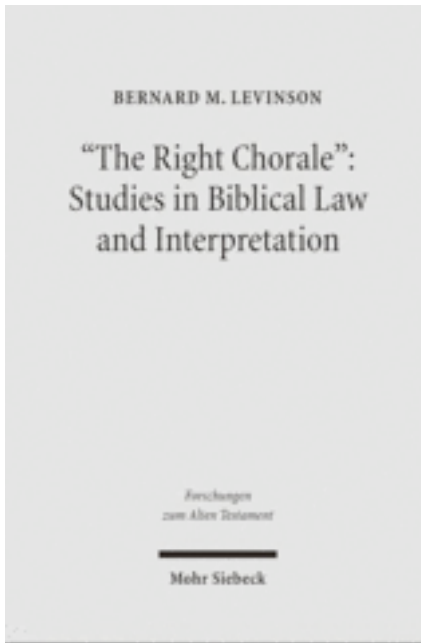


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Levinson, Bernard M.

***“The Right Chorale”:
Studies in Biblical Law and
Interpretation***

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Levinson attributes the words “The Right Chorale” in his title to Wallace Stevens, a poet who, like Levinson, explores the relationships of meaning within biblical texts (3). The book itself is a collection of twelve previously published essays, updated by dialogue with Levinson’s interactors. (He rightly claims: “there has been a serious effort to give the reader ‘added value’ in this volume” [ix].)

Regarding a common theme to the essays, Levinson writes: “The conviction underlying and unifying these essays is that theory—a model of hermeneutics—is already implicit in the biblical text” (vii). In other words, “the authors of the biblical texts were themselves readers and interpreters, conscious of their place in literary, legal, and intellectual history in ancient Israel, and aware that they were living in a world where the ‘word’ was already a textualized word, and was not simply immediate” (vii).

In essays grouped under three major headings, each containing four essays, Levinson represents his freshly reworked former essays. (The irony is not lost on Levinson that what he does in this book is akin to the way in which he understands the biblical texts themselves to have been “read, reread, and interpreted” [vii; see also xi]. This is all the

more true for Levinson in light of his view, reflected in his *Legal Revision and Religious Renewal in Ancient Israel* [New York: Cambridge University Press, 2008], that the canon is not where the buck stops authority-wise but is rather a collection the redactional history of which is to be emulated in a ongoing process of postcanonical interpretation.)

Here is a partly annotated breakdown of the contents of the book. Part 1 sets the agenda: “Why Biblical Law Matters.” After a methodological essay, “The Right Chorale: From the Poetics to the Hermeneutics of the Hebrew Bible” (on which see further below), Levinson presents an essay entitled “The Seduction of the Garden and the Genesis of Hermeneutics as Critique.” This chapter (40–47) explores the views of various authors (e.g., Hegel and Lev Shestov) that the story of the “fall” is not a moment in time but is generally symbolic of human experience. Chapter 3 (48–51), “The Sinai Covenant: The Argument of Revelation,” considers broadly how and why the narrative of the Sinai covenant is important within the history of political thought beyond its more obvious roles within faith communities. Chapter 4 (52–86), “Deuteronomy’s Conception of Law as an ‘Ideal Type’: A Missing Chapter in the History of Constitutional Law,” addresses the sizeable, yet largely overlooked, influence that the history of biblical studies (including of the ancient Near East) has had on the development of American constitutional thought, not the least the rule of law, separation of powers, and the autonomy of the judiciary.

Part 2, “The Paradigm of Legal Hermeneutics” offers a detailed examination of Exod 21:2 (on the “effected object” in the parlance of legal contracts), as well as three passages in Deuteronomy (all concerning chapter 13): Deut 3:7a (on the literary, Near Eastern, historical and comparative philological aspects thereof), Deut 13:9 (on the meaning of *ולא תבסה עליו*), and Deut 13:10 in the MT (on text-criticism and Neo-Assyrian parallels). As Levinson elaborates in his introduction to this part, his study of each verse “becomes an opportunity to reflect upon larger methodological issues associated with the interpretation of biblical law, such as the relation of linguistics to historical-critical scholarship, the relation of higher and lower criticism, and the relation of textual criticism to Assyriology and the history of interpretation” (89). In addition to advancing our understanding of Deut 13, this part contains some innovative grammatical and text-critical work.

Part 3, “Debate and Dialogue: the Question of Method,” first considers “The Case for Revision and Interpretation within the Legal Corpus” (on which see further below). Just as this first essay engages the work of R. Westbrook, so, too, the remaining three essays assess the views of other scholars (respectively, C. M. Carmichael on the laws of Deuteronomy, J. G. McConville on “The Hermeneutics of Tradition in Deuteronomy,” and John Van Seters on whether or not the Covenant Code is exilic in date). In these chapters Levinson engages the question: “How do we develop criteria to distinguish more

and less powerful ways of reading the [biblical] text?” (197). He also returns to the broader question of the relation of diachronic to synchronic approaches. He writes, “I seek to demonstrate the difficulties that arise when a synchronic approach overlooks the extent to which it is also an interpretive construction (when its interpretive moves remain unconscious) or when it claims some kind of hegemony ... as if diachronic method were somehow inferior, relegated to the realm of the merely technical or arbitrary” (197). In this section Levinson also challenges the claims of Westbrook and Van Seters that one sort of reading of a text is immanent whereas another is “not culturally appropriate or anachronistic” (197). To which Levinson replies: “Such arguments can easily be inverted and challenged on their own terms” (197).

The book ends with a bibliography and a full set of indexes (of ancient Near Eastern sources, authors, key words and phrases, and subjects).

In a review of this length and context, space allows for a detailed analysis of only the chapters that are most important for understanding Levinson’s approach to biblical studies. The chapters I have chosen are 1 and 9.

Chapter 1 (5–39), reflective of the early Levinson but still important to him, reflects upon Steinberg’s *The Poetics of Biblical Narrative*, as well as upon Spinoza, in an effort to come to terms with the dichotomy between synchronic and diachronic approaches. Levinson interacts with more recent material by his detractor Sternberg and updates his views on Spinoza in light of Jon Levenson’s (and others’) very different understanding of this intellectual giant.

Levinson argues three main points. First, contra Sternberg, “the use of a synchronic method, a *poetics* of narrative, cannot provide a comprehensive reading of crucial biblical narrative texts. On the contrary, the conventional diachronic (historical-critical) method is not only essential but also points to just those textual aspects of the Bible that the newer literary critics should find most engaging” (8). Second, Sternberg’s “characterization of the nature of the Israelite revelation as epistemological” owes more to his literary method than to the Bible, which demands that the unique nature of law as divinely revealed be included, and not just narrative understood synchronically as poetic (9). Notably, in place of poetics as orientation to the Hebrew Bible, Levinson wants to put hermeneutics, by which he means “a method informed by both synchronic and diachronic analysis of the text and a theory of revelation derived equally from narrative and law” (9). His appeal to hermeneutics is thus an appeal, contra Steinberg, for the recognition of the central importance of both sides of three poles (i.e., narrative versus law, diachronic versus synchronic, and divine versus human) and of their deep interrelatedness as a basis for interpretation.

Chapter 1 also concerns the influence of Spinoza in the history of biblical studies. Unlike most others, Levinson regards the concern of Spinoza in the initial chapters of the *Tractatus* “not to void the text of significance and authority” (12; emphasis added). Or again Spinoza’s allegedly “[a]nalytically dissecting method often [understood to be] lacking an accompanying concern for synthesis or textual significance, all but bastardizes the very Spinoza claimed as ‘Father’ [of modern historical-criticism]” (14). To Levinson, then, Spinoza’s approach lightens the way toward allowing for the diachronic as well as the synchronic to come into play in biblical interpretation; to Spinoza and Levinson, redundancy and contradiction can be present in a text without calling into question the fact that these texts retain their claim to meaning, power, and legitimacy (22; see further 11–14).

Chapter 9 (201–23) constitutes an attempt by Levinson to counter Westbrook’s idea that cuneiform (and biblical) legal collections are “coherent text[s] comprising clear and consistent laws” (201, citing Westbrook). In other words, these law collections reflect no secondary editorial reworking. Moreover, Westbrook’s view applies no less to all biblical and cuneiform legal collections in that they have a “meta-coherence”; that is, the various legal collections cohere each in relation to the other. Different laws simply reflect different legal cases and can be reconciled in light of the existence of a consistent, overarching legal system (201–3). Levinson strongly disagrees: “My position is that the compositional norms of cuneiform literature [including the legal collections] involve extensive redactional activity” (203). To Levinson, diachronic analysis best accounts for the particulars of given legal texts.

Levinson does more in chapter 9. He embarks on a two-pronged approach in his polite attack on Westbrook: one specific and textually based and the other methodological. In the latter case Levinson claims the following: “Westbrook’s synchronic approach doubly contradicts itself” (203; see also 210); “the claim [of Westbrook] that the ‘empirical evidence’ of cuneiform law requires compositional unity overlooks the extent to which that claim is itself an elaborate exegetical construction” (203); “the very claim of empirical verification is not based on any clearly existing empirical evidence” (203); “diachronic analysis ... is smuggled in through the back door, as the text is redefined, transformed or reconstructed in order to accommodate the theory” (203). Levinson’s methodological critique of Westbrook continues: “Westbrook’s system can only assert textual coherence by means of classic techniques of textualization well-known in postbiblical exegetical literature, both rabbinic and early Christian. The magic key is the assertion: ‘the cases are different’” (207). Regarding the Covenant Code, Levinson correctly points out that Westbrook’s case for synchrony is based on the Covenant Code as more narrowly defined (Exod 20:22–22:16), where there is wide agreement of synchrony even among proponents of diachronic historical-criticism. Westbrook thus overlooks the real problems that lie

with the Covenant Code as more broadly defined: 20:22–23:33. In the end, Westbrook proves frustrating to Levinson by invoking explanations that have the same effect as a moving target. Levinson concludes: “Diachronic analysis of biblical law is truer to the compositional norms of both cuneiform and Israelite literature and accounts for the specifics of the text more coherently” (223)

In my judgment, Levinson presents a strong case, yet one with some faults. Levinson at times borders on finding Westbrook guilty by associating him with the most unlikely of rabbinic exegetical attempts at harmonization (222–23) or by claiming that Westbrook’s beef is not with real biblical scholars but “legal historians who turn to rabbinic, biblical, and cuneiform law” from distant vantage points (206). Here Levinson’s argument reads like a thinly veiled defense of the higher-critical enterprise (although, in fairness, Levinson at many points acknowledges the merit of Westbrook’s complaint that aspects of higher-critical thinking reflect the outlook of a later period and are thus dubious for not being in-tuned to ancient legal texts).

At times Levinson’s arguments against Westbrook and synchrony are weak. An especially bad case has three weaknesses all in one sentence: (1) equating his own “position” with “fact”; (2) tucking “legal collections” into a claim that is clear only more generally of “literature”; and (3) circular reasoning. He writes: “My position is that the compositional norms of cuneiform literature involve extensive redactional activity. That fact creates the logical expectation that Israelite literature, including the legal collections, should be consistent with such norms, and therefore involve revision and interpolation” (203). An additional case of circular reasoning is this: “Once the power of diachronic analysis to explain the specifics of the text is recognized, instances of redactional activity, interpolation, and development may frequently be detected” (221).

Overall the book lives up to Levinson’s promise of it being a revision with substantial updating that includes interaction with recent scholars and trends. Good examples include his further interaction with Carmichael, albeit in the final footnotes of chapter 10 (254–55; see also 199 n. 4), and his balanced, though brief, response to Van Seters’s *The Edited Bible* (199–200). A notable exception, however, is Levinson’s lack of interaction with Sternberg’s work *Hebrews between Cultures: Group Portraits and National Literature* (Bloomington: Indiana University Press, 1999). Despite being relevant on the grounds that it considers biblical law at some length and that it engages Levinson’s work critically, Sternberg’s work receives only passing mention, followed by Levinson’s tantalizing claim that Sternberg’s critique of him is done “in a way that does not leave the door open for dialogue on the issues” (5). The reader is left hanging, curious and disappointed.

This book is testimony to the appreciable intellectual breadth and depth of the author and no less testimony to his substantive contribution to the field of biblical studies. Owing to its content (especially the helpful introductions to each part) and fine editorial management, this collection of essays coheres remarkably well as a book. The work is devoid of typographical errors as well as inconsistencies of style. It is an impressive collection and a tour de force in support of those things for which Levinson is well known.