



# What Are We Reading? Canonicity and the Old Testament

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**T**he field of Old Testament is in ferment these days. At issue is ultimately the nature of the Old Testament itself. What *is* it? What should it be read *as*: an assortment of evidentiary sources, variously reliable, pertaining to the history of an antique culture, or an anthology of discrete and conflicting ideologies that have accidentally survived from ancient Israel? Is there nothing that grants a greater degree of unity to this particular grouping of ancient Near Eastern texts? What, if anything, is the Old Testament finally *about*? In light of such questions, Philip's words to the Ethiopian eunuch take on new urgency: "Do you understand what you are reading?" (Acts 8:30).

The issue of scriptural unity is the canon question. "Canon" is traditionally the term that describes a scriptural collection as a whole. In one sense, the Old Testament canon question might be regarded as the furthest extension of the form-critical impulse. Just as Gerhard von Rad and Martin Noth once extended form criticism in a fresh direction by asking about the literary form of larger canonical

*Contrary to the standard step-by-step model of the formation of the Old Testament canon, the process was more fluid, on ongoing recognition of the authority of certain books, based on their use. Hints at early canonical moves are evident already in the Old Testament texts themselves. All of this is important to Christian readers because, without the Old Testament, the church cannot properly know who Jesus is.*

units like the Pentateuch and the Former Prophets,<sup>1</sup> Brevard Childs and others have inquired into the form of the entire Old Testament canon.<sup>2</sup> As a methodology, form criticism has brilliantly illuminated how a tradition's rhetorical shape is intrinsically connected to the history of its origination, transmission, and use. For just this reason, the form of the Old Testament canon can only be fully explored when attention is paid to the history of its formation and development, not to mention the history of its subsequent interpretation. Once a rather sleepy subtopic in the field, the history of Old Testament canon formation has in this fashion steadily moved to the forefront of scholarly debate.<sup>3</sup>

In describing this "canon debate," I will first outline what I call the *standard* model of Old Testament canon formation. I will explain this model—how it arose, its rationale, its details—and then I will critique it in order to present an emerging alternative. As I hope to demonstrate, how the basic choice between these two models is adjudicated has crucial consequences for understanding the Old Testament as Scripture, the relationship between Christianity and Judaism, and the interaction between Scripture and tradition.

### THE STANDARD MODEL

In the paradigm-changing Graf-Wellhausen reconstruction of the Pentateuch's literary development, the J source (or Yahwist) was dated to the ninth century B.C., the E source (or Elohist) to the eighth century, the D source (or Deuteronomist) to the seventh century, and the P (or Priestly) source to the fifth century.<sup>4</sup> The crucial linchpin for this reconstruction derived from W. M. L. de Wette's earlier identification of the Deuteronomic law code as the unnamed law book discovered in the eighteenth year of King Josiah (621 B.C.), an event related in 2 Kings 22–23.<sup>5</sup> If the original form of Deuteronomy could be dated securely to the seventh century, then the other pentateuchal sources could be arranged in the pattern of a "relative chronology" (that is, whether they were more likely to date from a time before or after Deuteronomy), which is exactly what Wellhausen proceeded to do and how he developed his particular account of pentateuchal formation.<sup>6</sup>

Yet because most of the response to Wellhausen focused on the implications of his work for the historical accuracy of the Pentateuch, less attention was paid to how his theory postponed the existence of Scripture in Israel until the postexilic

<sup>1</sup>Antony Campbell, S. J., "Form Criticism's Future," in *The Changing Face of Form Criticism for the Twenty-First Century*, ed. Marvin A. Sweeney and Ehud Ben Zvi (Grand Rapids: Eerdmans, 2003) 19–20.

<sup>2</sup>Brevard S. Childs, *Introduction to the Old Testament as Scripture* (Philadelphia: Fortress, 1979).

<sup>3</sup>As a further indication of this development, see *The Canon Debate*, ed. Lee Martin McDonald and James A. Sanders (Peabody, MA: Hendrickson, 2002).

<sup>4</sup>See the convenient summary in John Van Seters, *The Pentateuch* (Sheffield, UK: Sheffield Academic Press, 1999) 33–34.

<sup>5</sup>For an excellent overview of de Wette's context and work, see John W. Rogerson, *W. M. L. de Wette, Founder of Modern Biblical Criticism* (Sheffield, UK: Sheffield Academic, 1992).

<sup>6</sup>See, for example, Julius Wellhausen, *Prolegomena to the History of Israel* (Edinburgh: A. & C. Black, 1885; repr. Atlanta: Scholars Press, 1994) 35.

period. That is, while the Graf-Wellhausen model maintained a ninth-century J, an eighth-century E, and a seventh-century D, it concluded that only in the early postexilic period had these sources been combined with the Priestly source so that Israel finally possessed something like a “canon.” To be sure, it was thought that by then J and E had already been known and respected for centuries—but not as a comprehensive, normative written code of conduct. In fact, if one looked closely at the historical and prophetic books, the absence of any consistent reference to pentateuchal law or scriptural authority was striking.<sup>7</sup> Custom and ad hoc directives from God were more evident in the historical narratives; the prophets were much more likely to criticize the people of Israel on the basis of principles like justice and righteousness than for the violation of any written code.

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Only with Josiah’s seventh-century reform was there the beginning of a move toward Scripture in Israelite religion. When the law book discovered during repair work on the temple is read to Josiah, he responds with a demonstration of personal repentance and commands that the book be read out loud to all the inhabitants of Jerusalem, who then make a covenant together based upon “the words . . . written in this book” (2 Kings 23:3). However, it was still not until the time of Ezra in the fifth century that one could really speak of an authoritative *collection* of scriptures or “canon.” In Neh 8–10, another public reading occurs in Jerusalem, this time a reading by Ezra of “the book of the law of Moses.” Ezra reads this book “from early morning until midday” from a wooden platform before the people, and when he opens the book everyone stands up, with the Levites helping the people to understand what was being read by interpreting it for them (Neh 8:1–8).

Here, again, a covenant is made in which everyone pledges to “enter into a curse and an oath to walk in God’s law, which was given by Moses the servant of God, and to observe and do all the commandments of the LORD our Lord and his ordinances and his statutes” (Neh 10:29). Many commentators have seen in the details of this event the echoes of later synagogue reading practices, further linking Ezra’s law book with Scripture.<sup>8</sup> Because both priestly and Deuteronomic laws seem to be acknowledged in the biblical books of Ezra and Nehemiah, most critical scholars have identified Ezra’s law book with a completed or mostly completed Pentateuch.<sup>9</sup> Thus, for Julius Wellhausen and many since, the event related in

<sup>7</sup>See especially Wellhausen’s personal remarks in his “Introduction,” *Prolegomena*, 3–4.

<sup>8</sup>For example, R. J. Coggins, *The Books of Ezra and Nehemiah*, Cambridge Bible Commentary (Cambridge: Cambridge University Press, 1976) 108–109; but cf. the cautionary remarks in Lester L. Grabbe, *Ezra-Nehemiah* (London: Routledge, 1998) 53–54.

<sup>9</sup>So, for example, Neh 10:31 (Hebrew, v. 32) links the law of the seventh fallow year (Exod 23:10–11; Lev 25:1–7 = P) with the law of the seventh-year release (Deut 15:1–18; cf. Exod 21:2–6 = D). On this point, and for further evidence, see Joseph Blenkinsopp, *The Pentateuch* (New York: Doubleday, 1992).

Neh 8–10 marks the true beginning of Israel’s Bible, which was originally *the Pentateuch only*.

Wellhausen, himself, was not very interested in tracing the development of Israel’s canon after this point, and so that task was left for the most part to others. For Wellhausen, the advent of Scripture in Israelite religion was judged to be something regrettable, a symptom of Israel’s loss of religious vitality—indeed, a mark of the transition from “the religion of Israel,” in which people enjoyed a vital and robust sense of God in their lives, to “Judaism,” in which the knowledge of God was mediated artificially by a book:

Yet it is a thing which is likely to occur, that a body of traditional practice should only be written down when it is threatening to die out, and that a book should be, as it were, the ghost of a life which is closed.<sup>10</sup>

A consequence of Wellhausen’s disregard for “book religion” was that the remainder of the standard model of Old Testament canon formation was filled out by a variety of other scholars writing at the end of the nineteenth century, with the most comprehensive presentation that of H. E. Ryle.<sup>11</sup>

Ryle took up the challenge of describing how the rest of the canon had eventually been joined to the Pentateuch, basing his reconstruction of canon formation on the threefold subdivision within the Hebrew canon: Law, Prophets, and Writings. After the canonization of the Pentateuch in the time of Ezra,<sup>12</sup> Ryle believed that another 250 years had transpired before the prophetic corpus was complete enough (and sufficiently accepted within the community) to be added to the canon.

This date (ca. 200 B.C.) was reached by drawing a number of historical inferences, the most important of which was based on the book of Jesus ben Sirach or Ecclesiasticus. In Sir 44–50 (the well-known section beginning “Let us now sing the praises of famous men”), there appears a litany of main characters from the Pentateuch and Prophets, like a summary of biblical highlights.<sup>13</sup> This litany gives the impression of relying on the prophetic corpus in a state very close to its received form. Especially striking is the quotation of Mal 4:6 (Hebrew 3:24), the final verse of the twelve Minor Prophets, in the section on Elijah (Sir 48:10). Moreover, the Minor Prophets are mentioned as “the Twelve Prophets” (Sir 49:10), so, presumably, by the time that Sirach was written they were already being read as a single literary work.

This evidence from Sirach is then combined with that of the curious canon-

<sup>10</sup>Wellhausen, *Prolegomena*, 405, n. 1. His position at this point betrays the antipathy of liberal Protestant theology for the written; cf. Friedrich Schleiermacher, *On Religion*, ed. and trans. R. Crouter (Cambridge: Cambridge University Press, 1996) 50: “Every holy writing is merely a mausoleum of religion, a monument that a great spirit was there that no longer exists; for if it still lived and were active, why would it attach such great importance to the dead letter that can only be a weak reproduction of it?”

<sup>11</sup>Herbert Edward Ryle, *The Canon of the Old Testament*, 2d ed. (London: Macmillan and Co., 1895).

<sup>12</sup>And prior to the Samaritan schism, which Ryle dated to 432 B.C. (*Canon*, 93).

<sup>13</sup>Ryle, *Canon*, 119–122.

cal placement of Daniel—a prophetic book not found in the prophetic corpus, according to Jewish tradition, but in the Writings. Finished just prior to the Maccabean revolt (ca. 165 B.C.) in the view of most historical-critical scholars, was Daniel completed too late to find a place in the Prophets? Within the book, itself, in Dan 9, there is also an explicit reinterpretation of a prophecy from the prophet Jeremiah, a prophecy that Daniel is said to perceive “in the books” (9:2)—apparently a reference to the developing biblical canon of Scripture.<sup>14</sup> So by about 200 B.C., Ryle thought, there had existed within Judaism a two-part canon of Law and Prophets.

That canonical format provides the background to the New Testament’s repeated references to Old Testament Scripture as “the law and the prophets.”<sup>15</sup> Only once in the New Testament is a threefold formula used in reference to the Old Testament: Luke 24:44 names “the law of Moses, the prophets, and the psalms” as the written legacy of Israel. Ryle interpreted this last formula, in combination with other clues, as evidence that the Writings had been basically finished by the time of Jesus and the earliest New Testament books.<sup>16</sup> Earlier allusions to a three-part order can also be located, the best known of which appears in Sirach’s prologue, a later addition (ca. 132 B.C.) to the body of that book. Three times, this prologue mentions “the law and the prophets and the others books of our ancestors,”<sup>17</sup> but it never stipulates exactly what these “other books” are.

Only with the writings of Josephus is there a complete description of the biblical canon (ca. 95 C.E.), if in a somewhat different order, yet exhibiting a full awareness of the canon’s religious authority:

[W]e do not possess myriads of inconsistent books, conflicting with each other. Our books, those which are justly accredited, are but two and twenty, and contain the record of all time.

Of these, five are the books of Moses, comprising the laws and the traditional history from the birth of man down to the death of the lawgiver.... [T]he prophets subsequent to Moses wrote the history of the events of their own times in thirteen books. The remaining four books contain hymns to God and precepts for the conduct of human life....

[A]lthough long ages have now passed, no one has ventured either to add, or to remove, or to alter a syllable; and it is an instinct with every Jew, from the day of his birth, to regard them as the decrees of God, to abide by them, and, if need be, cheerfully to die for them.<sup>18</sup>

Josephus’s account was read by Ryle together with the mention in early rabbinic writings of a late first-century (ca. 90 C.E.) council in the town of Jamnia (or Yavneh),

<sup>14</sup>Ibid., 122.

<sup>15</sup>See Matt 5:17; 7:12; 11:13; 22:40; Luke 16:16; John 1:45; Acts 13:15, 39–41; 24:14; 28:23; Rom 3:21; cf. “Moses and the prophets” in Luke 16:29, 31; Acts 26:22.

<sup>16</sup>Ryle, *Canon*, 161–167.

<sup>17</sup>Ibid., 122–123.

<sup>18</sup>“Against Apion, or On the Antiquity of the Jews,” *Josephus*, vol. 1, trans. H. St. J. Thackeray, Loeb Classical Library (London: William Heinemann; New York: G. P. Putnam’s Sons, 1926) I:38–42 (pp. 179, 181).

in Jewish Palestine,<sup>19</sup> where decisions were seemingly made regarding the canonicity of some scriptural books.<sup>20</sup> The first listing of the twenty-four books of the Old Testament, in a recognizable canonical order, appears in another rabbinic tradition probably dating from sometime in the late first or early second century.<sup>21</sup> For Ryle, then, only by the end of the first century C.E. was it indisputable that a three-part canon existed of Law, Prophets, and Writings.<sup>22</sup>

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Before turning to the alternative model, there are two points to stress about Ryle's account. First, in his reconstruction of a three-stage process of canon formation, Ryle actually envisioned three canons rather than one: a Torah (only) canon in the time of Ezra,<sup>23</sup> then a Torah (or Law) and Prophets canon by the beginning of the second century B.C., and finally a Torah, Prophets, and Writings canon in the first century C.E. But such a linear, successive, three-stage theory actually lined up fairly clumsily with the reconstructed literary history of the canon's individual books. Were no prophetic writings considered to be Scripture prior to the beginning of the second century B.C.? Or if some were, what was the status of these texts? Historical-critical scholarship held that they had already existed in some form for centuries, even if they were not yet fully complete. But why would they have been preserved at all if they were not granted some degree of normative authority prior to their completion? Similar questions could also be asked about texts now found in the Writings.

Second, because the standard model views the Old Testament canon as indisputably determined only *after* the time of Jesus and the earliest New Testament books, it insists that during the formative years of early Christianity the biblical canon was still in flux.<sup>24</sup> Yet does such a reconstruction coincide with the New Testament's use of Old Testament Scripture and the traditional understanding of the Scripture within Christian theology?

Lee McDonald, probably the most prominent current supporter of the standard model of Old Testament canon formation, has ventured a response to such questions along these lines:

The earliest Christians recognized above all others the authority of Jesus as the living witness in the apostolic community....From the beginning, the Chris-

<sup>19</sup>See Talmudic tractates *Rosh HaShanah* 31a–b and *Yadayim* 3.5.

<sup>20</sup>Ryle, *Canon*, 182–183.

<sup>21</sup>See *Bava Batra* 14b–15a.

<sup>22</sup>Ryle, *Canon*, 189.

<sup>23</sup>*Ibid.*, 193: "At that time, no other writing was regarded by the Jews as sacred and authoritative."

<sup>24</sup>Ryle himself (*Ibid.*, 163–164) thought that the canon was essentially settled by the time Christianity began, but more recent scholarship, working on the same lines that he set out, has increasingly questioned that conclusion.

tians also accepted the not-yet-stabilized OT collection of Scriptures....To the degree that...they could find adequate witness to Jesus Christ and the kerygma about him in the OT Scriptures there was no need to focus on the priority of “apostolic” documents, let alone *Christian* Scriptures.

In the middle of the second century, however, and largely as a result of the challenges to what was believed at the time to be the norm for Christian faith and practice, many of the leaders of the church began to defend the legitimacy and truthfulness of their message by appealing to the succession of the apostolic preaching...that was believed by the church to have originated with eyewitness authority.<sup>25</sup>

On this principle, Christianity had in fact assembled its own Old Testament instead of inheriting one from Judaism. The Jewish biblical canon “did not...have much influence on the early Christians, since they clearly depart from it and do not divide their Scriptures into the same groups.”<sup>26</sup> There were two *separate* processes of canon formation within Judaism and Christianity: “The church at large did not allow Judaism to define its OT canon of Scripture,” and thus “there is no good reason to say that the biblical canon of later Judaism ought to be the precise biblical canon of the Christian community.”<sup>27</sup>

Moreover, given that the Christian Old Testament canon as such is a later, discrete development within the early church, McDonald goes on to ask, “[I]s the [contemporary] church right in perceiving the need for a closed canon of Scriptures?” “Are biblical canons...in fact Christian?”<sup>28</sup> After all, it was the biblical canon that legitimized slavery, he insists, so is it not in fact the case that the construction of the biblical canon is itself a reduction of the word of God to the “letter of the law,” a betrayal of the “true liberating gospel”?

McDonald acknowledges his own openness to the possibility that a contemporary reworking of the canon might improve it, but he also concludes that the end result will inevitably be deficient if it is only a new version of a “closed canon.” Instead, he avers, “Jesus Christ alone is the true and final canon for the child of God.”<sup>29</sup> Thus McDonald’s theological appropriation of history has the goal of providing a warrant for the active diminution of Scripture’s authority today; the early church is seen as having illegitimately created a biblical canon that is foreign to the essence of Christianity. Indeed, McDonald implies that the biblical canon represents a scriptural legalism at home in Judaism and only mistakenly adopted by the church.<sup>30</sup>

<sup>25</sup>Lee Martin McDonald, *The Biblical Canon: Its Origin, Transmission, and Authority*, 3rd ed. (Peabody, MA: Hendrickson, 2007) 422 (his emphasis).

<sup>26</sup>*Ibid.*, 165.

<sup>27</sup>*Ibid.*, 218.

<sup>28</sup>*Ibid.*, 426.

<sup>29</sup>*Ibid.*, 428.

<sup>30</sup>*Ibid.*, 104: “It was instead the rabbis—not the Christians—who later narrowed their collection of sacred books to the books now in the [Hebrew Bible].” Cf. 218: “[S]ince we do not know what criteria were employed in the canonization process of the Jewish sacred writings...one wonders why some in the Christian community ever felt the need to adopt it, especially since the church followed a different ‘canon’—Jesus the Christ.”

## AN ALTERNATIVE MODEL

Although the standard model of canon formation was given its classic statement over a century ago, it continues to serve as the majority view in biblical scholarship. But qualifications and criticisms have been lodged against it ever since its first appearance. One of the most persistent criticisms objected to its postponement of the canonization of the prophetic books until the beginning of the second century.<sup>31</sup> More recently, the standard model has sustained substantial damage from the revolution in pentateuchal scholarship and the erosion of the documentary hypothesis. Many scholars now date the earliest written pentateuchal documents more or less to the exilic or early postexilic period.<sup>32</sup> This revisionist reconstruction retains a late date for the origin of Scripture in ancient Israel but at the same time reinforces the possibility that the Old Testament literature stabilized roughly simultaneously, as part of a common process, rather than consecutively by canonical subdivision.

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But there has also been another, even more important, line of questioning involving the nature of canons as sociocultural and religious phenomena. How do canons actually function and according to what criteria are they to be dated? Proponents of the standard model of Old Testament canon formation have customarily assumed answers to these questions without offering explicit formulations. It is nonetheless evident from how they have argued that, in their view, in order for something to count as canonical it had to be literarily fixed, officially authoritative, and nationally observed.<sup>33</sup> Once again, the importance of passages like 2 Kings 22–23 and Neh 8–10 becomes apparent. These are passages in which—according to the classic model—scriptural writings became officially canonical by being publicly accepted and, henceforth, regulating behavior.

But is this really how scriptural canons begin and how they operate? Must a canon *by definition* be literarily unchanging, officially approved, and nationally applicable? Ryle consciously rejected the idea of viewing a text as canonical if it was still undergoing literary development. But, again, would scriptural writings not have been likely to gain religious authority even *prior* to the time at which they

<sup>31</sup>Already in Eduard König, *Prophetenideal, Judentum und Christentum* (Leipzig: J. C. Hinrichs, 1906). Many critical scholars now support the existence of a Deuteronomistic History consisting of the Former Prophets and a (Deuteronomistic) prophetic collection, including portions of Isaiah, Jeremiah, Hosea, Amos, Micah, Nahum, Habakkuk, and Zephaniah, by the early exilic period; for example, Norman K. Gottwald, *The Hebrew Bible: A Socio-Literary Introduction* (Philadelphia: Fortress, 1985) 464–465.

<sup>32</sup>For a presentation of his own position and comparisons with other scholars who share similar points of view, see Van Seters, *Pentateuch*, 58–86. For Van Seters, only a version of Deuteronomy existed as literary document in the preexilic period; the remainder of the Pentateuch is entirely post-Deuteronomistic (78).

<sup>33</sup>Stephen B. Chapman, *The Law and the Prophets* (Tübingen: Mohr Siebeck, 2000) 3–7.



were officially recognized? And are there not cases in which a canon can be open as well as closed, in other words, receptive to the addition of further writings rather than absolutely exclusive? The very fact that Ryle reconstructed three successive canons suggests more openness to canonical expansion within the tradition than Ryle was willing to acknowledge theoretically. So perhaps *canon* is more about authority (that is, certain writings belong together as normative texts) than about closure (that is, only these writings are normative and no others).

This new way of conceiving *canon* entered the scholarly discussion largely through the work of James Sanders and Brevard Childs. Sanders's contribution was suggestive but finally rather vague.<sup>34</sup> Childs, on the other hand, brought the notion of canon as authority into the exegetical discussion of every book in the Old Testament, then turning his attention to the New Testament, where he did the same.<sup>35</sup> His magnum opus, his *Biblical Theology*, even shows how canon as authority functions as a crucial hermeneutical guideline for biblical theology—that is, how the two Testaments of the Christian Bible fit together and relate to the church's theological tradition.<sup>36</sup> What Childs perceived so clearly was that already when the biblical books were still being written and edited, they were at the same time being understood and used as the Scripture of a religious community.

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This ongoing religious usage by the community meant not only that it was legitimate to date certain writings as possessing canonical status earlier than the standard model was willing to do, it also meant that literary features within the biblical books themselves might reflect how they had been read and transmitted *scripturally*—features that, in turn, could provide modern interpreters with guidelines for reading and understanding the biblical books as Scripture today. On this view, the various books of the Bible have been thoughtfully coordinated with each other through the use of citations, allusions, and editorial framing devices.<sup>37</sup> Rather than a three-stage process centered on official decision making, a much more organic

<sup>34</sup>James A. Sanders, *Torah and Canon* (Philadelphia: Fortress, 1972); idem, *Canon and Community* (Philadelphia: Fortress, 1984). For a similar judgment regarding Sanders's contribution to the discussion, see Christopher R. Seitz, "The Canonical Approach and Theological Interpretation," in *Canon and Biblical Interpretation*, vol. 7, *Scripture and Hermeneutics Series*, ed. Craig G. Bartholomew et al. (Waynesboro, GA: Paternoster; Grand Rapids: Zondervan, 2006) 59.

<sup>35</sup>Childs, *Introduction to the Old Testament*; idem, *The New Testament as Canon* (Philadelphia: Fortress, 1985).

<sup>36</sup>Brevard S. Childs, *Biblical Theology of the Old and New Testaments* (Philadelphia: Fortress, 1993).

<sup>37</sup>Achim Behrens, "Kanon: das ganze Alte Testament ist mehr als die Summe seiner Teile," *Kerygma und Dogma* 53 (2007) 274–297.

process of slow, steady literary growth obtained, in which the books of the Law, Prophets, and Writings were compiled and combined simultaneously. Thus, there was never a Torah-only canon in Israel; even by the time of Ezra, there were already prophetic writings and other religious texts like psalms that were known and viewed as authoritative for Israel's faith and practice.

One intriguing result of this direction in scholarship has been the recognition that editorial framing notices exist at the beginnings and endings of the three subdivisions within the Hebrew Bible.<sup>38</sup> Thus Deut 34:10–12 (Deuteronomy's final paragraph) summarizes the legacy of Moses by stressing his prophetic activity, an emphasis that connects the Pentateuch with the prophetic corpus immediately following. Moreover, the reference to Joshua in Deut 34:9 links closely to Josh 1, especially the focus in that chapter on Joshua as an obedient exponent of Mosaic law (Josh 1:7–9). Such associations suggest a degree of editorial coordination between the Pentateuch and the Former Prophets and support the idea that Deut 34:10–12 may have been written not just as the conclusion to the book of Deuteronomy but as the conclusion to the Pentateuch as a whole.<sup>39</sup>

A programmatic reference to the law of Moses is also found at the conclusion of the prophetic corpus in Mal 4:4–6 (Hebrew 3:22–24), which mentions Elijah, too, and therefore identifies a similar conception of law and prophets to be at the core of the prophetic collection's witness. Then, in Ps 1 a reference to the law of Moses is found as well (Ps 1:2; literally, “the law of the LORD”). In fact, the Hebrew verb for “meditate” in Ps 1:2 (*hgh*) is the same as in Josh 1:8—and these are the only two places in the Hebrew Bible where this particular verb is used in reference to the torah of Moses and together with the expression “day and night.” Malachi's opposition between the righteous and the wicked, his eschatological account of the righteousness of God, and his message that salvation is through torah—all this is closely echoed in Pss 1–2 as a joint introduction to the Psalter and the Writings.

Finally, 2 Chronicles concludes the Hebrew canon with the words of Cyrus's Edict—Israel's mandate to return to Jerusalem and rebuild the temple (2 Chr 36:23).<sup>40</sup> Intriguingly, the expected literary order, based solely on the book's content, would be 1–2 Chronicles followed by Ezra and Nehemiah, rather than Ezra

<sup>38</sup>Recognition of these framing devices is increasingly emphasized in European Old Testament scholarship; see Erich Zenger et al., *Einleitung in das Alte Testament*, 6th ed. (Stuttgart: Kohlhammer, 2006) 24–26. Now appearing in English translation, see also Jean-Louis Ska, *Introduction to Reading the Pentateuch*, trans. P. Dominique (Winona Lake, IN: Eisenbrauns, 2006) 9–14. Unfortunately, Anglo-Saxon Old Testament introductions have lagged behind in the treatment of these significant structural features, but for a significant exception see Leslie C. Allen, “The Concept of Canon,” in William Sanford LaSor, David Allan Hubbard, and Frederick Wm. Bush, *Old Testament Survey*, 2d ed. (Grand Rapids: Eerdmans, 1996) 598–605.

<sup>39</sup>See especially Joseph Blenkinsopp, *Prophecy and Canon* (Notre Dame, IN: University of Notre Dame Press, 1977). Further discussion and bibliography can be found in Chapman, *Law and Prophets*, 113–131.

<sup>40</sup>There are, however, significant variations in the order of the Writings. Chronicles, for example, appears as the final work of the Writings according to the list found in *Bava Batra* 14b–15a, but does not appear in final position in either the Leningrad or Aleppo Codices, the two earliest important medieval manuscripts. See James A. Sanders, “Text and Canon: Old Testament and New,” in *Mélanges Dominique Barthélemy*, ed. Pierre Casetti, Othmar Keel, and Adrian Schenker (Fribourg, Suisse: Éditions universitaires; Göttingen: Vandenhoeck & Ruprecht, 1981) 389.

and Nehemiah followed by 1–2 Chronicles. Thus, the dislocation of Chronicles at the end of the Hebrew canon may well be an intentional move in order to render an exilic perspective normative for the life of faith.<sup>41</sup>

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These literary features can be designated as canonical *formatting* at the broadest level. This kind of exegetical search could be continued for other such coordinating features within and among all of the various books of the canon, and current scholarship is conducting precisely this kind of investigation and discovering a surprising number of possibilities for further consideration.<sup>42</sup> Sometimes this kind of biblical scholarship now goes under the title “canonical hermeneutics”; sometimes it is called “inner-biblical exegesis”; sometimes it is simply done in the name of a “literary” or “holistic” or “synchronic” approach. But it is some of the most exciting work happening in biblical studies today. One has only to glance at recent scholarship on the book of Isaiah or the Minor Prophets to see how this approach is yielding exegetical gold.<sup>43</sup> The chief point is that the Old Testament, much more than has previously been appreciated, was produced as an internally cohesive and self-relating compositional unity. Its literary form is not coincidental but is itself a crucial aspect of the Old Testament's theological witness.

This newer scholarly work calls for greater attention to the *religious* function of the Old Testament texts within a community of faith.<sup>44</sup> These texts have never simply been artifacts that were written down just once and then left in the desert sands for someone to discover centuries later, although that is exactly how historical-critical scholarship has sometimes tended to treat them. Instead, the Old Testament texts were shaped in myriad ways within the ongoing religious life and practices of Israel. There were continual interventions made over centuries—ultimately too many to count, let alone reconstruct—in order to adjust and mold these writings in light of Israel's ongoing experience of God. Even more, those engaging in this activity sought to construct a theological legacy. Rather

<sup>41</sup>For a comprehensive study of this possibility, see Georg Steins, *Die Chronik als kanonisches Abschlussphänomen* (Weinheim: Beltz Athenäum, 1995).

<sup>42</sup>Behrens, “Kanon,” 282–295.

<sup>43</sup>For a description of such scholarship and its wider significance, see Christopher R. Seitz, *The Goodly Fellowship of the Prophets: The Achievement of Association in Canon Formation* (Grand Rapids: Baker Academic, forthcoming).

<sup>44</sup>Raik Heckl, “Der biblische Kanon: Glaubenszeugnis der Generationen Anfangs,” *Kerygma und Dogma* 53 (2007) 145–157.

than merely voicing their own experience in their work on the biblical traditions, they sought to *interpret* their experience in light of its significance for future generations.<sup>45</sup>

Eventually, the scriptural canon did indeed become “closed,” but not by official decision. The idea of a council at which the canonical status of various books was determined is an importation into Judaism of a later Christian reality.<sup>46</sup> The gathering in Jamnia was a school, not a council.<sup>47</sup> And even with the Christian councils, it appears that their decision making took the form of an acknowledgment of which writings were already functioning authoritatively within the churches rather than a declaration of which writings were being made canonical. The boundaries to the biblical canon likely continued to be fuzzy for a long time, and the precise fixing of the canon’s contents may well have been a fairly late development. But, according to the alternative view of canon formation now dislodging the standard model, such considerations are not the most decisive.<sup>48</sup>

#### WHAT DIFFERENCE DOES IT MAKE?

Newer canonical scholarship, understood along the lines of the alternative model just sketched, also leads to vastly different conclusions regarding the big questions raised at the outset of this essay concerning the status of the Old Testament in the New Testament period, the relationship between Christianity and Judaism, and the interaction of Scripture and tradition.

First of all, the possibility that the Old Testament canon may not have been absolutely closed in the New Testament period becomes relatively unimportant. Old Testament Scripture was fully authoritative for Jesus and the early church, and they had a strong sense of its unity and message, even if everyone did not necessarily agree about whether Song of Songs was in or Jubilees was out. More important for understanding the New Testament and approaching biblical theology rightly is the realization that the New Testament grants prior authority not just to Israel’s history with God,<sup>49</sup> but to Israel’s history with God *as presented by the written texts of the Old Testament*.<sup>50</sup> To put the point even more strongly: for the New Testa-

<sup>45</sup>Brevard S. Childs, “Analysis of a Canonical Formula: It shall be recorded for a future generation,” in *Hebräische Bibel und ihre zweifache Nachgeschichte*, ed. Erhard Blum, Christian Macholz, and Ekkehard W. Stegemann (Neukirchen-Vluyn: Neukirchener, 1990) 357–364.

<sup>46</sup>J. N. Lightstone, “The Formation of the Biblical Canon in Late Antique Judaism: Prolegomena to a General Reassessment,” *Studies in Religion/Sciences religieuses* 8 (1979) 135–142.

<sup>47</sup>Roger T. Beckwith, “The Formation of the Hebrew Bible,” in *Mikra*, ed. Martin Jan Mulder (Assen: Van Gorcum; Philadelphia: Fortress, 1990) 39–86. For an up-to-date, comprehensive discussion, see Jack P. Lewis, “Jamnia Revisited,” in McDonald and Sanders, *Canon Debate*, 146–162.

<sup>48</sup>Interestingly, the significance of closure has also now been relativized by John Barton, although he remains opposed to the idea that the kind of canonical structuring devices I have outlined here were recognized in antiquity or viewed by the ancients as providing guidelines for interpretation; see John Barton, “Canon and Old Testament Interpretation,” in *In Search of True Wisdom*, ed. Edward Ball (Sheffield, UK: Sheffield Academic, 1999) 37–52.

<sup>49</sup>Contra James Barr, *Holy Scripture* (Philadelphia: Fortress, 1983) 48: “The pre-Christian basis of the church, though by shorthand we often call it the Old Testament, is in fact Israel.”

<sup>50</sup>Thus, the frequently repeated New Testament expression “as it is written.”

ment, Israel's *history* is not canonical, the Old Testament is.<sup>51</sup> In fact, during Jesus' lifetime and during the earliest years of the church, prior to the point at which the New Testament books existed and began to be viewed as Scripture, the Old Testament *was* the church's Bible.

Precisely for this reason, it is a grave mistake when McDonald and others attempt to portray the biblical canon as somehow in competition with the church's commitment to Jesus. Without the Old Testament, the church cannot know properly who Jesus is. This same point is precisely the one made by the tripartite reference to the Old Testament in Luke 24:44. The confession of the church is that Jesus is the fulfillment—not of a general human longing for eternal life or universal justice but specifically of what is written in the law of Moses, the prophets, and the psalms. What is written there is written about Jesus; what is written there tells how Jesus can and must and will be known. Nothing could be farther from the gospel than portraying the Old Testament canon as a legalistic appropriation from Judaism. What Judaism and Christianity, in fact, both share, as dual inheritors of this body of religious writings, is that life is to be sought and will consistently be found in wrestling, like Jacob at the Jabbok, with these peculiar Old Testament texts. Whenever the church has done so, it has experienced a new surge of life and mission. It is when the church turns away from its canon of Scripture that it drifts, because it no longer has anything of consequence to say.

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It is also important, especially for Protestants, to recognize that this recent work on canon necessarily qualifies the allergy to tradition that has deep roots in anti-Catholic polemic.<sup>52</sup> If Childs and others are correct, then Scripture begins as the written expression of Israel's religious tradition; Scripture is continually shaped and reframed over time by that ongoing tradition, and the eventual stabilization of the canon has more to do with *de facto* practice than *de jure* decision making. Such an understanding requires Protestants to have much more openness to the ecclesial context of biblical interpretation and the history of exegesis, instead of construing the slogan *sola scriptura* in such a way that church tradition becomes exclusively corrupting or inconsequential and biblical interpretation a hyperindividualistic activity involving only me and my Bible.

On the other hand, what the inheritance of a stable Old Testament by Jesus and the early church throws into sharpest relief is that the church did not create the

<sup>51</sup>It is also, of course, true that the New Testament, itself, does not pull these two things apart.

<sup>52</sup>For a broader historical perspective on this point, see Childs, *Introduction to the Old Testament*, 80–82.

biblical canon. As theological authorities ranging from Martin Luther to Vatican I have insisted, even as many contemporary Catholic and Protestant voices increasingly seem to misunderstand or flatly reject the same point,<sup>53</sup> the proper historical and doctrinal position is that the church did not “create” or “constitute,” but rather “recognized” and “received” the canon.<sup>54</sup> As the history of Old Testament canon formation, rightly understood, continues to demonstrate, the church did not create its Old Testament canon—the Old Testament canon helped create the church. ⊕

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<sup>53</sup>Cf. Robert Gnuse, *The Authority of the Bible* (New York: Paulist Press, 1985) 117: “The history of canon taught many Protestants that Scripture was a product of the community of faith. Previously they believed that the Bible came first historically and the Church developed upon its foundation. However, many now admit that the Church established the canon.”

<sup>54</sup>“Dogmatic Constitution on the Catholic Faith,” in *Decrees of the Ecumenical Councils*, vol. 2, ed. Norman P. Tanner (London: Sheed & Ward; Washington, DC: Georgetown University Press, 1990) 806: “These books the church holds to be sacred and canonical not because she subsequently approved them by her authority...nor simply because they contain revelation without error, but because being written under the inspiration of the Holy Spirit, they have God as their author and were as such committed to the church.” Martin Luther, “On the Misuse of the Mass,” in *Luther’s Works*, vol. 36, ed. Jaroslav Pelikan (St. Louis: Concordia; Philadelphia: Fortress, 1959) 144–145: “It is not God’s Word just because the church speaks it; rather, the church comes into being because God’s Word is spoken. The church does not constitute the Word, but is constituted by the Word.”