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**DAVID HENIGE,
FOUND BUT NOT LOST: A SKEPTICAL NOTE ON THE
DOCUMENT DISCOVERED IN THE TEMPLE UNDER
JOSIAH**

FOUND BUT NOT LOST: A SKEPTICAL NOTE ON THE DOCUMENT DISCOVERED IN THE TEMPLE UNDER JOSIAH

DAVID HENIGE
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The account in 2 kings 22-23 was written in the time of Josiah and can be very much trusted.¹

. . . But we do not know if the story of its ‘discovery’ (or some modern rationalization, like a deliberate planting of the scroll soon after composition) is true!²

Was there *really* a book behind the story. . . ?³

For a long time the critics favoured the idea that this ‘discovery’ was a pious fraud . . . ; to-day this opinion has long been abandoned. It is quite certain that the work belongs to an older age . . .⁴

The discovery of a law book in the Temple is not implausible. . .⁵

¹Nadav Na’aman in L.L. Grabbe, “Reflections on the Discussion” in *Good Kings and Bad Kings*, ed. Lester L. Grabbe (London, 2005), 348. Cf. idem, “Royal Inscriptions and the Histories of Joash and Ahaz, Kings of Israel,” *V/T* 48 (1998), 337-44; idem., “Josiah and the Kingdom of Judah” in *Good Kings and Bad Kings*, 229-33; Lowell K. Handy, “The Role of Huldah in Josiah’s Court Reform,” *ZAW* 106 (1994), 46, 46n17. The advantages in believing in an early contemporary report are blindingly obvious; among other things, it would be largely concomitant with accepting the reality of the discovery.

²Philip R. Davies, “Josiah and the Law Book” in *Good Kings and Bad Kings*, 70.

³W. Boyd Barrick, *The King and the Cemeteries: Toward a New Understanding of Josiah’s Reform* (Leiden, 2002), 131, emphasis in original. Barrick thinks not, on the basis of the found-manuscript *topos*.

⁴Roland de Vaux, *Ancient Israel: Its Life and Institutions* (New York, 1961), 338.

⁵Mordechai Cogan, “Into Exile: from the Assyrian Conquest of Israel to the Fall of Babylon” in *The Oxford History of the Biblical World*, ed. Michael D. Coogan (New York, 1998), 346. Cogan goes on: “for as dwellings of the gods temples often became depositories of documents of state as well as of religious interest, their divine residents often being called on to defend and protect the agreements deposited with them,” which strikes me as an argument against a fortuitous finding rather than one for it.

I. INTRODUCTION

The story is familiar to students of the Bible. A king comes to the throne of Judah and becomes intent on restoring his people's past political glory and spiritual righteousness. As part of this program, he institutes repairs to the Temple. One day his scribe reports to him that the high priest has found some kind of document during the repairs—a document that the high priest thinks is the “book [scroll, etc.] of the law [covenant, etc.]” On learning of its contents, the king tears his garments because the new text seems to prophesy bad news. Nonetheless, the newly-discovered text serves as inspiration for a series of reforms, which, if they do not long postpone the fall of the kingdom, at least restore Judaism to its purportedly primeval condition.

II. ASSUMPTIONS AND PRESUMPTIONS

The authorship of “the book of the law”—usually thought to be Deuteronomy—has been attributed to numerous figures, ranging from Moses to figures in Josiah's (*ca.* 640-609) court, and it is generally held to have been a physical object, capable of being found, touched, carried, and read—as per the Biblical narrative. The present paper has a restricted goal: to test whether the Biblical story of the provenance of this text can make practical sense *as an explicatory narrative*. My premise is that related larger issues can only be sensibly addressed after first testing the reliability of the story of the discovery itself. If, given the numerous and elevated discussions of this text and its consequences, this seems a narrow and pedestrian approach to the Biblical testimony, so be it

In this exercise, I situate the terms of my argument squarely in the traditionalist model. The hypothesis I seek to test is that the Biblical testimony about both the discovery *and* the history of the Temple before that occasion are reliable. I assume, along with the Bible and most modern opinion, that any book/scroll in question must have been a physical object of some kind, and not particularly inconspicuous—that is, it could be readily described if one happened to be looking in its direction before or after it had been lost.

My particular purpose is to inquire about the contextual *plausibility* of this Biblical account, which is all that is left to us, now so far removed from the events and relying, as we must, on a small set of interdependent sources. And about nothing else; I explicitly disclaim any interest in a number of related issues: e.g., the general historicity of Kings and Chronicles; the redactional history of any of our sources; whether or not the Josianic reforms were carried out or what they consisted of; any reader-response issues; or the mysterious death of Josiah. I look at the account as someone who might be reading a text with a jaundiced eye—say, a detective novel—that has not achieved scriptural status, therefore one that can be judged strictly on its content, context, and presentation. The *modus operandi* in such cases is usually to see if there are incongruities or anachronistic aspects and then try to explain them, or explain them away.

Contextual plausibility can be treated at two levels. The first is internal—e.g., whether a story conforms to any ancient or modern *topoi*. Of course, in this case it resoundingly does just that, but this aspect has

recently been treated by Katherine Stott, as well as by others before her.⁶ This allows me to concentrate only on aspects of the story itself, and to treat it as though it were *not a topos*. In fact, the very notion of the ‘found’ manuscript as *topos* can be dismissed in the following argument, except as a logical alternative, although it should always feature in more general discussions of the matter, since this analytical approach offers endless exemplification. The second level, which is internal, concerns what might be termed the narrative line: does the account come across as self-consistent and transparent; does it raise questions about itself that it cannot, or at least does not, answer; does it try to justify its own claims; are there unresolved issues of authorship and timing?

In this regard, I treat the Biblical narrative simply as a story with a plot and a purpose, as if to ask the question: if it were read as a bedtime story, would it hold up to the critical scrutiny of an inquisitive child? Even scripture deserves this kind of attention. It will not do to grant texts that eventually achieve scriptural status special terms that are so lenient that they so often result in self-fulfilling prophecies.

In following this line, I make certain assumptions. Of these the most important is that the ancient Israelites were no less pragmatic and rational in discerning and fostering their self-identified best interests than other societies, including our own. I assume the concomitant right to suggest motives and opportunities for both action and inaction, as if these events were occurring today. At the same time, it is obvious that those who take the discovery story seriously must do much the same, even if they proceed along distinctly different argumentative lines.⁷

⁶Katherine Stott, “Finding the Lost Book of the Law: Re-reading the Story of ‘The Book of the Law’ (Deuteronomy-2 Kings) in Light of Classical Literature,” *JSOT* 30 (2005), 153-69. A few discussions that Stott does not mention are A.J. Droge, “‘The Lying Pens of the Scribes’: of Holy Books and Pious Frauds,” *Method and Theory in the Study of Religion* 15 (2003), 117-47; Thomas C. Römer, “Transformations in Deuteronomistic and Biblical Historiography: On ‘Book-Finding’ and Other Literary Strategies,” *ZAW* 109 (1997), 1-11; David Henige, “In Good Company: Problematic Sources and Biblical Historicity,” *JSOT* 39 (2005), 29-47; and Wolfgang Speyer, *Bücherfunde in der Glaubenswerbung der Antike* (Göttingen, 1970). Speyer made a brief excursus into medieval and modern times, but his work on the Middle Ages has been thoroughly superseded by *Fälschungen im Mittelalter* (5 vols.: Hannover, 1988), which addresses some 150 case studies.

⁷It should be understood that my argument does not apply to those who suggest that the book was produced under Josiah and might have been brought to public attention in this way to clothe it with the sanction of antiquity, since they posit no long period of occultation or incubation. Even so, contemporaries would have found themselves asking some of the same questions I ask here. This brings up a further issue, not discussed here: would the author/s of Kings and Chronicles not have seen the discrepancies in these accounts as noted here? If they did, was their response simply to press on, regarding the accounts as both true and miraculous? Is it wrong then to suggest, as I did above, that we ought to assume certain similarities in ‘rational’ responses to arising exigencies between moderns and ancients? If it is wrong, then where are our warrants to believe anything at all in the Biblical text?

III. RECENT APPROACHES TO THE FINDING

The narrative of the discovery and its aftermath has generated an enormous response since the advent of Biblical criticism.⁸ Like earlier discussions, recent studies fall along abroad interpretative continuums: accepting it unreservedly; questioning the contents of the text, but not the circumstances or reality of the discovery; concentrating on its possible effect on the reforms that reportedly followed; doubting that these reforms ever took place; etc. Most regard this as one of the crucial moments in the Biblical story, and are loath to interrogate the meaning and implications of the account by asking awkward questions. Whatever the case, the discovery is treated surprisingly gingerly. Roughly speaking, it is possible to discern in the relevant literature a continuum of at least five attitudes toward this story, which I label blind acceptance/paraphrasis (yes, *because* this is what the Bible says); defended acceptance (yes, but with justifications); unconcerned/oblivious (maybe, maybe not, but it doesn't really matter); dubious (could have been, but probably was not); and reflexive rejection (no way!).⁹

The wellsprings of the first are self-evident: whatever the Biblical text says is *ipso facto* true in every possible respect. This view is probably less popular than it once was, but is hardly without a following. It tends to surface in seminary journals or Biblical dictionaries, which typically prefer to elucidate rather than contradict and are reluctant to sow doubt and confusion. But not always. An interesting outlier is T.C. Mitchell's discussion in the second edition of the *Cambridge Ancient History*. Aimed at an audience that is probably unfamiliar with the terms of the debate, or even that there is a debate, Mitchell's account follows the Biblical account slavishly, if implicitly: "Suffice it to say that the description of its discovery and use suggests that at the time it had the appearance of age, being immediately accepted as authoritative . . . It is unlikely, therefore, to have been a recent compilation expressly placed in order to be found, pseudo-accidentally, soon after its deposit."¹⁰

Defended acceptance displays an awareness that possibly legitimate alternative opinions exist and need to be dealt with, and is typified by Iain Provan's discussion of the matter. Provan argues that "the impression [*sic*] throughout Kings [*is*] that ['the book of the law'] was available to the various rulers of Israel and Judah" who preceded Josiah and who had the opportunity to follow its tenets.¹¹ For Provan, the

⁸As R.H. Lowery, *The Reforming Kings: Cults and Society in First Temple Judah* (Sheffield, 1991), 190, put it: "[i]f laid end to end, the scholarly pages written about Josiah's reform might well reach to the moon. Much has been written, because interpreters long have recognized that in Josiah's reform lies the key to Deuteronomy, and in Deuteronomy lies the key to much of the Old Testament."

⁹A possible sixth position would be not to address the occasion at all; for my purposes I include this under the unconcerned/oblivious rubric.

¹⁰T.C. Mitchell, "Judah until the Fall of Jerusalem (c. 700-586 B.C.)," in *CAH2* III/2 (Cambridge, 1991), 388. Mitchell cites no sources other than the Bible for his description.

¹¹Iain Provan, *1 and 2 Kings* (Peabody MA, 1995), 271. This somewhat peculiar way of saying things reflects, if implicitly, the uncongenial fact that this

book's disappearance was "a recent event;" perhaps it had been secreted during the reign of Manasseh (*ca.* 697-642), no more than two generations previously. The procedure in these cases is not simply to assert, but to defend claims by way of hypothesizing that certain things (must have) happened that tend to lend credibility to the story as told.

Christof Hardmeier also has a hypothesis, albeit a different one: "Moses' torah book could only be found again in the course of the temple refurbishment (2 Kings 22.3-8) if this book was lost on the construction site *before* the completion of the temple."¹² Nadav Na'aman suggests that "an old inscription," which he believes existed in some profusion, was discovered during Josiah's repairs and was somehow transformed into "the book of the law," the metamorphosis occurring almost immediately. Na'aman does not speculate how.¹³

The third category—unconcerned/oblivious—is by far the most common in the literature. Discursively, it has virtually no boundaries, consisting of passing references to the occasion more or less as described in the Biblical text in a matter-of-fact throwaway manner; as Mark A. O'Brien bluntly put it, "[t]he question of whether the book was actually discovered in the temple during repairs . . . need not concern us here."¹⁴ This approach might even be termed an *as-if* one, in which readers are not quite told what the authors believe, because whether a discovery did or did not happen as specified is seldom seen to be a crucial part of the arguments.¹⁵ Any mention serves only as token prolegomena for discussing concerns of greater moments recorded in the Biblical text as happening—or not happening—as a result of the discovery. The discovery itself is often studiously ignored, as if somehow inconsequential to assessing the larger issues of the case.

The skeptical position is the most complex of these five, and the most common outside evangelical circles whose adherents actually venture an opinion. It can be expressed by anything from a few

is the very first mention of such a text. Undaunted, Provan continues (emphasis in original): "Whether Hilkiyah really *found* it, of course, or whether his choice of words is dictated by a desire to remain distanced from it until he discovers how Manasseh's grandson will react, must remain open to question. The circumstances in which it "comes to light" are entirely veiled in mystery."¹¹ Quite so.

¹²C. Hardmeier, "King Josiah in the Climax of the Deuteronomistic History (2 Kings 22-23) and the Pre-Deuteronomistic Document of a Cult Reform at the Place of Residence (23-4-15*): Criticism of Sources, Reconstruction of Literary Pre-Stages and the Theology of History in 2 Kings 22-23" in *Good Kings and Bad Kings*, 130, 135-36, with emphasis added.

¹³Na'aman, "Royal Inscriptions," 343. See as well, Antti Laato, *Josiah and David Redivivus* (Stockholm, 1993), 46. Simon B. Parker, "Did the Authors of the Books of Kings Make Use of Royal Inscriptions?" *VT* 50 (2000), 357-78, takes issue with the notion that royal inscriptions were a standard form of documentation at the period. The fact that none have survived allows almost any argument to be made about their use or non-use without fear of refutation.

¹⁴Mark A. O'Brien, *The Deuteronomistic History Hypothesis: a Reassessment* (Freiburg, 1989), 239-40 n.41

¹⁵A good case in point is Gösta Ahlström, who, in his *History of Ancient Palestine* (Sheffield, 1993), 770-75, first conceded that the story "may be fictional" and then proceeded to make arguments that assume that it was not.

tactically-placed quotation marks to a full-barreled argument.¹⁶ Qualifying, and perhaps distancing, phrases like “[i]t is reported that” or “[a]ccording to” can leave the reader in doubt as to the position of the author, if any. More straightforwardly, it automatically includes all those who regard the story as (in Garbini’s words) “a literary expedient.”¹⁷ Reasons for doubt include the found-manuscript motif, the striking similarity to the earlier account regarding Joash, or the belief that Deuteronomy was written after Josiah’s reign.¹⁸ Any position of caution is unquestionably the most justifiable, since it will never be possible to learn more about the finding of the book than we already know, which is not quite enough to believe in it.

The fifth category, reflexive rejection, is more or less just a technical rubric. It is the mirror image of the fundamentalist stance; in this case the story cannot be true precisely *because* it is part of the Biblical text. This dogmatic argument probably has even less substance than the fundamentalist position, which is at least based on textual matter. It can exist, but is only very infrequently mooted.

The first and last positions depend on reflexive belief and unbelief, and to address them would only be to arrogate them beyond the respective credibilities. I would place my own point of view somewhere between Positions 4 and 5, since it comes with an argument that the story is wildly implausible, but also that this alone does not render it *incontrovertibly* untrue. To do more would be to advance well beyond the safety of the available evidence.

Whatever the position taken, disputation about this narrative has tended to follow literary rather than historical approaches and conventions, and is more concerned with *what* was found or concocted rather than *whether* it was found. In contrast, it is the latter question that concerns me here. I raise several questions that spring to mind when considering the Biblical report of the finding, but I don’t think that these can be answered.¹⁹ My fundamental premise is that in both content and context, the story of the finding should arouse suspicion in the minds even of those with the most embryonic sense of the incongruous.²⁰ In short, it is a pragmatically-centered approach focusing

¹⁶That is, they could bracket “book” or “discovery” or “found.” In each case this could convey a message, but not entirely the same message, to readers

¹⁷Giovanni Garbini, *Myth and History in the Bible* (Sheffield, 2003), 64.

¹⁸Among others, A.D.H. Mayes, *Deuteronomy* (Greenwood SC, 1979), 90-91, 100-03; K.L. Noll, *Canaan and Israel in Antiquity: an Introduction* (Sheffield, 2001), 230-36; Römer, “Transformations,” 50-55; idem., *The So-Called Deuteronomistic History: a Sociological, Historical, and Literary Introduction* (London, 2005), 50-55; Barrick, *Kings and Cemeteries*, 111-35.

¹⁹Caetano Minette de Tillesse did discuss several incongruities in the discovery account—although not the one treated here—and concluded that the account was “not the official record of a historical event, but a literary and theological construction invented from whole cloth by the Deuteronomist” and was based on the Joash model, with Jeremiah 36 serving as an “anti-model” for parts of it. See Minette de Tillesse, “Joiachim, repoussoir de ‘Pieux’ Josias: parallélismes entre II Reg 22 et Jer 36,” *ZAW* 105 (1993), 371, 375.

²⁰Lowell K. Handy almost addresses this point in his “Historical Probability and the Narrative of Josiah’s Reform in 2 Kings” in *The Pitcher is Broken. Memorial Essays for Gösta Ahlström*, ed. Steven W. Holloway and Lowell K.

on the evidence rather than a literary or theological one, and is not at all concerned with anything that occurred after the purported discovery was brought to Josiah's attention. It will be clear that I share K.L. Noll's assessment that this account is "a very odd tale."²¹

IV. THE BIBLICAL TEXT AND ITS IMPLICATIONS

The preferred version, that in 2 Kings 22:8-11, runs as follows:

Hilkiah the high priest said to Shaphan the scribe, "I have found the book of the Teaching in the House of YHWH." Hilkiah gave the book to Shaphan and he read it . . . Then Shaphan the scribe told the king, "Hilkiah the priest gave me a book," and Shaphan read it before the king. When the king heard the words of the book of the Teaching, he rent his garments. . .²²

Given the purported magnitude of the occasion, this text is surprisingly, even astonishingly, brief and unilluminating, almost cryptic, beginning *in medias res*, with not the slightest attempt at verisimilitude. Moreover, the verse specifying the discovery is clearly intrusive—a narrative barnacle. All this makes it hard to understand why so many find this account unproblematic *as narrative*. Yet they do. Martin Noth suggested that it was "probably based on an official record of this important event," thus awarding it serious documentary status.²³ Robert L. Cohn is uncompromising, indeed complacent: ". . . every step of the transmission of the news [of the discovery] is chronicled."²⁴

Unfortunately, the crucial first step—the critical transformation from unawareness to awareness—is not "chronicled" at all. The simple testimony that Hilkiah "found" the text in question naturally encourages interested parties to wonder exactly what "found" means.²⁵ Was Hilkiah skulking around the construction site and spied the text lying unnoticed in some rubble?²⁶ Where would it have been for this to happen, and

Handy (Sheffield, 2005), 254-55.

²¹Noll, *Canaan and Israel in Antiquity*, 230.

²²A slightly different account, generally deemed to be derivative and embellished, is in 2 Chronicles 34:14-24, where an early attempt seems to have been made to add persuasive detail to the more exiguous account in 2 Kings. See, e.g., Isaac Kalimi, *The Reshaping of Ancient Israelite History in Chronicles* (Winona Lake IN, 2005), 370-71, where the text is briefly treated without any attempt to suggest motivation. If details increased in 2 Chronicles, this did not correlatively improve plausibility, but the slightly different chronology offered there would have the effect of validating an existing reform agenda rather than generating a new one.

²³Martin Noth, *The Deuteronomistic History* (Sheffield, 1981), 73.

²⁴Robert L. Cohn, *2 Kings* (Collegeville MN, 2000), 153.

²⁵And the wondering is rampant. One of the most recent fantasy scenarios is that of Richard E. Rubenstein, *Thus Saith the Lord: the Revolutionary Moral Vision of Isaiah and Jeremiah* (Orlando, 2006), 97: "a Book of the Law was found wedged into a cranny of an old wall . . ."

²⁶Arguing from silence, Oded Lipschits, "On Cash-Boxes and Finding or Not Finding Books: Jehoash's and Josiah's Decisions to Repair the Temple" in *Essays on Ancient Israel in Its Near Eastern Context: a Tribute to Nadav Na'aman*, eds. Yairah Amit, Ehud Ben Zvi, Israel Finkelstein and Oded Lipschits. (Winona Lake IN, 2006), 240-41, thinks that the author of 2 Kings meant to tell us that the book was discovered even before repairs had begun, a hypothesis that

why did the workers not see it themselves—and report it—first? Maybe the workers did make the first discovery, but we are not told this—the recorded “transmission” process begins only with Hilkiyah, who then showed it to the (head?) scribe, and they went off to show it to Josiah—apparently all in short order, but long enough that each was able to read the document—or perhaps only parts of it.

Other peculiarities characterize this exiguous text. It leaves the impression that Hilkiyah recognized the contents immediately—but how? Did he know that such a text had once existed—if so, again, how? Did the text come with a title? Or had at least some of the wording been orally preserved for whatever period of time was involved? If the last, why had there been no sustained search for the original text? Or why weren’t spoken words turned into written ones? If Hilkiyah could recognize the text so easily, how was it that Judah had drifted so far from the prescribed law code? And why the great surprise and consternation when it—finally—surfaced?

V. WHEN WAS THE BOOK LOST?

Although most regard the chief consequence of the discovery as a revivification of the Mosaic law, some also use the story to give a much-needed boost to claims that writing had existed in Israel for several centuries, thereby allowing for some or most of the so-called historical books to have been written up to several centuries before the reign of Josiah, perhaps even contemporaneous with the events they describe. If the account of the ‘discovery’ is judged to be trustworthy, any claims to its—and by extension the historical books’—being both authentic *and* reliable would be measurably enhanced, even if a bit circular. While not entirely implausible, this argument endemically suffers from the handicap of lacking any evidence that is not inferential.

As Provan reluctantly implies, we have no information as to when the book might have gone ‘missing.’²⁷ We could assume, for instance, that it—or a predecessor—had existed since well before the United Monarchy, or we might assume instead that it was a product of the golden age of David and Solomon. Or any other time before or after. I choose a few specific occasions about which to speculate, although it doesn’t really matter, since the problems that arise are relevant to any period chosen.

Taking the indirect testimony in 2 Kings 23:22 as their guide, some attribute the disappearance to the time of the Judges, or 400 years or more before Josiah by Biblical chronology.²⁸ If this were the case, how

seems especially implausible, despite his further argument that no book could have been discovered under Joash because that ruler undertook no repairs as such, but only finalized a system by which these could be carried out efficiently.

²⁷As noted, there is not a shred of evidence that any “book of the law” spent even a moment housed in the Temple before being “found” there. Although the Ark of the Covenant is prominently mentioned in respect to Solomon’s dedication of the Temple, no “book” is, itself suspicious unless there was nothing about which to report.

²⁸E.g., D.J. Wiseman, *1 and 2 Kings: an Introduction and Commentary* (Downers Grove IL, 1993), 293-96; Hardmeier, “King Josiah,” 135-56.

did the book get into the Temple a century or so later under Solomon, a view widely shared, although with no explicit Biblical evidence? It seems that this particular argument suffers from a surfeit of handicaps.

No less inexplicably, the Bible relates that only a few years after Solomon's death, the Egyptian ruler Shoshenq exacted tribute from Solomon's son Rehoboam, and that this amounted to "everything" in the Temple.²⁹ Was this "everything" in a generic, and possibly not literal exact sense, or was it "every thing?" We have no way of knowing, and it could even be that Shoshenq found this scroll onsite, but thought it not resplendent enough to qualify as treasure and left it behind. But if there had been secure hiding places in the Temple, then we might expect that some of the paraphernalia would have been secreted there so that "everything" would not have been removed by the Egyptians. But would these not have been restored to their rightful places once the Egyptian forces retreated?

By the time of the reign of Joash, another century later, the fabric of the Temple had apparently deteriorated and the Bible credits Joash with undertaking its refurbishment. We assume, *ex hypothesi* and *pace* Shoshenq, that the book and the Ark still reposed somewhere in the Temple in Joash's time, either in plain sight or at least routinely available to the priesthood for cultic purposes. Although, once again, it is not mentioned in the Biblical account of this renovation. Some have argued that during these repairs—the first recorded—the book somehow fell into some crevice or another, and became a former-day cask of amontillado by being mortared up.³⁰

Another hypothesis, possibly the most common, is that the text did not disappear until it was hidden away during the reign of Manasseh to save it from his paradigmatically godless attentions.³¹ This too is not entirely implausible on its own terms, and it minimizes the time during which the book would have been *hors de combat*. It would also help explain why it was apparently readily recognized by Hilkiah and Shaphan the scribe, who might well have been alive to see it before it vanished. What remains unexplained in this argument is how it could have escaped Manasseh's mercies in order to survive at all.³² Provan thinks that it "is not a book that [Manasseh] would want to have in the temple. Nor would the priests have wished to provoke him by leaving it there."³³

While obvious and reasonable, this seems oddly stated (and prompts a response of "so . . .?"). It conjures up a preternaturally docile Manasseh, even though Biblical descriptions of his actions carry a much different message. It also raises the question of what an alternative site might have been. Was it hidden outside the Temple during Manasseh's (and Amon's?) reign, only to be hidden inside the Temple again when

²⁹1 Kings 14:25-28; 1 Chronicles 12:1-12

³⁰E.g., Lipschits, "Cash-Books," 239-54.

³¹Among others, Provan, 1 and 2 Kings, 271, and Walter Wifall, *The Court History of Josiah: a Commentary on First and Second Kings* (St. Louis, 1975), 179-80.

³²After all, only a few years later Jehoiakim is reported as having had no compunction about publicly destroying a text he found inimical to his interests. Jeremiah 36:21-23.

³³Provan, *1 and 2 Kings*, 271.

Josiah came to the throne just two years after Manasseh's death? But why? And if hidden inside the Temple, how could Manasseh have failed to discover it?

It seems unlikely that the Manasseh of the Biblical record would have been content to let this "book of the law"—a potential tool against his regime—remain hidden throughout his long reign if he had designs on it. And it seems even more unlikely that he would *not* have had designs on it—if it existed. Surely, Manasseh would ruthlessly have sought out the text in the Temple, and could have brought forth sufficient resources to uncover anything that might have been hidden in a structure of finite dimensions and architectural complexity or even, one might rightly conjecture, anywhere else in the small kingdom. The notion that he could not, would not, and did not do this flies in the face of any sensible interpretation of the Biblical account of his reign, character, and resources.³⁴ Still, for the sake of the overall argument, we surmise that Manasseh had no designs on the text after all, but that devout Judahites secreted it anyway, fearing otherwise. This would help explain why Manasseh did not track it down and destroy it, but probably does so at the expense of common sense.

But, as noted, even if this latter contingency were the case, a second complication exists: how did the "book of the law" get back *into* the Temple, and why did the rediscovery or rescue not take place until some twenty years after Manasseh's death, long after it would have become clear that the new ruler Josiah would respect and protect the 'hidden' text. And why, when it finally did happen, was the discovery — if we trust the Biblical account—in the nature of an accident? Could all parties really have forgotten about such a crucial text so quickly?

All these suggestions raise the same set of questions. The first concerns the lack of follow-up by the priestly authorities if this, or something like it, happened. Would not the text have been consulted routinely and frequently, perhaps even on a daily basis, to resolve issues as they arose? After all, it is usually held to have been the guiding legal authority for unadulterated Mosaic law and, if so, it would hardly have been relegated to the margins had it actually existed in physical, usable form.³⁵ It is reasonable, although not demonstrable, that its disappearance would not have—*could* not have—gone unnoticed for longer than a very short time. And, if in fact it had disappeared around any of the particular times noted, the authorities were without its guidance for as much as four hundred years—another fact not alluded to in the Biblical text at all.³⁶

³⁴There have been modern efforts to rehabilitate Manasseh (see below), but that hardly affects the course of the Biblical account *as it stands*, which is the position of the present discussion.

³⁵This leads to further questions such as: while the text was 'missing,' how was legal business conducted? Did the relevant authorities lapse into an oral frame of discourse, trying to remember its contents, sometimes succeeding, sometimes failing? If so, why would they have found this so sufficient that they made no serious efforts to redeem the situation by ferreting out the arrant text?

³⁶Indeed, a further question would be: why, if the "book of the law" was a physical object that disappeared at some point, is there no mention of this fairly cataclysmic event anywhere in the Old Testament?

If the relevant authorities were *really* surprised by its discovery, it implies two things. First, that any concealment had occurred at least a couple of generations before it was found, and, second, that existed no other means existed to preserve its contents over time. This brings up another puzzle: given its central importance and assuming a certain degree of elite, even commoner literacy—as so many do—would it not have been likely that there would have been more than a single copy of the text? Thus, if one copy had truly disappeared and could not be found, there would be at least one proxy copy, and a further replacement copy would then be taken in train, so that at all times there would be two copies extant, and *known* to be extant by those who needed to know.³⁷

VI. HOW COULD THE BOOK REMAINED LOST?

No theory of the text's disappearance adequately explains the timing of, and the reaction to, its re/discovery. If it *was* "the book of the law," it was simply too important to lie undiscovered for generation after generation. If it was not the book of the law, then such non-occurrence would be more plausible, but would also mean that we are wasting our time imagining its contents and effects. If, however, the "discovery" was either fabricated onsite, or later, when 2 Kings and 2 Chronicles were written or re-written, there is no connection with the distant past, and any notion of preserving the "Mosaic law" disappears.

Rather than being too saturnine too soon, let us consider scenarios in which the discovery would be as accidental and astonishing as it was portrayed, and the contents were as moderns tend to speculate—some or all of Deuteronomy, bequeathed unchanged and unchanging from the tenth century or before until late in the seventh century. One way to effect this would simply be to assume that, once the book got itself lost, no one cared and it was allowed to pass the centuries behind brick and mortar, presumably without deteriorating physically in the process. Another possibility would be that at some point right-thinking authorities absconded with the book for safety and then later on returned it to the Temple, only to hide it again. A third possibility would be that Hilkiah and his contemporaries were expecting to find something other than the book of the law—hence their surprise. If all these suggestions seem inadequate to readers, they seem no less inadequate to me.

A fourth possibility, advanced by Jack Lundbom and others, is that only a small portion of Deuteronomy, as we know it, was found, because "[i]t is very difficult to believe that a document of this size [Deuteronomy in its entirety] and importance could possibly get lost in the temple archives."³⁸ By this reasoning, belief in the discovery also

³⁷That is pretty much what Jeremiah is reported (Jeremiah 36:32) to have done in quick response to Jehoiakim's burning of the text mentioned in note 32 above.

³⁸Jack R. Lundbom, "The Lawbook of the Josianic Reform," *CBQ* 38 (1976), 295. Lundbom thinks it was Deut. 32. This too is a peculiar way to phrase things; archives generally become archives by being *controlled and preserved* for a specific purpose—later consultation—and their contents are less likely to go astray, regardless of their size.

requires believing that “the book of the law” in question was miniscule in size. Lundbom does not explain how the discovery of a small part of the book of the law would excite such a feverish response and generate the reforms that allegedly resulted, nor how only part of the book could have been lost and not been noticed—a singularly unlikely contingency. Or where the rest of Deuteronomy was. In effect, he is constrained by his own sense of implausibility to seek a solution for which there is not the slightest credible evidence—not least for any “archives.”

Three alternative hypotheses make better sense of the extremely limited evidence. Hypothesis 1 is that Hilkiyah—possibly alone, possibly with the assistance of others—created such a book out of whole cloth and convinced Josiah that it was an artefact hailing from the distant past. If Josiah was looking for an excuse for reform, he would have been happy to accept this providential sign. He would have needed to turn a blind eye to the fact that what he was presented with could not have looked (paleography, grammar, physical appearance) ‘old’ enough to be the Mosaic “book of the law.” Hypothesis 2 is that no book was required—and none was found—to set the long-awaited reforms in motion, but merely the claim of its existence, antiquity and contents. Finally, hypothesis 3 is that the Biblical writers conjured up this story sometime later to ‘explain’ Josiah’s belated call to action after such a long interim of ungodliness under his father and grandfather, as well as his own indifference for as long as eighteen years.³⁹

Still and all, given the number of “bad” kings recorded in the Old Testament, the very survival of any “book of the law” needs to be questioned. If we take the Bible at its word in this regard, almost every ruler strayed—often very far indeed—from the purported Mosaic law, presumably codified in this very text. Why did these rulers not arrange to have such a book, which condemned their activities by its very existence, destroyed? Even if it had been hidden away, its existence would have been fairly common knowledge, at least for a while. In sum then, if there really had been a “book of the law” in continuous existence, whether or not continuously visible, it would not have—almost *could* not have—surfaced as late as it did. We can only conclude, along with many others, even if using different arguments, that its fortuitous appearance coincided with a particular need at the time to provide justification for the Josianic reforms, which, after all, prominently featured, possibly unpopularly, the centralizing of royal authority. Creating it then—or creating a later memory of it—would make perfectly good political and ideological sense, even if this notion

³⁹This last solution is proportionately weaker for those who follow the chronology of 2 Chronicles, which attribute Josiah with several fewer years of indifference. Giovanni Garbini suggests that these eighteen years were occupied by an Ammonite usurper named Hananel. Garbini, “Biblical Philology and North-West Semitic Epigraphy: How Do They Contribute to Israelite History Writing?” in *Recenti tendenze nella ricostruzione della storia antica d’Israele* (Rome, 2005), 125-28. The evidence Garbini adduces seems slim, but it would be unfair not to point out that instances of *damnatio memoriae* are included in historical sources ranging from pre-Han China to the Aztecs to precolonial Africa. But where was Josiah during this interregnum? Or wasn’t he the son of Amon after all?

undermines the probability that other Biblical books harkened back several centuries before Josiah.

VII. BELIEVING THE IMPLAUSIBLE

I have looked at the story of the discovery of the book of the law in one respect only—its plausibility as measured against the Biblical narrative regarding its prior existence. Admittedly, this approach is not without its own problems. After all, the historical record is littered with stories of incidents and events that fall somewhere between implausible and impossible, and these must be doubted *ipso facto*—otherwise there would be no point in making such distinctions, even diagnostically. Nor should it be presumed that implausible and impossible are virtual synonyms. Take the case of the assassination of the Nepalese royal family in 2001. Ten members were killed by the crown prince, who then shot himself, only to die a few days later. During those few days, however, he was duly recognized as the legitimate sovereign and, when he died, he was succeeded by an uncle who had reigned briefly over fifty years earlier.⁴⁰ If such an account had appeared in a single source—say, the Bible—it would have been rightly laughed out of court. But it is true, and we know it is true because the evidence converges and overwhelms. But for that, we would have the obligation to doubt.

Nor are notions of plausibility timeless—hundreds of things that were once universally believed are now doubted or disbelieved. Nor are they culture-specific as such. Rather, they are basically individual-specific, although individuals sharing the same broad spectrum of experiences are likely to agree that certain ranges of phenomena are either plausible or implausible, while at the same time regarding other ranges variously, based on their personal experiences and personal hard-wiring. That said, I have no trouble in maintaining that the likelihood that any “book of the law” lay unnoticed in the bowels of the Temple for any period of time is . . . remarkably implausible, and nothing less.

Others take a radically different approach to the warrants, not only of this particular story, but of all Biblical testimony that seems unlikely to modern minds. Iain Provan nicely encapsulates this point of view regarding sources from the past, a view that quite common:

There is no good reason, . . . to believe that just because a testimony does not violate our sense of what is normal and possible, it is more likely to be true than one which does, nor that an account which describes the unique or unusual is for that reason to be suspected of unreliability.⁴¹

⁴⁰See David Henige, “The Implausibility of Plausibility/The Plausibility of Implausibility,” *Historical Reflections* 30 (2004), 311-35, for a more extended discussion of this bizarre episode.

⁴¹Iain Provan, “In the Stable with the Dwarves: Testimony, Interpretation, Faith, and the History of Israel” in *IOSOT Volume Oslo 1998* (Leiden, 2000), 299-300. This argument, the so-called appeal to ignorance (*argumentum ad ignorantiam*) is prominent in all fields of inquiry since it greases the skids for accepting otherwise unverified evidence. For pros and cons of this fallacy see Douglas Walton, *Arguments from Ignorance* (University Park PA, 1996).

Much could be said about this viewpoint much, since a comforting and covering—but also insidious--epistemology is so industriously at work. By tactically conceding one point, and an obvious and expedient one at that, Provan retains the prerogative of not conceding one that is far more important in the world of Biblical scholarship. *Contra* Provan, and numberless others, any account that describes “unique or unusual” circumstances is *nothing less* than an invitation to “suspect,” and therefore to inquire further, which is the preferred outcome of suspicion. And when the account is—by our own collective human experience—so implausible as to verge on the impossible, then we must not only suspect but doubt—even, although always reluctantly and provisionally, disbelieve. In the meantime I suggest that it always pays to look *both* ways before crossing a busy street.

Bereft of persuasive detail and innocent of explication, the Biblical account of the discovery attributes unimaginable carelessness, followed by unimaginable indifference, to the priestly and royal elements of Judahite society. Just the same, it has the decided advantage of transcending all the problems usually associated with the transmission of texts over long periods of time. Words are evanescent, and a physical object is subject to decay and loss through prolonged exposure or heavy usage. But if that object had been lying out of sight, and therefore out of danger, then its contents can be held not only to be old, but to be unchanged as well—a doubly-desirable denouement. Despite its deftness in dealing with these issues, the discovery story is far too propitious to be treated as the real thing without serious reservations.

VIII. UNPLEASANT ALTERNATIVES

However we care to interpret these Biblical passages, only three possibilities exist: an old manuscript was actually discovered; a new manuscript was created and ‘found’; nothing was found, but the episode became part of a later etiological confabulation. By the first interpretation, surprise might have been mingled with relief because Hilkiyah (at least) could have known that the text in question had been missing in action for an undetermined time, even though apparently no efforts to locate it had been made, or had been so feeble that they had been totally ineffective. In fact, the irony—or the paradox—is that the more we accept the larger Biblical account as accurate, the greater the implausibilities like this that we must assign to this story.⁴² This has typically been addressed by accepting certain parts of the account while rejecting others—for example, as noted above, some feel that the object in question was only a small portion of Deuteronomy, although apparently just the very part that would rouse the royal household and priestly caste and stimulate their members to further reforms, a kind of textual prodigal son.

⁴²However, if it is true that Manasseh was not the wicked paradigm described in the Bible—as many scholars now argue—then those in attendance on such an occasion would not have needed to ask themselves how any book antithetical to his regime had survived his long reign. For one recent rehabilitation of Manasseh see Francesca Stavrakopoulou, *King Manasseh and Child Sacrifice: Biblical Distortions of Historical Realities* (Berlin, 2004).

The second alternative, as Stott and others have shown, is so widespread that it cannot be ruled out on faith-based grounds alone. There is no evidentiary argument that can safely include it or exclude it, however desirable either alternative might be. The most plausible scenario in this particular alternative world—at least given the tenor of the Biblical account—would be that Hilkiah and/or Shaphan concocted the deception and beguiled Josiah into believing it, he being more credulous than the inquisitive child mentioned above, since we have to assume that some of the arguments offered here would also have occurred to anyone who was about to become involved in the ramifications of the discovery.

The third alternative is simply that this story is just that—a story—devised at some later point to explain why Deuteronomy was both Mosaic and canonical. This alternative does not require any on-the-spot duplicity or credulity, merely a later interpolation that made these seem as if they were in play. In many ways this is the most economical explanation, as well as the most plausible. The creation of stories about the past that have no basis in fact has been far, far more widespread than even the ‘found manuscript’ *topos*, occurring again and again from time immemorial to the present and indefinitely beyond.⁴³

Choosing from among these is hardly incumbent on any of us, although a surprising number have opted for the first choice for simplicity’s sake, but, as I have argued, what works for simplicity does not always work for plausibility. Still, deciding *not* to choose requires some justification as well; the present discussion has as its purpose to circumscribe the kinds of justification that can reasonably be deployed. Even so, looking at the pragmatics of the case, rather than its linguistics or its theological agenda, leads inexorably to a single conclusion. The story of the finding of the “book of the law” in the Temple during the eighteenth year of the reign of Josiah of Judah was a post-facto fabrication designed to lend legitimacy to the reforms being carried out at the time or to justify them retrospectively. To put it another way, it is more likely that the content of the text—whenever there actually came to be a text—conformed to the tenor of any reforms than the contrary.

IX CONCLUSION

The story of the discovery of “the book of the law” has proved congenial to those inclined to believe in the essential historicity of as much of the Biblical narrative as possible. It is not hard to see why. It not only provides the opportunity to accept the early textual development of one particular book, but it also allows us to extrapolate that premise to all the other books of the Old Testament that relate to earlier times. If one book could be ‘discovered’ intact after a long period

⁴³For one example close to home, see Louis H. Feldman, *Studies in Josephus’ Rewritten Bible* (Leiden, 1998). Normally we are left with only the bastardized latest version of a text, but just because we cannot make comparisons is no reason to assume that the original and derivative texts are identical or even very similar. Imagine how different arguments would be if we were forced to reconstruct the history of Judah and Israel solely on the basis of Josephus’ account.

of dormancy, could not other books have been preserved in the same way? In fact, it would be almost obligatory to assume this fortunate case. Thus the discovery account serves, and rather effectively, as a *deus ex machina*. Those who accept the discovery story at face value need only to speculate on the contents that so exercised the royal court. Those who imagine a newly-minted text retain a vestigial interest in this, but the question becomes less interesting as the content becomes less ancient. Finally, of course, those who attribute the story to later times need neither occasion nor content, because there was no physical object—no text—in the time of Josiah or before—and maybe after as well.

Stanley Ned Rosenbaum considers the notion that the book of the law was “planted” to be an “uncharitable” one.⁴⁴ Maybe so, maybe not. But critical historiography is not an eleemosynary enterprise that takes its sources—any of its sources—as read, and that routinely grants the benefit of the doubt presumptively. Its sole purpose is to establish, by the best means available, an interpretative structure that, like the little pig’s brick house, is as invulnerable to assault as possible. First and last, historians are servants of the evidence—and not of any confessional beliefs.

⁴⁴Stanley Ned Rosenbaum, *Understanding Israelite History: a Reexamination of the Origins of Monotheism* (Macon GA, 2000), 284.