Deuteronomy 34: The Death of Moses, Not of Source Criticism

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Serge Frolov's article is formulated as a response to Philip Yoo's argument that all four pentateuchal sources can be found in the final chapter of the book of Deuteronomy.[1] Yoo's argument is based on the Documentary Hypothesis; using his knowledge of each of the separate sources within the Pentateuch up to that point, Yoo is able to separate the works of the J, E, P, and D sources in the culminating chapter of Deuteronomy. Frolov refers to Yoo's method as exemplary of deductive reasoning, as indeed it is. In contrast, Frolov seeks to demonstrate that inductive reasoning would lead to the opposite conclusion: that, in fact, Deuteronomy 34 is a unified "master narrative."[2] Frolov concludes that, if he can read the text as coherent and unified and yet Yoo finds four sources behind this unified document, then "Deuteronomy 34 exposes source criticism as it stands today as self-contradictory."[3]

But finding a unified passage—especially in Deuteronomy—where others see multiple sources hardly seems cause enough to characterize the entire source-critical enterprise as self-contradictory. Frolov's emphasis on method is to be commended, as a basic understanding of methodology in source-critical study is sorely lacking in our field. Unfortunately, Frolov's method of reading the text inductively and the conclusions he derives only serve to further muddy the waters concerning what the Documentary Hypothesis is, and what source critics do.

First, in terms of his discussion of Yoo's arguments, Frolov's postulation of a

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[1] Philip Yoo, "The Four Moses Death Accounts," *JBL* 131 (2012): 423–41; Serge Frolov, "The Death of Moses and the Fate of Source Criticism," *JBL* 133 (2014): 648–60.

[2] By this Frolov means that the text can be read inductively as a coherent whole (both in itself and in terms of its "perfect" integration within the larger contexts of both Deuteronomy and the Pentateuch).

[3] Frolov, "Death of Moses," 659.

unified "master narrative" behind Deuteronomy 34 is not so much argued for as stated repeatedly in contrast to Yoo's evidence to the contrary. For example, Yoo argues that 34:1a conflates Deut 3:27, in which Moses quotes Yнwн as having told him to ascend ראש הפסגה, with Num 27:12 and Deut 32:49, where his destination is referred to as הר העברים (with the addition הר־נבו in Deut 32:49). Frolov claims that Pisgah is not necessarily the name of a mountain and may mean simply "summit" or "ridge," or even the whole set of mountains over the Dead Sea and southern Jordan Valley. In any case, rather than the different terms being in tension or contradiction, Frolov asserts that "by bringing the two toponyms together, it would forge a link between the words of Yнwн quoted by Moses and those quoted by the narrator. The significance of such a link in Deuteronomy, whose collection of commandments is the only one in the Pentateuch to be enunciated by Moses (without the deity's explicit command) rather than by Yнwн, is difficult to overestimate."[4]

Similarly, in 34:6a, Yнwн buries Moses "in the land of Moab" and "opposite Beth Peor." Yoo notes that these two toponyms are never found together elsewhere; Frolov states that this does not mean anything, asserting that it is logical to link the site of Moses' last speech with the area of the Israelite encampment on the left bank of the Jordan.

I fail to see an argument in either case. Frolov posits that it might make sense to bring together distinct terms into one comprehensive designation. I cannot speak for Yoo, but I do not see how he would disagree with that. Yoo's point—and the point of source criticism—is not to dispute that separate, contradictory sources have been brought together into one unified text here. Frolov's demonstration of the ways in which these verses in their present form constitute a coherent whole does not undermine the argument for originally separate sources underlying that whole.

Further, while in 34:6b–7 Yoo posits separate sources,[5] Frolov maintains that the break in flow constitutes a "narrator's digression" rather than a seam between sources, explaining that "the digression's placement and its structure are anything but haphazard."[6] But justification or rationalization of the placement of this piece is not an argument for a "master narrative." At most it is again an argument that a "master narrative" may have been forged very deliberately and carefully from originally separate sources.

[4] Frolov, "Death of Moses," 650–51.

[5] Many others have noted the existence of separate sources in Deut 34:6–7. See, e.g., S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; New York: Scribner's Sons, 1909), 424; Richard E. Friedman, *The Bible with Sources Revealed: A New View into the Five Books of Moses* (San Francisco: HarperSanFrancisco, 2003), 368; Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 395; Thomas C. Römer and Marc Z. Brettler, "Deuteronomy 34 and the Case for a Persian Hexateuch," *JBL* 119 (2000): 403.

[6] Frolov, "Death of Moses," 654.

In dealing with the disparity between Moses' physical condition in Deut 34:7b (which Yoo attributes to P) and 31:2 (which Yoo attributes to D), Yoo argues for a stark contrast between the reasons for Moses' not crossing the Jordan in each source.[7] Frolov compares the "widely divergent rhetorical objectives" between the discrepant accounts and explains how they both form part of the same master narrative with no need for source divisions.[8]

Once again, Frolov has dismissed Yoo's argument without actually engaging it. Yoo's point is not that the narrative does not make sense or cannot be read as a coherent whole in its present form if one explains away seeming contradictions; rather, it is that the text contains contradictions that can be directly traced back to two separate sources in the larger Pentateuch. Frolov does this again in 34:8a, where the "digression" gives way to a new temporal and spatial setting, and similarly when he explains 34:10–12 as "a narrator's digression meant to draw a line under Moses' life and the period of his leadership, both spanning four of five books of the Pentateuch."[9] Looking outside of Deuteronomy 34 (which would seem contrary to his inductive method of isolating ch. 34 to demonstrate its inherent unity), Frolov similarly dismisses the tension between 34:10b and Deut 4:15 pointed out by Thomas Römer and Marc Zvi Brettler,[10] and that between 34:12 and Deuteronomy 18:15 (for which Yoo presents alternative source-critical solutions, and then argues for his own). Once again, Frolov simply explains the contradictions away. It is unclear here how this demonstrates the underlying unity of Deuteronomy 34 as a "master narrative," but it does clarify a larger agenda: Frolov is ultimately seeking to debunk any source-critical reading of any Pentateuchal text.

Frolov explains his "inductive" method by reference to its use in his earlier work on 1 Samuel,[11] in which he proceeds from the assumption that "as long as there is no weighty rationale not to read the text on its own terms, a reasonably unbiased interpretation tends toward the default frame of reference, integrating the pieces of evidence that do not readily fit in with it or pronouncing them

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[7] Further, he sees congruence between Deut 34:8 and P's account of Aaron's burial in Num 20:29 (Yoo, "Four Moses Death Accounts," 434–35). Yoo concludes with the proposition that "similarities (the age of Moses' death) and differences (Moses' physical condition) exist in the P and D death reports" (p. 434 n. 45).

[8] Frolov, "Death of Moses," 654–55: "In assessing this contradiction, it is important to keep in mind the differences between the communicative situations of the two speakers and, accordingly, their widely divergent rhetorical objectives.… In an elegant maneuver, Moses confirms that Yhwh has indeed prohibited him from crossing the Jordan (Deut 31:2b) but plays down the potential effect of the divine decree by proclaiming himself unfit to go to war (v. 2a) and then stressing that Joshua and the deity will be more than adequate replacements (vv. 3–6)."

[9] Frolov, "Death of Moses," 656.

[10] Römer and Brettler, "Deuteronomy 34 and the Case for a Persian Hexateuch," 406.

[11] Frolov, "Death of Moses," 658 n. 31: "I have argued elsewhere that it is methodologically sound to follow the Bible's default framework as long as it is possible."

inconsequential."[12] Source criticism proceeds from the same premise, only offered as a means of resolution when a given passage cannot be read coherently without positing more than one hand at work.[13] Where Frolov and source criticism part ways is in his choice to either force contradictory evidence to fit a predetermined framework or ignore it altogether. (This is also where Frolov's method parts ways with good scientific inquiry.) Critical reading of the text since the eighteenth century has acknowledged that the Pentateuch is not a unified composition, and ignoring the contradictions, doublets, and discontinuities in the narrative,[14] as Frolov proposes, still does not make it so.

Further, it is not self-evident that reading the text in its "default frame of reference," that is, in its received canonical form, necessarily forms the basis for a "reasonably unbiased interpretation." Conservative theologians regularly read the text this way, from firmly entrenched biases; in fact, the canonical form represents a set of theological biases that scholars, through source criticism and other critical means, have sought for the past 250 years to uncover, sift through, and make sense of from a more secular and scholarly position. It seems to me that in good literary analysis—as in proper scientific analysis—if data do not all conform to one's initial hypothesis, then that hypothesis needs to be corrected to accommodate the data. In his treatment of 1 Samuel, Frolov seems to be proposing the opposite state of affairs; that one could equally "integrat[e] the pieces of evidence that do not readily fit in with [the hypothesis] or pronounc[e] them inconsequential." Frolov continues his elucidation of method with an explanation that if the contradictions do lead one to reject the initial hypothesis in favor of a different one, "Each choice [i.e., rejection of contradictory data, or rejection of initial hypothesis] would be essentially arbitrary, or, rather, logical only in terms of the exegete's ideological and/or aesthetic preferences having nothing to do with the text as such. Moreover, both

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[12] Serge Frolov, *The Turn of the Cycle: 1 Samuel 1–8 in Synchronic and Diachronic Perspectives* (BZAW 342; Berlin: de Gruyter, 2004), 33.

[13] For an excellent and up-to-date overview of source criticism and the Documentary Hypothesis, see the first chapter of Joel Baden's *The Composition of the Pentateuch: Renewing the Documentary Hypothesis* (AYBRL; New Haven: Yale University Press, 2012), which begins "The critical study of the composition of the Pentateuch begins, in practical terms, and began, in terms of the history of scholarship, with the attempt to read the pentateuchal narrative from beginning to end as a unified whole."

[14] Baden highlights these three overlapping groups of problems as demonstrative of the lack of unification of the text. "The hallmark of a unified composition, one created by a single author, is internal consistency: consistency of language and style, consistency of theme and thought, and above all, consistency of story. Every narrative makes certain claims about the way events transpired—who, what, when, where, how, and why. When these elements are uniform throughout a text, there is no pressing need to inquire as to its unity. In the Pentateuch, however, historical claims made in one passage are undermined or contradicted outright in another. The problems identified by the Reformation scholars are the same as those we struggle with today and can be classified in three major overlapping groups: contradictions, doublets, and discontinuities" (*Composition of the Pentateuch*, 16).

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interpretations would be equally true no matter how divergent and even incompatible they might prove."[15]

Perhaps I misunderstand, or perhaps I have a different definition of what it might mean for interpretations to be "equally true." Perhaps my own ideological and/or aesthetic preferences tend too much toward the logical. To be sure, the goals of the interpreter are central in choosing, say, between a theological interpretation and a literary or historical one, but if, for example, the text at hand contains internal contradictions, and if those contradictions, when separated, line up exactly with previous texts in terms of theme and content, then it would be incumbent upon the "reasonably unbiased" exegete to consider a source-critical analysis of the text in question. This basic premise of the Documentary Hypothesis is missed by Frolov in his discussion of Yoo. It is further missed (or misunderstood) in Frolov's attempt to undermine the validity of the source-critical method or of the hypothesis, based only on a reading of Deuteronomy 34, that concludes (and also begins with the assumption) that this chapter can be read as a coherent whole. This is simply not a valid test of either the hypothesis or the source-critical method.

Like Frolov, source critics begin with an attempt to read the text as it has been received. However, when problems with the text's internal consistency (of language, style, theme, thought, and general story line) are perceived by the reader, a solution to those problems in the form of a documentary hypothesis—a theory that several originally distinct documents underlie the received unified text—is posited. Source criticism is an attempt to discern those underlying documents in cases where the text does not seem internally consistent. In other words, the Documentary Hypothesis is not an a priori assumption imposed on the Pentateuch, as Frolov seems to understand it. It is rather a solution to problems dictated by the text itself.

Frolov's misunderstanding of both the nature of the Documentary Hypothesis and the source-critical method used to investigate it is demonstrated by his conclusion: that if the "putative redactor(s) *were*, after all, able and willing to create out of all four putative pentateuchal documents a text that reads inductively … as perfectly coherent and perfectly or almost perfectly integrated in its immediate and larger contexts … [then] Deuteronomy 34 exposes source criticism as it stands today as self-contradictory."[16] But even assuming that Frolov is able to persuade anyone that Deuteronomy 34 is "perfectly coherent," Frolov mischaracterizes the nature of pentateuchal redaction. Contradictions between sources are found throughout the Pentateuch—even if Frolov explains each one away—which is why the Documentary Hypothesis was proposed in the first place. But this does not mean that where there are no contradictions there are no sources.

As Joel Baden has argued, and as Frolov has inadvertently demonstrated:

the compiler did not simply preserve his sources: if this had been the sole aim, he could have simply set them down one after the other. The sources have been

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[15] Frolov, *Turn of the Cycle*, 33.
[16] Frolov, "Death of Moses," 659.

> combined into a single story, and in this the compiler reveals himself as a master of narrative logic.… The manner in which the compiler has interwoven his sources is deceptively simple: he set them down in the only logical, chronological order possible.… If something could logically happen twice, even if it seems literarily infelicitous to the modern reader, the compiler left it twice … contradictions are not the issue: the creation of a single chronologically coherent story is apparently what drove the compiler's method.[17]

And, as Baden has further noted, throughout the Pentateuch, the compiler intervenes to harmonize birth, death, and marriage notices—precisely those events that cannot logically have happened more than once—so that "none is told more than once, though it is almost certain that J, E, and P all told them."[18]

Both inductive reasoning and deductive reasoning are employed in scientific investigations, and both have a place in literary criticism of the Bible. Inductive reasoning makes broad generalizations from specific observations. For example, one could read Genesis 1–3 or 6–9 inductively and come to the conclusion that there is clearly more than one source represented in each of these sections of Genesis. This would warrant the proposal of a hypothesis to be generalized across the entire book of Genesis, or the Pentateuch, or the Tanakh, that there is more than one documentary source behind the received form of the text. The next stage of investigation, however, would be to see how such a documentary hypothesis holds up for other segments of text. The method by which this investigation would be conducted is source criticism, and it builds on the aggregate of accumulated evidence for separate sources that are often in tension with each other but are each internally consistent across the larger body of received text.[19] In other words, after inductive reasoning proposes a hypothesis, deductive reasoning is required to test that hypothesis. Source criticism represents the type of deductive reasoning used to explore, expand, and refine the Documentary Hypothesis in biblical study.

Equally, one could start with an inductive reading of Deuteronomy 34 in isolation from the rest of the Pentateuch and conclude that, since it reads fairly coherently as a unified narrative, therefore the rest of the Pentateuch must as well. If Deuteronomy 34 does not require a division among sources in order to make sense of it, then no chapter, pericope, or section of the Pentateuch requires dividing among sources in order to make sense. However, once the exegete attempted to test this unified hypothesis deductively against other portions of the received text, it would become apparent that a unified hypothesis cannot account for the variety of discrepancies *within* other segments of text that also happened to line up

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[17] Baden, *Composition of the Pentateuch,* 225–26.

[18] Ibid., 226.

[19] For an important and concise discussion of the Documentary Hypothesis relying on an aggregate of converging lines of evidence, see Richard E. Friedman, *The Hidden Book in the Bible* (San Francisco: HarperSanFrancisco, 1998), 350–78; idem, *Bible with Sources Revealed,* 27–31; see also Baden, *Composition of the Pentateuch,* esp. ch. 1.

consistently with discrepancies *across* texts. Eventually, the exegete would notice that, although Deuteronomy 34 *could* be read as a unified whole, in light of the aggregate of evidence from the rest of the Pentateuch, Deuteronomy 34 in fact manages to tie up loose ends from at least three, if not all four[20] of the other documentary sources into one seemingly unified account of Moses' death.[21]

A deductive reading to investigate the hypothesis (which is the method by which hypotheses are tested in scientific investigation) also eliminates Frolov's "paradox of the vanishing redactor,"[22] by which he means "if the received version of the text makes sense as it stands, why see it as a redactional compilation rather than an integral authorial creation? And if it does not, perhaps there was no redactor at all?"[23] The redactor is necessarily posited as part of the Documentary Hypothesis once it is observed that (a) there are several, often contradictory, perspectives contained within a given text; (b) these differing perspectives line up with (and often continue, or refer back to) themes, ideas, and historical points of view contained in preceding strands of text in other passages; and (c) these perspectives have been combined into a single narrative. If the text does not make sense as it stands, and if an exegete posits from this that there are multiple sources behind its current form, it is not therefore logical to conclude there was no redactor (someone clearly had to put it all together), but rather it is incumbent on the exegete to try to understand the redactor's reasoning and method in putting these sources together. If, however, one reads the text inductively and sees it as a coherent "master narrative," there is no need to posit a redactor, as there are no sources to redact: hence, the redactor vanishes, along with the sources that require redaction.[24]

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[20] Baden maintains that the D source is absent from this chapter (*Composition of the Pentateuch,* 146–48). Yoo posits possible connections to D in the phrase "the land of Moab" and in aspects of vv. 10–12 ("Four Moses Death Accounts," 432 n. 37).

[21] See Baden, *Composition of the Pentateuch,* 147–48, in which he argues that the J source can be found in the location of Pisgah, which picks up where J's wilderness itinerary left off in Num 21:16–20, as well as in the repetition of J's patriarchal promise word for word from Exod 33:1 (and these are hypothesized to be J texts based on exegetical analysis of each of these passages in light of their affinity and continuity with other passages assigned to J). The location referred to as "the steppes of Moab" harks back to other passages assigned to P, as do the phrase "Mount Nebo, opposite Jericho" as the place of Moses' death, the clause "at the command of Yʜwʜ" in reference to Moses' dying, and the note of Moses' age of 120 years and his physical state in Deut 34:7–9. The notion of Moses as Yʜwʜ's servant repeats the phrase from the E text of Num 12:7, as does the concept of Yʜwʜ's exclusive "face-to-face" relationship with Moses.

[22] Frolov, "Death of Moses," 659.

[23] Frolov, *Turn of the Cycle,* 26. One wonders if, by the same logic, Frolov's analysis of the *Diatessaron* would cause Tatian to vanish. Or would the four Gospel writers vanish instead?

[24] As William H. C. Propp notes, only the redactor's work has survived: *it* is the received version of the text with which we are all working, regardless of method. The hypothetical source constituents are exactly that—hypothetical. But they require a hypothetical redactor to have put them together (*Exodus 19–40: A New Translation with Introduction and Commentary* [AB 2A; New York: Doubleday, 2006], 734). Further, as Propp points out here (p. 734) and as Friedman

It is true that historically source critics have tended to be overconfident, methodologically inconsistent, and often at odds with each other. The lack of a clear and consistent source-critical method applied universally has led, on the one hand, to a proliferation of unwieldy and ultimately untenable arguments for overly complicating and fragmenting the Documentary Hypothesis.[25] On the other hand, the lack of method has led to the facile dismissal of the hypothesis as "dead" by those who deny the validity or purpose of source criticism and yet are unable or unwilling either to propose a better solution to the problems of the text than the Documentary Hypothesis or to engage in the exegetical work required by the Documentary Hypothesis—"deductive" methodical source criticism across the entire Pentateuch—in order to refine our understanding of the means by which the received text was composed, compiled, and canonized.

Yoo's method of investigating each of the contradictions and breaks in narrative flow that he finds in Deuteronomy 34 and correlating them with earlier Pentateuchal texts is precisely what source critics do. The Documentary Hypothesis proposes the consistency of each contradiction in a redacted passage with aspects of identified source texts by the same authors outside that particular piece. This is why it is unclear to what end an exegete would conduct an inductive reading of an isolated chapter (when the chapter divisions themselves are *post factum* and often arbitrary) in the context of a discussion of source criticism. If the purpose were to examine the form, tradition, theological, or rhetorical strategies of that piece, an inductive reading would make sense. What is self-contradictory is to impose an inductive reading on a piece of text for the purpose of refuting the hypothesis that there are several sources represented in it. If an inductive reading is conducted in order to develop a different hypothesis for the origin of the text, proper scientific investigation should proceed by testing that hypothesis against deductive readings across other related texts. Frolov's hypothesis that Deuteronomy 34 is coherent and unified makes sense only if he ignores or eschews scientific investigation of preceding pentateuchal texts to test such a "unified hypothesis" against the evidence for a documentary hypothesis. Asserting a unified hypothesis based on an inductive reading of one chapter of the Pentateuch does not (and cannot) call into question the validity of a source-critical method for testing a documentary hypothesis across the entire Pentateuch.

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exemplifies in his work (e.g., from his 1987 *Who Wrote the Bible?* and following works on source criticism in 1998 and 2005 to his *Commentary on the Torah* in 2001), reading and appreciating the received text, on the one hand, and speculating about its original antecedents, on the other, need not be mutually exclusive enterprises.

[25] Friedman discusses the dearth of method in literary criticism in more detail in *Hidden Book in the Bible,* 361–78. For an overview of problems with the classical formulation of the Documentary Hypothesis and approaches to (and reasons for) renewing the Hypothesis, see the concluding chapter in Baden, *Composition of the Pentateuch*.