

**THE PARANOMASTIC INFINITIVE IN THE CREATION STORY:
TRANSLATING מוֹת תָּמוּת IN THE YAHWIST**

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Abstract

This thesis offers an alternative reading of the creation story in the J source of Genesis 2:4b-3:24. This interpretation is a solution to the seeming contradiction between the events of 2:17 and 3:14-24. This thesis will argue that 2:17 ought to be understood as a divine law, similar to that found in the J legal text of the Covenant Code. Such a reading is more akin to the verse: “But you must not eat from the Tree of the Knowledge of Good and Evil because on the day that you eat from it you will be sentenced to death.” This interpretation considerably softens the consequence of disobedience. Additionally, this thesis will argue that the man and the woman should be understood as immortal when they were in the garden. These two conditions, when considered together, allows a more appropriate understanding of the consequence of the law of 2:17 that if the man were to eat from the Tree of the Knowledge of Good and Evil, that he would lose his immortality. This, in comparison to the events of 3:19, 23-24, enables a fully consistent reading of this narrative which eliminates the contradiction entirely.

Résumé

Cette thèse offre une lecture alternative de l'histoire de la création dans la source J de la Genèse 2:4b-3:24. Cette interprétation est une solution à la contradiction apparente entre les événements dans 2:17 et 3:14-24. Cette thèse soutiendra que 2:17 doit être compris comme une loi divine, semblable à celle trouvée dans le texte juridique J du Code de l'Alliance. Une telle lecture s'apparente davantage au verset: "Mais il ne faut pas manger de l'Arbre de la Connaissance du Bien et du Mal, car le jour où vous en mangerez, vous serez condamné à mort". Cette interprétation adoucit considérablement la conséquence de la désobéissance. De plus, cette thèse soutiendra que l'homme et la femme doit être compris comme étant immortel quand ils étaient dans le jardin. Ces deux conditions, lorsqu'on les considère ensemble, permettent une compréhension plus appropriée de la conséquence de la loi de 2:17, c'est-à-dire que si l'homme devait manger de l'Arbre de la Connaissance du Bien et du Mal, il perdrait son immortalité. Ceci, par rapport aux événements de 3:19, 23-24, permet une lecture totalement cohérente de ce récit qui élimine les contradictions inhérentes dans le texte.

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Introduction

There is a contradiction in the Bible that has, as of yet, not been adequately explained by the scholars who have attempted to solve it. This disparity is found in the Yahwist's creation story between the alleged consequence of the man eating from the Tree of the Knowledge of Good and Evil and the actual consequence later on in the story. It concerns the seeming conclusion that "God's threat was empty."¹ The Lord threatened to kill the man בַּיּוֹם אֲכָלָהּ, yet in actuality the true punishment involved a number of severe punishments, but not death.

The relevant areas of the Hebrew Bible that will be studied all belong to the Yahwist (J) source. The nature of the argument of this thesis only relates to the meaning of a narrative within the J corpus, and therefore great care will be taken to establish the scope and setting of the Yahwist within the Pentateuchal sources. Pentateuchal source criticism today does not have a clear consensus as per the delineation of the sources in the text. Therefore, when speaking to the question of a narrative's context and its role in the work of its author, it is important to be clear about which verses are a part of which sources. Therefore, an extended discussion will be had at the onset of this thesis regarding the authorship, scope and dating of the J source. If a text from another source is examined in comparison to the relevant texts in Genesis 2-3, it will be made clear why such a comparison is useful in such a situation.

This is not an inconsequential issue to be studying, rather it has been discussed and debated through decades of scholarship, and yet no consensus has been reached which, I think, adequately explains the contradiction. This thesis will engage in a new examination of the logic of the text in order to find a justification for the contrasting accounts of the consequence of the human's disobedience. In the process, this thesis will analyse the works of many scholars who

¹ Ellen A. Robbins, *The Storyteller and the Garden of Eden* (Eugene, Or.: Pickwick Publications, 2012), 83.

have engaged with this question, either directly or indirectly, in the past in order to explain a fully consistent response to this contradiction.

Specifically, the solution that will be argued concerns the understanding of the infinitive absolute found in 2:17: *מוֹת תָּמוּת*. In other texts in the Hebrew Bible, as well as in texts of the J source, this specific phrase is used when sentencing a guilty party to death. Additionally, it is used as the consequence of casuistic laws throughout the legal texts of the Pentateuch. It will be argued that Genesis 2:17 represents the first law in the Yahwist narrative and thus subscribes to the same rules as most other casuistic laws, therefore rendering the meaning of the consequence akin to “you will be sentenced to death.”

Secondarily, it will be argued that the man and the woman ought to be understood as immortal while they were in the Garden of Eden, due to the Tree of Life. This is an important aspect of this argument because in combining a death sentence with an immortal, the logical conclusion for the most appropriate meaning of the punishment for disobeying the law in 2:17 would be rendering the humans mortal.

Finally, it will be argued that this is evidenced by the actions of chapter 3. While the man and the woman did not die on the day that they ate from the Tree of the Knowledge of Good and Evil, they were banished from the Garden of Eden and from access to the Tree of Life. Thus, on the day they disobeyed the law in 2:17, they became mortal, fulfilling the promise of God in 2:17. Additionally, the curse of the man in 3:19 includes the phrase “כִּי־עָפָר אָתָּה וְאֶל־עָפָר תָּשׁוּב”² which is understood, in this argument, as God sentencing the man to death and thus enacting the consequences of the man and woman’s disobedience.

² “For you are dust, and to dust you will return.”

I will therefore start by defining what this thesis understands as the J corpus. If J was a work which is not interested in the role of the law in any way, then it would be inappropriate to claim that 2:17 is a legal text because there would be no equivalent text in the entire J corpus to which to compare it. Additionally, great care will be taken to establish the dating of the J text as this is a topic which has encountered a lot of debate in the past few decades of scholarship.³

Many scholars have believed that the Yahwist was a collector of oral Israelite folktales and is therefore one of the earliest sources in the Pentateuch.⁴ Some characterize the Yahwist's text as more of a history book, though still date it very early in comparison to the other sources.⁵

However, others have doubted that such a source exists at all, and is merely a collection of loose narratives which bear no strong connections to link them all together.⁶ A fourth possibility,

³ A quick note must be made about the interests and concerns of this thesis. The specific dating of the Yahwist is not of great importance to the argument that this thesis will make. Whether the Yahwist is 10th century, exilic or post-exilic, that does not influence the argument of this thesis whatsoever. However, what is most important is the ordering of the sources. It is of great importance whether J ought to be viewed as a pre-Priestly text or a source which was written post-Deuteronomist. So, when this thesis uses the phrase "dating" in relation to the Yahwist, it will be primarily in relation to the ordering of the sources, and not the specific date that the text was put to paper.

⁴ This is a rather vague description, but many scholars have espoused a view similar to the one above. H. Gunkel spoke of *sagen* and Genesis being a collection of disparate stories and folktales which were collected by a multitude of workmen, which is how the oral traditions behind the stories of the Bible were written down. Of this he groups together J and E as pre-P. Hermann Gunkel and William Herbert Carruth, *The Legends of Genesis* (Chicago: Open Court Publishing Co., 1901). This view was modified by many other scholars, though not explicitly in every facet. Martin Noth had a much simpler view of J, attributing him to a collector of history from the primeval period and also a scribe for the later narratives of his work. Martin Noth, *A History of Pentateuchal Traditions* (Englewood Cliffs: Prentice-Hall Inc., 1972). Claus Westermann also claims that the main source writers of the Pentateuch were handlers of previous traditions and merely wrote them down instead of invented them. Claus Westermann, *Genesis 1-11 : A Commentary* (Minneapolis: Augsburg Pub. House, 1984). For a more extensive discussion of the scholars of this school of thought, see John Van Seters, *Prologue to History : The Yahwist as Historian in Genesis* (Louisville, Ky.: Westminster/John Knox Press, 1992), 8-22.

⁵ Wellhausen is one of the forefathers of such a view of J, though he was referring to a larger work called the Jehovist (JE). He also viewed some narratives as having a history of oral traditions behind it, but referred to JE as a historical text at its core. Julius Wellhausen, *Prolegomena to the History of Israel : With a Reprint of the Article 'Israel' from the Encyclopedia Britannica*, trans. J. Sutherland Black and Allan Menzies (Edinburgh: A. & C. Black, 1885). Gerhard Von Rad also refers to J as a history book. Gerhard von Rad and John H. Marks, *Genesis: A Commentary* (Philadelphia: Westminster Press, 1972). Van Seters discusses this view and these scholars in Van Seters, *Prologue to History : The Yahwist as Historian in Genesis*.

⁶ Rolf Rendtorff is an important scholar in such a tradition. His view is that the early historical narratives of the Pentateuch are a result of various redactors rather than authors. Rolf Rendtorff, *Das Überlieferungsgeschichtliche Problem Des Pentateuch* (Berlin; New York: De Gruyter, 1977). Another scholar in this school of thought is E. Blum, a scholar who completely eliminates the Yahwist from his description of the authors and redactors of the Pentateuch. Erhard Blum, *Studien Zur Komposition Des Pentateuch* (Berlin; New York: W. de Gruyter, 1990). A fantastic compendium: Thomas B. Dozeman and Konrad Schmid, *A Farewell to the Yahwist? The Composition of*

which alters the dating of J, adopts the view of J as a historical book while also situating it in the exilic to post-exilic period.⁷ It is this final view which this thesis will accept. Finally I will discuss the understanding of the role of the infinitive absolute and the various modalities expressed by the authors of the Hebrew Bible through its usage. While less overtly debated, there is no clear consensus on the modalities the infinitive absolute can exhibit and therefore a discussion of that nature will be had.

The second chapter of this thesis will begin examining what specifically the infinitive absolute of 2:17 ought to be understood as saying. This will be done by looking at the specific modality of 2:17, the Future Propositional, its usage in the Hebrew Bible and thus the range of meaning it could carry. This chapter is intent on proving that the translation hypothesized by this thesis is a possible one by carefully regarding this verb type. Additionally, the connection between מות תָּמוּת and the legal text of the Covenant Code will be made. It will here be argued that the Covenant Code ought to be attributed to the Yahwist, thus linking מות תָּמוּת with the formulation of sentencing to death.

The third chapter will focus closely on the infinitive absolute specifically within the framework of the Yahwist's corpus. It will be argued that the Yahwist was the most frequent user of the infinitive absolute, and also the one who used it with the greatest number of modalities. This will be done in order to argue that the Yahwist could be reasonably understood

the Pentateuch in Recent European Interpretation (Atlanta: Society of Biblical Literature, 2006). For a discussion of this view see Van Seters, *Prologue to History : The Yahwist as Historian in Genesis*.

⁷ Van Seters discusses this view in *Abraham in History and Tradition* (New Haven: Yale University Press, 1975). "The Yahwist : A Historian of Israelite Origins," (2013). It has also been picked up by scholars such as H. H. Schmid and M. Rose. Hans Heinrich Schmid, *Der Sogenannte Jahwist : Beobachtungen Und Fragen Zur Pentateuchforschung* (Zürich: Theologischer Verlag, 1976). Martin Rose, *Deuteronomist Und Jahwist : Untersuchungen Zu Den Berührungspunkten Beider Literaturwerke* (Zürich: Theologischer Verlag, 1981). This view, and the scholars that espouse it, is also discussed in Van Seters, *Prologue to History : The Yahwist as Historian in Genesis*.

as an author who could use the infinitive absolute in such a way as this thesis proposes. If the author of the text had a tendency to use the infinitive absolute in only a few different modalities, and the one hypothesized was not among them, then there would be a severe weakness in that argument. On the other hand, if the author could be shown to be very expressive and creative with his usage of the infinitive absolute, then it is more likely that he could be read in such a way.

Finally, once all of the background information has been examined and the author of the Yahwist has been studied, the last chapter will lay out the argument of this thesis explicitly, showing that the context of Genesis 2-3 supports the reading proposed. It will be shown that this argument is the best way to understand the narrative of the Yahwist's creation story in a holistic sense, and that all logical holes created by other understandings of the text are covered by this one. This is to show that this argument is fully cogent and the best available for understanding the possible intent of the author, and what he was trying to express through this narrative. This chapter will also explicitly examine other responses to the contradiction described above and show their weaknesses in order to prove that my own does not fall victim to those gaps.

By the end of this work, it will be shown that Genesis 2:17 ought to be understood as God declaring that the price of disobedience for the first humans is the end of their immortality. It will be shown that the rest of the story is best understood in that lens and in this understanding of the narrative, there is no contradiction left, but rather a logically consistent narrative about the first humans and the loss of immortality.

Chapter One: The Study of J and the Infinitive Absolute

This study into the meaning of Genesis 2:17 invokes two areas of contentious work.

Firstly, I must establish what my view is concerning the dating and understanding of the Yahwist source, as Genesis 2:17 is firmly in the J corpus. Secondly, I must establish my understanding of how the infinitive absolute must be translated within this verse. This is important because both of these areas of the dating of the Yahwist and of the plethora of uses of the Infinitive Absolute have very little consensus amongst scholars. There are nuances and details which many scholars differ on, which has led to equally many different schools of thought in relation to both matters.

It is important to study the dating of J because once we have a credible theory about when the Yahwist was organizing his work or writing the narrative down, then we can have a realistic understanding of what written narratives he would be familiar with and using as his own source material. So, if the Yahwist ought to be understood as particularly early⁸ in comparison to the D and P sources of the Pentateuch as many scholars believe, then no non-J material in the Pentateuch should be studied alongside the J material. This is because if J was written before these texts, then its author would have no awareness of P or D, and thus they would have no influence upon J. However, if J ought to be understood as a particularly late source, as has been suggested by a few scholars, then much more of the Pentateuchal material could be, though not necessarily should be, studied as a text that J would have been aware of, or perhaps even actively used as a source or inspiration. Likewise, verbs and verb types have a long history of development and usage, and therefore it is important to study how J specifically uses infinitive absolutes in his work so we can be aware of his proclivity with this verb type.

⁸ An example of an “early” dating of the Yahwist for this thesis would be either a tenth century dating or a ninth century dating, as per Wellhausen, *Prolegomena to the History of Israel : With a Reprint of the Article 'Israel' from the Encyclopedia Britannica*, 327..

As it happens, there is a long history of scholars who believed that J was one of the first major complete texts in the Pentateuch. So widespread was this belief that for a while the question of the dating of J seemed to be, for the most part, solved. Scholarly opinion aligned with the belief that the J source was formulated in the 10th to 9th century⁹ in the court of King Solomon,¹⁰ in the first period where Israel had the economic resources available to be able to consider recording their histories. This chapter will investigate how it was that this view came about and how it became so entrenched in the scholarly worldview for so long. However, much as the tides of scholarly opinion have been slowly turning against this so-long orthodox view, so this thesis will join this movement and elect for a dating of J that falls much later in the history of Israel's development.¹¹ This thesis agrees with John van Seters and his contemporaries who posit that the Yahwist contains some crucial identifiers of a later time period which are unexplainable if the scribes of Solomon's court were truly the craftsmen of this work. I will examine some of his arguments and show that my evaluation of Genesis 2-3 require a later, exilic, estimation for the dating of the J source.

Any study of the history of Pentateuchal sources must begin with Julius Wellhausen. Wellhausen's *Prolegomena to the History of Israel* is a landmark text in the history of Hebrew Bible source criticism. It is in this text that Wellhausen delivered the blueprint that most of the

⁹ Though most scholars accepted a 10th century dating, Wellhausen himself advocated for either a 9th or even 8th century dating. Ibid..

¹⁰ Richard Elliott Friedman, *The Bible with Sources Revealed : A New View into the Five Books of Moses* (San Francisco: Harper San Francisco, 2003), 3-4.

¹¹ There are, of course, scores of different beliefs about when the Yahwist ought to be dated along the timeline of the history of Israel. This includes the popular approach popularized by such scholars as Rendtorff, Blum, and others which Joel Baden has called "the European Approach" in his 2012 book *The Composition of the Pentateuch*. Although this is probably the largest unified view opposing the so-called traditional documentary hypothesis approach, it is not relevant to this thesis except for its influence upon van Seters moving away from the typical assignment to the Yahwist, a tradition that had been followed for quite a while, perhaps without merit. While the works of these authors may be discussed in terms of their influence in Pentateuchal studies in a historical sense, their views proper will be ignored for the most part in interest of brevity.

subsequent works in this area would either build upon or counter in some way. The strength of the *Prolegomena* was that Wellhausen had the skill and artistry to pull together fragmentary thoughts which had been held by others and sculpt them into a concise and complete hypothesis.¹²

Wellhausen saw a split of three different attitudes and traditions found in the Hexateuch and the following historical books of the Deuteronomistic History and Chronicles. These would be labeled as the Jehovist, the Priestly, and the Deuteronomistic authors. Wellhausen distinguished these sources by their cultic practices, as he aimed to understand if Israel's religion, as founded in the exilic and post-exilic era, should be understood as influencing our understanding of pre-exilic Israel, a practice of worship lost in history except for its representation in the Torah.¹³

It is through this religio-historical lens that Wellhausen understood the evolution of Israel's religion, and through that the dating of these texts that formed the Hexateuch. Oldest of them was the Jehovist text, the so-called history book from the "golden age of Hebrew literature"¹⁴ Accordingly, the J source is the one with the least hint of organized religion. There are shrines built by the patriarchs which we are told stand "to this day," a refrain common in these stories. These altars are shown to be blessed by the Lord, and built with great reverence. The author refers to them with respect, with no hint of reproachfulness or judgement. This shows that at the time the author is writing, the notion of individual altars was common, practiced and perhaps even encouraged by whatever hierarchy of religion that existed.¹⁵ Note that it is the

¹² Rudolf Smend, "Julius Wellhausen and His Prolegomena to the History of Israel," *Semeia* 25 (1982): 18.

¹³ Wellhausen, *Prolegomena to the History of Israel : With a Reprint of the Article 'Israel' from the Encyclopedia Britannica*, 1.

¹⁴ *Ibid.*, 9.

¹⁵ *Ibid.*, 29.

formation of the religious practices that inform Wellhausen's understanding of the dating of the text.

Wellhausen's argument in his work is that the Priestly text ought to be understood as the latest of the sources of the Hexateuch.¹⁶ This is contrary to the common view of his time that the Priestly text was actually the earliest of the sources. Again, this is because in his view the Priestly source represented the most evolved and unified representation of the Israelite religion. This is primarily evidenced in the centralization of the cultus that is described within it.¹⁷ P not only allows for worship solely in the Temple, but rewrote its own history to claim that this was always the case from the Mosaic period.¹⁸ Between these two sources is the Deuteronomist, an isolated text that was found and written during the same period, the reforms under King Josiah. Wellhausen also describes E in his introduction, but since it does not include any obvious legal ordinances, he does not treat it with any great interest.

All of these findings show how exceedingly important the religious element was to Wellhausen's understanding of the Hexateuch. He formed his entire theory of its writing around it. In fact, it is a criticism of his that the narrative of ancient Israel that we have in the Hexateuch has, in Wellhausen's eyes, been misrepresented by the biases of the more recent Priestly work, which ought to be understood as the beginning of Judaism rather than the end of ancient Israel.¹⁹ He has been criticised for this view, but his blueprint of Israel's religious evolution dictating the order of sources has remained influential for our understanding of the history of the religion of

¹⁶ Ibid., 38.

¹⁷ Ibid., 34-35.

¹⁸ Ibid., 34.

¹⁹ John Barton, *Old Testament : Canon, Literature and Theology : Collected Essays of John Barton* (Abingdon, Oxon, GBR: Ashgate Publishing Group, 2008), 170. As pointed out by Barton on page 171, *Prolegomena* has a prefix of "pleon hemisu pantos, 'the half is greater than the whole'". Wellhausen actively shares that the text of the Hexateuch is of greater merit when the post-exilic texts are removed.

Israel.²⁰ If Wellhausen's perhaps mistaken understanding of the cultic evolution of Israel's religion, as well as his bias against the priestly sect as the origin of Judaism has deep seeded roots in the assumptions made by many scholars throughout the years of Pentateuchal study, then there are problematic symptoms that arise with not examining those assumptions with a careful lens. Perhaps it is the case that the timeline of the creation of Pentateuchal sources is not parallel with the evolution of its worship and cultic practices.

Wellhausen's preoccupation with the authors of the Hexateuch and their cultic practices is not the only bias that has deeply influenced scholars' understanding of this biblical text. Starting with Gunkel and his understanding of Genesis as *sagen*, the relationship between the written work and a vague oral tradition that formed it has interested many scholars. While this is a defensible theory to examine, its downfall is that it draws the attention away from the textual work that has gifted students of the texts profound understanding, and instead is interested in the land of theory and conjecture. This is because, as Gunkel himself states, "It is not possible for oral tradition to preserve an authentic record of such details so vividly and for such a long time."²¹ This problem is exacerbated in the cases of J and E, which Gunkel himself claims that scholars have "recognized that these two collections do not constitute complete unities... [and have] distinguished within these sources still other subordinate sources."²² This is to say that J and E ought not to be understood as complete written sources, but rather a collection of oral traditions which then would give the authors of these sources little to no role as creator of these stories.

²⁰ Diane Banks, *Writing the History of Israel* (London, GBR: T & T Clark International, 2006), 51.

²¹ Gunkel and Carruth, *The Legends of Genesis*, 7.

²² *Ibid.*, 124-25.

Gunkel's theory has been criticized by Patricia Kirkpatrick as being reliant on theories in the area of folklore studies which are no longer seen as credible. In her own words, "the rules which not only in the past but even today are appealed to for determining oral as opposed to written composition and transmission are untenable."²³ Kirkpatrick shows that biblical scholars have long used the work of A. Orlik as evidence for an oral history behind the sources of the Pentateuch.²⁴ Notably, Gunkel strongly reinforced his work to mirror the findings of Orlik, who was working contemporaneously with him, and even updated his commentary on Genesis to reflect the findings of a paper by Orlik, published in 1909.²⁵ Therefore, the work of Gunkel received considerable influence from its strong support from folklore studies. However, great work has been undergone in folklore studies to test the "Epic Laws" of Orlik, and in fact they have been found to be much less useful than they at first seemed. Kirkpatrick cites several sources which undermine the reliability of Orlik's work in determining orality.²⁶ Their use, where this is any, should be narrowed to the specific genre of "folktale" as per J. Pentikäinen.²⁷ However, this adjustment of the understanding of orality has not been reflected in biblical criticism, as Gunkel is still cited frequently. What effect does this change in understanding orality have in the field of source criticism of the Pentateuch? These arguments from Wellhausen and Gunkel are two primary reasons that many scholars assume that J is one of the earliest sources. With more and more doubt being aimed at their arguments there now exists a much weaker justification for the assumed dating of the 10th century BCE.

²³ Patricia G. Kirkpatrick, *The Old Testament and Folklore Study* (Sheffield: JSOT Press, 1988), 72.

²⁴ *Ibid.*, 25, 55-56.

²⁵ *Ibid.*, 25.

²⁶ *Ibid.*, 57.

²⁷ *Ibid.*

Having reviewed some of the crucial scholars of the past in the area of the history of Pentateuchal scholarship, it is important to establish the current state of thinking on the Yahwist, in terms of where scholars believe it should be dated, how it relates to the other sources and whether or not it exists at all. For a long period of time, there was a consensus amongst many scholars that the Yahwist ought to be dated to around the time of King Solomon at the 10th century BCE. We have seen that Martin Noth was the first to suggest this, and this view became very popular following his work. The seeming pro-Judah sentiments in J suggest that it ought to be dated to the Davidic or Solomonic period.²⁸ However, while this view has been popular amongst some scholars such as Richard Elliott Friedman²⁹, it has begun to lose favor. Firstly, among the group mentioned earlier who deny that the Yahwist is an identifiable source that exists within the Pentateuch. Secondly, through Van Seters and others who see signs within the work of the Yahwist that hints that we ought to date this source as exilic or even post-exilic. These arguments, as well as how they counter the evidence seemingly taken for granted by hosts of scholars, will be discussed in the next few pages.

Van Seters sees several problems with the current state of Pentateuchal research in regards to the study of the Yahwist. Firstly, Van Seters sees great problems with the notion that *sagen* or oral traditions and legends can be used in relationship with critical study of the written text.³⁰ The questions raised as to the appropriateness of using the vague non-answer of oral tradition have not been met with satisfying responses which could lead to a solid understanding of the background and motivators for the Yahwist as a collector or historian. In fact, all such attempts have been either labelled as illegitimate, such as Westermann's attempt to compare the

²⁸ Joel S. Baden, *The Composition of the Pentateuch : Renewing the Documentary Hypothesis* (New Haven: Yale University Press, 2012), 30.

²⁹ Friedman, *The Bible with Sources Revealed : A New View into the Five Books of Moses*, 3.

³⁰ Van Seters, *Prologue to History : The Yahwist as Historian in Genesis*, 20.

Yahwists writing style to Icelandic myths,³¹ or have not had sufficient work behind it.

Regardless, Van Seters has been left with a question mark as to how the Yahwist collected these traditions at such a nascent point in history, much earlier than the Greco-Roman works of the same kind. His hypothesis is that the Yahwist should not be understood as a collector, but rather as a historian in the classical sense. He did not collect ancient traditions as the world's foremost historian, but he should be understood as living in the midst of the developments in this area, being inspired by other cultures who had also begun working on similar projects.

Van Seters' arguments in this area can be found in his fantastic works *The Search for History*, *Prologue to History* and *The Life of Moses*, and can hardly be done justice here.

However, an evaluation of the notion of the Yahwist as historian in the post-exilic period is prudent for our discussion. If it should be understood that the Yahwist was at work after the collapse of Judah, and perhaps even after the end of the exile, then that does wonders for our understanding of his influences and how much of Israelite culture he had witnessed, and thus had been influenced by before writing the J document. Rather than writing around the same time, or perhaps even earlier, than the E source, the Yahwist would then be writing post-Deuteronomistic Historian, and as a contemporary to the Priestly text. Without Wellhausen's bias clouding our view, there is now much fewer reasons to accept that his notion of the evolution of the cultic practices and their illustration in the text ought to be seen as true.

This is not to mention that there is compelling reason to see the Covenant Code as part of the J document, and rather than as a part of the E document, which would place a legal text within the corpus of the Yahwist and give compelling reasons to believe that even within Wellhausen's view, J ought to be understood as later. John van Seters lays out his compelling

³¹ Ibid., 21.

argument towards this end in his book on the matter: *A Law Book for the Diaspora: Revision in the Study of the Covenant Code*. Unfortunately, this is not the place to go into depth on the myriad of reasons that Van Seters gives to re-evaluating the Covenant Code as a Yahwistic legal text. However, I will briefly highlight the main points that led him to accept this unorthodox approximation of the Covenant Code's heritage in the following chapter.

All of these reasons allow this study to tentatively accept Van Seters' dating of the final J document as post-exilic. Thus, in examining the influences of the Yahwist, this study can examine both E and D, but not P. This is not to say that J could not have been aware of P. In fact, if it were true that J ought to be understood as a contemporary of P, then there are very good reasons to believe that he would be aware of the zeitgeist behind the Priestly movement. If J was aware of the sentiment behind P, then there are very good reasons to believe that his understanding of the text he was writing could be influenced vaguely by P. However, it would be less believable to claim that J would be aware of any specific sections from P's work. So, for simplicities sake, this study will only examine J with secondary examinations of E and D.

The other main aspect of this chapter, other than the issue of the sources of the works studied, is the main verb type of Genesis 2:17. This provides much interest because Genesis 2:17 makes use of a crucial infinitive absolute, which is traditionally translated as "you will surely die." In order to understand how best to translate this verb, and what we have to be aware of when doing so, a thorough investigation of the history of research of this verb type is prudent to engage in. The history of the study of the infinitive absolute is one that shares some similarity with the history of the study of the Yahwist, and its place in history. For instance, there had been a seeming agreement concerning what the role of the infinitive absolute was, and that agreement seemed to be a simplification, one that eventually was realised by some who studied

verb types and their use and redefined the nuances and details of what the infinitive absolute accomplished in its usage.

The infinitive absolute is a verbal noun³² which is almost entirely without internal information. This is to say that the infinitive absolute carries no person³³, gender, number or internal modality.³⁴ An infinitive absolute is often followed by a perfect or imperfect verb of the same root.³⁵ That particular construction, called the “intensifying infinitive,”³⁶ the “tautological infinitive,”³⁷ “modifier infinitive absolute”³⁸ or the “paranomastic infinitive,”³⁹⁴⁰ will be the focal usage of the infinitive absolute of this paper.⁴¹ For the most part, this paper will use the term “paranomastic infinitive” to refer to this verb construction. This phrase is use by Scott Callaham in his *Modality and the Biblical Hebrew Infinitive Absolute*, a thorough study of all the usages of this particular verb type. This phrase is preferred over “tautological infinitive” because a “tautology” by its very nature describes an unnecessary extrapolation from the initial, and in this case it would suggest that the infinitive bears no additional information comparatively to the

³² Or, as Scott Callaham says on page 1 of *Modality and the Biblical Hebrew Infinitive Absolute*, “one could easily label infinitives ‘nominal verbs’ rather than ‘verbal nouns.’ This is to say that the infinitive absolute is a verb that carries no verbal characteristics.

³³ As the name “infinitive” would suggest, this verb is non-finite.

³⁴ The phrase “internal modality” is mean to say that infinitive absolutes cannot add any different modality that is not already present in the sentence itself.

³⁵ Nancy L. DeClaissé-Walford, *Biblical Hebrew an Introductory Textbook* (St. Louis, Mo.: Chalice Press, 2002), 193.

³⁶ So called because of the tendency to simplify the function of this verb type as a mere intensifier.

³⁷ So called because of the necessary, or as it were unnecessary, repetition of verb stems. Yoo-Ki Kim, "The Function of the Tautological Infinitive in Classical Biblical Hebrew" (Eisenbrauns, 2009).

³⁸ So called to describe its tendency to be used in an adverbial sense. Scrolls International Symposium on the Hebrew of the Dead Sea et al., "Diggers at the Well : Proceedings of a Third International Symposium on the Hebrew of the Dead Sea Scrolls and Ben Sira" (Leiden; Boston, 2000).

³⁹ “Paranomastic” suggests a play on words which sound alike. This is technically the case in this construction because the repetition of the verbs creates the new meaning which each do not suggest on their own. Scott N. Callaham, *Modality and the Biblical Hebrew Infinitive Absolute* (Wiesbaden: Harrassowitz, 2010).

⁴⁰ Ronald J. Williams and John C. Beckman, *Williams' Hebrew Syntax* (Toronto: University of Toronto Press, 2007), 85.

⁴¹ Therefore, unless otherwise noted, whenever this paper refers to the “infinitive absolute” henceforth it is meaning to refer to specifically the infinitive absolute when followed by a perfect or imperfect verb of the same root, instead of the infinitive absolute by itself.

cognate verb. In the merest sense of the word, this is the case in the sense as the verb type repeats and the first iteration carries no information on its own. However, it will be shown that although the infinitive technically contains no grammatical information, it is demonstrably false that it serves no grammatical purpose in the sentence.

The infinitive's use in a sentence is entirely dependent on the context of the verse, and what the verb is needed for within that context. This is in contrast to verb types such as the imperfect which can carry this internal information: in that case person, gender, number, and internal modality. So, where an imperfect can dictate that a sentence is in the future tense, an infinitive absolute cannot change any aspect of the sentence without external information allowing it to do so. In this sense, the infinitive absolute should be viewed as a sort of translator to the rest of the sentence, or phrase. In Wilhelm Gesenius' words: the infinitive absolute "define[s] more accurately or...strengthen[s] the idea of the verb"⁴² When it is understood that it is not the verb that carries the idea, but the surrounding sentence, then it is easier to recognise how it is that the infinitive absolute can be understood and then translated.

However, with such a seemingly vague and wide-open description, how is it that the infinitive absolute is usually translated? In many introductory textbooks the infinitive absolute is usually treated fairly simply. For instance, in Kittel, Hoffer and Wright's *Biblical Hebrew: Text and Workbook* the infinitive absolute is described as "an emphatic construction conveyed in English by adding the word *surely* to the verb employed."⁴³ However, this is the extent of the textbooks description of the verb type. Likewise, Nancy L. De-Claissé-Walford's *Biblical Hebrew: An Introductory Textbook* says of the infinitive absolute: "the *most common* use of the

⁴² Wilhelm Gesenius et al., *Gesenius' Hebrew Grammar* (Oxford: Clarendon Press, 1898), 357.

⁴³ Bonnie Pedrotti Kittel, Vicki Hoffer, and Rebecca Abts Wright, *Biblical Hebrew : A Text and Workbook* (New Haven: Yale University Press, 1989), 189.

infinitive absolute in biblical Hebrew is to intensify the action or intent of the main verb of the sentence”⁴⁴ and “the infinitive absolute...is translated as *surely*”⁴⁵ At least with the latter example, some hint of the infinitive absolute’s potential modality is hinted in the phrase “intensify the action *or intent* of the main verb.” However, this vastly oversimplified treatment of the infinitive absolute, particularly the tautological usage of the verb,⁴⁶ is massively detrimental to any student’s understanding of its functionality in the Hebrew Bible. In fact, in several instances, Genesis 2:17 included, it may be directly misleading and hiding the meaning of the verb and thus the sentence.

Perhaps the most damaging factor of this misinterpretation is the widespread nature of it. It would be impossible to list all the introductory Biblical Hebrew grammars that claim that the infinitive absolute is only intensive. It is no surprise that there is no consensus on the function of the infinitive absolute, considering that there is not even consensus on what to call this construction. It is possible that the confusion is due to the unusual nature of the infinitive’s function and the fact that it has “no analogous counterpart in translation receptor languages.”⁴⁷ As Scott Callaham shows in *Modality and the Biblical Hebrew Infinitive Absolute*, the translators of the LXX had difficulty rendering the infinitive absolute in Isaiah 6:9, as there is no parallel to it in Greek.⁴⁸ In that example, they chose to represent the infinitive with an active participle “by hearing” and “by seeing”⁴⁹ rather than the now common translation “[you will] be ever hearing” and “[you will] be ever seeing.” This shows a far-reaching struggle with understanding the paranomastic infinitive.

⁴⁴ DeClaissé-Walford, *Biblical Hebrew an Introductory Textbook*, 193. Emphasis mine.

⁴⁵ Ibid.

⁴⁶ The phrase “tautological infinitive,” used above, is borrowed from Yoo-Ki Kim in his *The Function of the Tautological Infinitive in Classical Biblical Hebrew*, though he was not the first to use it.

⁴⁷ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 1.

⁴⁸ Ibid., 2.

⁴⁹ Ibid., 3.

This struggle continues today, even though there have been some parties who believe it unnecessary. As recently as 1969, Takamitsu Muraoka said that he doubts whether any new research or discoveries is possible in regards to the infinitive absolute.⁵⁰ However, as time has gone on, Muraoka has been thoroughly proven wrong. In fact, his analysis of the modalities of the paranomastic infinitive absolute with Joüon Paul in 2011 is one of the foremost leaders in the study of this verb type and shows his views, and indeed the state of the infinitive absolute in scholarly studies, has evolved greatly.

So, what are the leaps forward that the infinitive absolute has taken within the last few decades that has so completely changed the opinion of Dr. Muraoka? Much of this research has settled on the ways that the infinitive absolute can alter a sentence. It has been established that the paranomastic infinitive magnifies the intention of the sentence as a whole. So, much work has gone into finding the categories of verbal modalities in order to cleanly label the nuances of these magnifications and thus formulate a total system of infinitive absolute meanings. Callaham has collected these categories from the five major reference grammars of Joüon and Muraoka, Gesenius, Bergsträsser, Solá-Solé, and Rieder, and he discovered that spread out through the five of them is 29 identifiable modalities, though none of them identified more than 18 of them by themselves. Callaham used this chart to show the need of a cohesive system of discovering infinitive absolute modalities on which scholars can agree.

This study will be using the adapted categories of Robert Frank Palmer adopted by Callaham and modified as a general system of modalities that could be used in either English, as Palmer intended, or Hebrew, as Callaham made possible. Before explaining this system, a brief aside is necessary as to the complications of discussing and understanding modalities, especially

⁵⁰ Takamitsu Muraoka, *Emphasis in Biblical Hebrew* (Hebrew University, Jerusalem., 1969), 63.

when translating from an original language into English as the receptor language. English is woefully inadequate in representing modalities in languages in clear and understandable ways, and this problem is especially clear when facing modality in writing. Mood in written and spoken English must be understood as half word usage and half intention or inflection. To explain this, I will use the example of the following phrase: “The man will open the car door.” There are three possible interpretations of this sentence. The first is an epistemic assumptive⁵¹ statement intending to predict with certainty an event in the future. The second is a more general future⁵² statement that imposes the speaker’s judgements upon an as of yet unrealized event. The third is a deontic imperative statement, or more simply, a command. With the word usage, there is no possible way to interpret the intended meaning or the author or speaker, except with context. Thus, the intention of the original speaker is just as important as the words they use to communicate their point.

Likewise, context is a necessary factor in translating the paranomastic infinitive absolute as regardless of its intended meaning it does not change its form. An example of the above phenomena in biblical Hebrew can be found in 1 Kings 2:37 when King Solomon says to Shimei “יָדַע תֵּדַע כִּי מוֹת תָּמוּת.”⁵³ This has been mistranslated as “you can be sure you will die.”⁵⁴ It is easy to see the mistake that was made here. With a less refined understanding of the paranomastic infinitive, the intuitive translation of this verse is “You should surely know that you will surely die.” However, this translation is clunky and misses the context of the sentence: Solomon is commanding Shimei to never leave his house under threat of certain death. Like in

⁵¹ This is the technical term from Palmer’s system.

⁵² Once again, “future” is the technical term for this statement.

⁵³ “**Know** that you will die.”

⁵⁴ New International Version

English, the sentence “know you will die” can be interpreted as a statement about the future, or a statement about the object “knowing.”

So, what are the categories of infinitive modality that this study will be adopting from Callaham? The general structure can be split into two groups: Propositional Modality and Event Modality. Propositional modality concerns the “reality or factuality of a proposition in some way.”⁵⁵ In other words, these modalities are referring to statements of truth about a subject that is external to the subject or object. On the other hand, Event modality refers to “the conditioning factors surrounding an event.”⁵⁶ So, these modalities refer to the subject or object in their relating to an event: their desires, their actions or intentions.

Within the umbrella of propositional modality are seven subcategories. The first, epistemic, deals with a judgement concerning the reality of an event or proposition. Callaham identifies three levels of certainty which can refer to the reality or unreality of the proposition. Deductive epistemic statements deal in necessary⁵⁷ events: “This **must** happen.”⁵⁸ Assumptive epistemic statements deal in “knowledge-based”⁵⁹ assertions: “This **will** happen.”⁶⁰ Lastly, speculative statements deal with statements that have no relationship with reality: “This **might** happen.”⁶¹ All these epistemic statements have counterparts in negation as well. Next, evidential modality refers to statements with evidence based reasoning behind them. There are two such modalities. The first, sensory evidential, refers to statements where the subject has witnessed an

⁵⁵ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 28.

⁵⁶ Ibid.

⁵⁷ Necessary in this case refers to the philosophical term.

⁵⁸ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 22.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

event: “I **see** that this is the case.”⁶² The second, reported evidential, is a weaker variety where the subject has second-hand information regarding an event: “I was **told** this was the case.”⁶³

The final five subcategories have no separate sub subcategories. Negation refers to statements where the subject has a level of doubt concerning a proposition: “This **can’t be/is not** the case.”⁶⁴ Interrogative modality deals with the subject questioning whether a proposition is the case: “**Can** this be happening?”⁶⁵ Future modality makes strong epistemic statements about the unknown future: “This **will** happen.”⁶⁶ Conditional modality refers to the antecedent of a conditional statement: “**If** this happens, then another thing will happen.”⁶⁷ Finally, habitual modality does not refer to a specific event, but in a general sense, discusses what has been known to occur: “This **would** happen.”⁶⁸

There are five subcategories of event modality. Deontic modality discusses the levels of obligation that can be placed on a subject or object in relationship to an event. Like epistemic modalities, these too relate to the future tense and have degrees of intensity. The weakest, permissive deontic, refers to permission given to someone to act in a certain way: “You **may** do this.”⁶⁹ Obligative deontic, refers to a responsibility which compels the subject or object to act in a certain way: “You **must** do this.”⁷⁰ The strongest, commissive deontic, carries a similar epistemic strength as deductive epistemic, but does so because of the will of the actor: “I **will** do this thing.”⁷¹ Then, imperative deontic refers to commands, and acts similarly to obligative

⁶² Ibid., 25.

⁶³ Ibid.

⁶⁴ Ibid., 26.

⁶⁵ Ibid.

⁶⁶ Ibid., 27.

⁶⁷ Ibid., 28.

⁶⁸ Ibid.

⁶⁹ Ibid., 29.

⁷⁰ Ibid.

⁷¹ Ibid.

deontic:⁷² “**Do this.**”⁷³ Finally, jussive deontic refers to first and third person weak imperatives: “I **shall** do this.”⁷⁴ Once again, all deontic modalities can be negative. Dynamic modalities refer to the internal factors of the subject and object in relation to an event. Abilitive dynamic refers to the ability of the person to do an action: “He **can** do this.”⁷⁵ Volitive dynamic refers to the motivation for a person to do an action: “He **would** do this.”⁷⁶

The final three event modalities are desiderative, purposive, and resultative. Desiderative modality expresses the subject’s desire to do something: “He **wants** to do this.”⁷⁷ Purposive modalities are similar to desideratives in the sense that it necessarily expresses the willingness of the subject to act in a certain way. However, with purposives there is a required event that leads to the fulfilment of the secondary but intended event: “He did this, **so that** this would happen.”⁷⁸ Finally, resultative modality also resemble purposives as there is a nondescript event which leads to the actions of the subject, without their intending for the first event to occur: “This happened, **so** he reacted.”⁷⁹ These categories fully explain the different possible modalities of the infinitive absolute. Thus, when translating this verb type, the translator ought to keep these in mind and attempt to understand the context of the sentence in order to optimally comprehend the author’s intention.

With this discussion of the intricacies of the infinitive absolute and of the dating of the Yahwist finished, it is finally appropriate to examine the text at hand for the first time. It was said above that this study will assume that J ought to be understood as dating from the exilic or

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid., 30-31.

⁷⁶ Ibid., 31.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

even post-exilic period, thus this narrative ought to be read with that in mind. Additionally, the specific modality of this usage of the infinitive absolute is the Future modality. There is a great deal of interest with this modality which will be discussed at length later. However, with the information received as of now, the intended translation of this verse ought to be understood as: “but of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it you will die.”⁸⁰

Therefore, if the above translation is the accepted translation even with the most nuanced and researched system of infinitive absolute modalities as of yet, then how is there any argument as to a more nuanced understanding which could speak to Adam and Eve’s possible immortality? In the next chapter, we will examine the difficulties with the propositional future modality, and the general difficulty with making certain statements about the uncertain future. Additionally, we will examine the specific phrase of מוֹת תָּמוּת and its rich and complicated history in the Hebrew Bible, and specifically in the Pentateuch. This study will make the case that the phrasing of the verse itself carries an allusion to certain texts which give compelling reasons to alter the context and thus alter the phrasing of the infinitive absolute itself. This internal modality of the sentence itself, as well as of the sentence in relationship with the greater narrative will give strong reasons to interpret the sentence in a nuanced way which will yield a much different interpretation.

In this chapter, we studied the history of the study of the Yahwist as well as of the paranomastic infinitive absolute. It was shown that there have been aspects of the history of the Yahwist which have lead scholars astray in making assumptions about the work which might not be responsible. This is all lead to the possibility of a vastly different understanding of the setting of the Yahwist, and of what texts he was aware of when writing his text. Specifically, it was

⁸⁰ English Standard Version

shown that there are reasons to accept that the Yahwist might have been active in the exilic period, and that he was aware of the Deuteronomistic school and a contemporary of the Priestly school. Additionally, it was shown that a vast number of works on the infinitive absolute simplify its usage in such a way that harms our understanding of the various modalities it can represent, and does represent in the Hebrew Bible. Scott Callaham's system of modalities was explained, and accepted as a guidebook to interpreting the infinitive absolutes encountered in this study. This will allow me to continue with my argument without hesitation as our understanding of the author and his language is clear, and now we can read the work unhindered.

Chapter Two: The Future in the Hebrew Bible

The goal of this section is concerned with the possibilities of what meaning should be given to the Yahwist's phrase "כִּי בַיּוֹם אֲכַלְךָ מִמֶּנּוּ מוֹת תָּמוּת." As previously discussed, the infinitive absolute is a slave to the context of the verse. Thus, for the hypothesis of this thesis to be proven accurate, namely that Genesis 2:17 is referring to the loss of immortality of the man and woman rather than a literal death, it has to be shown that the sentence itself, as well as the narrative as a whole, could be, and should be, understood as referring to such a meaning. If the sentence could not be understood in any way as to be discussing immortality, or if the narrative itself does not show any indications of being interested in such an idea, then there is no reason to believe that Genesis 2:17 could be discussing it either.

So, in order to prove that Genesis 2:17 could be interpreted in this way, it will be necessary to explore certain different areas. Firstly, it must be shown that a Future Propositional modal usage of the infinitive absolute could mean more than simply a straight forward future tense akin to an imperfect conjugated verb or an irreal perfect conjugated verb.⁸¹ If this cannot be proven, then there is no reason to believe that the infinitive absolute could be read as anything other than "you will die." Secondly, reason must be given to indicate that this future infinitive could be specifically interpreted as a sentencing of death rather than the more general prediction of death. If it cannot be proven that מוֹת תָּמוּת could mean "you will be sentenced to death" or some meaning akin to that, then the alternative translation "you will die" is not only much more likely, but the more reasonable conclusion given the evidence available. Finally, it must be

⁸¹ John A. Cook, Robert D. Holmstedt, and Philip Williams, *Beginning Biblical Hebrew : A Grammar and Illustrated Reader* (Grand Rapids, Michigan: Baker Academic, 2013), 66-67. The terminology of "irreal perfect conjugation" means the same thing as "vav conversive," a perfect verb with a consecutive vav prefixed to it, changing the past tense to an unrealized future tense.

shown that this hypothetical, and at that point, potential, meaning makes sense with the internal logic of the narrative. If the new meaning is possible, but makes no sense within the conceits of the pericope or contradicts any aspect of the story, then no matter how possible the interpretation is, the idea must be rejected for a much more likely interpretation. If those three goals can be met, however, then there are strong reasons to accept this interpretation as likely, if not as the most likely available interpretation.

At first glance the future propositional infinitive absolute may seem like a very simple concept to grasp. After all, its description in *Modality and the Biblical Hebrew Infinitive Absolute* is fairly straight forward: “posit[s] a currently-unrealized proposition about the future.”⁸² So, it does not seem any more or less complicated than any other future tensed verb. However, there is an as of yet rarely discussed complication with any future tense verbs which, when examined closely, can wrought very interesting discussions about the nature of the future in philosophy and grammar as a representation. The issue is this: any true proposition about the future cannot be anything more than epistemically speculative. This is the case because the nature of the future is that it is unrealized and therefore any human with our limited brain and grounded understanding of the world cannot make any 100% certain statements about the future. Of course, there are cases where this will not be the case as in with tautological statements, “I will be myself,” or deductive claims, “When I leave, I will be elsewhere.” However, we cannot make claims about the state of reality with anything close to 100% certainty. Callaham himself acknowledges this explicitly: “from the vantage point of the speaker in present time, the future is unknown and therefore potential at best.”⁸³

⁸² Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 20.

⁸³ *Ibid.*, 27.

The fact is, when a person is speaking of the future, there is no strong reason to believe that what they say will come to pass, because there is no reason whatsoever to believe that they are actually describing the future, rather than subtly predicting it based on several unspoken assumptions. Examples of people making false declarations about the future within the Hebrew Bible can be found in numerous places, one example of which is Genesis 37:35:

“בִּי-אֵרֶד אֶל-בְּנֵי אָבִל שָׂאֵלָה.”⁸⁴ Jacob here is falsely predicting that his grief will kill him and send him to Sheol to his son. The reasons he is wrong are numerous: Joseph is not dead, his grief will not be potent enough to take him from the world, and when he dies he will not be unfulfilled and weeping. However, this statement is not treated as predictive, rather it is a propositional statement about the future. Granted, it is not an infinitive absolute, but the point still stands: statements about the future are treated as statements of fact, even when they are oftentimes predictive and also proven false.

It must be pointed out however, that the previous example was made by a person with no prophetic or divine intervention. It would be reasonable to assume that prophetic texts would have on average a stronger epistemic assertion. Thus, as Genesis 2:17 is a statement from God, then this assertion could be applied to the verse in question with certainty. Another unspoken assumption about future propositional statements is that they oftentimes contain explicit or implicit conditionals which inform the speculation about the future. For example, one such text which is also prophetic in nature is Jonah 3:4: “עוֹד אַרְבָּעִים יוֹם וְנִינְוָה נִהְפָּכֶת.”⁸⁵ This is displayed as a prophetic declaration from the Lord himself through Jonah, and therefore one would assume that it can be taken as epistemically certain. However, it is shown to be false once the Ninevites

⁸⁴ “I will go down to Sheol with my son, weeping.”

⁸⁵ “Yet in 40 days Ninevah will be destroyed.”

change their ways and turn to the Lord. Therefore, it is shown that Jonah 3:4 had an unspoken condition: “as long as the actions of Nineveh do not change.” However, it is interesting to note that there is no indication at all of such an interjection in the initial statement about the future. Therefore, sometimes future propositional statements can be conditional even though they do not appear to be so initially. Yet, they would prove to be so later when the predicted event does not occur.

There is a brief discussion in Callaham’s *Modality and the Biblical Hebrew Infinitive Absolute* concerning whether or not divine proclamations about the future ought to be understood as epistemically certain.⁸⁶ However, it seems as though at least in the case of the prophecy in Jonah, simply because God would conceivably know the future for certain does not necessarily mean that all of His, or His mouthpieces’, statements of the future must be taken as certain or necessarily are proven to be true. However, is there evidence that future proclamations using specifically the infinitive absolutes always come true, or are there instances where the future is treated as contingent? In fact, there are numerous examples of such a declaration. Three times in Ezekiel God speaks of condemning a wicked man to death, and each time the same form is used as in Genesis 2:17: “מָוֶת תָּמוּת.” Yet, each declaration is couched with a condition that:

“וְשָׁב מִחַטָּאתוֹ וְעָשָׂה מִשְׁפָּט וְצִדְקָה...חַיּוֹ יְחִיָּה לֹא יָמוּת.”⁸⁷ Now, in this case the conditionals are explicitly stated, but it should be noted that the form of the infinitive absolute is still a future propositional, and not a conditional form as one might expect it to be. What this is hinting at is that there are occasions where seemingly express statements about the future, even those which

⁸⁶ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 75-76.

⁸⁷ Ezekiel 33:14-15: “But then he turns from his sin and does what is right...he will live, he will not die.”

use infinitive absolutes, are actually implicit conditionals which do not speak of a future which is necessary and set in stone, but rather which may occur, given certain conditions.

A similar occurrence happens in 2 Kings 8, where Elisha commands the future king of Syria, Hazael, to pass on the word of God that the current king, Ben-Hadad, would survive his sickness. However, Elisha is sending this word of prophecy even though he is aware that it is false. In fact, the Lord showed Elisha that Ben-Hadad would die, and Elisha still deceived him regardless of this fact. This shows a clear example of a word from a prophet of God being sent out as a false witness. However, Elisha is not condemned for this falsehood. In fact, there is no indication that the author views this lie in a negative light at all. This seems to be definitive proof that authors of Hebrew Bible texts, even though the author in question is not the Yahwist, have no problems with prophecies which are false in nature, or which do not come to pass. It also shows that the infinitive absolute can be used in those false prophecies as the phrase “חַיָּה תִּחְיֶה” is used in this instance. This, while different from the condemnation to die that is used in Genesis 2:17, is essentially identical in form to it. Thus, it has been demonstrated that future propositional infinitive absolutes are not necessarily true, even in divine and prophetic texts.

What is important in this study is not that it can be seen that future statements can be shown to be occasionally false in the Hebrew Bible. All that would be necessary to demonstrate that is to look at Genesis 2-3 itself as God’s condemnation of the man to death is proven demonstrably false. No, the important issue here is the attitude of the author to this fact. In the example of 2 Kings 8 above, the author is rather cavalier about a prophet of God sending out a false word to one of his subjects. It does not seem to be an issue on which the author sees as worth commenting. There are two possible conclusions in this scenario. Firstly, it is possible that the authors of these texts do not see lying as an objectionable action at all, and therefore there is

nothing to be offended by in these stories. Secondly, if the author does have a problem with lying, then maybe they do not see this particular scenario as being an inherent falsehood. Perhaps it is inappropriate to consider these scenarios as the author not caring about prophecies being falsehoods, but perhaps a more accurate description would be the author not considering these events as falsehoods at all. Perhaps the notion of a statement about the future not coming to pass is not appropriate to label a falsehood, but rather must be taken with a grain of salt as the future is inherently possible, and we must always, or at minimum on occasion, consider it as such.⁸⁸ Regardless of the answer, it is demonstrably true that the contradiction between Genesis 2:17 and the events of chapter 3 are not an anomaly in the biblical text.

Therefore, if it is possible that Genesis 2-3 does not contain any contradiction. What possible reason would there be to further explain away verse 17 as having to do with the immortality of the residents of the Garden of Eden? Arguments have been made that the seeming contradiction in the J creation tale indicate that God deceived the man in the garden, whether intentionally or not. Walter Moberly accuses James Barr of such an argument in his review of *The Garden of Eden and The Hope of Immortality*,⁸⁹ even though Barr himself denies that any reasonable conclusion from his book should determine that God's actions in chapter 2 count as a falsehood.⁹⁰ It would seem on the face of it that the work done in this study could serve as a fully-fledged argument against such a position. Therefore, what is the need to further argue that a deeper and more complex interpretation is needed in this scenario? The important conclusion from this work is not that there is no contradiction in Genesis 2-3, but rather that the author sees

⁸⁸ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 75.

⁸⁹ Walter Moberly, "Reviews," *The Journal of Theological Studies* 45, no. 1 (1994): 173.

⁹⁰ James Barr, "Is God a Liar? (Genesis 2-3)-and Related Matters," *ibid.* 57 (2006): 1.

no contradiction for a number of reasons. The important follow up question to this then is why does not the author see this narrative as having a contradiction within it?

Before this study analyses this issue further, there is another important factor that must be discussed: מוֹת תָּמוּת, and its counterparts.⁹¹ This phrase is an important one in particular because of its frequent usage throughout the Pentateuch. More than any other infinitive absolute, מוֹת תָּמוּת has a rich literary history, which may be one of the most important and underreported issues in Genesis 2-3. Primarily, this phrase is the primary pattern used to issue death penalties in legal texts⁹² and accounts for the majority of deontic obligative usages of the infinitive absolute.⁹³ Thus, at least for those reading the text itself around the time of its writing, this construction would sound similar to the phrase “I hereby sentence you to death” to a modern reader. There is an undeniable history of legality associated with the phrase, and it is possible that this history would be strong enough that the writer would consider using the phrase in this scenario as an allusion to these texts. If that were the case, then finding מוֹת תָּמוּת in this narrative would beckon thoughts of the numerous texts in which it was used to denote a sentencing to death for certain crimes and sins. Thus, by drawing attention to these texts, the author would not be saying that the man would literally die “on that day” but rather, would be saying that the man

⁹¹ In Genesis 2:17, the verb for “you will die” is מוֹת תָּמוּת while in other texts, such as the legal texts this study will look at, the verb for “will be given the death penalty” is מוֹת יָמָת. The difference in form between these two examples can be attributed to grammatical issues. In Genesis 2:17, God is speaking directly to the man, and thus must use the second person to refer to him. However, in the two legal texts, God is speaking to Moses about the people of Israel and thus use the third person to refer to them. Thus, the differences between the two finite verbs ends at parsing. For the remainder of this study, the phrase מוֹת תָּמוּת will act as a shorthand for any infinitive absolute usage of מוֹת regardless of the person, number or tense of the finite object.

⁹² Robert Alter, *The Five Books of Moses : A Translation with Commentary* (New York: W.W. Norton & Co., 2004), 21.

⁹³ Callahan, *Modality and the Biblical Hebrew Infinitive Absolute*, 125.

would be sentenced to death “on that day.” As it is true that the man does not die on the day he and the woman eat from the Tree of the Knowledge of Good and Evil, then there is at least one reason to consider this possibility as plausible. It must be said that it would be very difficult to prove that this was the intention of the author. However, if the author is patently aware of these texts and the narrative itself supports this reason more than the more common reading, then there are compelling reasons to accept this hypothesis as plausible.

I would like now to turn to a large block of these deontic obligative usages of מוֹת תָּמוּת.

Conveniently, 9 such usages occur in Leviticus 20, in the middle of a contained work known as the Holiness Code. This section of text will be regarded individually, and then compared to other such usages in legal texts afterwards. All of the usages in Leviticus 20 are as a consequence to sinful actions including: child sacrifice, adultery, incest or witchcraft. Thus, in this situation, the infinitive absolute is used in conjunction with criminal legal texts rather than civil legal texts. It should be noted that these legal texts are formatted as a superior to inferior communication as a leader is giving commands to a group who must follow it. In this case, Yahweh is handing down the commandments to Moses, while they are meant for the people of Israel. Thus, the format of these texts are in the third person, “he must do this or he will die,” which is inherently different from Genesis 2:17 in which God is directly handing down a commandment to the man, and thus it is in the form of a second person commandment. Another disparity between these two cases is the difference between the propositional future form in Genesis and the deontic obligative in the legal texts. While this could be seen as a problematic difference which may disprove the theory that the Genesis text is referencing the legal texts, it must be pointed out that this is simply an issue of grammar. After all, if God is speaking directly to the man about his consequences, then he must speak of it in regards to his own future. However, if God is speaking to Moses about the

consequences of a third party, and Moses is holding a position of power, then it ought to be done in regards to Moses' role in the other's punishment. So, Genesis' infinitive absolute is in the form of the future of the man, while Leviticus' infinitive absolute is in the form of Moses' obligation to enact the future of the third party. After all, the obligation to put the third person to death is not an obligation of that person, but rather it's an obligation for the one putting them to death, who in this case is Moses.

Of course, Leviticus 20 does not contain the only uses of מוֹת תָּמוּת in legal texts. This section will examine these other iterations to look for any notable disparity in usage of the infinitive absolute in legal contexts. Leviticus 24 contains two usages of the infinitive absolute for מוֹת. The first, in verse 16, comes after a story of a half-blood Israelite who blasphemed the name of God. The Lord responds to this occurrence by proclaiming to Moses that the punishment for blaspheming is stoning until death. This is an interesting instance because it seems to be prompted by an event, rather than being a part of a separate code. Following this, in verse 17, is the declaration that murder is punishable by death. Though the content of the following verses is different from the former, it is treated as a mini pericope which deals with offenses requiring physical punishment, be it death or injury. What is interesting about the sentences following verse 17 is that many of them involve the death penalty, though only verses 16 and 17 use the infinitive absolute to declare it. One would expect a uniformed treatment in legal texts, but perhaps the differences says something different about blaspheming and murder.

Leviticus 27 contains one instance of the death penalty using the infinitive absolute, in verse 29. This instance is particularly interesting because it deals with the meta-consideration of how to handle those who have been "devoted to the Lord":

בְּלִיַּחֲרָם אֲשֶׁר יַחֲרֵם מִן־הָאָדָם לֹא יִפְדֶּה מוֹת יוֹמָת.⁹⁴ This may be a critical blow for the theory that there is an implicit permission of mercy within these sentences of death. After all, if those who have been devoted to the Lord for destruction must be killed, then surely those who have earned a penalty of death must be killed under all circumstances. In fact, this verse comes in a section of the law which is discussing ritual devotion to the Lord in such cases as the firstborn of an animal being devoted to sacrifice, and indentured servitude. This section does not discuss the death penalty at all, except for denying those devoted to destruction freedom from the death penalty. Additionally, the Hebrew word חָרַם, used twice in this verse, both as the verb and noun, refers to ritual consecration. So, this verse is not discussing the death penalty at all, but rather discussing occurrences of holy wars such as the conquest of the Promised Land.

Occurrences of מוֹת יוֹמָת in Numbers are much rarer than in Exodus and Leviticus. The first, in chapter 15 verse 35, deals with an individual case of a man picking up sticks on the Sabbath, and thus being put to death. This is the first case of a sentencing to death not in the form of a grand proclamation, but rather in a much more specific: מוֹת יוֹמָת הָאִישׁ. So, this is not in the form of “Whoever acts in this way should be put to death” but rather “put this man to death.” Sabbath breaking was already made a capital offense in Exodus 31 and 35, both of which belong to the P source. Therefore, this event could be seen as the people acting in accordance with the law. However, it is interesting that the Lord has to tell Moses to put this man to death when he already has instructions on how to deal with him. This is not a definite indication one way or the other, but it is a trend to look at further. Numbers 26:65 contains a recollection of people who the Lord had said would die in the wilderness, and who had. This is not in the now traditional form

⁹⁴ “None devoted to destruction by man may be redeemed, they must die.”

of deontic obligative, but rather in the propositional future, similar to Genesis 2:16. Interestingly however, this is not a simple future tense, but akin to the future in the past tense, which is a much more complicated tense than is usually seen in ancient Israel.

There is one more group of מוֹת יָמָת that can be found in Numbers 35 discussing the differences between manslaughter, who deserves reprieve, and a murderer, who deserves death. These verses claim that anyone who kills with an iron, stone, or wooden tool has committed murder and has earned capital punishment. As well, if a person has killed a man with his bare hands but has done so in vengeance, then this also counts as murder, and murder is a capital offense. The issue here seems to be intent and prior consideration, as one who has acted with malice and forethought has earned the death penalty. The interesting thing about this section is that those who killed without this forethought have earned refuge in separate cities of refuge where they can escape further retribution. So, whereas Leviticus 20:17 says that murder is a capital offense, this section expands on that idea further with conditions where a murder can be dealt with more kindly.

There is an issue with comparing Genesis 2:17 with the above scriptures: Leviticus 20, the Holiness Code, and all other examples listed above, are all a part of the Priestly Source. It has been shown that P is the only Pentateuchal source which is mostly agreed to be post-Yahwistic. Therefore, how could it be that the Yahwist would be referencing such texts as the ones in the Holiness Code? Well, while it would be unorthodox to claim that since the infinitive absolute is used in such a way as in Leviticus 20, and other areas in the Priestly text, that there is evidence that the Yahwist could have awareness of such a usage, it is not unusual if there is evidence elsewhere that the Yahwist uses the infinitive absolute in such a way. There is such evidence in Exodus 20-23, elsewhere known as the Covenant Code. However, as it stands, there is not an

overwhelming consensus of scholars who agree that the Covenant Code is a part of the Yahwist source. In fact, many scholars believe that the Covenant Code should be seen as the legal text of the Elohist source. However, as was alluded to in the previous chapter, Van Seters is a notable scholar who believes that the Covenant Code should be seen as a Yahwistic legal code. In fact, Van Seters is among one of the many scholars who denies that the Elohist text exists as a separate entity at all. Van Seters believes that the Pentateuchal text should be separated into Deuteronomistic, Priestly and Pre-Priestly sources, in which J and E are combined into one source. However, while this study accepts Van Seters' dating of the Yahwist, as well as his acceptance that the Covenant Code is a part of this source, it does not seem necessary to this view to deny the existence of the Elohist. As such, this study accepts a somewhat more traditional view that J and E are two separate sources, though E is a much earlier source than the Yahwist.

Since it is unorthodox to accept the Covenant Code as a part of the Yahwist's corpus, this study will examine the reasons to accept that this work is more appropriate in the J source rather than the E source. The Covenant Code was initially viewed as a part of the Jehovistic work by Julius Wellhausen in his *Prolegomena to the History of Ancient Israel*.⁹⁵ As said above, Wellhausen believed very strongly that one could track the evolution of Israel's history by their understanding of ritual and cultic laws. As such, it is the attitude of the Covenant Code to these two areas which lead Wellhausen to believe that it belonged to the earliest source:⁹⁶ "An essential agreement prevails between the Jehovistic law which sanctions the existing seats of

⁹⁵ As this work is very early in the history of source criticism, Wellhausen's understanding of the J and E sources was that they were a part of the same source rather than two distinct works. Though the reasons he took this view is considerably different than Van Seters.

⁹⁶ Wellhausen, *Prolegomena to the History of Israel : With a Reprint of the Article 'Israel' from the Encyclopedia Britannica*, 33.

worship and the Jehovistic narrative.”⁹⁷ This conclusion stands sturdy on the argument laid out by Wellhausen that the Jehovistic work is evidence of a primitive time before the religion of Israel demanded centralized worship around the city of David, as illustrated in the Priestly texts. So securely was this view, that it lies uncontested in Wellhausen’s work: “Both obviously belong to the pre-prophetic period.”⁹⁸

Since Wellhausen viewed the cultic laws in the Covenant Code to be older, as evidenced by its acceptance of various altars, this view was largely accepted. Then, the Covenant Code was thought to be an evolution of the older legal code in Exodus 34, and because the framework of source criticism viewed J to be an older source than E, Exodus 34 was attributed to the Yahwist, and the Covenant Code was given to the Elohist.⁹⁹ However, if it were true that the Yahwist source ought to be seen as a later source than the Elohist, then this logic does not hold up against any severe scrutiny. Additionally, the traditional separation between verses and the source they belong to is not as neat as it is in certain other pericopes.¹⁰⁰ Specifically, where Exodus 19:20-25 is usually attributed to J, and therefore removed from the narrative of the Covenant Code in order to make the so-called E phrase “and God spoke all these words, saying” make logical sense, as it conflicts with the ending of verse 25, this eliminates any opening to the legal text and thus makes the text begin suddenly and awkwardly.¹⁰¹ As well, there is a seeming connection between 19:19 and 20:18-21, both which refer to God’s presence as a thunder and the people’s relationship to it.

⁹⁷ Ibid., 32.

⁹⁸ Ibid.

⁹⁹ John Van Seters, "The History of Research on the Covenant Code," in *A Law Book for the Diaspora* (New York: Oxford University Press, 2002), 8.

¹⁰⁰ To me, the golden standard of source division within a narrative is Genesis 37. That example attributes each section to its own source, which makes sense within the grand narrative of each source. The internal logic of the separated stories is consistent and leaves no major gaps of logic or unnecessary complicated sections. Finally, each narrative has a logical opening and closing to its story which connects it to what comes before and after it within its source. This shows the goal of determining what parts of the biblical story goes into what source, and if the vision of source division falls short in any of these areas, then there ought to be further examination as to where they belong.

¹⁰¹ Van Seters, "The History of Research on the Covenant Code," 47.

However, the Decalogue seems to interrupt this smooth narrative and removing just 19:20-25 does not solve this problem. This tension is present regardless of the source one attributes to it, but an ideal conclusion to this tension would not leave such a glaring hole in it. Van Seters' response to this issue is to claim that the Decalogue¹⁰² is a Priestly insertion, as evidenced by its preoccupation with the Sabbath in verses 8-11.¹⁰³ The rest of the source is a Yahwistic text. Previous contentions about this being impossible given that there is a seemingly relationship with Deuteronomy 4-5¹⁰⁴ are no longer convincing because Van Seters' position is that J is post-Deuteronomistic, and therefore can use those texts as inspiration.

Just as in any argument, if the base of this conclusion is taken away, so must any assumptions be which are made on top of it. As shown above, there are compelling reasons to assume that it is inappropriate to attribute the Covenant Code to E instead of J. The main reason in doing it was merely that the majority opinion was that J was a predecessor to E, and it was convenient to have a legal code present in every major source. As has been shown, entertaining the fact that the Yahwist might be exilic fundamentally shakes long held opinions about source divisions which were being held tenuously simply because they were the best answers possible.

As has been shown, there are compelling reasons to attribute the Covenant Code to the Yahwist, whether or not one also wishes to deny the existence of the Elohist notwithstanding. Given this discovery, there is much to be found within this legal code that illuminates the author's understanding about the function of the infinitive absolute in specifically discussions of consequences. Much like the legal code of the Priestly texts, the Covenant Code uses the deontic

¹⁰² 19:12-13a, 20-25, 20:1-17. Ibid., 54.

¹⁰³ Ibid.

¹⁰⁴ Ibid., 50.

obligative infinitive absolute when describing the death penalty: “מִכֶּה אִישׁ וְמָת מוֹת יוֹמָת.”¹⁰⁵

Additionally, even when describing the death penalty in different words than מוֹת יוֹמָת the author still uses the same verb form: “וּכְיִיגַח שׁוֹר אֶת-אִישׁ אוֹ אֶת-אִשָּׁה וְמָת סָקוּל יִסְקָל.”¹⁰⁶ These two examples are identical to the Priestly usages of the infinitive absolute in all meaningful ways. Thus, this shows that the Yahwist has a similar view of the role of the infinitive absolute in legal contexts as the Priestly author. So, it is no longer important whether the Yahwist was aware of the Priestly text, or how the infinitive absolute was utilized in describing the consequences in legal texts because it can be demonstrably shown that the Yahwist used the infinitive absolute in an identical way.

Despite the above discoveries, this study has not yet demonstrated the significance of the Yahwist's understanding of this usage of the infinitive absolute. Why, after all, would it matter if the author of the second creation story knew that the infinitive absolute is oftentimes used in sentencings to death in legal contexts? Especially if those situations are treated with certainty so that they are nearly always followed through? In such a culture where their self-identification is intimately connected with following their cultic practices, does not connecting a consequence to an early sin to the traditional sentencing for crimes only make the implications that much stronger in the minds of the readers? Will God handing down an official sentencing to the man not make the reader expect the consequence for his inevitable sin that much more strongly?

This is exactly why understanding that the early writers of the Hebrew Bible did not view statements about the future, even in divine contexts, to be necessary is so important. In fact, there is evidence that even in legal contexts, the Ancient Israelites did not view the punishments to

¹⁰⁵ Exodus 21:12. “Whoever strikes a person so they die will be put to death.”

¹⁰⁶ Exodus 21:28. “If an ox gores a man or a woman unto death will be stoned to death.”

crime to be a necessarily aspect in criminal or civil contexts. Martin Buss, in his “The Distinction between Civil and Criminal Law in Ancient Israel” discusses the role of the modal infinitive absolute in these legal cases. Amongst his findings is that the infinitive absolute can be used in a uniquely modal way which acts as a weak obligative.¹⁰⁷ Unlike actual obligatives, the subject is not required to act in a certain way, as this verb is not acting as an imperative. Rather, the mean is more akin to a suggestion, “ought,” or more appropriately, a permissive, “could.” One such example is found in the covenant code which we have been studying. Exodus 21:28 starts a discussion about an ox, owned by a man, which gores an innocent passerby and results in their death. The consequence for this action is “סָקוּל יִסָּקֵל.” This verse is frequently studied because the ox is given the punishment of a human who has done wrong, stoning.

However, this section of text remains interesting for our purpose because of the next verse which says:

וְאִם שׂוֹר נָגַח הוּא מִתְמַל שְׁלֶשֶׁם וְהוּעֵד בִּבְעָלָיו וְלֹא יִשְׁמְרֵנוּ וְהָמִית אִישׁ א֥וֹ אִשָּׁה הַשּׂוֹר יִסָּקֵל וְגַם-בְּעָלָיו “
 יוֹמָת.”¹⁰⁸

What is interesting about this verse is not the consequence, but rather the conditions of the action. Verse 28 clearly state that an ox that kills must be stoned to death, and gives no possible course of action which allows it to live. However, the very next verse describes an ox which is “accustomed to gore in the past.” How would it be possible for an ox, who ought to have been killed by its master after goring once, might live long enough to gain a reputation for goring? It is clear that this is not a different ox because it is described with a definite article,

¹⁰⁷ Martin J Buss, "The Distinction between Civil and Criminal Law in Ancient Israel" (paper presented at the Proceedings of the Sixth World Congress of Jewish Studies 1973), 55-56.

¹⁰⁸ “But if the ox had previously gored in the past, and the owner has been told of it but does not keep it in and the ox kills a man or a woman, then the ox will be killed and the owner will be put to death as well.”

showing that this is meant to be the same ox as referred to in the previous verse. Buss' answer to this conundrum is to describe the infinitive absolute as a "declaration of liability."¹⁰⁹ By this, he means that the consequences for crime do not place the third party in obligation to punish them, and their consequences ought to be seen as a maximum punishment rather than a necessary response to their actions. Thus, a man's ox goring a person would not then place an obligation on the owner of that ox, but rather the ox would be liable to earn a maximum punishment of stoning. Though, if the owner believes that he could prevent it from happening again, and make it right with the victim's family, then if all parties are satisfied, there would be no need for further action.

This implicit condition brings to mind the previous example of Jonah and the Ninevites. There too was an implicit example not mentioned in the initial proclamation of their consequence. However, when they changed their ways to ensure their crimes were not committed any further and made the offended party, God, pleased and satisfied with their reaction, He was willing to minimize their punishment and was not then obligated to destroy them because He had previously determined that an appropriate course of action. This concept of the declaration of liability also makes sense within a legal context. If a person commits a crime, for example murder in the second degree, the judge abiding over their case is not obligated to give them the textbook punishment. Rather, conditions surrounding the case and the perpetrator allows for leniency in sentencing. Punishment of crime ought not to be seen as a responsibility towards the affected party, they are the victim of a crime and it would not be reasonable to demand action from them if they do not see it as necessary.

¹⁰⁹ Buss, "The Distinction between Civil and Criminal Law in Ancient Israel," 55.

So, Buss' hypothesis is that a certain kind of modality in the infinitive absolute is that in legal contexts where the infinitive absolute is used as the consequence, it ought to be seen as the declaration of liability. That punishment is the maximum possible punishment, not rather an obligation of punishment. In a footnote in his work, Buss explicitly cites Genesis 2:17 as an example of this declaration of liability: "Gen. 2:17 contains the declaration of liability, not a prediction (which literally would have proven false, although 'day' is a vague term.)"¹¹⁰ It is the position of this study that Buss' off-hand comment about an obscure legal verb type is exactly the solution to this confounding issue in Genesis 2-3. God hands down the first law to the man, as well as the consequence for breaking it. The Yahwist, knowing that his main legal text in Exodus 23 will be full of such laws, references this text early on in his work. The Lord, with all the leniency permitted in his ruling, decides to give a temporary reprieve to the man and the woman, and does not kill them on the day that they eat of the tree, but upon their head remains the liability of their sin. They ate of the tree of the knowledge of good and evil and for that they have an enduring death penalty on their lives which will be paid out. Further on in this paper, the full extent of this conclusion will be examined within the logic of the story and its relationship to the tree of life.

However, before that discussion can take place a fuller analysis of the work of the Yahwist is necessary because it has not been proven that this conclusion is an appropriate one to make. It will be argued that the Yahwist might be thought of as an author who uses the infinitive absolute in such a way that he would feel comfortable using this kind of allusion in this text. To do this, the full scope of infinitive absolute usage will be examined and shown that the Yahwist had a diverse and deep portfolio with the infinitive absolute. There is a need therefore to

¹¹⁰ Ibid.

describe exactly what kind of author the Yahwist might have been, in relationship to the other major authors of the Pentateuch. The goal of this section will be to suggest that of all the authors, the Yahwist is the most likely to be creative with his writing and use this kind of verb type in his work.

This section has argued that the hypothetical translation suggested by this thesis is a possible one within the logic of the Pentateuch. It was first shown that the Hebrew Bible has a complex relationship with the future tense, allowing it to appear definitive, while often remaining speculative. Additionally, it was shown that the Yahwist, the author of Genesis 2-3, retains this attitude in his work. It was shown that the Yahwist used the infinitive absolute as a formulation of the death penalty and even more specifically, that when this formulation was used, it was not always followed through upon. This was all to argue that when the Lord says to the man in Genesis 2:17 that he will die, it actually should be understood to mean that the Lord is placing the death penalty on the man. This would be the Yahwist alluding to the legal texts in Exodus 23, his major legal text, and showing that this is the first and only law given by the Lord directly to the first man. When the man breaks this law, the Lord then acquiesces and gives temporary mercy to the man, because the infinitive absolute can be used as a declaration of liability, a term coined by Martin Buss to refer to the fact that mercy is sometimes given in Hebrew legal texts, and that consequences to crimes are not as strict as they might appear. This is all an answer to the seeming contradiction between Genesis 2:17 and later in the story where God seems to back down from His promise to kill the man when he eats from the tree of the knowledge of good and evil.

Chapter Three: The Infinitive Absolute in the Yahwist

So far this study has examined the theory that the curse that the Lord gave to the man in Genesis 2:17 ought to be understood not as an imminent death threat, but rather as a removal of immortality. Before discussing the final element of this argument, a quick aside must be made to examine the habits of the Yahwist in using the infinitive absolute. The varying kinds of modalities that the infinitive absolute can hold has been discussed at length. As such, I have argued that not all infinitive absolutes should be looked at as equivalent. Thus, it is prudent to undertake a thorough investigation of all usages of the infinitive absolute in order to truly understand, with no misunderstandings, the relationship that the Yahwist has with the infinitive absolute and exactly what they understood as the worth of the infinitive absolute and the wealth of uses it had. This study will be using the survey of infinitive absolute usages by Scott Callaham and a source division that roughly compares to Joel Baden in a combination to narrow down the verbs used in the Yahwist which are important to this discussion.¹¹¹

Arguably the most interesting examples of the infinitive in the Yahwist literature for this discussion is found in the same pericope as narrative being discussed: Genesis 2-3. These uses of the infinitive absolute are more important because it can be known with the most certainty that the same author wrote this selection of text with the same goal in mind uniformly throughout. Comparing, for example, a sample text between Genesis 2 and Numbers 20 would be less informing, even though both belong to the Yahwist corpus. For even though the same macro-considerations are consistent between the two works, the micro-considerations could not be more different. The Yahwist is not writing his texts in Numbers for the same reason as he is writing his

¹¹¹ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*. Baden, *The Composition of the Pentateuch : Renewing the Documentary Hypothesis*.

creation narrative. Therefore, in the interests of removing all possible contaminations from our comparisons, it is helpful to examine the infinitive absolutes which are in the same pericope.

The first usage of the infinitive absolute in the Yahwist is not in fact the one of interest to this study, but rather one immediately prior to the sentencing to death. In Genesis 2:16, God says to the man “מִכָּל עֵץ-הָגֶן אָכַל תֹּאכַל”,¹¹² which serves as a precursor to the legal conditional statement of Genesis 2:17. Scott Callaham lists this as an event deontic-permissive modality,¹¹³ which denotes, as it sounds, a superior granting permission to an inferior to act in a certain way. Thus, the habit of many translations to render this sentence as “From all the trees of the garden you may surely eat”¹¹⁴ is putting too strong of an emphasis on the infinitive absolute. The infinitive adds the modal emphatic “may” on the sentence, and therefore also including another, different modal emphatic “surely” is confusing the purpose of the infinitive absolute. Another alternative translation “you may *freely* eat”¹¹⁵ is more acceptable, but ultimately is committing the same unnecessary addition.

An alternative interpretation of the modality of Genesis 2:16 is found in Barry Bandstra’s *Genesis 1-11: A Handbook on the Hebrew Text* in which he argues that the context of the sentence warrants a stronger translation with “a strong degree of obligation: you must eat.”¹¹⁶ This is due to the relationship with the תֹּאכַל of Genesis 2:17, and his hypothesis is that the two verbs serve to mirror each other. This would suggest that the severity of the negative imperfect

¹¹² “You may eat of all the trees of the garden.”

¹¹³ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 232.

¹¹⁴ ESV.

¹¹⁵ NLT. A related translation used in the NLT “You are free to eat from any tree in the garden” solves this issue by focusing on the emphatic “free” at the expense of the more vague “may.”

¹¹⁶ Barry L. Bandstra, *Genesis 1-11 a Handbook on the Hebrew Text* (Waco, Tex.: Baylor University Press, 2008), 143.

verb in Genesis 2:17 is similar to the severity of the permissive sense of *אָכַל תֹּאכַל*.¹¹⁷ While this is possible, it seems to me unlikely for two primary reasons. Firstly, there is no strong reason for the author to have made the negative *תֹּאכַל* an infinitive absolute, which would mirror the previous infinitive absolute much better if that was the intent of the author. Secondly, under Dr. Callaham's system, the only stronger version of a permissive is an obligative, which is used in cases of weak imperatives.¹¹⁸ Thus, the only logical usage of such a modality would be in God commanding the man to eat the fruit, which is a needlessly unnatural understanding of the narrative.

The infinitive absolute represents the sole usage of the event deontic-permissive modality in all of J. This is an interesting discovery as it implies that the Yahwist opens his narrative with an unconventional use of the infinitive absolute for their work.¹¹⁹ This signals the beginning of J's creative and diverse uses of the infinitive absolute. J uses an infinitive absolute verb in a verbal sense 61 times¹²⁰ and in 16 disparate ways. Compared with P which uses the infinitive absolute 60 times but in a mere 6 disparate ways. Deuteronomy uses the infinitive absolute 47 times and in 8 disparate ways. It is clear that the Yahwist is definitely the most comfortable with using the infinitive absolute in relatively unusual ways, while the other two major sources of the Pentateuch use the verb type in its more common occurrences.

The next infinitive absolute after Genesis 2:16 and 2:17 is found in the chapter 3 and is used as the counterpart of the future usage in 2:17. The serpent, when talking with the woman,

¹¹⁷ Ibid.

¹¹⁸ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 29.

¹¹⁹ The Yahwist only uses a deontic-permissive modality in this one occurrence.

¹²⁰ This is not including the purported E source, which Van Seters believes is also part of the J source.

says to her “לֹא-מוֹת תָּמָתוֹן”¹²¹ which is a Propositional: Negative modality.¹²² It may be concerning that the consequence is repeated here in two different formats from 2:17. The woman repeats the consequence with a generic imperfect, and the serpent with a negative infinitive absolute. After all, if it is the usage of the specific form of the future infinitive absolute that alludes to the legal uses of this verb type, then how can these two others also do the same? In fact, this section strengthens the hypothesis that God was referring to a death penalty in 2:17 for the woman ignores the statement כִּי בַיּוֹם in her repetition of the statement, which indicates that the time period was on no importance. Secondly, the serpent’s denial is of the penalty of death in general. The snake does not say “you will not die *on that day*” but more generally, “you will not die!” It sounds as if the snake was denying the reality of death itself for the man and the woman. This is additionally likely because as the story makes clear, death was not a reality in the Garden due to the Tree of Life. This particular idea will be discussed in greater detail in the subsequent chapter. Interestingly, Scott Callaham determines that this is the only usage of this modality type throughout all of the Hebrew Bible. Infinitive absolutes are negated with both לֹא and אַל very often, but this is the single instance where the infinitive absolute is used in order to cast doubt upon a preposition. If this is the case, then the Yahwist is not only active and creative with his use of the infinitive absolute, but is also an innovator of modalities as he created an entire new way to use language in order to impart meaning.

The final infinitive absolute within the primeval history of the Yahwist is in 3:17 is a Deontic Commissive, a modality which is sparingly used, and only within Genesis. This use of

¹²¹ “You will not die.”

¹²² Scott Callaham incorrectly labels this modality as Propositional: Interrogative in Appendix 1 of *Modality and the Biblical Hebrew Infinitive Absolute*, but correctly refers to it as a Propositional: Negative throughout the rest of the book.

the infinitive absolute differs from 2:17 because it reflects the divine intention to act according to his word,¹²³ which adds a certain level of gravitas to the sentiment. This is evidenced by the occasions of this modality within J. Firstly, in this occasion where it has been argued that a purpose of this story is an etiology of pain in childbirth.¹²⁴ Thus, the certainty of this occurring is, from the vantage point of the reader, 100%. Secondly, in 16:10 and 18:10 both regard the offspring of Abraham, which is the future of Israel, and thus the purpose of the Yahwist's tale on a meta-level. Thus, the Deontic Commissive in divine contexts seems to be used in occasions of extreme certainty. Likewise, in the two occasions of the Deontic Commissive being used in human speech, coincidentally both at the hand of Jacob, it is used in occasions of certainty, once in an oath to Laban, in 30:32, and the other in repeating the oath of God from 16:10, in 32:12. Concerning Jacob's oath to Laban, the notable usage of the Deontic Commissive seems to reflect Jacob's internal fortitude concerning completing his part of the bargain, as the pericope seems to be focusing on Jacob's resilience to his word under the capriciousness of Laban. One might even argue that Jacob intended to say that he will complete his oath with the certainty of God behind his actions.¹²⁵

Other than 2:17, there is one Propositional Future in the Yahwist, which is found in Genesis 18:18 when the Lord declares that Abraham's offspring

“הֵיוּ יְהוּיָהּ לְגוֹי גָּדוֹל וְעָצוֹם וְנִבְרָכוּ.”¹²⁶ Once again, it is the Lord that is saying this, yet without an obvious allusion to the legal usage, which is specifically related to the verb מוֹת there is no compelling reason to interpret this as anything but a mere future.

¹²³ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 166.

¹²⁴ André Lacocque, *The Trial of Innocence : Adam, Eve, and the Yahwist* (Eugene, OR: Cascade Books, 2006), 23. Robbins, *The Storyteller and the Garden of Eden*, 61.

¹²⁵ Genesis 31:6.

¹²⁶ “Will become a great nation.”

The modalities found in the early part of the Yahwist are varied and unique, but as the document continues the Yahwist begins to rely on several specific modalities more and more. Firstly, a great host of the infinitive absolutes in J are the Evidential: Deontic Obligative, which occur primarily within the Covenant Code, but also occur beforehand. 18 of the 61 occurrences of the infinitive absolute are Obligatives, and 13 of those are within the Covenant Code. The other verb type which occurs frequently within the legal code is the Propositional: Conditional, which occurs 10 times within J and 9 times in the Covenant Code. Finally, 4 times in the Covenant Code the infinitive absolute is used in an imperative sense, and nowhere else within J is this modality used. All of these modalities are used primarily in legislative scenarios, and always in this context from a master to his subordinate.¹²⁷

There are also cases of the infinitive absolute carrying no modality, which simply means that the surrounding context alters the meaning of the finite verb in no meaningful ways, and therefore the use of the infinitive absolute is merely to enhance the concept of the finite verb.¹²⁸ For example, in Genesis 43:3, “הָעֵד הָעֵד” could be enhanced by adding a generic “surely,” or the meaning could be evaluated and noted that since the verb means “to swear” then the appropriate enhancement would be something akin to “he solemnly swore.” Yet, as the context adds no modality to the verb, then there is no possible extension of meaning past the finite verb, and therefore no advantage to examining these examples further.

There remains one more modality which is used more than a few times within J, the Propositional: Interrogative. There are 4 of these infinitives within J, and they all come in Genesis. Specifically, they all occur within the Joseph saga, which may hint at a separate source

¹²⁷ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 94, 125, 38-39.

¹²⁸ Ibid.

or tradition behind this pericope beyond the rest of the J corpus. These are all formed as rhetorical questions, and do not necessarily require an interrogative marker. In fact, only the infinitive in 44:5 carries the traditional rhetorical question marker of הֲלוֹא and the others are gleaned from context.¹²⁹ Besides all occurring in the same small narrative, there remains no aspect of interest requiring further examination.

Of the remaining infinitive absolutes, there is no other modality which is used more than twice throughout the entire J corpus. These seven modalities are: Evidential sensory, Epistemic assumptive, Dynamic abilitive, Epistemic speculative, Resultive, Habitual and Jussive. Sensory infinitives are used twice in J and both in relation to seeing where it is what is seen that lead to another action. In Genesis 26:28, Abimelech “sees” the witness of the Lord in Isaac as is spurred to make a pact between himself and Isaac because of this. Likewise, in Exodus 3:7, the Lord “sees” the affliction of his people and it compels him to take action in the form of Moses. An Assumptive infinitive is only used once in J, in Genesis 43:7 when the brothers imploringly ask of their father “הֲיָדוּעַ גִּדַּע כִּי יֹאמַר הוֹרִידוּ אֶת-אֲחֵיכֶם.”¹³⁰ The interrogative mark clues the reader into the fact that the context demands that the infinitive be turned into a question of some kind, and assumptives are traditionally used with the verb יָדַע.¹³¹ The Abilitives, Speculatives Resultive, Habituals and Jussives are all very typical for their type and thus contain no necessary information for this study.

This section has provided a close examined of the Yahwist’s use of infinitive absolutes and has determined that the author behind J was very creative with his use of the infinitive

¹²⁹ Ibid., 70.

¹³⁰ “Where we to know that he would say ‘bring your brother back here’?”

¹³¹ Callaham, *Modality and the Biblical Hebrew Infinitive Absolute*, 58.

absolute, and in some cases was creating new ways to utilize the verb type. Thus, if our author is the type to wield the tools of language in ground-breaking ways, then it is all the more likely that he intended to allude to legal texts when utilizing an uncommon modality in his creation myth. This is especially true because the Yahwist was using the infinitive absolutes in over twice the amount of ways as his contemporary writers in the Deuteronomist and the Priestly writer. It is demonstrable that the J author was using the infinitive absolute in unheard of ways, and in these cases it is not controversial. Thus, to hypothesize that the Yahwist was creative in one other way does no longer seem out of the realm of possibility, but rather exactly in the style of the writer we are examining.

Chapter Four: The Meaning of מוֹת תָּמוּת in Genesis 2:17

Until now, this thesis has been solely concerned with the realm of the possible: if the Yahwist could possibly have used the infinitive creatively, if the Yahwist could have possibly been aware of the legal allusions of the infinitive in Genesis 2:17, if the Yahwist could have possibly meant to imply that God was threatening the death penalty on the man. It has been definitively shown that the Yahwist was a relative connoisseur of the infinitive absolute compared to his fellow authors of the Pentateuch. As such, he was shown to be a trailblazer of creativity in terms of using the infinitive in new and interesting modalities which are unheard of throughout the Torah and even unheard of throughout the Hebrew Bible. Thus, it was shown that it is within his purview to utilize the infinitive in the same way as in his legal texts, and other legal texts, to allude to these texts in order to make a grander point in his narrative. Now that these things have been shown, it is time to exit the realm of possibility and start to officially make the argument that an optimal reading of Genesis 2-3 should understand 2:17 as a reference to the legal texts that J would have been certainly aware of and understand that this narrative is meant to be understood as the transformation of humanity from immortal to mortal beings. This final section will make the argument that the rest of Genesis 2-3, as well as the rest of the Yahwist's larger corpus, is best understood when making this assumption about 2:17.

Before examining the text carefully in order to understand it from the perspective espoused by this thesis, one last criticism must be disbanded before we can truly enter into the story. This is the view that Adam and Eve were never meant to be understood as immortal in the Garden of Eden. If this were the case, then the threat of leaving the Garden would not stand in as an effective equivalent to sentencing the humans to death. After all, if they were always going to die, then removing them from the Tree of Life would do nothing to expedite that process. The

view that the first humans were immortal in the Garden is certainly popular amongst scholars, especially since parts of the Bible itself seems to encourage this view when Paul writes in Romans that “just as sin came into the world through one man, and death through sin, and so death spread to all men because all sinned.”¹³² Though this does not explicitly state that Adam was immortal, it does claim that death entered the world after the first sin, and thus beforehand death was not a part of the human condition. As such, a layman’s approach to this issue tends to adopt Paul’s view, thus establishing a trend in Christian readings of this text.

One might ask how a scholar could come away from the creation narrative and believe that the earliest humans were not understood as immortal. To come to this conclusion, there are a variety of different positions that have been reached. The first is that the redaction of the text implies a separation of the story of the Tree of Life and the Tree of the Knowledge of Good and Evil. This thought started as early as Karl Budde in his work and he comes to this conclusion because the phrase “בְּתוֹךְ הַגֵּן”¹³³ is “sandwiched between them”¹³⁴ unnaturally, which gives him the impression that the former is inserted in secondarily. In Budde’s position, a more natural reading if both trees were a part of the original story would have “in the midst of the garden’...issued before – or, what would be even better – after ‘טוֹב וְרָע.’”¹³⁵ Budde’s interpretation would be accepted by scholars such as Gunkel and Westermann. This criticism could be potentially disastrous for this thesis because if the Tree of Life is a secondary addition, then so are all natural inclusions of references to immortality.

¹³² Romans 5:12.

¹³³ “In the midst of the garden.”

¹³⁴ Karl Budde, *Die Biblische Urgeschichte (Gen. 1-12, 5)* (Giessen: J. Ricker, 1883), 51.

¹³⁵ Ibid.

However, the primary reason why splicing the two tree narratives together is an untenable position to hold is because that reading of the text is more unnatural than any potential irregularities involving the Tree of Life. As was just mentioned, there is a theme of life and death that runs consistently through the text from the Lord giving the breathe of Life to the man, the man being warned of death, and then man and woman eating from the Tree of Knowledge of Good and Evil and thus being punished with death. To remove the Tree of Life from this narrative would then cause an untenable hole in this story whereas the threat of death would not be fulfilled by anything. Not only this, but removing this relationship between life and death would affect all the curses in 3:14-19. 3:19 links dust (עָפָר) with death (מוֹת). Then, this links dust and life (חַיִּים). However, life and dust have been previously linked in 2:7 when God makes man from dust and the breath of life. So, there is this very clear and intentional circularity of themes which all connect to each other in every way. This further extends to the notion of work in the curse of the man which thus connects all the curses to this consistent theme of life and death. Thus, it seems unreasonable to claim that the Tree of Life is an extraneous part of the story.

However, let us consider that all of this is extraneous, and the original story is all the leftover materials in chapters 2-3. It does not seem, then, that this is a particularly brutal blow to this thesis, because contained within this chain of themes are all the materials that built this argument: the creation of man as immortal, the punishment of death for eating from the tree, the removal from the Tree of Life. So, if all of this is extraneous, then all that does is make this thesis about the secondary source, call it J^f. However, if it does nothing to make this thesis weaker, then it does not seem necessary to consider it as a dangerous position. Thus, the rest of this thesis will treat the Yahwist's narrative as a unified tale. If that is not a strong enough reason

to take this position, consider that dust and ground was already linked to the notion of life and death. Now, consider that the name of man (אָדָם) is linked to ground (אֶדֶם). This I would argue is strong evidence that all of the previous themes are central to the narrative of the creation of man. This argument is echoed in Tryggve Mettinger's *Eden Narrative*.¹³⁶

So, within the logic of the text, the only ways that the Tree of Life would not give immortality to the man and the woman would be if it was separated from them in some way, or if they simply had not eaten from it. In terms of the latter, this is not a relevant concern, because as long as the Tree of Life could have given the humans immortality, then they ought to be considered as potentially immortal.¹³⁷ When they are banished from the Garden, their ability to become immortal would have to change to zero in order for it to be an effective punishment. So, the last realistic criticism to this thesis would be if the Tree of Life was separated from the man and the woman so they could not eat from it. The text does not show either person actively eating from the tree. However, this does not mean they could not eat from the tree because the text also does not ever say they were barred from eating from the Tree. Likewise, the text does show the possibility of the humans eating from the tree in 3:23-24. Therefore, there does not seem to be a reason to accept anything but the straightforward reading of the fact that the man and the woman could eat from the Tree of Life in the Garden, and therefore when they were removed from the Garden, they suffered an unequivocal loss of immortality.

¹³⁶ Tryggve N. D. Mettinger, *The Eden Narrative a Literary and Religio-Historical Study of Genesis 2-3* (Winona Lake, Ind.: Eisenbrauns, 2007), 28.

¹³⁷ What is meant by this phrase “potentially immortal?” It, and another wording of “functionally immortal,” means that at the very least it renders the eaters as immortal while they continue eating from the tree. This is opposed to another interpretation of the tree’s powers which would render the man and woman completely immortal after they ate from the tree a single time. Since the Lord banishes the man and woman from the Garden of Eden, and the text makes clear that this action renders them mortal, the tree’s powers should be understood as the former, rendering the eater as potentially immortal.

Turning to the text, I will assume that the story is not exclusively meant to be understood as a creation narrative. Instead, I will argue that this story should be understood as a tale about the origin of sin¹³⁸ and the punishments thereof. Secondly, when the Lord explains the consequence of eating the fruit from the Tree of the Knowledge of Good and Evil, he is not meaning to refer to instant death, but, as this thesis has argued for at length, rather the punishment is the death penalty. These two assumptions must be made because it will be shown that they are necessitated by this reading of the text.

Looking at this narrative from the point of view of the consequences of sin established later on in the story, verse 5 stands out as potentially important. The earth is described as desolate and bare, without any plants having as of yet sprung up. The situation: “לֹא הִמְטִיר יְהוָה אֱלֹהִים עַל־הָאָרֶץ”¹³⁹ is given two explanations: “לֹא הִמְטִיר יְהוָה אֱלֹהִים עַל־הָאָרֶץ”¹⁴⁰ and “וְאָדָם אֵין לְעֹבֵד אֶת־הָאֲדָמָה”¹⁴¹. This establishes two necessities for the field to sprout plants: the intervention of the divine through rain, and the intervention of humanity through toil. This can only be understood as a direct reference to the curse of the Lord to the man in 3:17-19 for several reasons. Firstly, immediately following this statement the author describes the first condition being fulfilled, “וַיֹּאדָם יְעֹלָה מִן־הָאָרֶץ וְהִשְׁקָהָ אֶת־כָּל־פְּנֵי־הָאֲדָמָה”¹⁴² followed by God also fulfilling the second requirement: “וַיִּצְמַח יְהוָה אֱלֹהִים מִן־הָאֲדָמָה כָּל־עֵץ”¹⁴³. This is explicitly related to 2:5

¹³⁸ Admittedly, this is an unnatural term for this narrative as the word “sin” does not appear until Genesis 4:6. However, as the Yahwist does go onto discuss the sin and failings of man in the narratives that follow this one, it is reasonable to assume that sin was not a foreign concept in the mind of the Yahwist as he was writing his creation tale.

¹³⁹ “No plant of the field had of yet sprung up.”

¹⁴⁰ “The Lord God has not caused it to rain.”

¹⁴¹ “There was no man to work the field.”

¹⁴² “A mist came up from the earth and watered the whole face of the ground.”

¹⁴³ “The Lord caused every tree to sprout up from the ground.”

because the same verb is used in both verses “צמח” which means to sprout up. So, in verse 5 the growth of plants is said to necessitate the actions of both God and man whereas at the beginning of the narrative action of the story, God himself completes both actions without the help of man, even though man is created previously in verse 7.

How can this be reconciled? The answer seems to be a rather obvious one, the narrator is speaking to the readers of the text who do not live in the time of the story itself, but rather who live in a time after the curse is placed on the man. Naturally, the readers live in a time when humanity does work the ground in order to grow food. So, there is a difference between the reality of the world of the reader and the world of the narrative action. It stands to reason that if this is the case for one curse of the man, then it is also the case of the other: the narrative action takes place before humanity was destined to die. This is a direct argument against the view that the man and woman were not meant to be understood as immortal while they were in the garden. Such a view is espoused in various forms and functions by a variety of scholars. For instance, Tryggve Mettinger discusses the argument that the creation story carries signs of being influenced by two different traditions: one with the Tree of Life and one without.¹⁴⁴ The evidence for this view is found between verses 2:9 and 3:3. The former describes the Tree of Life as being in the midst of the garden, whilst the latter describes the tree in the midst of the garden as being forbidden. This confusion might be due to a separate tradition in which the Tree of Life was added into a pre-existent text which concerned only the Tree of the Knowledge of Good and Evil.¹⁴⁵ However, as was previously discussed, this is not a relevant concern for this work.

¹⁴⁴ Mettinger, *The Eden Narrative a Literary and Religio-Historical Study of Genesis 2-3*, 6.

¹⁴⁵ Ibid., 7-8.

Continuing to verse 7, there is a question as to whether the breath of life and the Tree of Life should be understood to be relating to the same thing. In his *The Eden Narrative*, Howard Wallace argues that the reader should not make the mistake of equivocating the two and misunderstanding the author's meaning.¹⁴⁶ He is so sure because the narrative itself explains clearly what the purpose of these two are. In the first instance, the breath is understood to transform the man into “לְנֶפֶשׁ חַיָּה” while the second is told allows the eater to “וַחַי לְעֹלָם.” Also, he references other Near Eastern myths which incorporate two or more different understandings of the same sort of prepositional phrase “of life” which likewise are not meant to be understood as the same as each other. Thus, it would not be unusual for the author to use two instances of the prepositional phrase and not mean for them to be understood as alluding to each other. It could be understandable to argue that since God breathed into the man in order to give him life then that life would be representative of the quality of its source, and thus naturally the man would be initially immortal. However, this would not necessitate a separate source, the Tree of Life, in order to maintain that immortality which the narrative indicates. Therefore, there does not seem to be any strong reason to believe that the phrase “of life” is uniform in meaning throughout this narrative.

In verse 16 we come across a point which is very important to the discussion. In this verse the Lord gives His first command and first law to the as of yet unnamed man. I have argued that the author is intentionally mirroring the legal texts of the time in order to form this law into a casuistic structure of prohibition, “לֹא תֹאכַל מִמֶּנּוּ,” and liability “מֵוַת תָּמוּת.” This structure is well documented throughout the Hebrew Bible in both J and P texts, and the liability

¹⁴⁶ Howard N. Wallace, *The Eden Narrative* (Atlanta, Ga.: Scholars Press, 1985), 103.

incurred in these types of laws has been documented to be held less forcefully than a required punishment, but can in fact be understood more as a maximum possible sentence.¹⁴⁷ Thus, in this case the sentence carries a meaning akin to “You are allowed to eat of every tree of the garden, except for the tree of the knowledge of good and evil. You must not eat from it, for in the day that you eat of it you will incur the penalty of your actions unto death.” Of course, this translation is needlessly wordy and complex, but it is merely laid out so explicitly because English modality can be oftentimes complicated. For instance, an appropriate translation could be “on the day you eat of it you could die,” meaning starting on that day there is a possible universe where you could drop dead at any moment, as compares to today where that is impossible. However, to an English reader this meaning is not apparent as it could also mean something similar to “on the day you eat of it you could die, but I do not know.” As mostly all modal words carry multiple meanings, translating this verse carries a unique difficulty. For the sake of this paper this verse will now be translated “on the day you eat of it you may die.”

This translation is not necessarily a unique one as some authors have briefly mentioned the possibility of a meaning similar to this one. As discussed in chapter 2, Martin Buss explicitly labels Genesis 2:17 as an example of a legal text which carries a consequence of weaker liability than others, though as his paper is on the distinction between the criminal and civil laws in the Hebrew Bible, it is not given mention besides a brief aside in a footnote. Additionally, the Targum of Pseudo-Jonathan translates 2:17 similarly to the way that this paper does when it renders it:

¹⁴⁷ Buss, "The Distinction between Civil and Criminal Law in Ancient Israel," 55-56.

”ומאילן דאכלין פירוהי חכמין למידע בין טב לביש לא תיכול מיניה ארי ביומא דתיכול תהי חייב קטול.”¹⁴⁸

Arguably, the author of this Targum must have seen the contradiction between the punishment and the result and reasoned that a meaning similar to the one above was the only logical conclusion of the text.

However, there is one more level to this translation which has as of yet not been mentioned. The choice of translation and of the modal word “may” might seem unusual and unnatural to some, and there is very good reason for that. For people in nearly all other situations, this sentence and specific meaning would seem completely illogical. It is natural to assume that I may die if I do something because on a technical level we all may die at any moment, there is a very real sense that this sentence has a tautological value to it. However, one must keep in mind the object of this declaration and the specific situation that the author is describing. It is the view of this understanding of the text that the man was at this point immortal. This means that while he was within use of the Tree of Life, there was no situation in which he could die. This is also true of the woman when she enters the story. So, when the Lord says that if the man eats from the Tree of the Knowledge of Good and Evil he “may die” then this represents a shocking alteration of the metaphysical state of humankind. As of yet humanity has not faced death, nor could they face death in any form within the garden. Therefore, if God says to them that if they eat the fruit they may die then that means He is telling the man that if he disobeys His words then he will no longer have the functional immortality that he currently holds. So, it is once we understand the full context of the verse that the true understanding of the punishment comes into clearer understanding. The punishment of eating the fruit was not death

¹⁴⁸ “But from the tree carrying edible fruit that makes one wise in the knowledge between good and evil do not eat from it because on the day that you eat it you will incur the death penalty.”

on the day, it was a fundamental alteration of humanity's relationship to death and the removal of our access to the Tree of Life and of immortality.

The next point of interest is found in 3:3. The woman here recites the understanding of the law back to the serpent and reveals something important in the meantime. Firstly, the woman falsely claims that God required the man and the woman to never touch the Tree of the Knowledge of Good and Evil. However, what is more important here is the elimination of the timespan of the original consequence. The woman merely says they cannot eat from the tree “פֶּן־תָּמֹתוּן.”¹⁴⁹ There is no indication in this repetition of death coming on the day they eat of the fruit, nor is there an explicit impression that the death will come in quick succession to the disobedience. In fact, nowhere else in the entire story does the phrase “on that day” ever show up again in regards to the punishment for the sins of the man and woman.

In contradiction to the Lord in Genesis 3:4, the serpent says to the woman: “לֹא־מוֹת תָּמֹתוּן.”¹⁵⁰ Once again, the serpent never mentions the phrase “on that day” nor references a time period in any way. Rather, the serpent denies that they will die whatsoever. If the Tree of Life truly does grant the man and woman immortality, then this statement is completely false. If the true understanding of this story is that the humans are mortal the whole time then the serpent is completely correct. The man and woman did not die on that day so in that regard the serpent told the truth. But, if we ought to read it that the serpent is denying that they will die ever, then there is another interpretation altogether. James Barr's argument is that there are two central themes in this story: knowledge and immortality. Both of which are

¹⁴⁹ “Lest we die.”

¹⁵⁰ “You will not die!”

characteristics that separate gods from men.¹⁵¹ Therefore, the serpent here would be claiming that eating from the Tree of Knowledge would in fact change their state from mortal to immortal. The Tree of Life and the Tree of Knowledge of Good and Evil serve effectively the same purpose. This is a very interesting reading of the text, but the problem is that elsewhere in the text the two Trees are treated as separate in every circumstance, so much so that some believe the Tree of Life is from another source entirely. So, combining the trees in such a way would be fundamentally swimming against the current of scholarly opinion concerning this text, and there does not seem to be nearly enough evidence to support such a remarkable claim. So, we are left with three possible readings: the first being that the humans are mortal and the serpent tells the truth, the second that the humans lose their immortality and the serpent is a liar, and a third which goes counter to the rest of the elements of the story in nearly every way. It seems obvious that the serpent is not meant to be the “good guy” in this story, and the final option is most unlikely, so it is natural to accept that the humans are immortal throughout this whole story.

Finally, we must look at the curses that the Lord places on the man and the woman. This is the central point of the story and all of the aspects of the narrative are pointing to this moment, and are enlightened by rereading them with these curses in mind. Before giving my arguments for such a position however it is important to examine each of the curses individually. As the main focus of this section is the curses dealt to the man, I will only briefly mention the curses of the serpent and woman here before, but I will examine those more carefully later on in this chapter. The curses of the serpent are a lifetime of crawling in the dust and a murderous relationship between the serpent and the man and the woman. The curses of the woman are difficulty in bringing life into the world and subordination to the man.

¹⁵¹ James Barr, *The Garden of Eden and the Hope of Immortality : The Read-Tuckwell Lectures for 1990* (London: SCM Press, 1992), 14-15.

But it is the curses of the man that bring added understanding to the rest of the story. The first of the curses is having to toil in order to earn food, the lifeblood of survival in the world outside of the Garden of Eden. This was examined earlier as being referenced in the introduction to this narrative by the author as being subverted by God in the creation of the world. By referencing this curse at the beginning of the story, the author is immediately drawing the attention of the audience towards the curses at the end of the narrative because it is these curses which are the most important aspect of his tale. Likewise, the second curse is the single most important aspect of the creation story of the Yahwist. It is the position of this paper that when God says to the man “כִּי מִמָּוֶה לְקַחְתָּ כִּי־עֹפֶר אֶתָּה וְאֶל־עֹפֶר תָּשׁוּב”¹⁵² this is God fulfilling his promise to the man in 2:17 because it is here that God officially sentences the man to death. This is the reason that all other explanations, which try to avoid the contradiction between 2:17 and the rest of the story, fail. God does not say to the man that he will die on the day that he eats of the tree of the Knowledge of Good and Evil. What he tells him is that on that day he eats from that tree he will incur the consequence of his sin, which is the death penalty. This is proven because on the day that the man and the woman eats from the tree they do not die. However, on the exact day that they eat from the tree the Lord says to the man that he will return to the dust. Thus, on the day that the man ate from the tree of the Knowledge of Good and Evil he received the death penalty. The word of the Lord was proven to be true and the words of the serpent to the woman were proven to be demonstrably false. Additionally, on that same day the Lord banishes humanity out of the Garden of Eden for one simple reason:

¹⁵² “For you were taken from the dust and to the dust you will return.”

“פֶּן־יִשְׁלַח יְדּוֹ וְלָקַח גַּם מִעֵץ הַחַיִּים וְאָכַל וְחַי לְעֹלָם.”¹⁵³ If the man and woman were to eat from the

Tree of Life, they would have lived forever and therefore the Lord God banished them from the Garden of Eden so that they would be doomed to die and His curse to the man would be carried out.

This is the argument of this paper. The Lord God removed humanity from the presence of the Tree of Life, which would render them effectively immortal. This is proven as demonstrably true in the text, and all scholars who would argue against this, such as James Barr who states “the story nowhere says that Adam, before his disobedience, was immortal, was never going to die,”¹⁵⁴ are ignoring the implicit meaning of the text because it is not explicitly laid out. It is my view that the story shows that the Tree of Life rendered the eater immortal, as evidenced by 3:22. Once the Lord establishes the man in the garden He gives him the first law given by the deity to humanity, a law that is similar in form and function to the laws found elsewhere in J. Such laws do not necessitate perfect correspondence to the consequences by the affected parties,¹⁵⁵ and as such are best understood not as a strict punishment, but rather as a degree of liability for the criminal. Thus, the Lord tells the man, who at this point is immortal, that if he eats from the tree of the Knowledge of Good and Evil, he will incur the death penalty, and thus lose his access to what renders him immortal, the Tree of Life. The serpent lies to the woman which leads to humanity’s first sin. On the day of the sin, as promised by God, He curses humanity to death and then expels them from the Garden. Thus, the man suffers the just penalty for his crime as it was laid out in 2:17, he becomes mortal and will thus die. The moral, then, is of the beginning of sin and of death, and the relationship between the two in the mind of the Yahwist.

¹⁵³ “Lest he send out his hand and takes also from the Tree of Life and eats from it and thus lives forever.”

¹⁵⁴ Barr, *The Garden of Eden and the Hope of Immortality : The Read-Tuckwell Lectures for 1990*, 5.

¹⁵⁵ Buss, "The Distinction between Civil and Criminal Law in Ancient Israel," 56.

With the central set of curses, and thus the argument of this paper, fully explained, it is now appropriate to go back and examine the curses to the serpent and the woman more carefully. Once it is clear that the curses of the man are related to dust, food and death, then it is easy to see the relationship between the curses of the man and the serpent. The serpent is sentenced to crawling in the dirt and eating dust, just as the man is cursed to working in the dirt and eating from the dust. Likewise, the serpent is cursed to death by the hand, or more accurately the heel, of the man just as the man is also sentenced to death. In fact, if it were not for the curses of the woman, then it would be easy to say that the curses from the Lord are centered around the dust entirely. However, in terms of the relationship to dust, the woman's curses might as well be completely different from the serpent and the man. It is appropriate that the woman's curse does not reference dust because the woman was not made from dust, but from the rib of the man.¹⁵⁶ Therefore, whereas the man is sentenced to return to, and serve, the dust where he originated, the woman is cursed with serving her husband and pain in bringing life into the world from the body, where she originated.

The woman is cursed to difficulty and anguish in bringing in life to this world, as the man and serpent are cursed to ease in exiting the world. Carol Meyers points out that this phrase can be translated as "your toil and your pregnancies,"¹⁵⁷ in order to connect it to the curse of the man. The man is cursed to toil in manual labour, whereas the woman is cursed to toil in the labour of birth.¹⁵⁸ Both labours are manifested in order to bring about pain (עצב), whereas the only difference in the curse is the same difference in their origin, the woman is not cursed with dust

¹⁵⁶ Susan Ann Brayford, *Genesis* (Leiden; Boston: Brill, 2007), 233.

¹⁵⁷ Carol L. Meyers, *Rediscovering Eve Ancient Israelite Women in Context* (New York: Oxford University Press, 2013), 91.

¹⁵⁸ *Ibid.*

because she was not made from dust. There is a paranomastic element to the curses which center on the origination of the creatures. It seems then, that the curses of the Lord are centrally focused on life and its quality, while secondarily related to the relationship of life to the dust and the earth, or perhaps more generally, the relationship between life and its origins.

One criticism that is of importance to this reading of the text is found in James Barr's *The Garden of Eden and the Hope of Immortality*. He asserts that the woman was the first to eat from the tree, and the most logical to be sentenced to death but "*her* sentence of punishment says nothing about death."¹⁵⁹ But I would argue against James Barr that what he says is only true in an explicit sense. It is true that the curse directly to the woman does not refer to her being punished with death. However, the curse to the man in no way is only relevant to the man. The name of man comes directly out of the name for "humanity" and thus it is very simple to read the curse to the man as a curse to humanity. It is true that all of humanity must work the land for food, not only men. It is also true that all of humanity will return to dust, not only men. Thus, the curse of the man is true of both the man and the woman because this is not a story about the differences between the man and the woman. Additionally, it was argued above that the woman's curses are about her return to "the dust" in a matter of speaking. However, whereas the woman did not come from dust, but from the man. Therefore, her return to the dust is centered around serving the man, a curse that accomplishes the same thing thematically as the man's return to the dust as a form of death. This story is about the punishment of sin for all of humanity, and the origin of death for all humanity. Sin and death knows no discrimination between the man and the woman in this sense.

¹⁵⁹ Barr, *The Garden of Eden and the Hope of Immortality : The Read-Tuckwell Lectures for 1990*, 9.

On the subject of James Barr's work, up until now I have had to ignore the obvious connection between my argument and the one he addresses in his very popular work. This was on purpose, as it would have been inappropriate to tackle the arguments that both hurt and help my own understanding of the text. While it is true that it may seem that the argument of Dr. Barr and mine own are very similar, however I hope to argue here that this is not true. While my argument may be seen to increase the reputability of his own, the arguments he makes in his work cannot be seen to support my thesis. This is because James Barr takes some liberties in his argument that cannot be accepted as true if the assumptions of my thesis are taken to be correct. I will briefly go through his initial argument and point out where his work supports my conclusions and where he makes some logical leaps that cannot be true alongside my own assessment of the text. Barr's argument concerns more than simply the narrative of the Garden of Eden, but it does use it as a case study to make a greater point about the Bible's view concerning the immortality of the soul. Barr views the Yahwist's creation story as being about the briefest moment where humanity had a chance to become immortal, but ultimately fell short, and the tragedy of that interaction. There are some aspects of his work which are complimentary to my own, but there are other aspects which, at best, are not consistent with my view, and at worst, completely negate my fundamental thesis entirely.

Barr's argument concerning the story in the Garden of Eden is this: the story is not about the origin of sin leading to death as a reality for humanity, but rather it is about the near achievement of immortality, but ultimately the loss of immortality by the man and woman. His justification for this conclusion is through discussing a character type in ancient mythologies of immortal humans who achieved the honor of not dying through their exceptional lives. In the Old Testament, there are two such characters recorded in Enoch and Elijah, and there are other texts

that label Moses as the same character.¹⁶⁰ Yet, Adam and Eve almost achieve the same immortality through disobeying God and listening to the serpent's words about the Tree of the Knowledge of Good and Evil. This understanding of the text and the characters of Adam and Eve is attested to in a stronger way than the traditional interpretation of the text, which Barr identifies as St. Paul's understanding of the text in Romans 5.¹⁶¹ He also argues against several aspects of this traditional understanding, and these arguments will be evaluated as this thesis continues.

Barr opens his argument with the controversial claim: "taken in itself and for itself, this narrative is not, as it has commonly been understood in our tradition, basically a story of the origins of sin and evil."¹⁶² As has been well established above, that is exactly the conclusion that this thesis has come to: that this story is about the failings of the first humans and how that led to humanity losing its brief connection to immortality and became mortal. However, Barr also walks a thin line between contradicting my argument, and affirming it very deeply in an almost exact way. For instance, after the previous sentence he says: "the reason...why Adam and Eve were expelled from the Garden of Eden [was]...not because they were unworthy to stay there...but because, if they stayed there, they would soon gain access to the tree of life...and gain immortality."¹⁶³ It is the interplay between these two assertions where the argument of Barr totally disconnects itself from anything remotely similar to my own. Barr asserts that the story is about the loss of immortality, but not about the onset of death. He claims that the Tree of Life gave practical immortality to its eater, but that Adam was never in fact immortal.¹⁶⁴ What may

¹⁶⁰ Ibid., 15.

¹⁶¹ Ibid., 16.

¹⁶² Ibid., 4.

¹⁶³ Ibid.

¹⁶⁴ Ibid., 5.

seem like contradictions to the average reader is where Barr comfortably rests his argument. Yet it is this reason that Barr's work cannot be accurately compared to this one because the man and woman never practically losing immortality is the crux of his entire argument.

Additionally, some understanding of the secondary details of the story are changed once the purpose of the story is changed. For instance, when the serpent says to the woman that they will not die when they eat from the tree, Barr says that it is in fact telling the truth.¹⁶⁵ This belief was previously examined as false earlier in this chapter. Additionally, Barr claims that the author nowhere claims that it is the sin of the man and woman that causes death to come into the world.¹⁶⁶ This is only true if one is reading the text and only accepting what is being explicitly stated. Once Barr purports a reversal of roles between God and the serpent and claims that the serpent was truthful and God's words are proven false, then this might be true. This is because if it is accepted that God is always telling the truth, then 3:22-23 does show God saying that it is because the man and the woman ate from the tree and

“הָאָדָם הָיָה כְּאֶחָד מִמֶּנּוּ לְדַעַת טוֹב וָרָע”¹⁶⁷ that they cannot stay in the Garden. He even uses the clause פֶּן to make it clear that the following actions are “determined by...and dependent upon 3:23(a).”¹⁶⁸ However, to accept an interpretation where God is not telling the truth would be to ignore the curse of death upon the man, and the removal from the Tree of Life as well as the section where God explicitly states that eating from the tree will cause death. Finally, Barr claims that the text does not teach that the man and woman eating from the tree is sin, or evil in any way because nowhere does the author use the words “sin” or “evil” in chapters 2 or 3. To

¹⁶⁵ Ibid., 6.

¹⁶⁶ Ibid.

¹⁶⁷ “The man has become like one of us by knowing good and evil.”

¹⁶⁸ Bandstra, *Genesis 1-11 a Handbook on the Hebrew Text*, 220.

espouse this would be to ignore the Israelite understanding of the reward-punishment system of the law and that they understood curses to follow evil acts and blessings to follow good acts.¹⁶⁹

For Barr to accept that the Tree of Life rendered its eaters immortal and still to deny that the man and the woman were immortal is, in my opinion, contrary to the natural understanding of the author's words. Even if the man and the woman did not eat from the tree, and therefore had not yet benefited from its blessings, this still would not support Barr's argument. By God banishing the humans out of the garden, God eliminates all chance of immortality for the humans and thus rendering them 100% mortal whereas they at least had a chance to become immortal if they stayed in the Garden of Eden, as 3:22-23 makes clear. The text does not show the man or woman explicitly eating from the Tree of Life, but just as before, the lack of explicit statements in the text does not mean that the author does not mean that exact thing implicitly. Regardless, it does not matter if the man and the woman did actually eat from the tree, because as it was shown above, the text makes it clear that they could have eaten from it and therefore by banishing them from the Garden, the Lord is definitely reducing their access to the tree to zero whereas previously it was not zero.

Another secondary claim that Barr makes concerns what I hold to be the central part of this creation legend, the cursing of the humans and serpent. Once more Barr denies that death is the central theme in the curses¹⁷⁰ but rather the man's punishment is more related to work and the ground.¹⁷¹ Whereas he acknowledges that work itself is not the curse, as Adam was initially commanded to work and keep the garden, but rather the ground itself carries the curse as it now produces weeds. I would argue that Barr is misunderstanding the nuances of the curses and their

¹⁶⁹ Deuteronomy 28.

¹⁷⁰ Barr, *The Garden of Eden and the Hope of Immortality : The Read-Tuckwell Lectures for 1990*, 8-9.

¹⁷¹ Ibid.

relationship to each other. Consider his interpretation as compared to the one detailed previously in this work. His interpretation that the curse is concerned with the ground would absolutely be unrelated to the curses of both the serpent and the woman. Even though the curse of the serpent mentions the ground, it is the serpent's relationship with the ground and not the other way around. The woman's relationship to the ground is unexplored completely. However, the theory of this thesis is that the curses related to the relationship of the person or animal to the ground affects both the serpent and the man's quality of life as well as their life in general. This then tangentially relates to the curse of the woman. Cursing the ground would only explicitly relate to one of the six curses given by God, whereas cursing their relationship relates to four explicitly. For one who has shown a tendency to accept only what is explicitly stated in the story, Barr has here elected for the less explicit explanation in order to support his thesis.

Barr also argues against some points which resemble the ones made in this thesis quite strongly. For instance, Barr claims that arguing that the man is condemned to die in the story "is an evasion of the text and its evidence."¹⁷² His reasoning for this is twofold: firstly, similar statements in the Bible imply speedy punishment, and secondly the nature of the punishment is naturally aimed at mortals. However, such as in the case of the goring ox, the former of these arguments is not true in all cases. In the case of the ox, not only was its punishment not speedy, it was for all intents and purposes forgone altogether. Such is Buss' argument that the infinitive absolute represents a declaration of liability in cases of criminal court as the one who punishes has a say in the degree of punishment of the crime.¹⁷³ Secondly, his conclusion that the punishment in 2:17 has to be aimed at mortals is achieved by a circular argument. He argues that mortals are aware of their upcoming death and therefore an apt punishment would be to die on

¹⁷² Ibid., 10.

¹⁷³ Buss, "The Distinction between Civil and Criminal Law in Ancient Israel," 55.

that day. Yet, he only arrives at the conclusion that they are mortals because the punishment is naturally a speedy one. This is only bolstered by his claim that such claims are aimed at mortals “and is well evidenced elsewhere in the Bible.”¹⁷⁴ Yet this is the only segment of the Bible where the punishment of immortal humans is a relevant issue. After this all humans become mortal, as this story is explaining.

If one reads the Yahwist’s creation narrative through the lens of the argument made here, then it would be holistically consistent narrative in comparison to the problematic interpretation that has as of now been traditional in most readings of the text. The obvious problem with the interpretation is that the Lord says that on the day that the man eats of the tree, he will die. Then, when he and the woman do eat from the tree, they do not die. This is far from a unique discovery about this narrative, as many scholars before have pointed out this contradiction in the past. Naturally, these scholars have written many works in attempts to solve this contradiction and have used many different strategies to do so. They are of varying degrees of convincing and of varying degrees of textually sound.

In coming up with a strategy to solving this problem, the scholar ought to point out something within the logic of the narrative itself which explains this contradiction because the author himself does not seem to share the concerns of these scholars that something is amiss. Rather, God’s reaction to the sin not being killing them on the spot appears to be a completely natural one and the author never brings up God’s promise in 2:17 again. There seems to me to be two options in determining a solution to this problem: purport that Genesis 2:17 is another source from Genesis 3:14-19, or come up with a solution which is consistent and hinted at within the

¹⁷⁴ Barr, *The Garden of Eden and the Hope of Immortality : The Read-Tuckwell Lectures for 1990*, 10.

narrative that explains away the controversy. After all, if there is in fact a mention to the contradiction within the text which lies under the surface, then there is no problem at all.

It should be noted that there is a history of separating the creation myth into several divergent sources. One might answer this contradiction by claiming that the punishment highlighted in 3:17 and the curse segment from 3:14-19, or even all of chapter 3, could be understood as different sources. However, this does not seem to be in actuality a popular approach. There are scholars who have separated the text into varying parts, and many of them cite the doublets and repetitions in the text that give it a somewhat unnatural flow.¹⁷⁵ Yet even then, these scholars do not separate the first mention of the sin of eating from the tree from the sin itself and subsequent punishment. For instance, Gunkel separates the creation story into two primary parts, a creation narrative and a paradise and expulsion narrative.¹⁷⁶ Within the paradise narrative is the entire story of the first sin from the warning from God until the sin itself, the cursing and finally the rejection from the Garden. It would be distinctly unnatural to then remove sections of the story in order to further separate it into separate piece. Despite the flirting with separating the text by earlier scholars the trend recently has been to emphasize the unity of the text despite the presence of these perhaps troubling minutiae.¹⁷⁷ Thus, when considering this and the multitude of older scholars who also were convinced that the text is a consistent narrative,¹⁷⁸ the historical study of Genesis 2-3 has been focused on it as a unified text.

Many other creative solutions have been purported by scholars in response to this contradiction. One type of response to this conundrum would be to try to redefine what “on that day” means within the context of the story. Ellen Robbins illustrates this kind of strategy in her

¹⁷⁵ Wallace, *The Eden Narrative*, 2.

¹⁷⁶ Ibid.

¹⁷⁷ Van Seters, *Prologue to History : The Yahwist as Historian in Genesis*, 109.

¹⁷⁸ Wallace, *The Eden Narrative*, 8.

book *The Storyteller and the Garden of Eden* when she is listing the different kinds of strategies employed to circumvent the contradiction in the creation story. She illustrates the common example of a parallel instance of the proclamation of sentencing death in 1 Kings 2:37 where Solomon threatens Shimei with death if he leaves Jerusalem. Shimei then defies the king and it is not for some time before Solomon's threat is enacted. Robbins then points out that if this is taken as a case example, the natural reading of this story is that מִוֶּתֶקֶמָה serves the purpose of a sentencing to "imminent death"¹⁷⁹ rather than immediate death. This narrative too uses the phrase "on that day" which makes it the most similar instance of a death penalty being served within the entire Hebrew Bible, though of course it comes from different sources.

There are some less refined examples of this strategy in which some will claim that יוֹם does not always refer to "day" in a literal sense. Unfortunately, this strategy is not strong enough to counter the straightforward reading of the text. Regardless of how vague "day" can appear in other contexts, the sense of the text naturally reads as a fast-approaching punishment, rather than a more than 900 year wait. As with Robbins' example of Solomon, it was on the first day that it was possible that Shimei was killed, and therefore there is a strong sense that Solomon made good on his promise. One would expect if this were the answer that there would be an indication that the author was aware of the seeming contradiction and would make mention of it. Rather, it seems as though the answer to the problem is already within the text, rather than in another text which may or may not have been written already. These suggestions do not seem strong enough to counter the contradiction.

¹⁷⁹ Robbins, *The Storyteller and the Garden of Eden*, 85.

Finally, many seek to avoid the contradiction by answering that Adam lost his immortality, and that is how he died a death on the day he ate of the tree. This is in my opinion the correct view, but each attempt at it has missed one aspect or two of the entire explanation which makes this one the more viable solution. The majority of the time, they do not account for how מוֹת תָּמוּת can stand in for the phrase “you will become mortal.” This is a criticism leveled by Victor Hamilton in his commentary on Genesis 1-17. Here he claims that nowhere else in the Hebrew Bible can this phrase be used to stand in for “become mortal.”¹⁸⁰ Strictly speaking, this is true, though once again it is never used in reference to one who is already potentially immortal. Thus, in a practical sense this is a weak criticism. However, it is a useful one because it highlights a true weakness in these kinds of arguments. For instance, when Gunther Plaut claims, in *The Torah: A Modern Commentary*, that God ought to be understood as saying “you shall become mortal,”¹⁸¹ while he may be correct, there is no reason to accept his statement as fact. However, once considering all the information given in this thesis, there is enough to assert that the answer to this contradiction is that the man would lose immortality.

Thus, the solution purported in this thesis is a stronger one than the ones offered in other areas by other scholars. Many aspects of this thesis have been touched on by other authors. For instance, as shown there have been many scholars who have shown that the human’s losing immortality is the appropriate understanding of “death” in 2:17. As well, Martin Buss mentions in a footnote in a small article that Genesis 2:17 represents a declaration of liability similar to ones shown in Exodus and other legal texts. There are those who have argued that the curse of

¹⁸⁰ Victor P. Hamilton, *The Book of Genesis. Chapters 1-17 Chapters 1-17* (Grand Rapids, Mich.: W.B. Eerdmans, 1990), 172.

¹⁸¹ W. Gunther Plaut et al., תורה = *the Torah : A Modern Commentary* (New York: Union of American Hebrew Congregations, 1981), 30.

the man represents God sentencing him to death when he says “כִּי־עָפָר אַתָּה וְאֶל־עָפָר תָּשׁוּב.”¹⁸²

However, this thesis serves to show a fully consistent reading of the text which implements these aspects together to prove that there is a reason to accept that the loss of immortality in Genesis 2-3 serves as a substitution for the death promised in 2:17 because the author of the Yahwist used the formulation of a legal text in order to allude to the liability licensed in more modern legal proceedings. Since the recipient of this sentencing to death was immortal, the logical interpretation of their punishment would be that they lose their immortality. This explanation far exceeds any other one given by theologians, philosophers or scholars because it accounts for the entire source material of the Yahwist, the texts available to him as a post-exilic author, and the context of the story itself to explain how the logic of the text itself allows us to understand a potentially difficult section of the text without having to resort to extraneous explanations in complex theology or history.

Thus the argument of this thesis is that the creation story of the Yahwist is concerned with the etiology of death as being a symptom of the man and woman's defiance of the first command from the Lord. This command, as found in Genesis 2:17, is in the form of the casuistic laws found in the Yahwistic legal text of the Covenant Code. Thus, this would allude to these texts in such a way to make clear that when He says “מֹת תָּמוּת”¹⁸³ it would be clear to the reader that the punishment of the crime would be the Lord sentencing the man to death, rather than killing him on that day. This, when combined with the fact that the man and the woman were immortal, leads the reader to the conclusion that the true punishment for the sins of the humans was them becoming mortal. This is all proven accurate when the Lord sentences the man, and by

¹⁸² “Because you are dust and you will return to dust.”

¹⁸³ “You will die.”

extension the woman, to death in 3:19 when He says to him “כִּי־עָפָר אַתָּה וְאֶל־עָפָר תָּשׁוּב”¹⁸⁴ and then banishes the humans from the Garden, removing them from the Tree of Life and thus rendering them completely mortal. This understanding of the text solves the seeming contradictions inherent in it with proof gleaned entirely from the corpus of the Yahwist, and is therefore a fully satisfying reading of the text.

¹⁸⁴ “Because you are dust and you will return to dust.”

Conclusion

This thesis has argued that any supposed contradiction between Genesis 2:17 and the rest of the Yahwist's creation narrative is due to a misunderstanding of the phrase מוֹת תָּמוּת on the part of the reader. In fact, a better understanding of 2:17 is a translation with the following meaning¹⁸⁵: "But you must not eat from the Tree of the Knowledge of Good and Evil because on the day that you eat from it you will be sentenced to death." This is a better understanding of the meaning of the text because it takes the emphasis off of the death promised, and instead makes clear the fact that this law is in the same form as other laws from the Covenant Code, and even from other Priestly works.

However, even though this does a lot to reduce the confusion that a less accurate translation would inspire, it still does not completely explain the true meaning of the verse. In fact, if all things were equal, the best translation would be something akin to "But you must not eat from the Tree of the Knowledge of Good and Evil because on the day you eat from it death will be inevitable." This makes it clear that their epistemic status will be affected once they disobey the law, and they will change from being free from death to being mortal. Unfortunately, English modality does not allow for a simple translation that can portray such a meaning like the Hebrew can. A translation such as "on the day you eat from it you might die," evokes an image of God not being sure of Himself in His own declaration, even though it is also a technically correct translation.

¹⁸⁵ It would be too far to claim that this is an accurate translation because in fact the best literal translation for Genesis 2:17 is "But you must not eat from the Tree of the Knowledge of Good and Evil because on the day that you eat from it you will die." However, this is an imperfect translation because of the weaknesses of English modality in comparison to Hebrew modality.

I have argued that with a thorough understanding of the modalities of the infinitive absolute, one can see Genesis 2:17 in an entirely new perspective. This perspective is one of an author who is beginning his work with an etiology of the onset of death in the human condition all the while utilizing creative and intricate story telling devices. Such a story is one that fits in perfectly with the image of the historian given by John Van Seters and scholars with a similar view. Van Seters' Yahwist is a historian who collects traditions and storytelling tools from the neighbouring societies and implements them to create a historical narrative of his own formulation. Such a grand narrative ought to have an introduction with the magnitude of the one I have offered in this thesis.

The true strength of this argument is not in its relative placement in the theory of another scholar. The strength of this argument is that it is logically sound while also fixing the weaknesses of other theories. It eliminates the contradiction from the creation story while not opening another logical weakness. It also covers up the weaknesses of the theories of other scholars. The primary example of this are all the theories that suggest that 2:17 are meaning to imply that the man will become mortal if he eats from the Tree of Good and Evil. These arguments on their own are weak because there is no logic inside of the text itself which suggests such an interpretation is likely, or even possible. This argument also is completely contained inside of the logic of the text of the Yahwist, and thus it is completely reasonable to see such a conclusion being likely. That being said, it is possible that another view could be correct, yet the argument offered by this thesis is one that stands up with the strongest arguments in this area of research.

This thesis opens up areas for new scholarship which it did not have time to explore. First and foremost, a large question remains unanswered: what effect does this understanding of the

introduction of the Yahwist have upon the message of latter sections of the J text? Do the motives, themes and questions reflect in later narratives, and therefore strengthen the conclusion that this reading is the correct one for this narrative? Additionally, from a theological perspective, what does this reading change about our understanding of the moral and meaning of this text?

It is my hope that this thesis will allow for a greater opening for studying the Yahwist as a narrative author with great skill, and perhaps give new light on other pericopes from his work. Most of all, I hope that this thesis makes clear how Genesis 2-3 ought to be read and understood in light of the Yahwist as the author, and therefore in relationship with E, D and P as the Yahwist would have been aware of, or would have been used by, all of these sources.

Appendix One

Infinitive Absolutes in J

<i>Scripture Reference</i>	<i>Root Verb</i>	<i>Modality</i> ¹⁸⁶
Genesis 2:16	אכל	Evidential: Deontic permissive
Genesis 2:17	מות	Propositional: Future
Genesis 3:4	מות	Propositional: Negative
Genesis 3:16	רבה	Evidential: Deontic Commissive
Genesis 16:10	רבה	Evidential: Deontic Commissive
Genesis 18:10	שוב	Evidential: Deontic Commissive
Genesis 18:18	היו	Propositional: Future
Genesis 24:5	השב	Evidential: Deontic obligative
Genesis 26:11	מות	Evidential: Deontic obligative
Genesis 26:28	ראו	Propositional: Evidential sensory
Genesis 30:32	הסר	Evidential: Deontic Commissive
Genesis 32:12	יטב	Evidential: Deontic Commissive
Genesis 37:8	מלך	Propositional: Interrogative
Genesis 37:8	משל	Propositional: Interrogative
Genesis 37:10	בוא	Propositional: Interrogative
Genesis 43:3	העד	Non-modal
Genesis 43:7	שאל	Non-modal
Genesis 43:7	ידע	Propositional: Epistemic assumptive
Genesis 43:20	ירד	Non-modal
Genesis 44:5	נחש	Propositional: Interrogative
Genesis 44:15	נחש	Event: Dynamic abilitive
Genesis 44:28	טרף	Propositional: Epistemic speculative
Exodus 2:19	דלה	Non-modal

¹⁸⁶ All determinations of modality and their names are taken from Scott Callaham's *Modality and the Biblical Hebrew Infinitive Absolute*.

Exodus 3:7	ראה	Propositional: Evidential sensory
Exodus 15:1	גאה	Non-modal
Exodus 19:12	מות	Event: Deontic obligative
Exodus 19:13	סקל	Event: Deontic obligative
Exodus 19:13	ירה	Event: Deontic obligative
<i>Exodus 21:5¹⁸⁷</i>	אמר	Propositional: Conditional
<i>Exodus 21:12</i>	מות	Event: Deontic obligative
<i>Exodus 21:15</i>	מות	Event: Deontic obligative
<i>Exodus 21:16</i>	מות	Event: Deontic obligative
<i>Exodus 21:17</i>	מות	Event: Deontic obligative
<i>Exodus 21:19</i>	רפא	Event: Resultive
<i>Exodus 21:20</i>	נקם	Event: Deontic obligative
<i>Exodus 21:22</i>	ענש	Event: Deontic obligative
<i>Exodus 21:28</i>	סקל	Event: Deontic obligative
<i>Exodus 21:36</i>	שלם	Event: Deontic obligative
<i>Exodus 22:2</i>	שלם	Event: Deontic obligative
<i>Exodus 22:3</i>	מצא	Propositional: Conditional
<i>Exodus 22:5</i>	שלם	Event: Deontic obligative
<i>Exodus 22:11</i>	גנב	Propositional: Conditional
<i>Exodus 22:12</i>	טרף	Propositional: Conditional
<i>Exodus 22:13</i>	שלם	Event: Deontic obligative
<i>Exodus 22:15</i>	מהר	Event: Deontic obligative
<i>Exodus 22:16</i>	מאן	Propositional: Conditional
<i>Exodus 22:18</i>	מות	Event: Deontic obligative
<i>Exodus 22:22</i>	ענה	Propositional: Conditional
<i>Exodus 22:22</i>	צעק	Propositional: Conditional
<i>Exodus 22:22</i>	שמע	Event: Resultive
<i>Exodus 22:25</i>	חבל	Propositional: Conditional
<i>Exodus 23:4</i>	שוב	Event: Imperative
<i>Exodus 23:5</i>	עזב	Event: Imperative
<i>Exodus 23:22</i>	שמע	Propositional: Conditional

¹⁸⁷ Items in italics represent the infinitive absolutes found in J's major legal text, the Covenant Code.

<i>Exodus 23:24</i>	הָרַס	Event: Imperative
<i>Exodus 23:24</i>	שָׁבַר	Event: Imperative
Exodus 34:7	נָקָה	Propositional: Habitual
Numbers 13:30	עָלָה	Event: Jussive
Numbers 13:30	יָבֵל	Event: Dynamic abilitive
Numbers 14:18	נָקַל	Propositional: Habitual
Numbers 21:2	נָתַן	Propositional: Conditional

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