akkadian texts themselves. A beginning has been made by Ellermeyer and Koch, but much more work remains to be done.⁴⁸ Also potentially relevant are the collections of Neo-Assyrian oracles and the so-called "apocalyptic

texts," which have yet to receive extensive treatment by biblical scholars.⁴⁹

Prophetic speech as messenger speech

Westermann's emphasis on prophetic speech as messenger speech has drawn mixed reactions from the scholarly community. On the one hand some scholars have basically accepted Westermann's position, although almost all of them wish to modify his views in some way.⁵⁰ On the other hand, the equation of prophetic speech and messenger speech has provoked criticism, particularly from Fohrer, Koch, and Rendtorff.⁵¹ The fact that some critics can reject Westermann's position entirely while others can accept it only with modifications indicates that the thesis itself must be re-examined. As part of this re-examination several problems must be considered.

1) Although the Near Eastern evidence still needs to be studied in greater detail, it appears that the Mari letters cannot facily be invoked to support Westermann's picture of the prophetic messenger. The "messenger formulas" which are found in the letters are almost always part of the normal epistolary introductory formula (a-na be-lí-ia qí-bí-ma um-ma PN ÍR/GEMÉ-ka-a-ma, "to my lord speak: thus PN your servant"). In only four of the twenty-seven published letters does the "messenger formula" introduce a divine word (ARM XIII, 112; X, 7; A 1121; A 4260). Furthermore, the prophet is sometimes pictured as carrying on a conversation with the god rather than passively transmitting a divine message (A 1121). Where the prophet does transmit a message, it is sometimes repeated as a third-person account of what the god said and does not use the first-person style supposedly characteristic of messenger speech (ARM II 90). All of these facts cast doubt on the validity of using the Mari letters to support Westermann's view of the prophetic messenger.⁵²

2) In the Old Testament itself the messenger formula (kōh 'āmar yhw̄h) does not appear to be used in the way Westermann suggests. In prose accounts describing the sending of messengers the formula is sometimes omitted at the beginning of the message (Num. 21:21f.; 22:5; Jud. 9:31; 11:12; 2 Kgs. 19:9f.). One might argue that in some of these cases the phrase lē'mōr at the beginning of the message is the functional equivalent of the messenger formula, but this argument is hardly convincing given the frequent usage of lē'mōr to introduce direct quotations in passages where no message is involved. The same situation exists in the prophetic books, where speeches are frequently given without an introductory messenger formula. Similarly, the messenger formula is used before speeches which are not messenger speeches. Scholars, including Westermann, have long been aware of this fact but have argued that the misuse of the messenger formula in the prophetic books simply reflects a breakdown in the structure of the messenger speech. This argument is difficult to accept when there are so few examples of the "correct" use of the formula.⁵³

3) Some Old Testament descriptions of messengers in action do not fit the picture sketched by Westermann. Where Westermann describes the messenger as a passive agent who faithfully transmits the message which has been given to him, the biblical examples show messengers with the power to alter the given message according to the situation. In 2 Sam. 24:

10-13, for example, the message which is given to the prophet Gad is only an outline which he elaborates when the message is actually delivered. Similarly, in 2 Kgs. 18:19ff. the message of the Rabshakeh takes the form of an argument in which the responses or possible responses of the recipients are taken into account.⁵⁴ It would, of course, be possible to suggest that these passages represent a later expansion of the messenger's office, but this suggestion has yet to be supported in detail.

4) The normal structure of the messenger speech differs at several points from the normal structure of the prophetic announcement speeches.⁵⁵ There are several possible explanations for these differences. (1) The prophetic announcement speeches may have originally had the structure of the messenger speech, but this original structure may have been modified for various reasons before the time of the writing prophets (Westermann). (2) The announcement speeches may have originally been independent genres which were secondarily influenced at the oral or written level by the formulas and structure of the messenger speech (Fohrer, Koch). (3) There may be no real connection between the two structures at all, but both may be the result of independent developments. (4) Any combination of the above explanations may be correct but may apply to different literary or tradition-historical streams which utilized distinctive forms of prophetic speech. In any case, both the observable differences in the two structures and the various possible explanations clearly call for a fresh investigation of the relation between the messenger speech and the announcement.

5) Westermann's description of the message-sending process does not always fit his own conception of the process by which God's divine word becomes the human words delivered to the people. Thus Westermann is sometimes unclear about the relation of the message-sending process to prophetic activity within Israelite society. We have already seen that Westermann outlines three stages of the message-sending process: (1) the sending of the message, (2) the transmitting of the message, (3) the delivering of the message. When this outline is applied to prophetic activity, a clear structure emerges: (1) God commissions the prophetic messenger and gives the message to him. (2) The prophet takes this message from the place of its reception to the place where it is to be delivered. (3) The prophet delivers the message in the form of a prophetic speech. This picture of prophetic activity is logical and has been accepted by many scholars who have been influenced by Westermann.⁵⁶ At times Westermann himself seems to have this picture in mind when he speaks of the prophet as Yahweh's messenger. Yet on other occasions, when he stresses the transmission of the message as the most important part of prophetic activity, he seems to be thinking of something very different. He speaks of the transmission as "the act of bridging the distance" (*Überbrückung der Entfernung*),⁵⁷ and it is clear that here he is not talking about the distance between the place the message is received and the place the message is delivered. He is talking rather about the distance between man and God, which makes necessary the use of a messenger in the first place. Yet from a theological point of view the act of bridging this distance takes place in the first stage of the message-sending process and not in the second. The distance between God and man is first bridged when God gives the message to the prophet, and only secondarily when the prophet delivers the message to the people. This means that in the case of the prophets the

first and second stages of the message-sending process are identical, and the second stage, which Westermann wishes to stress, does not exist as a separate entity. Thus Westermann's views on divine revelation cannot easily be co-ordinated with the message-sending process in quite the way he implies.

The announcement of judgment

We have already seen that Westermann considers the announcement of judgment to be one of the "basic" forms of prophetic speech. In his opinion the announcement was originally directed only to individuals and had a fairly rigid structure, which was later modified when the announcement was directed primarily to groups and nations. Even the brief survey of scholarship given above clearly shows that Westermann's view has provoked much debate. Yet in spite of this discussion a number of problems still remain. For purposes of analysis we may consider these problems under three headings: (1) terminology, (2) structure, (3) social setting.

Terminology

Both Fohrer and Koch have mounted convincing arguments against Westermann's proposal to replace Gunkel's term "threat" with the designation "announcement of judgment." Many of Westermann's objections to Gunkel's term are based on the idea that prophetic speech is messenger speech. As our discussion above indicates, this idea is difficult to support, and for this reason we must reject Westermann's arguments which are based on it. His theological argument also carries little weight. In addition to the fact that Westermann's arguments against the term "threat" are not compelling, his own suggestion also raises problems. The designation "announcement of judgment" already presupposes a judicial background for which Westermann provides no good evidence. Thus if we wish to retain the term "announcement" as an accurate characterization of this genre, then it would seem that we must employ the more neutral designation "announcement of disaster," a designation which Westermann himself suggests but seldom uses. However, this designation too has its limitations, for in fact some of the announcements of disaster function as threats. They are intended to bring about a change in the behavior of the people. Clear examples can be found in Jer. 26:2ff. and 36:2ff. In both of these passages the prophet is explicitly told that the purpose of the announcement of disaster is the repentance of the people.⁵⁸ The accurate designation of the genre thus depends on correctly discerning the intention of the prophetic speech and ultimately involves understanding the role of the prophet in Israelite society. At its roots the question of terminology is not only a literary question but a religio-historical question as well.

Structure

The problems raised by Westermann's analysis of the structure of the announcement of disaster are obvious from the very beginning of his discussion. He can uncover only a few examples of the basic form of the announcement, the II, and almost all of these are found in the historical books. Of the reasonably good examples actually found in the prophetic books, the largest number are from prose passages in Jeremiah, where Deuteronomistic influence may be involved. Two of the remain-

ing examples are duplicates of passages in 2 Kgs. When these examples are eliminated, only three examples remain, and of these only one (Amos 7:14-17) can be considered paradigmatic. Faced with the situation that almost all of the examples of the JI are from the Deuteronomistic historians or from prophetic passages which exhibit Deuteronomistic characteristics, Westermann is forced to take the position that the JI had all but disappeared by the time of the writing prophets but that its original form is still preserved in scattered passages in the historical books. This argument too must be questioned, however, for there is an alternative explanation that should be investigated. Since most of Westermann's good examples come from a single theological stream within Israel, it is possible that he has actually isolated a genre peculiar to that stream. The JI may simply be the Deuteronomists' view of the normal structure of a prophetic speech.

Westermann's analysis of the JN is even more problematic than his treatment of the JI. He himself admits that although the JN developed out of the JI, the original structure of the JI is sometimes difficult to discern in the JN. The prophets exercised a great deal of freedom in shaping the JN, and as a result the genre has a rather loose structure. This lack of rigid structure is obvious in the examples which Westermann cites, for few of them obviously fit the outline which he claims to be characteristic of the genre.

In the light of the above discussion it is clear that a new investigation of the announcement of disaster must be made. Westermann's work indicates that a genuine genre does exist, but he sees in the genre a structure which is too detailed to be useful in dealing with individual passages. Thus Koch and Tucker may be moving in the right direction in their attempt to define a more simple structure which could include a greater number of individual examples.

Social setting

We have already noted that Westermann does not deal at all with the question of the social setting of the announcement of disaster. However, by his use of the designation "announcement of judgment" he clearly implies that in some way the genre originally had a legal setting. This implication has been picked up and developed enormously by a number of scholars who have investigated the relation of the prophets to the lawsuit (rib).

Concern with the prophetic lawsuit is not a modern innovation in Old Testament scholarship. One of the first scholars to analyze the genre was Gunkel, who made a thorough analysis of its structure and suggested that the lawsuits now found in biblical texts originally had a secular judicial setting.⁵⁹ Gunkel's analysis of the social setting of the lawsuit was generally accepted until Würthwein reopened the issue by suggesting that the prophetic lawsuit was originally part of a cultic drama in which the people were indicted for failing to obey the covenant law. The agents of this indictment were cultic prophets.⁶⁰ Thus Würthwein injected two new issues into the debate: the role of covenant and the role of cult. Both of these issues are still very much a part of current discussions.

Contemporary work on the lawsuit has tended to follow one of the two lines suggested by earlier scholars. On the one hand, some modern scholars follow Gunkel in seeing the lawsuit primarily as a secular genre. On the other hand, others follow Würthwein in positing a cultic background.⁶¹ At this point we cannot discuss all of the problems which are raised by recent research on the lawsuit.⁶² It must be sufficient to point out that the function of the prophet in the lawsuit is slightly different from the messenger function stressed by Westermann in his analysis of the announcement. According to Westermann, the prophetic messenger simply delivers an announcement of judgment to the accused. According to those who stress the prophet's role in the lawsuit, the prophet serves as an advocate of Yahweh and is involved not only in delivering the sentence but also in presenting the indictment and occasionally in presenting a defense. These two pictures of prophetic activity cannot easily be correlated, and as a result there is no current consensus on the question of the social setting of the prophetic announcements.

General Problems Requiring Investigation

In recent years form critics studying the prophetic literature have tended to focus their research on particular problems and texts. This tendency is a healthy one in many respects, for only by working in detail with the biblical material can we ever achieve an accurate understanding of the phenomenon of Israelite prophecy. Still from time to time it is helpful to try to put our work in perspective by assessing the overall gains which have been made and by isolating the general areas where work remains to be done. This is not the place to undertake such an assessment, but there are two general remarks which must be made in order to accurately portray the current state of prophetic form criticism.

First of all, we should note that little progress has been made in uncovering a basic form of prophetic speech. Westermann's attempt to find such a basic form is unconvincing, not only because of the specific problems mentioned above, but also because his suggested form cannot be made to encompass the complexity of the prophetic literature. In order to stress the announcement, he must overlook or subordinate genres such as the call to repentance and the lawsuit, which may in fact be important for our understanding of prophetic activity. A similar judgment must be made in the case of those who believe the lawsuit to be the basic prophetic speech form. We must therefore wonder whether or not we should abandon the search for a basic speech form in order to recognize the heterogeneity of the prophetic literature. Although this is a question which form critics still need to discuss, I would suggest that we should not abandon the search for a basic genre but that we should put the search in its proper perspective. There is nothing inherently wrong with attempting to find a unifying principle in the literature so long as this search actually deepens our knowledge of Israelite prophecy. To put the matter another way, the search for a basic form is useful if it increases our understanding of the biblical text. However, the possibility of the existence of a basic form should not become a dogmatic assertion which prevents us from seeing the diversity of the literature.

Second, we must say that recent form-critical research has not been able to provide us with a coherent picture of the way in which the prophets actually functioned in Israelite society. As we have already seen, several attempts have recently been made to portray the nature of prophetic activity, but the resulting portraits cannot easily be co-ordinated. This situation is not in itself disturbing unless it is an indication that scholars have concentrated on literary analysis and ignored the question of the social function of prophecy. Fruitful form-critical work on the prophetic literature requires a recognition of both the literary and the social dimensions of prophecy, and the failure to keep both of these dimensions in view can only diminish the effectiveness of the method.

Notes

1. M. Smith, "The Present State of Old Testament Studies," JBL 88(1969) 19.

2. For a thorough survey of recent form-critical studies of the prophets see G. Fohrer, "Zehn Jahre Literatur zur alt-testamentlichen Prophetie (1951-1960)," ThRu 28(1962) 33-75, 235-297, 300-335; J. Scharbert, "Die prophetische Literatur. Der Stand der Forschung," ETL 44(1968) 346-406; and J. M. Schmidt, "Probleme der Prophetenforschung," Verkündigung und Forschung 17(1972) 39-81.

3. C. Westermann, Grundformen prophetischer Rede (Munich: Kaiser, 1st ed., 1960, 2nd ed., 1964); English translation, Basic Forms of Prophetic Speech (Philadelphia: Westminster, 1967).

4. H. Gunkel, "Propheten: II. Seit Amos," RGK 4(1st. ed., 1913) 1880-1881. The relevant portion of Gunkel's question is quoted by Westermann, Basic Forms, 26. A new edition of Gunkel's article appeared in RGK 4(2nd ed., 1930) 1538-1554, and this second edition, which is essentially similar to the first, is now available in English in J. Pelikan, ed., Twentieth Century Theology in the Making, Vol. I: Themes of Biblical Theology (London: Fontana, 1969) 48-75.

5. Lying behind Westermann's search for uniquely prophetic speech forms may also be an interest in investigating the old question of the relation of the prophets' words to the Word of God (Basic Forms, 11-14, 93-95).

6. Westermann, Basic Forms, 81, 90.

7. It should be stressed again that in the discussion which immediately follows I will be presenting a brief summary of the history of prophetic form criticism from Westermann's perspective. I will normally present this summary without commenting on the validity of Westermann's use of his sources, although in fact I think that he has misrepresented some of the views of earlier scholars, particularly in his treatment of Gunkel. However, we will be interested ultimately in the worth of Westermann's own position, which does not really depend on the accuracy of his work in the secondary literature. Bibliographical citations for the authors mentioned below are provided by Westermann on the pages indicated. At this point in our discussion additional secondary literature will not be cited.

8. Westermann, Basic Forms, 14-23, 81.

9. For some reason Westermann's discussion at this point is based exclusively on Gunkel's article in RGK (cited above, n. 4) rather than on his classic, and more detailed, statement in his introduction to H. Schmidt's Die grossen Propheten (Die Schriften des Alten Testaments 2/2 [Göttingen: Vandenhoeck & Ruprecht, 1915] XI-LXXII [reprinted virtually unchanged in the 2nd ed., 1923]).

10. Basic Forms, pp. 23-28. Westermann's claim cannot be supported by his own summary of research prior to Gunkel or by his own treatment of Gunkel. On the latter point see W. Klatt,

Hermann Gunkel (Göttingen: Vandenhoeck & Ruprecht, 1969) 214-215.

11. Westermann, Basic Forms, 28-29.

12. Westermann, Basic Forms, 29-30.

13. Although Westermann suggests two designations here, he himself almost always uses the first rather than the second. This is an important point, for in fact the two designations are not synonymous, and by his preference for the term "announcement of judgment" Westermann betrays a bias in favor of a juridical interpretation of the announcement. We will discuss this matter in greater detail below.

14. Westermann, Basic Forms, 64-70. Here again Westermann's arguments depend for the most part on his presuppositions about the basic forms of prophetic speech and about the nature of the prophetic task. We will discuss below the problems involved in Westermann's suggestions.

15. Westermann, Basic Forms, 34-40.

16. Westermann, Basic Forms, 40-52, 82-86. Again Westermann's assessment of prior scholarship is warped by his own view of the nature of prophetic speech. This can be seen particularly in his treatment of Wildberger, whose work simply cannot be made to support Westermann's position without radical reinterpretation.

17. Westermann, Basic Forms, 52-64.

18. Westermann is obviously thinking here of the prophetic stories in Samuel, Kings, and Chronicles rather than the accounts within the prophetic books themselves. He uses the former extensively in his analysis but does not consider the latter at all.

19. Westermann, Basic Forms, 90-98.

20. It is worth remembering at this point that writing was known in the ancient Near East well over 2000 years before the formation of the Israelite nation, so Westermann and others who speak of the form of oral messages before the use of writing are talking about a very early period indeed.

21. Westermann, Basic Forms, 98-128.

22. The extant examples of the JI are conveniently collected and categorized by Westermann, Basic Forms, 137. It should be noted, however, that his structural analysis of the genre is based on only three examples: Amos 7:16-17; 1 Kgs. 21:18-19; and 2 Kgs. 1:3-4 (which, for some reason, he omits from his list on p. 137).

23. Westermann, Basic Forms, 129-168.

24. K. Koch, Was ist Formgeschichte? (Neukirchen-Vluyn: Neukirchener Verlag, 1st ed., 1964, 2nd ed., 1967), English translation, The Growth of the Biblical Tradition (London: A. and C. Black, 1969).

25. The following summary is taken from Koch, The Growth of the Biblical Tradition, 183-200.

26. Cf. Westermann, Basic Forms, 100-102.

27. For Westermann's arguments see Basic Forms, 64-70.

28. In the first edition of his book, Koch simply returned to Gunkel's term Scheltwort and made no suggestion of his own (Was ist Formgeschichte?, 1st ed., 219).

29. On these differences between the first and second editions see The Growth of the Biblical Tradition, 210, n. 1.

30. See The Growth of the Biblical Tradition, 211, where he claims that there is no fundamental difference between the JI and the JN, and compare 211, n. 2, where he quotes, apparently with approval, Hempel's suggestion that the JN arose from the JI directed to the king.

31. See Westermann, Basic Forms, 95. Westermann has treated the announcement of salvation in "The Way of the Promise through the Old Testament," The Old Testament and Christian Faith, ed. B. W. Anderson (New York: Harper & Row, 1963) 200-224. Cf. his "Das Heilswort bei Deuterocesaja," EvT 24 (1964) 355-373.

32. (Heidelberg: Quelle & Meyer, 10th ed., 1965); English translation Introduction to the Old Testament (Nashville: Abingdon, 1968).

33. Fohrer, Introduction to the Old Testament, 350-355. Fohrer's position as presented here is virtually identical to the one advanced in two of his earlier articles, "Zehn Jahre Literatur zur alttestamentlichen Prophetie (1951-1960)," ThRu 28 (1962) 328-331; and "Remarks on Modern Interpretation of the Prophets," JBL 80 (1961) 310-311. Fohrer's more recent statement of his position (Das Alte Testament, zweiter und dritter Teil [Gütersloh: Mohn, 1970] 23-29) appears to be a condensation of his discussion in his Introduction.

34. Otto Kaiser, Einleitung in das Alte Testament (Gütersloh: Mohn, 1969) 225-229.

35. Gene M. Tucker, Form Criticism of the Old Testament (Philadelphia: Fortress, 1971).

36. Tucker, Form Criticism, 54-71.

37. See, for example, Westermann's rearrangement of the messenger formulas in 1 Kgs. 21:18-19, a passage which is one of his three clearest examples of the JI (Basic Forms, 130, n. 1). Note also his examples of the JN, where elements of Amos 4:1-2; Isa. 8:6-8; 30:12-14; Micah 3:1-2, 4; Jer. 5:10-14; and 7:16-18, 20 are somewhat arbitrarily assigned to the various parts of the overall pattern (Basic Forms, 174-175). For other examples see N. Habel, "The Form and Significance of the Call Narratives," ZAW 77 (1965) 297-323, where several of the call narratives seem not to fit the overall form; and J. Harvey, "Le 'RIB-Pattern,' réquisitoire prophétique sur la rupture de l'alliance," Bib 43 (1962) 172-196, where Micah 6:1-8 cannot easily be fitted into the rib-pattern which Harvey sketches.

38. For an expansion of this point see Fohrer, "Remarks on Modern Interpretation of the Prophets," 310; and H. E. von Waldow, "Some Thoughts on Old Testament Form Criticism," The Society of Biblical Literature...Seminar Papers, 1971, vol. 2, pp. 587-600. An example of the multiplication of genres can be found in the current debate on the rib.

39. In this connection it is important to remember the emphasis which Gunkel placed on determining the social situations in which literary genres function. Without some knowledge of the situation the genres cannot be properly understood. See Klatt, Hermann Gunkel, 144-148.

40. On this distinction see Tucker, Form Criticism, 68.

41. As we have already seen, Tucker and particularly Koch recognize the necessity of asking this sort of question, but with this recognition they are moving along a line of inquiry which has been neglected in recent years.

42. In the United States this movement has been particularly identified with James Muilenburg and his students, although it is by no means limited to them. For the classic statement of the rationale of the movement see Muilenburg's "Form Criticism and Beyond," JBL 88 (1969) 1-18. Outside of this country similar lines of inquiry can be seen in the work of W. Richter, F. Alonso-Schökel, and M. Weiss, among others. For a convenient though brief bibliography see J. Barr, The Bible in the Modern World (London: SCM, 1973) 64, n. 8.

43. On this last point see Barr, The Bible in the Modern World, 53-74.

44. Westermann, Basic Forms, 90-93; Koch, The Growth of the Biblical Tradition, 210-211.

45. This point has been made recently by those who stress the importance of the prophets' intercessory function. See, for example, J. Jeremias, "Die Vollmacht des Propheten im Alten Testament," EVT 31 (1971) 305-322.

46. See, for example, his "Fundamental Problems of Hebrew Literary History," in What Remains of the Old Testament (London: George Allen & Unwin, 1928) 67.

47. A convenient catalogue of the relevant texts, together with a bibliography of major studies, may be found in J.-G. Heintz, "Oracles prophétiques et 'guerre sainte' selon les archives royales de Mari et l'Ancien Testament," VTSup 17(1969) 112-115. A more complete bibliography may be found in F. El-lermeier, Prophetie in Mari und Israel (Herzberg: Erwin Jungfer, 1968) 21-23. To this should be added F. Nötscher, "Prophetie im Umkreis des alten Israel," BZ n.s.10 (1966) 161-197; J. H. Hayes, "Prophetism at Mari and Old Testament Parallels," ATR 49 (1967) 397-409; J. J. Roberts, "Antecedents to Biblical Prophecy from the Mari Archives," The Restoration Quarterly 10(1967) 121-133; H. B. Huffmon, "Prophecy in the Mari Letters," BA 31 (1968) 101-124 (= BAR, vol. 3, pp. 199-224); J. F. Ross, "Prophecy in Hamath, Israel, and Mari," HTR 63 (1970) 1-28; S. D. Walters, "Prophecy in Mari and Israel," JBL 89 (1970) 78-81; J.-G. Heintz, "Umūšū gerbū," VT 21 (1971) 528-540; J.-G. Heintz, "Prophecy in Mari und Israel," Bib 52 (1971) 543-555; W. H. Ph.

Römer, Frauenbriefe über Religion, Politik und Privatleben in Mari (Kevelaer: Butzon & Bercker, 1971); and K. Koch, "Die Briefe 'Prophetischen' Inhalts aus Mari," Ugarit-Forschungen 4 (1972) 53-77.

48. See the works by Ellermeier and Koch cited above n.47.

49. Some of the Neo-Assyrian texts may be found in translation in ANET 449-452. Unfortunately the published copies of these texts are not accurate, so a fresh re-assessment must await the new edition being prepared by K. Deller and S. Parpola. H. B. Huffmon also plans to deal with the texts in his forthcoming study of Old Testament prophecy. For the "apocalyptic" texts see A. K. Grayson and W. G. Lambert, "Akkadian Prophecies," JCS 18 (1964) 7-30; W. W. Hallo, "Akkadian Apocalypses," IEJ 16 (1966) 231-242; R. D. Biggs, "More Babylonian 'Prophecies,'" Iraq 29 (1967) 117-132; W. G. Lambert, "History and the Gods: A Review Article," Or 39 (1970) 175-177; and R. Borger, "Gott Marduk und Gott-König Šulgi als Propheten," BO 28 (1971) 3-24.

50. See, for example, J. F. Ross, "The Prophet as Yahweh's Messenger," in Israel's Prophetic Heritage, ed. B. W. Anderson and W. Harrelson (New York: Harper, 1962) 98-107; cf. his "Prophecy in Hamath, Israel, and Mari," HTR 63 (1970) 1-28; J. S. Holladay, "Assyrian Statecraft and the Prophets of Israel," HTR 63 (1970) 29-51; J. Harvey, Le plaidoyer prophétique contre Israël après la rupture de l'alliance (Bruges: Desclée de Brouwer, 1967) 145-150; C. Westermann, "Die Mari-Briefe und die Prophetie in Israel," Forschung am alten Testament (Munich: Kaiser, 1964) 171-188; J. Muilenburg, "The 'Office' of the Prophet in Ancient Israel," in The Bible in Modern Scholarship, ed. J. P. Hyatt (Nashville: Abingdon, 1965) 85; R. E. Clements, Prophecy and Covenant (London: SCM, 1965) 24-25; Tucker, Form Criticism, 59-61; and R. North, "Angel-Prophet or Satan-Prophet?," ZAW 82 (1970) 31-67.

51. Fohrer, Introduction to the Old Testament, 351-352; Koch, The Growth of the Biblical Tradition, 216-217; R. Rendtorff, "Botenformel und Botenspruch," ZAW 74 (1962) 165-177.

52. For a survey of the relevant formal characteristics of the Mari letters see Koch, "Die Briefe 'prophetischen' Inhalts aus Mari," 62-63, 76-77.

53. The use of the messenger formula has been thoroughly studied by Rendtorff in "Botenformel und Botenspruch," 165-177, from which the above examples were taken. One should note again that even in Westermann's three paradigmatic cases of the JI the messenger formula is not used "correctly." See above n. 37.

54. Rendtorff, "Botenformel und Botenspruch," 169-175; Holladay, "Assyrian Statecraft and the Prophets of Israel," 40-46; H. M. I. Gevaryahu, "The Speech of the Rab-Shakeh to the People on the Wall of Jerusalem," Studies in the Bible presented to Professor M. H. Segal, ed. J. M. Grintz and J. Liver (Jerusalem: Kiryat Sepher, 1964) 94-102.

55. For a summary of the evidence see Koch, The Growth of the Biblical Tradition, 216-217.

56. This is particularly true of scholars who see the prophetic speech originating in the cult or in the divine council. For a summary of these positions see North, "Angel-Prophet or Satan-Prophet?," 41-55.

57. Westermann, Grundformen, 73.

58. For a discussion of announcements used in this way see T. M. Raitt, "The Prophetic Summons to Repentance," ZAW 83 (1971) 46-47.

59. H. Gunkel, Einleitung in die Psalmen, 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 1966) 364-365.

60. E. Würthwein, "Der Ursprung der prophetischen Gerichtsrede," ZTK 49 (1952) 7-8, 12-16.

61. References to all of the recent literature on this issue may be found in North, "Angel-Prophet or Satan-Prophet?," 31-67.

62. Particularly problematic is the structure of the rib. To date there is no general agreement on this point, and further investigation is clearly indicated.

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