CURRENT ISSUES IN PRIESTLY AND RELATED LITERATURE

SBL

Society of Biblical Literature

Resources for Biblical Study

Marvin A. Sweeney, Old Testament/Hebrew Bible Editor

Number 82

CURRENT ISSUES IN PRIESTLY
AND RELATED LITERATURE

THE LEGACY OF JACOB MILGROM AND BEYOND

Edited by
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SBL Press
Atlanta

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Abbreviations

AB	Anchor Bible
AbB	*Altbabylonische Briefe in Umschrift und Übersetzung.* Edited by Fritz R. Kraus. Leiden: Brill, 1964–.
ABD	*Anchor Bible Dictionary.* Edited by D. N. Freeman. 6 vols. New York: Doubleday, 1992.
ABRL	Anchor Bible Reference Library
AfO	*Archiv für Orientforschung*
AIL	Ancient Israel and Its Literature
AnBib	Analecta biblica
AOAT	Alter Orient und Altes Testament
AS	Assyriological Studies
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
BBB	Bonner biblische Beiträge
BBET	Beiträge zur biblischen Exegese und Theologie
BDB	Brown, F., S. R. Driver, and C. A. Briggs. *A Hebrew and English Lexicon of the Old Testament.* Oxford: Clarendon, 1907.
BBR	*Bulletin for Biblical Research*
BETL	Bibliotheca ephemeridum theologicarum lovaniensium
BHS	*Biblia Hebraica Stuttgartensia.* Edited by K. Elliger and W. Rudolph. Stuttgart: Deutsche Bibelgesellschaft, 1983.
BI	*Biblical Illustrator*
BibInt	Biblical Interpretation Series
BN	*Biblische Notizen*
BRev	*Bible Review*
BZABR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft

CAD	*The Assyrian Dictionary of the Oriental Institute of the University of Chicago*. 21 vols. Chicago: Oriental Institute, 1956–2011.
CC	Continental Commentaries
CT	*Cuneiform Texts from Babylonian Tablets in the British Museum*
CTH	*Catalogue des Textes Hittites*. Emmanuel Laroche. Etudes et Commentaires 75. Paris: Klincksieck, 1971.
DCH	*Dictionary of Classical Hebrew*. Edited by David J. A. Clines. 9 vols. Sheffield: Sheffield Phoenix, 1993–2014.
DNWSI	*Dictionary of the North-West Semitic Inscriptions*. Jacob Hoftijzer and Karen Jongeling. 2 vols. Leiden: Brill, 1995.
EA	El-Amarna Tablets. According to the edition of J. A. Knudtzon. *Die el-Amarna-Tafeln*. Leipzig: Hinrichs, 1908–1915. Repr., Aalen: Zeller, 1964. Continued in A. F. Rainey, *El-Amarna Tablets I, 359–379*. 2nd revised ed. Kevelaer: Butzon & Bercker, 1978.
EJL	Early Judaism and Its Literature
EncJud	*Encyclopaedia Judaica*. 16 vols. Jerusalem: Keter, 1972.
ER	*The Encyclopedia of Religion*. Edited by M. Eliade. 16 vols. New York: Macmillan, 1987.
EstBib	*Estudios bíblicos*
FAT	Forschungen zum Alten Testament
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
HAR	*Hebrew Annual Review*
HAT	Handbuch zum Alten Testament
HO	Handbuch der Orientalistik
HS	*Hebrew Studies*
HSS	Harvard Semitic Studies
HThKAT	Herders Theologischer Kommentar zum Alten Testament
ICC	International Critical Commentary
IEJ	*Israel Exploration Journal*
Int	*Interpretation*
JAOS	*Journal of the American Oriental Society*
JBL	*Journal of Biblical Literature*
JBQ	*Jewish Bible Quarterly*
JCS	*Journal of Cuneiform Studies*
JESHO	*Journal of the Economic and Social History of the Orient*

JNES	*Journal of Near Eastern Studies*
JSem	*Journal of Semitics*
JSJ	*Journal for the Study of Judaism*
JSOT	*Journal for the Study of the Old Testament*
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JQR	*Jewish Quarterly Review*
KBo	*Keilschrifttexte aus Boghazkö*i. Leipzig: Hinrichs, 1916–1923; Berlin: Gebr. Mann, 1954–.
KUB	*Keilschrifturkunden aus Boghazköi.* Berlin: Akademie, 1921–.
LAI	Library of Ancient Israel
LHB/OTS	Library of Hebrew Bible/Old Testament Studies
LSS	Leipziger semitische Studien
LSTS	Library of Second Temple Studies
NAC	New American Commentary
NCB	New Century Bible
NechtB	Neue Echter Bibel
NICOT	New International Commentary on the Old Testament
NIVAC	NIV Application Commentary
NSKAT	Neuer Stuttgarter Kommentar, Altes Testament
OB	Old Babylonian
OBO	Orbis biblicus et orientalis
OEANE	*The Oxford Encyclopedia of Archaeology in the Near East.* Edited by E. M. Meyers. New York: Oxford University Press, 1997.
OLA	Orientalia lovaniensia analecta
OTL	Old Testament Library
PAAJR	*Proceedings of the American Academy of Jewish Research*
PEQ	*Palestine Exploration Quarterly*
PRSt	*Perspectives in Religious Studies*
PRU	*Le palais royal d'Ugarit*
PTMS	Pittsburgh Theological Monograph Series
RB	*Revue biblique*
RevQ	*Revue de Qumran*
RIMA	The Royal Inscriptions of Mesopotamia, Assyrian Periods
SAA	State Archives of Assyria
SBLDS	Society of Biblical Literature Dissertation Series
SBLMS	Society of Biblical Literature Monograph Series

SBLStBl	Society of Biblical Literature Studies in Biblical Literature
ScrHier	Scripta Hierosolymitana
SemeiaSt	Semeia Studies
StBoT	Studien zu den Boğazköy-Texten
STDJ	Studies on the Texts of the Desert of Judah
StudBib	Studia Biblica
TAPS	*Transactions of the American Philosophical Society*
TCL	*Textes cunéiformes, Musées du Louvre.* Paris: Guethner 1910.
TCS	Texts from Cuneiform Studies
TDOT	*Theological Dictionary of the Old Testament.* Edited by G. J. Botterweck and H. Ringgren. Translated by J. T. Willis, G. W. Bromiley, and D. E. Green. 15 vols. Grand Rapids: Eerdmans, 1974–2006.
TRu	*Theologische Rundschau*
TZ	*Theologische Zeitschrift*
UT	*Ugaritic Textbook.* C. H. Gordon. AnOr 38. Rome: Pontifical Biblical Institute, 1965.
VE	*Vox evangelica*
VT	*Vetus Testamentum*
VTSup	Supplements to Vetus Testamentum
WAW	Writings from the Ancient World
WAWSup	Writings from the Ancient World Supplement
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
YOS	Yale Oriental Series, Texts
ZA	*Zeitschrift für Assyriologie*
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*

INTRODUCTION

Roy E. Gane and Ada Taggar-Cohen

The last quarter century has brought an explosion of interest and new developments in the Priestly literature of the Bible, that is, so-called P with H (= Holiness) legislation, along with biblical and Qumran texts that are closely related to it, and therefore involved in interpretation of it, in terms of genre and content. Issues under intense discussion have included the meanings and functions of Israelite sacrifices (especially expiatory sacrifices) and Priestly laws; the nature of ritual impurity and its underlying rationale; ancient Near Eastern backgrounds to Israelite cult and law; the compositional development and social context(s) of P and H; chronological relationships between and dating of P, H, and Ezekiel; and the impact and interpretation of Priestly literature in Qumran texts.

 The single greatest catalyst and contributor to this exploration has been Jacob Milgrom (1923–2010), whose seminal articles, provocative hypotheses, and comprehensively probing books, including his monumental three-volume commentary on Leviticus in the Anchor Bible series, have vastly expanded and significantly altered scholarship regarding Priestly and related literature. Before Milgrom, few were interested in Priestly texts such as Leviticus, which seemed obscure, tedious, disjointed, irrelevant, and under the shadow of Wellhausen's denigration of them as reflecting an inferior legalistic form of religion. Milgrom, on the other hand, found such texts to convey profound and consistent theological and ethical values through intriguingly coherent records of authentic ancient Israelite rituals and laws. He discovered that the expiatory sacrifices and purity rules prescribed in Leviticus formed sophisticated and meaningful systems. These systems were designed to teach Israelites concepts such as distinctions between holy, profane, pure, and impure categories; effects of moral faults and physical ritual impurities on the holy domain centered at the sanctuary; the need to purge such evils from

God's residence so that his Presence would not depart; and the crucial, sacred value of life.

By examining the Priestly cultic prescriptions and descriptions within their ancient Near Eastern context, Milgrom concluded (against the majority view that followed Wellhausen) that they originated before the Babylonian exile. He found corroboration for this view in his redaction-critical work on the relationship between P and H, which led him to believe (in basic agreement with Israel Knohl) that H material appears in a number of passages outside the Holiness Code (Lev 17–26) and that H was the redactor of P, which indicates that P was earlier.

Milgrom's investigations of Priestly literature were informed by relevant ancient Near Eastern background materials, anthropology, interaction with interpretations from ancient versions, especially the Septuagint and targumim, and the Dead Sea Scrolls through rabbinic tradition and medieval Jewish exegesis to modern biblical criticism, and especially by "close reading" of the biblical texts, with detailed analyses of their distinctive terminologies. He utilized his vast knowledge of biblical and other ancient cultic systems to make important contributions to research on the Dead Sea Scrolls, such as the Temple Scroll, and to explication of the idealistic temple vision at the end of Ezekiel, to which he devoted his final years.

Now that Jacob Milgrom has passed away (5 June 2010), scholars are consciously or subconsciously dealing with the question: After Milgrom, now what? How can we further test and build on his work? What new directions show promise?

The present volume is designed to advance discussion by beginning to address these questions through research essays exemplifying an international range of approaches and theories that build on the advances of the last quarter century and look to the future. Current developments and debates concerning Priestly and related literature of the Bible are complex and range over a large number of publications. So the book will also assist a scholar or student not specializing in this area to grasp what is going on.

Because Rabbi Jacob Milgrom of blessed memory has played such a major role, the essays in this volume naturally reference and honor his legacy. In this sense, this collection serves as a memorial volume. However, unlike a Festschrift that represents the broad range of an honoree's interests, such as *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of*

Jacob Milgrom (1995),[1] the present book is intended to serve as a more narrowly focused and cohesive resource for Priestly and related literature.[2] Therefore, although Milgrom had other interests, such as classical prophecy, they are not represented in the essays here. However, we include a comprehensive bibliography of Milgrom's published (including posthumous) works that appeared from 1994 to 2014 to supplement the bibliography in *Pomegranates and Golden Bells*, which covers his career from 1955 to 1994.

The present book clusters essays on current issues in Priestly and related literature into five subtopic areas:

1. Interpretation of Priestly and Holiness Texts
2. Composition of Priestly and Holiness Texts
3. Literary Structure of Priestly and Holiness Texts
4. Relationships between Priestly, Holiness, and Deuteronomic Texts
5. Extrabiblical Texts Relating to Priestly Texts

Within subtopics 1–4, essays are arranged in the canonical order of the biblical texts that they primarily address. In subtopic 5, essays are roughly in the chronological order of their main texts.

Most of the essays have developed from Society of Biblical Literature papers presented in four Pentateuch sessions honoring Milgrom at the July 2011 International Meeting in London and a joint session held by the Biblical Law and Ritual in the Biblical World sections that was dedicated to his memory at the November 2011 Annual Meeting in San Francisco. Some additional contributions have come from scholars who were unable to participate in the SBL sessions.

The authors of these essays are diverse, coming from several continents and representing a variety of backgrounds, perspectives, and meth-

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1. David P. Wright, David Noel Freedman, and Avi Hurvitz, eds., *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom* (Winona Lake, IN: Eisenbrauns, 1995), with preface in honor of Jacob Milgrom by David Noel Freedman.

2. Another thematically coherent volume in the Society of Biblical Literature Resources for Biblical Study series that honors a prominent scholar is Joel M. LeMon and Kent Harold Richards, eds., *Method Matters: Essays on the Interpretation of the Hebrew Bible in Honor of David L. Petersen*, RBS 56 (Atlanta: Society of Biblical Literature, 2009).

odologies. They vary from established scholars, including some students of Milgrom, to vibrant new voices who will impact the field for years to come. Scholars speak for themselves, sometimes coming at similar topics from different angles,[3] and the editors have made no attempt to harmonize any differences between them. Such counterpoint is essential for the purpose of this resource and honors Milgrom's love for productive debate, including critique of his own work. It almost goes without saying that the editors do not necessarily share all of the views expressed here.

Tragically, one distinguished contributor is no longer with us. Victor Avigdor Hurowitz died on 20 January 2013 during the editorial stage of this project. His posthumous essay, " 'For Instruction Shall Come Forth from Zion': Biblical and Mesopotamian Temples as Palaces of Justice," now also serves as a memorial of his own outstanding comparative studies.

Hearty thanks are due to the contributors and also to a robust editorial team of former students of Jacob Milgrom: Edwin Firmage, Elaine Goodfriend, Christine Hayes, Michael Hildenbrand, Moshe Kline, David Tabb Stewart, David P. Wright, and Ziony Zevit. Their generous and competent work has significantly enhanced the quality of this volume and lightened the load of its chief editors: Roy E. Gane (also a Milgrom student) and Ada Taggar-Cohen. Thanks also go to Gane's graduate research assistants at Andrews University—Kolia Afamasaga and Trisha Broy—for assistance with compiling the bibliography of Jacob Milgrom's published writings from 1994 to 2014, proofreading, and compiling the list of abbreviations. We are deeply grateful to Susan Ackerman and Marvin A. Sweeney, the past and present editors of the Resources for Biblical Study series, and to Bob Buller, Director of SBL Press, for their encouragement, guidance, and support in bringing this work to publication, including preparation of indices by Bob Buller.

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3. For example, both Daniel I. Block and Victor Avigdor Hurowitz discuss the role of Levites and priests as judges, but Hurowitz focuses on comparisons with ancient Near Eastern sources.

Bibliography of the Published Writings of Jacob Milgrom 1994–2014

This bibliography continues in the same format from the "Bibliography of the Published Writings of Jacob Milgrom" (1955 to the first part of 1994) in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, ed. David P. Wright, David Noel Freedman, and Avi Hurvitz (Winona Lake, IN: Eisenbrauns, 1995), xiii–xxv. Books authored by Jacob Milgrom are marked with an *. Here the list of 1994 publications is complete, beginning with items 211–213, which were already included in *Pomegranates*. Numbers of items listed in *Pomegranates* as forthcoming (214–224) are not retained here; these publications are renumbered under the dates when they appeared in print. Publications that have appeared after 2010 are posthumous.

1994

211. "How Not to Read the Bible: I Am Not for Homosexuality, But I Am for Homosexuals. When the Bible is Distorted to Make God Their Enemy I Must Speak Out to Set the Record Straight." *Bible Review* 10/2:14, 48.
212. "4QThr A: An Unpublished Qumran Text on Purities." Pages 59–68 in *Time to Prepare the Way to the Wilderness: Papers on the Qumran Scrolls by Fellows of the Institute of Advanced Studies, Hebrew University, 1989–90*. Edited by D. Dimant and L. H. Schiffman. Studies on the Texts of the Desert of Judah 16. Leiden: Brill.
213. "An Amputated Bible, Peradventure?" *Bible Review* 10/4:17, 55.
214. "Purification Rule (4Q514 = 4QOrd^c)." Pages 177–79 in *Rule of the Community and Related Documents*. Volume 1 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*.

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216. "The City of the Temple: A Response to Lawrence H. Schiffman." *Jewish Quarterly Review* 85/1–2:125–28.

217. "Confusing the Sacred and the Impure: A Rejoinder." *Vetus Testamentum* 44:554–59.

218. "Sex and Wisdom: What the Garden of Eden Story Is Saying." *Bible Review* 10/6:21, 52.

219. Review of R. P. Knierim, *Text and Concept in Leviticus 1:1–9: A Case in Exegetical Method. Hebrew Studies* 35:169–71.

220. Review of E. S. Gerstenberger, *Das dritte Buch Mose: Leviticus. Catholic Biblical Quarterly* 56:761–63.

221. Review of W. Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law. Interpretation* 48:422, 424.

222. Review of R. D. Nelson, *Raising up a Faithful Priest: Community and Priesthood in Biblical Theology. Bible Review* 10/5:14–15.

1995

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226. "The Alien in Your Midst." *Bible Review* 11/6:18, 48.

227. Review of W. Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law. Jewish Quarterly Review* 85/3–4:443–44.

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1996

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231. "Further on the Expiatory Sacrifices." *Journal of Biblical Literature* 115:511–14.
232. "Law and Narrative and the Exegesis of Leviticus XIX 19." *Vetus Testamentum* 46:544–48.
233. "Lex Talionis and the Rabbis: The Talmud Reflects an Uneasy Rabbinic Conscience toward the Ancient Law of Talion, 'Eye for Eye, Tooth for Tooth.'" *Bible Review* 12/2:16, 48.
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1998

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Part 1
Interpretation of Priestly and Holiness Texts

Tabernacle or Tent of Meeting? The Dual Nature of the Sacred Tent in the Priestly Texts

Michael B. Hundley

1. Introduction

I would like to start by expressing my appreciation for being allowed to contribute to a volume dedicated to Jacob Milgrom, who has so deeply influenced my own work. I hope that in this essay and in the future I can follow his lead and continue to plumb the depths of the Priestly texts.[1]

The present study examines the expressions "tent of meeting" (אהל מועד) and "tabernacle" (משכן) with a view toward further elucidating the Priestly perceptions of the sacred tent, YHWH's relationship to it, and the interaction between YHWH and his people in and around it.[2] Many pre-

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1. An earlier form of this research was presented at the SBL Annual Meeting in San Francisco in 2011 in a joint session of the Biblical Law and Ritual in the Biblical World sections in honor of Jacob Milgrom. I would like to thank the editors for inviting me to contribute this essay, and I am also grateful to the Alexander von Humboldt Foundation for providing me with the time and resources to complete it.

2. The nature and extent of the Priestly texts remain disputed. The present inquiry examines the tabernacle texts in Exodus–Leviticus according to Martin Noth's classic delineation of P (*The Chronicler's History*, trans. H. G. M. Williamson, JSOTSup 50 [Sheffield: JSOT Press, 1987], 107–47), leaving aside the debated P(-like) texts in Numbers (compare Noth with Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman [Minneapolis: Fortress, 1995], and Reinhard Achenbach, *Die Vollendung der Tora: Redaktionsgeschichtliche Studien zum Numeribuch im Kontext von Hexateuch und Pentateuch*, BZABR 3 [Wiesbaden: Harrassowitz, 2003]) and the Holiness Legislation (H) (following the more neutral rendering of Baruch J. Schwartz, *The Holiness Legislation: Studies in the Priestly Code* [Hebrew] [Jerusalem: Magnes, 1999], 17–24). Rather than entering into the debate on the extent of H outside of Lev 17–26 (compare Knohl, *Sanctuary of Silence*, with Milgrom, *Leviticus 17–22: A New Translation with Introduc-*

vious studies have focused on the questions of the perceived permanence of the divine presence in the sacred sphere[3] and commented on the contrast between the tent of meeting in the non-Priestly texts (e.g., Exod 33:7) and the tabernacle in the Priestly texts,[4] while a few others have noted the tensions within the Priestly texts themselves as they employ both expressions in the same corpus.[5] While my essay touches on these questions, its primary focus lies in examining the ideological import of the two Priestly designators for the sacred compound.

More particularly, this essay investigates the connotations borne by each designator and, with two options available, the Priestly choice of one at the expense of the other in specific contexts. While the Priestly texts occasionally employ the terms interchangeably, more often their applica-

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tion and Commentary, AB 3A [New York: Doubleday, 2000], 1337–44; Milgrom, "H$_R$ in Leviticus and Elsewhere in the Torah," in *The Book of Leviticus: Its Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 [Leiden: Brill, 2003], 24–40; see also Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 [Tübingen: Mohr Siebeck, 2007], 559–75), I simply treat all of the disputed texts as part of P. Finally, although diachronic analysis is undoubtedly helpful in illuminating the development of Priestly terminology, the present study approaches the Priestly texts synchronically. That is, it examines the Priestly texts in the form in which they appear (according to Noth's delineations) embedded in the Masoretic Text of the Pentateuch.

3. Although prominent voices have spoken for temporary divine presence in the tabernacle (see, e.g., Gerhard von Rad, *Old Testament Theology*, trans. D. M. G. Stalker, 2 vols. [London: SCM, 1953], 1:237–9; Frank Moore Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* [Cambridge: Harvard University Press, 1973], 245, 298–99; and Jacob Milgrom, *Numbers: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1990], 374–75), others have convincingly posited a more permanent presence in the inner sanctuary (e.g., Tryggve Mettinger, *The Dethronement of Sabaoth: Studies in the Shem and Kabod Theologies*, ConBOT 18 [Lund: Gleerup, 1982], 83–97; Mettinger, "The Name and the Glory: The Zion-Sabbath Theology and Its Exilic Successors," *JNSL* 24 [1998]: 15; David Aaron, *Biblical Ambiguities: Metaphor, Semantics, and Divine Imagery* [Boston: Brill, 1999], 165–66; and Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel* [Cambridge: Cambridge University Press, 2009], 74 and 228 n. 93).

4. Most notably Menahem Haran, *Temples and Temple-Service in Ancient Israel* (Oxford: Clarendon, 1978), 260–75.

5. See Sommer, *Bodies of God*, esp. 90; see also Sommer, "Conflicting Constructions of Divine Presence in the Priestly Tabernacle," *BibInt* 9 (2001): 41–63, esp. 56.

tion of terms appears selective, suggesting that they bear rhetorical freight.[6] The Priestly labels "tabernacle" and "tent of meeting" indicate the sacred tent's primary functions both as a home and as a meeting point, yet the text is quick to distinguish both functions from mundane and other divine analogues. When the text employs one term at the expense of the other, it often seems to be addressing one of the two primary aspects of dwelling or meeting. When read together, the descriptors speak to the dual nature of the sacred tent and its special role both as a divine dwelling place and as a place of human-divine interaction.

2. Ancient Near Eastern Background

Before engaging with the Priestly texts, we begin with a brief sketch of ancient Near Eastern conceptions of temples, culled from Egypt, Mesopotamia, Hatti, and Syria-Palestine, to establish the context in which the Priestly texts developed and the content to which they responded.[7]

In the ancient Near East, temples served as both dwelling places and meeting points. Temples were universally referred to as divine residences in the terrestrial sphere, or, more simply, gods' houses.[8] Indeed,

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6. *Pace* Haran, *Temples and Temple-Service*, 272.

7. See more fully Michael B. Hundley, *Gods in Dwellings: Temples and Divine Presence in the Ancient Near East*, WAWSup 3 (Atlanta: Society of Biblical Literature, 2013).

8. In Egypt, the temple is a *ḥwt nṯr* (god's house) (Patricia Spencer, *The Egyptian Temple: A Lexicographical Study* [London: Kegan Paul, 1984], 46, 55; Jan Assmann, *The Search for God in Ancient Egypt*, trans. D. Lorton [New York: Cornell University Press, 2001], 28–29; see also *r-pr* [Spencer, *Egyptian Temple*, 37–42]). In Mesopotamia, the temple is simply a house (*É* = *bītu*; see *CAD* 2 [*B*]: 282–95); in Hittite Anatolia, "house of the god" (*šiunaš per*) or, more simply, *per* or *parn* ("house"), yet more often with the Sumerogram *É*, or to specify that the house belongs to a god *É.DINGIR* or more specifically *É* + the name of the god (see Hans G. Güterbock and Harry A. Hoffner Jr., eds., *The Hittite Dictionary of the Oriental Institute of the University of Chicago* [Chicago: Oriental Institute, 1997], vol. *P*, 273–91; regarding the Sumerogram, see Hans G. Güterbock, "The Hittite Temple according to Written Sources," in *Perspectives on Hittite Civilization: Select Writings of Hans G. Güterbock*, ed. Harry A. Hoffner Jr., Anatolian Studies 26 [Chicago: Oriental Institute, 1997], 81; Gary M. Beckman, "Temple Building among the Hittites," in *From the Foundations to the Crenellations: Essays on Temple Building in the Ancient Near East and Hebrew Bible*, ed. Mark J. Boda and Jamie Novotny, AOAT 366 [Münster: Ugarit-Verlag, 2010], 71). In Syria-Palestine, the temple is simply a house (Ugaritic and Aramaic *bt*, Hebrew and Aramaic *byt*, Akkadian *bītu*;

in the ancient Near East their primary function was to house the deity, to bring heaven to earth, establishing the deity's presence in the midst of the community so that the community might influence the deity and receive divine protection and blessing.

Nonetheless, although each culture called the temple a house, using the same word as for a human dwelling, each was also quick to differentiate the divine home from human analogues. For example, the Egyptian and Mesopotamian temples themselves were intimately allied with creation. In Egypt, the sanctuary that housed the divine presence served as the primeval mound of creation, the first land to emerge from the watery abyss,[9] while in Mesopotamia the DU6.KÙ, "pure hill" or "sacred hill," a pedestal lined with clay bricks, represented the sacred mound upon which creation emerged from the primeval waters.[10] Likewise, among the Hittites as well as in Mesopotamia, Syria-Palestine, and to a lesser extent Egypt, the temples were considered alive, and many of their elements were deified.[11]

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see conveniently Harry A. Hoffner Jr., "בית *bayith*," *TDOT* 2:107–11; Michael B. Hundley, "Before YHWH at the Entrance of the Tent of Meeting: A Study of Spatial and Conceptual Geography in the Priestly Texts," *ZAW* 123 [2011]: 19–20 n. 28).

9. In some cases, the Nile's annual flooding served to enhance this motif, as "some of the floors in many temples would have been covered with water, and there the inclined path to the sanctuary would literally have risen up out of the waters" (Byron E. Shafer, "Temples, Priests, and Rituals: An Overview," in *Temples of Ancient Egypt*, ed. Byron E. Shafer [London: Taurus, 1997], 8 n. 56; cf. Erik Hornung, *Conceptions of God in Ancient Egypt: The One and the Many*, trans. J. Baines [London: Routledge, 1983], 123–24 n. 18).

10. Stefan M. Maul, "Die altorientalische Hauptstadt—Abbild und Nabel der Welt," in *Die Orientalische Stadt: Kontinuität, Wandel, Bruch. 1. Internationales Colloquium der Deutschen Orient-Gesellschaft, 9.–10. Mai 1996 in Halle/Saale*, ed. Gernot Wilhelm, CDOG 1 (Saarbrücken: SDV Saarbrücker, 1997), 116. See also Dietz Otto Edzard, "Deep-Rooted Skyscrapers and Bricks: Ancient Mesopotamian Architecture and Its Imagery," in *Figurative Language in the Ancient Near East*, ed. M. Mindlin et al. (London: School of Oriental and African Studies, 1987), 13–24; Andrew R. George, *Babylonian Topographical Texts*, OLA 40 (Leuven: Peeters, 1992), 286–91; Beate Pongratz-Leisten, Ina šulmi īrub: *Die kulttopographische und ideologische Programmatik der* akītu-*Prozession in Babylonien und Assyrien im I. Jahrtausend v. Chr.*, BaF 16 (Mainz am Rhein: von Zabern, 1994), 54–65; Blahoslav Hruška, "Zum 'Heiligen Hügel' in der altmesopotamischen Religion," *WZKM* 86 (1996): 161–75. Especially associated with Nippur and Enlil, this pedestal was also erected in various other Mesopotamian temples.

11. Various temple elements received the divine determinative, were presented with offerings, and were addressed with prayer (see Hundley, *Gods in Dwellings*).

Although first and foremost a home, the ancient Near Eastern temple was also a meeting point. Since deities rarely intersected with humans in the terrestrial sphere, the temple was the primary point of contact between human and divine worlds.[12] In a very real way, it was perceived to be heaven on earth.[13] The primary mode of human-divine interaction was service, with the king often serving as the deity's primary servant. This service was considered to be absolutely essential for any prosperity in the kingdom, for, without the deity's protection and blessing, the kingdom was doomed. Conversely, most major misfortune was attributed to divine displeasure. For example, in the plague prayers of Mursili II, the Hittite king attributed the plague ravaging the land to the gods and sought to discover the identity of the offended deity and to appease him or her.[14]

Since the temple was primarily a divine dwelling place, ancient Near Eastern literature on temples and temple protocol often focused on the rules of the house to ensure proper conduct and a profitable interchange between the deity and his human servants when it was used as a meeting place. Since humans did not presume to understand, regulate, or enumerate divine actions in divine space, divine conduct was commonly mentioned only when it was necessary to ensure that guests behave appropriately.[15]

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12. In the ancient Near East, mythological texts generally address the interaction between deities, while direct divine-human contact is rare. Deities instead primarily communicate with humans more indirectly through omens and oracles.

13. For example, in Egypt the shrine in the sanctuary that housed the cult image represented heaven itself. The description of the sanctuary reflected this reality, as it was "simply called 'heaven,' or with an eye to its doors 'the doors of heaven' " (Sigfried Morenz, *The Egyptian Temple*, trans. A. Keep [Ithaca, NY: Cornell University Press, 1973], 88). This distinction also applied to the temple as a whole, as evidenced by some of the temple titles (e.g., Karnak was "heaven on earth" and Heliopolis was the "heaven of Egypt"; Othmar Keel, *The Symbolism of the Biblical World*, trans. T. J. Hallett [London: SPCK, 1978], 172). In Mesopotamia, Enlil's sacred precinct in Nippur was named Duranki, "the mountain or connection (between) heaven and earth."

14. See the translations in Itamar Singer, *Hittite Prayers*, WAW 11 (Atlanta: Scholars Press, 2002), 47–69; and, more briefly, "Plague Prayers of Muršili II," translated by Gary Beckman (*COS* 1.60:156–60).

15. See Michael B. Hundley, "Divine Fluidity? The Priestly Texts in Their Ancient Near Eastern Contexts," in *Reading Leviticus in Its Contexts*, ed. Francis Landy and Leigh M. Travaskis (Sheffield: Sheffield Phoenix, forthcoming); see also Hundley, *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle*,

To help us in conceptualizing an ancient Near Eastern temple, it is worth pausing to contrast it to a modern-day church. Since modern worshipers often focus on their internal relationship with the deity, the church serves to accommodate their worship and enhance their feelings of intimacy, such that the cathedral, for example, functions more as a house for God's people than the house of God.[16] By contrast, the ancient Near Eastern temple was not primarily a gathering place for a worshiping congregation.[17] It was the divine home, to which servants had minimal and carefully regulated access. Rather than focusing on accommodating worshipers, keeping the deity happy was paramount, so that the divine person would remain at home and positively disposed to his or her servants. As we will see, the Priestly sacred tent had far more affinities with the ancient Near Eastern temple than with the modern church.

3. The Priestly Texts

Turning to the Priestly texts, we begin by introducing the descriptors "tabernacle" and "tent of meeting" before analyzing the textual data.[18]

FAT 2/50 (Tübingen: Mohr Siebeck, 2011), 117 with n.; and more fully Hundley, *Gods in Dwellings*.

16. Jeanne Halgren Kilde notes: "Vatican II transformed the house of God into the house of God's people" (*Sacred Power, Sacred Space: An Introduction to Christian Architecture and Worship* [Oxford: Oxford University Press, 2008], 189).

17. On Egypt, see, e.g., Alexander Badawy, *A History of Egyptian Architecture: Empire (the New Kingdom)* (Berkeley: University of California Press, 1968), 181. On Mesopotamia, see, e.g., Jean-Claude Margueron, "Temples: The Mesopotamian Temple," *OEANE* 4:165.

18. מקדש (literally "holy place"), which appears twice in P (Exod 25:8; Lev 16:33) and three times in H (Lev 20:3; 21:23; 26:31; the latter two in the plural), overlaps to some extent with the terms under investigation. It refers more broadly to the entire area circumscribed by the curtains of the court (Jacob Milgrom, *Studies in Levitical Terminology, I: The Encroacher and the Levite; The Term ʿAboda*, University of California Publications, Near Eastern Studies 14 [Berkeley: University of California Press, 1970], 23 n. 78; Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 [New York: Doubleday, 1991], 754–55; Michael B. Hundley, "Sacred Spaces, Objects, Offerings, and People in the Priestly Texts: A Reappraisal," *JBL* 132 [2013]: 755 n. 21; cf. Haran, *Temples and Temple-Service*, 14–15), i.e., the divine estate (akin to Egyptian *pr*). מקדש emphasizes the "holy" nature of the entire area and the need to treat it with care and respect its rules.

3.1. Tabernacle (משכן)

Like its ancient Near Eastern counterparts, the sacred tent was a divine dwelling place. Indeed, this was its stated purpose. Exodus 29:45–6 even states that the purpose of YHWH's deliverance of Israel from Egypt was for him to dwell (שכן) among them and be their God. In essence, YHWH replaced Pharaoh as Israel's master.[19] However, unlike under Pharaoh's care, Israel stood to benefit from their new arrangement. As in the other cultures of the ancient Near East, the people believed they would receive their deity's protection and blessing when they served him appropriately in the cult.

Nonetheless, although the tabernacle was clearly a dwelling place, the Priestly term used to describe this dwelling place differs from the terms used for temples elsewhere in the Hebrew Bible and the ancient Near East. The temple in the Hebrew Bible is a בית, a cognate to many of the ancient Near Eastern terms for temples, and refers to a house, whether its resident is human or divine.[20] The divine abode in the Priestly texts is called a משכן (literally a "dwelling place").

Some scholars have understood the label and the verb from which it is derived, שכן, to connote a temporary dwelling in contrast to the more permanent noun בית and verb ישב.[21] However, as Mettinger and Sommer in particular have demonstrated, שכן does not necessitate a temporary stay. The term simply means dwelling, and nothing in the term itself specifies the length of the stay.[22] In fact, in several instances when שכן is used, a permanent stay is intended (e.g., Gen 35:22, 49:13; Judg 8:11;

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19. See Hundley, *Keeping Heaven on Earth*, 96–97, 117, 136, 192; cf. regarding H, Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, VTSup 67 (Leiden: Brill, 1996), 132, 134; Baruch J. Schwartz, "Israel's Holiness: The Torah Traditions," in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel J. H. M. Poorthuis and Joshua Schwartz, Jewish and Christian Perspectives Series 2 (Leiden: Brill, 2000), 58.

20. See Hoffner, "בית *bayith*," 2:107–16. The term היכל is also employed, which refers to the palace of a deity or king; cf. É.GAL, "big house" in Sumerian (*ekallu* in Akkadian), which is used in Mesopotamia to refer to temples.

21. See esp. Manfred Görg, *Das Zelt der Begegnung*, BBB 27 (Bonn: Hanstein, 1967), 97–124; and most recently William H. C. Propp, *Exodus 19–40: A New Translation with Introduction and Commentary*, AB 2A (New York: Doubleday, 2006), 377.

22. Mettinger, *Dethronement of Sabaoth*, 90–97 and references cited there; A. R. Hulst, "Škn to Dwell," *TLOT* 3:1328; Sommer, *Bodies of God*, 228–29 n. 93.

2 Sam 7:10; Isa 18:3; Jer 25:24; Pss 68:7; 69:37).[23] In some cases the text stresses the intended permanence by adding various modifiers (including לעולם, "forever," in Jer 7:7; Ezek 43:7; Pss 37:27; 68:17; 1 Chr 23:25; לעד in Ps 37:29; לדור ודור in Isa 34:17; ולא אעזב in 1 Kgs 6:13).[24] In addition, the alternative verb ישב is used in situations that suggest impermanence (Gen 4:20; 13:18; 25:27; Jer 35:7, 10; Hos 12:10).[25] Furthermore, although often used to refer to the tent-structure in the Priestly texts, משכן is used in reference to the temple (e.g., Pss 26:8; 46:5; 74:7), clearly demonstrating that the verb can refer to a permanent dwelling. Thus, the Priestly choice of שכן and משכן in itself says nothing about the duration of divine presence.[26]

Rather than suggesting an impermanent stay, the Priestly writers opt for משכן for other, more practical purposes. Since בית most often refers to a permanent, fixed structure, it cannot suitably be used to describe the tabernacle, which moves and is taken apart and put back together again.[27] משכן is more appropriate for this. Whether intentional or not, the term משכן also bears interesting rhetorical implications, some of which were picked up by other biblical writers. For example, the tabernacle's movement suggests that YHWH also can move, even to abandon his dwelling (e.g., Ezek 10). Since YHWH moves and does so even outside the land of Israel, it would seem that YHWH is not bound to a specific place and that his presence and influence extend beyond the borders of Israel.[28]

As in a human home, the deity need not always be present in his divine abode for it to remain his home. There is no statue representing YHWH in

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23. Mettinger, *Dethronement of Sabaoth*, 92; Hulst, "Škn to Dwell," 3:1328.

24. Mettinger, *Dethronement of Sabaoth*, 92–93; Rimon Kasher, "Anthropomorphism, Holiness, and Cult: A New Look at Ezekiel 40–48" [Hebrew], *BM* 40 (1995): 362; Hulst, "Škn to Dwell," 3:1328; Sommer, *Bodies of God*, 229 n. 93.

25. Mettinger, *Dethronement of Sabaoth*, 91.

26. Indeed, שכן is not exclusively used with God as subject. It is also used with people, animals (e.g., Deut 33:20), and inanimate things (e.g., Lev 16:16) as subjects (see conveniently BDB).

27. In addition, משכן may also be a more appropriate term because it is most often reserved for the divine dwelling place (cf. the exceptions in Num 16:24, 27, which refer to the משכן of Korah, and various references to משכן in the plural [משכנות] in poetic texts with reference to various human dwellings and even the dwelling of a donkey in Job 39:6; see conveniently BDB).

28. Regarding the issue of divine fluidity in P, see Hundley, "Divine Fluidity"; and Sommer, *Bodies of God*, 68–79.

the tabernacle, and his visible presence is (presumably) hidden behind the tent curtains. Theoretically, he may come and go when he pleases. However, although the people have no recourse to monitor YHWH's physical presence within the tabernacle, he leaves clear signs in the fire and cloud that indicate he is continually present, at least in some capacity. In essence, leaving the lights on indicates that YHWH is at home.[29]

Having established that YHWH will dwell among them, the Priestly writers are quick to differentiate YHWH's dwelling from all human and divine analogues. For example, lest the innermost room where YHWH dwells be equated with a bedroom, it contains no lights and no bed. In addition, references to YHWH's dwelling among Israel appear only before the tabernacle is constructed, explained, and ritually inaugurated.[30] The text is curiously silent about what YHWH does once he takes up residence, thus rendering YHWH's presence more elusive.[31] Rather than describing divine presence in a statue or in human form, the Priestly writers use glory (כבוד) and the seemingly connected concepts fire (אש) and cloud (ענן).[32] Likewise, offerings suggest divine consumption but in a way neither akin to that of humans nor of other ancient Near Eastern gods.[33] In short, the texts make little attempt to describe, much less regulate, divine behavior. What YHWH does in his own space on his own time is his business. When the text does speak about divine presence and activity, it does so in order to differentiate YHWH from all known analogues and, more practically, to elucidate the house rules.

Like its ancient Near Eastern counterparts, the tabernacle is designed to be a pleasing abode for the deity, not a gathering place for a worshiping congregation. Rather than serving to elicit reverence, the beauty and elaborate design of the tabernacle's interior are for the deity's eyes and his pleasure alone.

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29. Hundley, *Keeping Heaven on Earth*, 46.

30. See esp. Exod 25:8; 25:45–46. Num 5:3 mentions YHWH dwelling in the midst of the camp but does not specifically refer to the tabernacle.

31. See further Hundley, *Keeping Heaven on Earth*, 39–40; Hundley, "Divine Fluidity."

32. For glory as a new and improved cult image, see Hundley, "Divine Fluidity." See also Hundley, *Keeping Heaven on Earth*, 49–52; regarding divine presence, 39–52.

33. Hundley, *Keeping Heaven on Earth*, 99–103.

3.2. Tent of Meeting (אהל מועד)

Like the ancient Near Eastern and biblical temples, the sacred tent[34] is also a meeting point, where YHWH meets (*niphal* of יעד) and speaks with his servants, primarily to receive their service and to dictate his will (Exod 25:22; 29:42–43; 30:6, 36).[35] While clearly established as a dwelling, the tent is also the place where people come to interact with their God. Thus, this meeting place is rightly called the "tent of meeting."[36]

Interactions can be relatively direct (e.g., YHWH meets and speaks with Moses from the tent, more specifically from above the כפרת and between the cherubim; 25:22).[37] More often, interactions are more indi-

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34. Exod 26:7 refers to goats' hair curtains (and the curtains atop them) as the "tent over the tabernacle" (אהל על-המשכן). It is unclear if the "tent of meeting" refers particularly to this tent over the tabernacle or to the tabernacle structure itself. In either case, there is little difference; the "tabernacle" and "tent of meeting" effectively refer to the same space.

35. In Exod 25:22, YHWH specifies the content of his speech: he will speak with the people in order to give them his commandments.

36. The term "tent of meeting" (אהל מועד) is especially appropriate, since the second element מועד derives from the root יעד.

37. Incidentally, this militates against the common assumption that the cherubim form a divine throne upon which YHWH sits invisibly enthroned; rather, he seems to appear in the small space beneath and between the cherubim wings and above the כפרת. In each context, the nominal מסך refers to a physical and visual boundary marker, denoting the screen that allows access (1) to the tabernacle court (Exod 27:16; 35:17; 38:18, 39:40, 40:8, 33), (2) to the tent itself (26:36, 37; 35:15; 36:17; 39:38; 40:5, 28), and (3) to the tent's inner sanctuary where the ark and כפרת rest (35:12; 39:34; 40:21). In the latter context "the veil for the screen" (פרכת המסך) appears. The related verbal form סכך is also used to describe the function of the veil, to screen the ark from view (Exod 40:3, 21). This same verbal form appears to describe the cherubim wings סככים על-הכפרת, screening the area above the כפרת (Exod 25:20; 37:9; cf. 1 Kgs 8:7; 1 Chr 28:18). Thus, when the text says that the wings of the cherubim cover (סכך) the area above the כפרת (Exod 25:20; 37:9), where YHWH appears, it is natural to assume that these wings are a boundary marker. In turn, it seems that, instead of isolating divine presence to a statue, the Priestly writers locate YHWH's presence with boundary markers. The gold slab of the כפרת and the wings serve as the vertical boundaries, while the cherubim themselves set the horizontal limits. YHWH's presence appears only between them (Exod 25:20–22). See also Alice Wood, *Of Wings and Wheels: A Synthetic Study of the Biblical Cherubim*, BZAW 385 (Berlin: de Gruyter, 2008), esp. 30–31; Raanan Eichler, "The Function of the Ark Cherubim" [Hebrew], *Tarbiz* 79 (2011): 165–85.

rect. For example, with the exception of the inaugural offerings in Exod 40 and Lev 9 and the ill-fated offerings of Nadab and Abihu in Lev 10, descriptions of offerings do not mention any verbal or visual encounter. Each of the exceptions establishes a pattern. Although YHWH may not visually appear each time, these initial appearances confirm YHWH's behind-the-scenes presence in the future to receive regular service (Exod 40) and the people's offerings (Lev 9) and to punish unauthorized trespass (Lev 10).

In fact, it would seem that the text portrays every human action inside the sacred compound, including the court, as a meeting of sorts (see Exod 29:42–43), by referring to these actions as "before YHWH" (לפני יהוה) and opting for the term "tent of meeting" instead of "tabernacle."[38] The use of the designator "tent of meeting" in these contexts stresses that, when individuals enter the sacred compound, they are entering the divine sphere to encounter the resident deity. Because the meeting point is also the deity's home, the meeting is fraught with danger even for the priests (Exod 30:20; Lev 10:2) and is governed by strict rules.

Again, because the tabernacle is the divine abode, the Priests[39] may not presume to regulate what YHWH does within his own home, especially since he is superior to them both socially and ontologically. Instead of describing and delimiting divine activity, the texts that refer to the divine abode as the "tent of meeting" provide the house rules, that is, the guidelines describing and defining how guests may access divine space and interact with the resident deity. Since they are in his space, they must follow his rules. Servants must simply obey their masters; they are not entitled to invade their master's space or to fully understand his purposes.

In the Priestly texts, YHWH himself sets his house rules, and, despite some arguments to the contrary, these rules suggest that YHWH is always present, at least to some degree.[40] More than משכן, the designator "tent of meeting" may be understood to imply a temporary presence. The tent itself is by definition not a permanent building but rather a collapsible

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38. In each case "before YHWH" means as close to YHWH as an individual's access and ritual activity will allow. For the clean layperson, "before YHWH" means somewhere in the court, referred to evocatively as the "entrance of the tent of meeting." For the priests, it varies, depending on the dictates of the ritual, from the court to the inner sanctuary. See Hundley, "Before YHWH," 23–24; for the evocative use of "the entrance of the tent of meeting," see esp. 24–26.

39. By Priests, I mean the Priestly writers, the authors of the Priestly texts.

40. See above, n. 3.

structure built to be transportable. Likewise, as with a modern business meeting, "meeting" suggests that the two parties come from elsewhere to meet at an appointed time and, after meeting, depart. This has led various scholars to conclude that YHWH comes to the tent of meeting only temporarily for the express purpose of meeting with Israel.[41] However, the descriptor "tent of meeting" says nothing about the duration of the divine stay, and the text never mentions the deity leaving (except to lead the people to the next campsite, whereupon the glory settles on or in the tent again).[42] Rather, it speaks to the deity making an appearance to his guests. He has set the rules, and his supervision is often necessary so that the people's actions may be said to occur before him and, if the rules are followed, may achieve the desired result. For example, the deity must be present enough in the ritual described in Lev 12 to ensure that the parturient's offering effects כפר ("clearing")[43] on her behalf and cleanses her from (מ) her blood flow.[44] With YHWH's presumed presence, following his regulations provides supplicants with an assurance that their action will achieve the desired result. They cannot achieve this result anywhere else but before YHWH in or at the entrance of his tent of meeting and according to his specifications.

Having established that entering the divine sphere involves an encounter with the deity, with all of its inherent privileges, dangers, and benefits, the Priests are also careful to differentiate this encounter from more commonplace interactions. The means of interaction, presenting offerings mediated by priests, is certainly unique to the divine sphere. Even more telling, in contrast to both the mundane and other ancient Near Eastern divine spheres,[45] many of the interactions involve the removal of immaterial but nonetheless real sins and impurities from the people that, according to the Priestly worldview, can be achieved nowhere else and in no other way.

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41. Ibid.

42. See Sommer, *Bodies of God*, 74, 228–29 n. 93.

43. Regarding כפר and the translation "clearing," see Hundley, *Keeping Heaven on Earth*, esp. 186–92, building upon the translation of Propp, *Exodus 19–40*, 466–67.

44. For the use of the preposition מן in P, see esp. Roy Gane, "Privative Preposition מן in Purification Offering Pericopes and the Changing Face of 'Dorian Gray,'" *JBL* 127 (2008): 209–22; see further Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005).

45. Regarding the removal of pollutants in the ancient Near East, see Hundley, *Keeping Heaven on Earth*, 119–34 and the references cited there.

4. The Use of "Tabernacle" and "Tent of Meeting" in the Priestly Texts

With this orientation in mind, we may now examine the texts themselves to see what, if any, rhetorical freight the descriptors "tabernacle" and "tent of meeting" carry in context. In several instances the labels are used interchangeably (Exod 31:7; 35:21; 38:30; 40:7, 22, 26, 30). However, it will soon become clear that these instances are anomalous and appear when either term would be appropriate and when neither term would especially add rhetorical import. Indeed, the labels are always to some degree interchangeable, since they describe the same structure, but in the majority of cases it would seem that one option is chosen at the expense of the other for rhetorical purposes.

We begin with the "tabernacle" (מִשְׁכָּן) and discover that references to it are concentrated in Exodus and overwhelmingly refer to building a dwelling for the deity. The first instance in Exod 25:9 follows YHWH's first assertion that he will dwell (שׁכן) among Israel and refers to YHWH's blueprint for his house. Chapters 26–27 contain eighteen references to the "tabernacle" used in the course of instructions for building it. Chapters 35–36 and 38–39 contain twenty references to the actual construction of the divine "dwelling place" (מִשְׁכָּן). The term "tabernacle" appears thirteen times in Exod 40 to provide instructions for its erection and the implementation of those instructions, and four times in 40:34–38 to describe the arrival of the divine presence in its new home and its guiding of Israel from that home throughout all their journeys.

Since Leviticus is especially concerned with providing the rules for meeting with YHWH, the term מִשְׁכָּן appears only two times in Lev 1–16 (8:10; 15:31). The reference in 8:10, describing the anointing of the tabernacle, seems to stress that it is the divine home that is being anointed and consecrated, though one should not make too much of this choice, since Exod 30:26 refers to anointing the tent of meeting. Leviticus 15:31 is more telling, as it describes the injunction to keep impurity away from the Israelites so that they do not die in their impurity by defiling God's tabernacle that is among them. Here, opting for "tabernacle" instead of "tent of meeting" stresses the seriousness of the injunction, since it is a much more serious offense to defile the place where YHWH lives than where he meets with the people.

References to the "tent of meeting" are spread more evenly over Exodus and Leviticus and refer to the meeting between human and divine in the

divine sphere. As already mentioned, the "tent of meeting" is the dominant expression for the sacred tent in Leviticus, since Leviticus describes the rules for meeting with the deity in his home. In fact, the "tent of meeting" is the descriptor used for all references involving human action in the divine compound once it has been set up. As expected, the first mention of the tent of meeting in Exod 27:21 refers to priestly activity inside the tent, describing the tending of the lamp every day before YHWH. Exodus 28:43; 29:4, 10, 11, 30, 32, 42, 44; 30:16, 18, 20, 26, 36; 38:8; and 40:12, 32 refer to priestly action inside the tent or at its entrance, that is, in divine space, suggesting that this action is indeed an interaction or meeting between two worlds.

Exodus 29:44 and 30:20 in particular are worthy of special mention. Exodus 29:44 refers to YHWH's declaration that he will consecrate the "tent of meeting" (אהל מועד), which is an appropriate choice in context because 29:43 speaks of YHWH meeting (יעד) with Israel. However, lest it be assumed that the tent is only a meeting point, the text is quick to point out in the following verses that its primary purpose is as a divine dwelling in the people's midst. Exodus 30:20 stresses the potentially fatal nature of a meeting with the deity, as the priests are warned that they must wash with water before entering the tent of meeting so that they will not die.

From the first verse of Leviticus, YHWH speaks to Moses from the tent to deliver his house rules and, more broadly, his rules as Israel's new master. In such an interactive context, the "tent of meeting" is an especially appropriate label. While Exodus refers to the future activity of the priests in and around the tent of meeting,[46] Lev 1–16 includes the common people, regulating their offerings in the sacred sphere. Because they may not enter the sacred tent, their actions are said to occur at "the entrance of the tent of meeting."[47] By using the expression "tent of meeting" instead of "tabernacle" and by indicating that offerings to YHWH are presented before him (that is, in his proximate presence), the text suggests that, although outside of the tent, these actions nonetheless involve an encounter with the deity and will achieve the desired result if performed correctly. Indeed, "the 'entrance of the tent of meeting' marks the only place where permitted individuals may meet with the resident deity, 'before YHWH,' that is, at the entrance of his private residence."[48]

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46. Exod 40 anomalously refers to the present activity of the priests.

47. See Hundley, "Before YHWH."

48. Ibid., 23.

The "tent of meeting" as a relational designator finds support in the use of "before YHWH." As noted, "before YHWH" is a relational descriptor, denoting as close to YHWH as a person's access will allow.[49] Thus, it is telling that, while "before YHWH" appears many times in the Priestly account of the sacred tent, it is never juxtaposed with משכן.[50] By contrast, "before YHWH" often appears alongside the expression "tent of meeting" (אהל מועד; Exod 27:21; 29:11, 42; 30:16; Lev 1:3; 4:4, 7, 18; 9:5; 14:11, 23; 15:14; 16:7), specifying that action in or at the entrance of the sacred tent involves a human-divine encounter.[51] In other words, the sacred tent is not simply called the "tent of meeting." It is also the place where YHWH's people actually meet with their deity לפני יהוה, that is, in his proximate presence.

We now conclude with instances where the two labels "tabernacle" and "tent of meeting" appear side by side, either in apposition or in construct (Exod 39:32, 40; 40:2, 6, 24, 29, 34, 35). "When the Priestly writers juxtapose both expressions, they demonstrate that both refer to the same structure and reinforce their conviction that the tabernacle is both the divine residence and the place of human-divine interaction."[52]

5. Conclusion

In accord with the ideology of ancient Near Eastern temples, the Priestly labels "tabernacle" and "tent of meeting" stress the sacred tent's dual role as the divine abode on earth and the place where the resident deity meets with his people.[53] Each of these terms appropriately describes one of the two major aspects of the sacred tent, and in certain circumstances the text opts to use one expression at the expense of the other to stress one of these aspects. However, neither term alone is sufficient. While it is a home, the

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49. See above, n. 38.

50. Only in Exod 40, which juxtaposes "tabernacle" and "tent of meeting," does "before YHWH" appear in close proximity to "tabernacle."

51. "Before YHWH" occurs in various other contexts as well, such as in describing the priestly entrance into the tent, referred to as the "holy place" (Exod 28:29).

52. Hundley, "Before YHWH," 26 n. 54. These juxtapositions may also serve as attempts to connect two disparate traditions.

53. This same space and the court around it constitute the "holy place" (מקדש), indicating that this home and meeting point are special and that successful human access to it requires carefully following its regulations (see Hundley, "Sacred Spaces").

tent is also a meeting point. While it is a home and a meeting point, the tent is different from mundane or other divine homes and meeting points.

Rather than trying to unravel the complexities of YHWH's tent, the Priestly writers urge their audience to recognize their privileged access, to beware of the dangers, and to take advantage of the benefits that such access affords. The Priests encourage the people to take advantage of the conditions offered by their master through the use of rhetorically potent language of "tabernacle" and the "tent of meeting."

תורה, תורה! אימרי בדיכרי מיחלפי לך! (זבחים ע"ז ע"א)
Torah, Torah! You are confusing lambs with rams!

What Is a Zoeme? The Priestly Inventory of Sacrificial Animals

Naphtali S. Meshel

1. Introduction

Professor Milgrom's work on the Priestly (P) literature is characterized by an acute sensitivity to the text's terminology as well as an awareness of its underlying systems of thought. I aim to demonstrate that a detailed analysis of the terms used to designate sacrificial animals in P reveals a binary system of categorization and that cognizance of this organization allows for a better understanding of sacrificial rites as P considers them. This ritual taxonomy has heuristic value, since by scrutinizing P's terms in light of this system, certain longstanding imprecisions and mistranslations of biblical terms can be clarified.

I was fortunate to discuss an early draft of this essay with Professor Milgrom in Jerusalem before he passed away. As always, he discussed it with me without pomp and circumstance, כדבר איש אל רעהו. My conversations with Jacob Milgrom and his enthusiasm for the types of problems discussed here had an enduring effect on the course of my research. I hope that the words offered here are acceptable before his presence in lieu of a sweet-smelling token of thanksgiving.

Sacrificial rituals in the Priestly literature[1] of the Pentateuch are composed of complex structures that generate consistent and identifiable pat-

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1. While there is a relatively wide consensus concerning the existence of a body of Priestly literature, ongoing debates remain on such topics as the scope of Priestly texts, the question of whether P is an independent source or a redactional layer, and questions related to the texts' absolute dating. For summaries with regard to its scope, see Jean-Louis Ska, *Introduction to Reading the Pentateuch*, trans. Sr. Pascale Dominique (Winona Lake, IN: Eisenbrauns, 2006), 147–51; Christophe Nihan, *From Priestly*

terns. One of these structures pertains to the ritual classification of sac-
rificial animals. I will outline this particular component of the Priestly
sacrificial system, which I will call "zoemics" (from Greek ζῷον, "animal").
Since a full explication of zoemics is far too extensive to treat here, I will
present its general operation and review a few difficult cases of animal
classification in its light.[2]

By way of a first definition, "zoeme" may be defined as follows (defini-
tion 1):

Torah to Pentateuch: A Study in the Composition of the Book of Leviticus, FAT 2/25
(Tübingen: Mohr Siebeck, 2007), 20–25. With regard to the question of whether it is
an independent source or a redactional layer, see Baruch J. Schwartz, "Does Recent
Scholarship's Critique of the Documentary Hypothesis Constitute Grounds for Its
Rejection?" in *The Pentateuch: International Perspectives on Current Research,* ed.
Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen:
Mohr Siebeck, 2011), 3–16; Nihan, *From Priestly Torah,* 20; Reinhard G. Kratz, "The
Pentateuch in Current Research: Consensus and Debate," in Dozeman, Schmid, and
Schwartz, *The Pentateuch*, 36–38; Konrad Schmid, "Has European Scholarship Aban-
doned the Documentary Hypothesis? Some Reminders on Its History and Remarks
on Its Current Status," in Dozeman, Schmid, and Schwartz, *The Pentateuch*, 18–20;
and Thomas Römer, "De la périphérie au centre: Les livres du Lévitique et des Nom-
bres dans le débat actuel sur le Pentateuque," in *The Books of Leviticus and Numbers*,
ed. Thomas Römer, BETL 215 (Leuven: Peeters, 2008), 7.

While most scholars writing about P agree that the corpus is itself the product
of different authors writing in disparate settings, there is no consensus concerning
the identification of different literary strata within P. In some cases it is possible to
separate such strata on the basis of lexical and stylistic diversity and especially legal
matters. For example, see Jacob Milgrom, *Leviticus 1–16: A New Translation with
Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 411–12, 473–81;
Rolf Rendtorff, "Two Kinds of P? Some Reflections on the Occasion of the Publication
of Jacob Milgrom's Commentary on Leviticus 1–16," *JSOT* 60 (1993): 75–81; Nihan,
From Priestly Torah; Klaus Koch, *Die Priesterschrift von Exodus 25 bis Leviticus 16:
Eine überlieferungsgeschichtliche und literarkritische Untersuchung* (Göttingen: Van-
denhoeck & Ruprecht, 1959); Karl Elliger, *Leviticus*, HAT 1/4 (Tübingen: Mohr Sie-
beck, 1966); Naphtali S. Meshel, "P_1, P_2, P_3, and H: Purity, Prohibition, and the Puz-
zling History of Leviticus 11," *HUCA* 81 (2010): 1–15. Because of the relative unity of
priestly literature, with particular regard to its use of technical terminology and agree-
ment on major legal issues, our focus may solely concern those properties common to
the detailed sacrificial ritual texts of the Pentateuch.

2. For a full discussion, see Naphtali S. Meshel, *A Grammar of Sacrifice* (Oxford:
Oxford University Press, 2014).

> **zoeme** \ˈzō-ēm\ *n* **1:** a group of individual specimens of animals that share certain relevant biological traits and to which a common set of sacrificial rules apply — **zoemic** *adj.*

For example, the categories designated by the terms איל ("ram"), פר ("bull"), and בן יונה ("pigeon"), as used in the legal Priestly literature, are zoemes inasmuch as each of these animal sacrifices is required of a Nazirite, a high priest, and (optionally) a parturient, respectively, under specified conditions (Num 6:14; Lev 4:3; 12:6). Likewise, the categories designated by the terms כשב ("sheep") and עז ("goat") are zoemes inasmuch as different sets of laws apply to these animals if they are offered as well-being sacrifices (Lev 3:7–11, 12–16).[3]

The term *zoeme* is coined by analogy to *phoneme*, a psychologically recognized discrete unit of sound in a natural language. Like a phoneme, a zoeme is an abstract category consisting of elements that, while differing from one another in certain irrelevant aspects, share features that distinguish them as a category. Also like *phoneme*, the term *zoeme* may, for ease of reference, be used additionally to refer to a member of that abstract category.

A linguistic example may help to clarify my meaning. Native English speakers are typically able to distinguish between the sounds represented by *l* and *r*, easily telling "glow" from "grow" or "plowed" from "proud." Such pairs of words, which differ only in one element (here, an *l* versus an *r*), are known as *minimal pairs* and are central to distinguishing phonemes in languages: Because speakers can find examples in which an an *l* versus an *r* makes a difference between words, the two sounds must represent two distinct phonemes to them. However, some nonnative English speakers, who do not have such *l*/*r* minimal pairs in their native languages, have difficulty pronouncing the two as distinct sounds or even telling the above minimal pairs apart. These difficulties, as well as the absence of minimal pairs in their native languages, suggest that they consider the sounds a single phoneme.

As with phonemes, different sacrificial systems can make different zoemic distinctions. One can imagine, for instance, a system in which some rituals require the sacrifice of specifically *white* rams while other rituals require *black* rams. In such a system, there would exist a zoemic

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3. Note that כשב and עז differ inasmuch as mention is made of the אליה ("broad tail") of the former.

distinction between /white ram/ and /black ram/. By contrast, all rules in the Israelite Priestly sacrificial system pertaining to rams only pertain to rams in general, with no distinction concerning specimen color.[4] In a system like the one found in P, white and black rams are of course physically no less different than in other sacrificial systems, but here they are members of one and the same zoeme, /ram/.

Some zoemes in the Israelite sacrificial system comprise members that closely resemble the members of other zoemes from a physical perspective, though each zoeme remains typologically distinct. For example, a lamb in the first year of its life (which, as we shall see, is usually designated in P by the term כבש בן שנתו) externally resembles a ram (איל) more than it resembles a bull (פַּר) because lambs and rams belong to the same zoological species (domestic sheep, *Ovis aries*). However, in the system of ritual sacrifice, this external similarity is as accidental as the phonetic similarity between English "lamb" and "ram." In the Israelite system, there is a zoemic distinction between "immature male ovine" (כבש בן שנתו) and "mature male ovine" (איל), with the result that, where the law requires a ram (as in Num 6:14), a lamb is as unacceptable as a bull.

The following sections of this essay will explore the units of the zoemic classification system and the rules that govern how these units combine to form zoemes, as well as various ways in which these rules changed in postbiblical texts.

2. Criteria for Classifying Sacrificial Animals

Before explaining the nature and function of zoemes, it is necessary to explain three criteria or biological variables that suffice to categorize all sacrificial animals into elementary "blocks" (see fig. 2, below), despite several differences in the zoemic classifications of biblical and postbibli-

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4. For color and color patterns as distinctive features in other sacrificial systems, see, e.g., Eran Lupu, *Greek Sacred Law: A Collection of New Documents (NGSL)*, Religions in the Graeco-Roman World 152 (Leiden: Brill, 2005), 328–29 and passim, particularly with regard to the distinction between black and white specimens. For the Vedic context, see, e.g., A. Mahādeva Śāstri and Panditaratnam K. Rangāchārya, eds., *The Taittirīya Saṃhitā of the Black Yajur-veda, with the Commentary of Bhaṭṭabhāskaramiśra*, Government Oriental Library Series, Bibliotheca Sanskrita 17, 10 vols. (Mysore: Government Branch Press, 1898), 9:V.5.22.

cal sources. These criteria are (1) zoological class (i.e., taxon), (2) sex, and (3) age.[5]

2.1. Zoological Taxon

Contrary to the results of previous schematic descriptions,[6] the zoological classification in P consistently follows a multilevel pattern of bifurcation. A sacrificial animal is either a quadruped (בהמה) or a bird (עוף, more precisely "winged creature"). If it is a bird, it is either a turtledove (תר)[7] or a pigeon (בן יונה); if it is a quadruped, it is either large cattle (שור, collective בקר) or small cattle (שה, collective צאן). If it is large cattle, it is necessarily bovine, but if it is small cattle, it is an animal "of the flock" and hence either ovine (כשב, rarely כבש) or caprine (עז).[8] Note that this bifurcation in its entirety is explicit in the language of P (Lev 1:2–3, 10, 14).

This criterion of zoological class is based on a taxonomy, a system of categorization that does not allow for cross-classification.[9] Therefore, clas-

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5. The cross-classification of animals according to these criteria is roughly analogous to the classification of phonemes according to distinctive feature analysis. See Noam Chomsky and Morris Halle, *The Sound Pattern of English* (Cambridge: MIT Press, 1991), 64–65.

6. For example, Alfred Marx, *Les offrandes végétales dans l'Ancien Testament: Du tribut d'hommage au repas eschatologique* (Leiden: Brill, 1994), 47. Maimonides's opening words in *Hilchot Ma'ase Ha-Qorbanot* (1:1) are כל הקרבנות של מיני נפש חיה באין מחמשה מינין בלבד: מן הבקר ומן הכבשים ומן העזים ומן התורים ומן בני היונה ("all animal sacrifices come from five species only: bovines, ovines, goats, turtledoves, and pigeons"). This presentation of "five species" obscures the binary nature of the taxonomic branching.

7. For a different opinion, see Thomas Staubli, "Hühneropfern im Alten Israel: Zum Verständnis von Lev 1,14 im Kontext der Antiken Kulturgeschichte," in Römer, *Books of Leviticus and Numbers*, 355–69.

8. I follow the English usage of these terms and not Linnaean terminology. Thus, "bovine" here denotes "cows" (genus *Bos*, species *Bos taurus*), "ovine" denotes "sheep," and "caprine" denotes "goats."

9. That is, the categorization of each element is exclusive and absolute: a single element cannot simultaneously belong to two distinct categories unless one is a subset of the other, nor can it belong to a particular category to a greater or lesser extent. Empirically, most known societies—modern as well as primitive—prefer taxonomy to cross-classification schemes for animal categorization. See Dan Sperber, "Pourquoi les animaux parfaits, les hybrides et les monstres sont-ils bons à penser symboliquement?" *L'Homme* 15 (1975): 5–34.

sification according to zoological class can be reliably illustrated in the
form of a branching tree, as in figure 1.

Figure 1. Classification according to Zoological Class
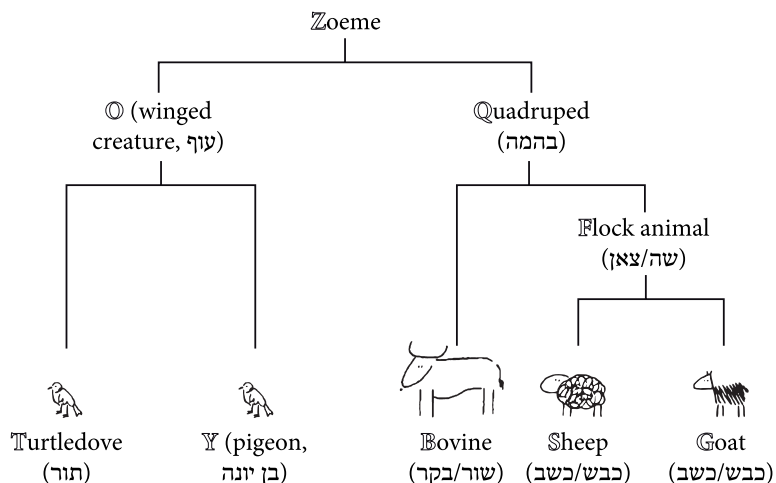
2.2. Sex

Among quadrupeds, the text of P makes a distinction between sexes.
For example, P distinguishes between שעיר עזים ("male goat"; Lev 4:23,
etc.) and שעירת עזים ("female goat"; Lev 4:28; 5:6)[10] and between כבש בן
שנתו ("immature male ovine"; Num 6:12, 14, etc.) and כַּבְשָׂה בת שנתה
("immature female ovine"; Lev 14:10; Num 6:14).[11] This distinction does
not apply to birds: Contrary to a hyper-literal understanding of the word
בן, the designation בני in the phrase בני יונה does not denote "male" but
merely "members of the category."[12]

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10. For a full discussion of these zoemes, see Meshel, *A Grammar of Sacrifice*,
§2.4.8.

11. Note that the reading is כְּבְשָׂה, not כְּבְשָׂה, according to the Masoretes (con-
trast כְּבְשָׂה in 2 Sam 12:3, 6).

12. See Rolf Rendtorff, *Leviticus*, BKAT 3/1 (Neukirchen-Vluyn: Neukirchener
Verlag, 1985), 74. This is explicit in b. Qiddušin 24b, but it is also true in P. See also
בני ערב (crows, probably of all ages and surely of either sex; Ps 147:9); בני אדם (often
humans of any age or sex; Ps 90:3); and בני נשר (vultures of any age or sex; Prov 30:17).

2.3. Age

Similarly among quadrupeds, P clearly distinguishes between age groups. This distinction is also binary, since at most two age groups are considered in each case. For the sake of clarity, I refer to these two age groups simply as "mature" and "immature."[13] There is no internal evidence within P that the mature/immature distinction also pertains to birds.[14]

3. Combinations Forming Zoemes

Together the three criteria of zoological taxon, sex, and age place any sacrificial animal in one of twenty elementary categories, or "blocks" (20 = 5 taxa · 2 sexes · 2 age groups). The following two figures represent these blocks as two- and three-dimensional "zoemic maps," as abstracted from P. Both diagrams represent the same information, but each serves a distinct
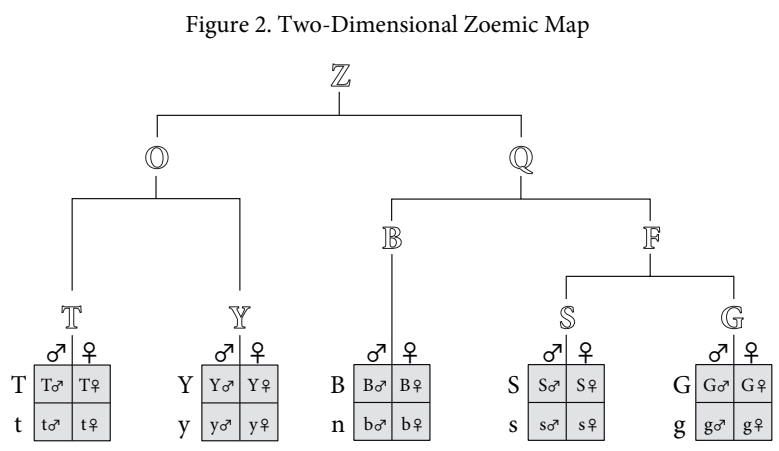

See also בן ראמים (Ps 29:6) and בני צאן (Ps 114:4, 6). Even בן בקר can designate bovines in general (see Num 15:8, where such an animal may be offered as a זבח or as an עולה; it is therefore synonymous with the term שור in v. 11).

13. It is likely that this distinction corresponds to the biological distinction of sexual maturity, the ability to reproduce. However, there may be more than one criterion for maturity and, consequently, several stages of maturation. Thus, this presents a case of discretization of a spectrum, whereby a gradient of values (here, ages) is perceived according to discrete categories (mature and immature).

14. Contra Milgrom, *Leviticus 1–16*, 168. One might argue that P *assumes* such a distinction between the ages of turtledoves and pigeons according to an ancient custom (see Gen 15:9, in a nonsacrificial context, where the species of the גוזל is not mentioned), but the law nowhere implies that this is the case, and it certainly does not require it. In seeking to show that בני יונה denotes fledglings in Biblical Hebrew, Milgrom only adduces the idea that בני would otherwise be superfluous, since in Biblical Hebrew יונה also appears without a modifier (Gen 8:8, Isa 60:8). However, בני נשר ("vultures"; Prov 30:17) is similarly found in Biblical Hebrew alongside נשרים (2 Sam 1:23; Isa 40:31), yet בני נשר are clearly mature according to context: Fledgling vultures do not go about pecking at people's eyes, since they wait in the nest for their parents to feed them. Note that the term בקר, too, is found in Biblical Hebrew as a collective, where the corresponding *nomen unitatis* is שור (e.g., תחת השור ... חמשה בקר, "five [head of] cattle for each bovine"; Exod 21:37). In P, פרים בני בקר (roughly "bovine bulls") is used in contrast to כבשים and עזים (which are מן הצאן in Lev 1:2, 10, not בני צאן). This is analogous to the use of בני יונה in contrast to תורים, yet the text clearly does not imply that sheep must be mature but bulls immature. Therefore, there is no reason to suppose that such a distinction should be made in P between turtledoves and pigeons. See also n. 12.

illustrative purpose. Capital and lowercase letters distinguish between mature and immature specimens, respectively, and outlined letters, such as $\mathbb{F}$, represent specimens of unspecified age. Male specimens are indicated by the symbol ♂, while female specimens receive the symbol ♀.

The two-dimensional diagram below (fig. 2) clearly demonstrates the essentially binary nature of the zoological, sex, and age distinctions in P's zoemic system, and it provides (in the shaded squares) an accessible listing of all twenty possible combinations of species, sex, and age that a single animal specimen may represent. For the meanings of the letter symbols in this diagram, see figure 1.

Figure 2. Two-Dimensional Zoemic Map

$\mathbb{Z}$ → $\mathbb{O}$, $\mathbb{Q}$; $\mathbb{O}$ → $\mathbb{T}$, $\mathbb{Y}$; $\mathbb{Q}$ → $\mathbb{B}$, $\mathbb{F}$; $\mathbb{F}$ → $\mathbb{S}$, $\mathbb{G}$

	♂	♀
T	T♂	T♀
t	t♂	t♀

	♂	♀
Y	Y♂	Y♀
y	y♂	y♀

	♂	♀
B	B♂	B♀
n	b♂	b♀

	♂	♀
S	S♂	S♀
s	s♂	s♀

	♂	♀
G	G♂	G♀
g	g♂	g♀

However, this diagram has its limitations. Most significantly, by graphically privileging zoological species as its dominant structural feature, the diagram might suggest that zoological species is somehow a more essential factor than either sex or age. In truth, all three criteria are equally important within the zoemic system. The following three-dimensional diagram (fig. 3) is therefore a fundamentally more accurate representation of the interplay among the criteria, since each is afforded equal structural importance within its graphic depiction:

A zoeme comprises any combination of one or more of these blocks. Theoretically, therefore, twenty blocks yield 2^{20} possible zoemes. We have temporarily characterized "zoeme" in two ways, (1) as a group of animals to which a set of sacrificial laws may pertain (definition 1 above) and (2) as a combination of one or more blocks. Formally, this second definition is as follows (definition 2):

Figure 3. Three-Dimensional Zoemic Map
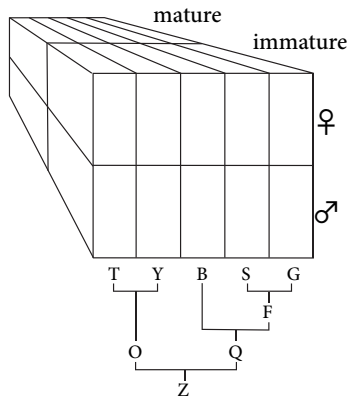
zoeme \\'zō-ēm\\ *n* **2:** a combination of one or more blocks from a map
of zoological taxon, sex, and age, where each block is a particular
combination of these three elements — **zoemic** *adj.*

To see the equivalence of these definitions, consider the set comprising
the members of s♀, b♂, and Y♂. In theory, a specific rule could apply to
these animals and these alone, such as: a specific amount of wine may be
offered when one of these animals is sacrificed.

In reality, however, only a relative handful (roughly thirty) of the 2^{20}
possible zoemes are actually attested entities, suggesting that certain rules
of zoemic formation are active within P. In fact, detailed study reveals that
there are restrictions on the types of block combinations that may consti-
tute a zoeme (see fig. 4). For example, if a zoeme consists of blocks from a
single zoological species, the zoeme may consist of one, two, or four blocks
but not three, and if it consists of two blocks, they must share a character-
istic of either age or sex (thus being adjacent in fig. 3). Similarly, when a

Figure 4. Restrictions on Combinations Constituting a Zoeme

illicit combination   licit combinations
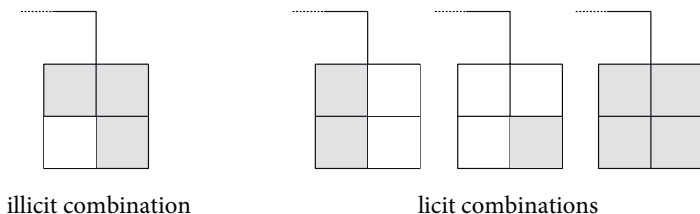
zoeme comprises blocks of different species, it cannot include only males of one species and only females of another or only mature animals of one species and only immature animals of another.

4. The Use of Zoemics

Understanding the underlying combinatory rules that govern this zoemic system can provide a more accurate lens with which to view the relevant literature. For instance, the age and gender of some zoemes are difficult to identify, often leading to much confusion and a number of erroneous determinations. There is a tendency in modern scholarship to assume that the age and sex of the zoeme are always specified, even when the text shows no real indication of these details. On the other hand, some scholars have tended to give up prematurely, claiming, for example, that the ages of the animals cannot be determined, even when sufficient evidence exists for reliable determinations.[15]

Some of these cases of mistranslation and misidentification of zoemes continue to generate confusion even though they have been addressed in the past. For instance, it is clear by now that the term שֶׂה denotes any ovine or caprine (𝔽) regardless of age or sex,[16] despite the ancient tradition of translation in which שה denotes an immature sheep or goat (f). Yet on occasion, some modern works continue to translate שה as if it denoted f or even s.[17] Likewise, it is well known that the term שׁוֹר, though gram-

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15. See Rolf P. Knierim, *Text and Concept in Leviticus 1:1–9: A Case in Exegetical Method*, FAT 2 (Tübingen: Mohr Siebeck, 1992), 24 n. 21; Baruch A. Levine confesses that there is much uncertainty in identifying the age groups of sacrificial animals (*Numbers 21–36: A New Translation with Introduction and Commentary*, AB 4A [New York: Doubleday, 2000], 377). For a balanced view, see Alfred Marx, *Les systèmes sacrificiels de l'Ancien Testament: Formes et fonctions du culte sacrificiel à Yhwh*, VTSup 105 (Leiden: Brill, 2005), 52–53 n. 1.

16. See E.-J. Waschke, "שֶׂה *śeh*," *TDOT* 14:46–49 and the bibliography cited there.

17. For instance, NEB on Gen 22:7, etc., renders "young beast"; RSV and JB translate "lamb." Some have opined that שה alone can designate a sheep (rather than only 𝔽), e.g., Gilles Dorival, *Les Nombres*, La Bible d'Alexandrie 4 (Paris: Cerf, 1994), 127; or simply a young flock animal (f), e.g., Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*, 2 vols. (New York: Title, 1943), 2:1526). The mistranslation "sheep" may be due in part to a diachronic lexical development (narrowing or limitation) that occurred within Hebrew, since שֶׂה eventually came to denote sheep (𝕊) as distinct from caprines (e.g., the Temple Scroll

matically masculine,[18] denotes 𝔹 and not B♂ in Biblical Hebrew[19]—in contrast to later Hebrew sources[20]—but even some of the most discerning studies still err in this regard.[21]

Continued mistranslations in modern works, as well as the fact that some of the terms for zoemes are ambiguous in several modern European languages,[22] have resulted in imprecise and vague definitions of zoemes. The following analyses demonstrate the utility of the zoemic system in understanding the details of particular cases and arriving at unambiguous translations. Toward this end, let us first take a closer look at P's inventory

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= 11QT LII, 5, 13, שור ושה ועז). The misunderstanding of שה as f and s, particularly in Gen 22:7, may have been reinforced by the perception of a שה as the prototype for young Isaac (who is presumably young, although he is substituted by a שה [𝕊] that happens to be an איל [S♂]), as well as the perception of Jesus as *agnus dei*, "Lamb of God," analogous to the paschal offering (explicitly in 1 Cor 5:7 and implicitly John 19:36), which is, in fact, immature (more precisely, f♂; Exod 12:5).

18. That is, שור is a generic term for a single domesticated bovine of any age or sex (as at Lev 4:10, referring back to 3:1; 7:23, etc.). In fact, in one passage in H (Lev 22:28), the animals to which it refers are almost certainly female—see the commentaries, as well as b. Ḥullin 79b. See also 11QT LII, 5–7 and 4Q396 (4QMMTᶜ) 1:2, which, though fragmentary, almost certainly interprets this verse as [א]ת האם ואת הולד ביום אחד ("the mother and its offspring in a single day").

19. For a discussion of all of the occurrences of שור in Biblical Hebrew, see René Péter-Contesse, "שור et פר: Note de lexicographie hébraïque," *VT* 25 (1985): 486–96. Péter-Contesse conclusively demonstrates that שור in Biblical Hebrew denotes a bovine of any age or sex even though the word itself is masculine, just as שה, grammatically either masculine or feminine (regardless of the sex of the animal in question), designates any single domesticated ovine or caprine.

20. In Mishnaic Hebrew it is clear that, alongside the use of שור in accordance with its Biblical sense 𝔹, it is sometimes assumed that שור designates only male bovines (𝔹♂; e.g., m. Qiddušin 1:6); hence the confusion that led to such a sentence as שור בן יומו קרוי שור ("a newborn שור is [still] called a שור"; b. Baba Qamma 65b), where the first use of שור is colloquial and the second is technical, following biblical usage.

21. This error is found, for example, in Elliger, *Leviticus,* 70; Knierim, *Text and Concept*, 24 n. 21.

22. For example, *The New Cassell's French Dictionary* (New York: Funk and Wagnalls, 1962), 153a, renders *chèvre* as either "goat" or "she-goat." In either case, *chèvre* is a feminine noun. *Cassell's German-English English-German Dictionary* (New York: McMillan, 1978), 743b, renders *Ziege* (also a feminine noun) as either "goat" or "she-goat." Compare English "cow," which according to *Merriam-Webster's Collegiate Dictionary* (Springfield, Massachusetts: Merriam-Webster, 1977), 268b, denotes either "the mature female of cattle" or "a domestic bovine animal regardless of sex or age."

of ovine offerings and then turn to examine the term עז בת שנתה in Num 15:27.

4.1. P's Inventory of Ovine Offerings

איל

There is a justified consensus that the term איל denotes a mature male sheep (S♂). This denotation is consistently found in Biblical Hebrew out-side the technical Priestly language[23] and appears to have been taken unal-tered into the Priestly sacrificial terminology.[24] Early postexilic sources (where דכרין replaces אילים),[25] the versions, and ancient Jewish sources are almost unanimous on this matter as well.[26]

כשב and כבש

In contrast to the more unambiguous term איל, the words כבש and כשב suggest a possible semantic transformation that took place once these two terms entered P's idiolect. P is known to adopt terms current in Biblical Hebrew and recoin them as technical terms with a specific ritual deno-

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23. See Gen 32:15, etc.; and René Péter-Contesse, "Quels animaux Israël offrait-il en sacrifice?" in *Studien zu Opfer und Kult im Alten Testament*, ed. Adrian Schenker, FAT 3 (Tübingen: Mohr Siebeck, 1992), 67–77.

24. See Lev 23:18; Num 28:11, etc., where אַיִל is contrasted with כבש בן שנתו.

25. See Ezra 6:9, 17; 7:17, where דכרין are contrasted with אמרין ("lambs").

26. See, for example, Ezek 46:4, where the contrast between איל and כבש shows that the term איל has its own discrete identity apart from כבש. This contrast also appears, with the age-distinction explicitly mentioned, in m. Parah 1:3. In LXX, κριός ("ram") is the consistent equivalent of איל (Num 28:11, etc.). For a rare exception to the usage of the term איל in Mishnaic Hebrew, see t. Parah 1:5. It is evident, however, that this semantic shift in the Hebrew language did not lead to a misinterpretation of the Biblical Hebrew term איל. In general, LXX is relatively consistent with regard to the equivalents it offers for BH zoemic terminology and can serve as a good guide in most cases, although it has some extreme peculiarities. One should keep in mind that the Greek translators sometimes render שה (S) not as πρόβατον (LXX's standard term for "member of the flock"), but as a sheep or a goat (e.g., ἀμνός or χίμαρος), according to context (e.g., Lev 12:8, where the שה that the author has in mind is clearly the כבש mentioned above). Note the double translation of שה in Deut 14:4 (שה כשבים ושה עזים), first as ἀμνός and then as χίμαρος.

tation.[27] The terms כבש and כשב, though probably formed in Biblical Hebrew by phonetic metathesis (cf. שִׂמְלָה and שַׂלְמָה), are employed in P to designate distinct zoemes. In P, an ovine of any age or sex (Ⓢ) is almost always[28] referred to as כשב (pl. כשבים)—a term that can only mean Ⓢ[29]— whereas a young male ovine (s♂) is usually referred to as כבש בן שנתו[30] or just as כבש without the qualifier.[31] When the qualifier is absent, כבש

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27. See Jacob Milgrom, "Two Biblical Hebrew Priestly Terms: Šeqeṣ and ṭāmēʾ," *Maʿarav* 8 (1992): 227; Naphtali S. Meshel, "Food for Thought: Systems of Categorization in Leviticus 11," *HTR* 101 (2008): 203–29.

28. With three exceptions—Exod 12:5; Lev 4:32; and Num 15:11—where כבש is used, on which see below. These "slips" from P's idiolect into "ordinary" Biblical Hebrew, where כבש denotes the species as a whole, are quite understandable, since the P authors were conversant not only in their technical idiolect but in ordinary Biblical Hebrew as well. For a comparable slip with regard to טהור, see Meshel, "Food for Thought," 227.

29. Concerning כשב, the data are unequivocal, as Milgrom has demonstrated (contra Rolf Rendtorff, *Studien zur Geschichte des Opfers im alten Israel*, WMANT 24 [Neukirchen–Vluyn: Neukirchener Verlag, 1967], 116; Horst Seebass, *Numeri*, BKAT 4/2 [Neukirchen–Vluyn: Neukirchener Verlag, 2003], 133).

30. There is some disagreement among scholars as to whether בן שנתו denotes "yearling" in the sense of a one-year-old animal, i.e., an animal in the second year of its life (Milgrom, *Leviticus 1–16,* 757), or "in its first year" (i.e., in the first year of its life; Joüon §129j). The evidence in favor of the first interpretation is the fact that the term בן in phrases such as מבן חדש ועד בן חמש שנים (Lev 27:6) clearly serves to designate a minimal age, not "within a month" or "within five years." On the other hand, בן denotes "within" in the Biblical Hebrew phrase בן לילה (Jonah 4:10, as a stock phrase, "overnight"; for the vocalization בֶּן, compare Josh 1:1; Prov 30:1) and in rabbinic phrases such as שור בן יומו, which clearly denotes "in the first day of its life." While it is tempting to suggest that בן שנה (without a pronominal suffix) denotes "yearling," whereas בן שנתו denotes "within the first year of its life," the two phrases are evidently stylistic variants in Num 7:15, 21, 87, etc. (thus Milgrom, *Leviticus 1–16*, 757). Milgrom deduces that both therefore denote "yearling," but the opposite conclusion is more likely: the two phrases are, in fact, equivalent, but both denote "in the first year of its life." There is no unambiguous attestation of the phrase בן שנתו (or בן יומו, etc.) in Biblical Hebrew or in later Hebrew with the sense of a minimum age, while בן (without a pronominal suffix) is ambiguous, already attested in Biblical Hebrew both as a minimal age and with the sense of "within." Therefore, it appears that in P, בן שנתו denotes "within the first year of its life," and, considering Num 7:15, 21, etc., the phrase בני שנה refers to the same age group in this context. This was also the understanding of the biblical law in Josephus and in rabbinic literature (see below and m. Parah 1:3, respectively).

31. If the qualifier does not immediately follow, this is usually because some form

can also refer to 𝕊, as in Exod 12:5 and Num 15:11, where כבשים paral-
lels עזים, and in Lev 4:32, where a female animal is required and thus the
meaning of כבש as s♂ must be ruled out. However, by comparing Num
15:5, where כבש is used without qualification, to the laws in 28:5–7, 13–
14, and other verses, it can be seen that the unqualified כבש of 15:5 is, in
fact, the young male ovine (s♂) referred to as כבש בן שנתו in Num 28.[32]
The only other case of an unqualified כבש is in Lev 14:10–25, where the
reading of כבש as כבש בן שנתו is supported by the LXX and the Samari-
tan Pentateuch.[33] This suggests that כבש (like כבש בן שנתו), where it does
not designate 𝕊, always designates s♂ rather than s[34] or 𝕊♂.[35] Thus the
qualification בן שנתו is not restrictive but descriptive.[36]

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of בן שנה appears the first time the animal is referred to and is implied in the verses
that follow (as at Exod 29:38–39: כבשים בני שנה שנים ... את הכבש האחד תעשה
בבקר).

32. See Meshel, *A Grammar of Sacrifice,* §3.7.1.

33. With the six occurrences of כבשים/כבש in Lev 14:10–25, one would expect
the qualifier בני שנה to appear, as often in P, only the first time the zoeme is intro-
duced, i.e., in v. 10 and perhaps in v. 21. In v. 10 this qualifier is reflected in LXX
(ἐνιαυσίους) and in the Samaritan Pentateuch (בני שנה). It is noteworthy that in Eze-
kiel, Ezra, Nehemiah, and Chronicles, all of which are very close to the Priestly law
in their sacrificial terminology, כבש is used without the qualifier בן שנתו in places
that are parallel to those in which pentateuchal law has כבש בן שנתו (e.g., when
contrasted with איל, as in Ezek 46:4–11, which contains ששה כבשים תמימם ואיל
תמים). However, see Ezek 46:13; Ezra 8:35 (alongside פרים, אילים, and צפירי חטאת);
1 Chr 29:21 (alongside פרים and אילים); and 2 Chr 29:21, 32. See also Ezra 6:9, 17;
7:17, where אמרין ("lambs") appears to be the equivalent of כבשים, as it is mentioned
alongside תורין ("bulls") and דכרין ("rams").

34. Contrast שני כבשים with כבשה אחת בת שנתה (Lev 14:10), where one of the
כבשים is offered as an עולה and therefore must be male.

35. This cannot be proven from the cases where a כבש בן שנתו is required for a
whole-burnt offering, since implying s♂ is not the same as denoting s♂, but accord-
ing to Milgrom's distinction between כבש (s♂) and כשב (𝕊; *Leviticus 1–16,* 252),
כבש בן שנתו probably does not denote s, since one would expect s to be termed כשב
בן שנתו. Presumably, then, LXX on Num 7:17, 23, etc., where כבש is translated con-
sistently as s♀ (ἀμνάς), is simply wrong. It appears that the translators were overanx-
ious to reconcile the lists in Num 7 with the law of Lev 3, according to which female
specimens are acceptable as well-being offerings. In fact, they not only attempted to
reconcile these lists with the law in Lev 3 but tried to make a point of that law by trans-
lating כבשים as "female lambs." The very same process is traceable in their treatment
of בקר in these verses, translating בקר שנים throughout this chapter as δαμάλεις δύο
("two [mature female] cows"; but see v. 87).

כַּבְשָׂה בת שנתה and כִּשְׂבָּה

There are also several designations for female ovine zoemes. As mentioned above, there is the case of the female כבש (Lev 4:32). Because the word כבש cannot mean s♂ here with the qualifier נקבה, the intended zoeme must be 𝕊♀, with the age of the sheep remaining unspecified. The term כשבה (Lev 5:6) similarly denotes a female sheep of any age (𝕊♀).[37] Specifically immature female sheep are denoted by כבשה בת שנתה (Lev 14:10; Num 6:14); כבשה is never used alone. It is worth noting that in P there is a functional distinction between s♀ and 𝕊♀: The former is offered only as a purification offering (of the person purified from scale disease in Lev 14 and of the Nazirite who has become impure in Num 6); the latter is offered when both purification and forgiveness are involved (Lev 4:32; 5:6).

Attested and Potential Ovine Zoemes

Thus far we have encountered five ovine zoemes: 𝕊 (כשב), S♂ (איל), s♀ (כשבה), 𝕊♀ (כשבה), and s♂ (כבש [בן שנתו]). Graphically,

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36. See also Ezek 46:4–6, 11, 13. Furthermore, since male sheep reach sexual maturity by the age of one year, there is simply no biological category of male sheep that are too young to be termed איל but are over a year old. Similar usage of descriptive qualification in the zoemic system is found in the partitive genitive form עזים, which may or may not follow שעיר (compare שעיר עזים לחטאת of days 1–5 of the main autumn festival in Num 29:12–34 with שעיר חטאת of days 6–7). Likewise, בן בקר may or may not follow פר, with no apparent change of meaning (compare days 1–2 of the same festival with days 3–7).

37. Concerning כִּשְׂבָּה, the formulation of Lev 5:6 suggests that no specific age group among 𝕊♀ is implied: If the formula נקבה מן הצאן stands in apposition to מן הצאן ... מן הכשבים או מן, as seems to be the case (see 1:10: כשבה או שעירת עזים, then כשבה must mean 𝕊♀ and שעירת עזים must mean 𝔾♀. See Rendtorff, *Leviticus* 196. This tallies with the fact that 𝕊♀ is known to be a zoeme elsewhere in P's system. However, one cannot be certain that כַּבְשָׂה alone may designate immature specimens as כבש does. Unlike כבש, which sometimes appears without בן שנתו but still clearly implies immature specimens, כבשה appears only twice in P and is modified by בת שנתה. A less likely alternative is that כשבה is the precise mirror image of כבש (s♂), i.e., s♀, and that the relation between כשבה או שעירת עזים and נקבה מן הצאן is not one of simple apposition (this is the rabbinic view; see, e.g., Maimonides, *Hilchot Maʿase Ha-Qorbanot*, 1:14). However, in this case one might expect a different formulation, such as נקבה מן הצאן ... אם מן הכשבים והביא כשבה ... ואם מן העזים והביא שעירת עזים .... Note that P has a different expression for s♀: כַּבְשָׂה בַּת-שְׁנָתָה.

Figure 5. Combinations of Ovine Blocks

אִיל   כֶּשֶׂב   כבשה כבשה   כבש (בן שנתו)
                                  בת שנתה

these correspond to five different combinations of the four "ovine" blocks
(fig. 5) that were found in figure 2.

Other combinations of these four blocks may be considered "potential
zoemes," but they are not attested in P.[38] For example, S might have been a
zoeme in P: it can be arrived at, according to definition 2 of *zoeme*, by the
combination of the two adjacent blocks in the upper side of the box rep-
resenting $\mathbb{S}$, and there could have been a set of laws that apply exclusively
to mature ovines. Yet this is not an attested zoeme in P. The same is true of
S ♀: it might have been a zoeme in P, had P specified a particular set of rules
that pertains exclusively to mature female ovines. Such rules could specify,
for example, that they be offered for a specific transgression or on a par-
ticular calendric occasion or that the manipulation of their flesh and blood
or the patterns of their accompanying cereal offerings or libations differ in
some way from that of other animals, but none of these are the case.

Of course, this is not to say that mature female ovines are not offered
in P's system. Consider a person who offers an ovine well-being offering in
accordance with the laws in Lev 3:7–11. The offerer may bring a specimen
that happens to be mature and female. In doing so, however, he would not
be offering an S ♀; in terms of zoemics, the sacrificial animal would simply
be considered an $\mathbb{S}$. Moreover, if the offerer of a noncalendric well-being
offering happens to bring a male lamb (often attested as a zoeme, e.g., as
a calendric whole-burnt offering in Num 28:3), in terms of zoemics the
specimen would still be considered an $\mathbb{S}$.

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38. Below we will see that some potential zoemes become "actualized" as attested
zoemes in post-P texts.

4.2. The Case of עז בת שנתה

Let us now turn to a phrase עז בת שנתה, used uniquely in Num 15:27. As in other languages, the gender of a noun denoting an animal in Biblical Hebrew does not necessarily correspond to the sex of the specimen under discussion.[39] For example, the noun תֹּר, probably "turtledove," is grammatically feminine: it is invariably qualified by a feminine adjective (שתי תֹּרִים, technically a construct chain), though the specimens referred to may be male or female.[40] Conversely, the phrase בני יונה is always masculine, though the specimens in question may be of either sex. To the best of my knowledge, no one has ever doubted these two cases. Perhaps the fact that males and females of these species are difficult to distinguish by external observation contributed to the lack of ritual differentiation between male and female pigeons and turtledoves in P and thus to this (justified) consensus.

By contrast, the case of עז בת שנתה (Num 15:27), though it may explained with the same grammatical feature just mentioned, has invariably been taken to denote a female goat. Thus, when the law in Num 15:27–28 requires an inadvertent transgressor to offer an עז בת שנתה as a purification offering, ancient and modern commentators and translators unanimously agree that the animal in question is a female goat.[41] This conclusion, however, is far from certain.

The noun עז in Biblical Hebrew is used in two distinct senses (see fig. 6):[42] (a) as a *nomen generis* (genus *capra*, e.g., Lev 7:23; 17:3; 22:27),[43] and (b) as a narrower term designating specifically mature female specimens of this species (only in non-Priestly texts, e.g., Gen 32:15).[44]

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39. See Joüon §134c.

40. Note that its pl. form has the ־ים ending, as in a number of other feminine nouns (e.g., אבן, אבנים).

41. E.g., LXX αἶγα μίαν ἐνιαυσίαν (acc. f.), Vg. *capram anniculam*. Rabbinic sources clearly imply that it is female, on which see below. See also NEB, RSV, NJPS; and Baruch A. Levine, who even writes, "Why a female animal was specifically required is not clear" (*Numbers 1–20: A New Translation with Introduction and Commentary*, AB 4 [New York: Doubleday, 1993], 397).

42. A third sense, "goat-hair" (only in pl., עזים), is not discussed here.

43. Some errors are still found in the literature regarding this. See Dorival, *Les Nombres*, 127.

44. Such duality is found elsewhere in Biblical Hebrew animal nomenclature, though it is often the term designating the mature male that is also used to designate

Figure 6. Denotations of עֵז in Biblical Hebrew
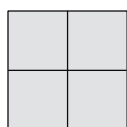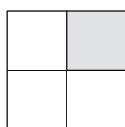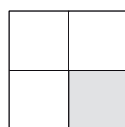
עֵז (a)   עֵז (b)   עז בת שנתה
                                              (standard understanding)

Denotation (a), by far the more common, is well established and can be considered uncontested.[45] Denotation (b) is based on a small number of texts where this sense is also uncontested.[46] The data can be found in Péter-Contesse's study of the subject and need not be presented here at length.[47]

The question to be addressed here is which of these two senses is implied in Num 15:27. If it intends sense (b), mature female goat, then the zoeme defined would consist of nonexistent animals, since the qualification בת שנתה, that is, under a year old,[48] virtually excludes the possibility that the animal is a mature female goat.[49] It appears, then, that the author

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the species as a whole (e.g., חמור in Gen 32:6, etc.), rather than the term for the mature female, as here.

45. See H.-J. Zobel, "עֵז ʿēz," *TDOT* 10:578.

46. Primarily Gen 32:15, where the pair עזים ‖ תישים is juxtaposed with רחלים ‖ אילים (mature female and male caprines, followed by mature female and male ovines), but also 31:38 (עז ‖ רחל, where the issue is miscarriage, so that a mature female is necessarily meant). In 30:35 it is clear that the animals referred to are mature females due to the parallelism with mature males (עזים ‖ תישים). It should be remembered that, although Jacob's flock may in theory have consisted of young goats as well, in the context of the plot the author has the mature animals in mind here, particularly those that will soon be in heat before conceiving and bearing kids (v. 38). Two other texts that appear to provide further evidence of sense (a) are questionable. First, חלב עזים in Prov 27:27 may refer to the *nomen generis*, although only the females give milk. Second, the term עז מְשֻׁלֶּשֶׁת (Gen 15:9) apparently refers to a mature specimen (assuming that משלשת denotes "three years old"), but the phrase cannot serve as evidence of either usage, as its meaning is contested.

47. See Péter-Contesse, who nevertheless misidentifies the zoeme עז בת שנתה in Num 15 ("Quels animaux," 67–77).

48. See above, n. 30.

49. I write "virtually excludes" because some goats do mature before the first year is over, after approximately eight months. Archaeozoologists assume that goats

has sense (a) in mind, where עֵז refers to goats in general, male and female, mature and immature alike. Some commentators, admitting this fact, still assume that the feminine adjective בת שנתה indicates that in this particular case, the goat implied must be a she-goat.[50] However, this assumption is unwarranted on grammatical grounds: it is likely that the noun עז is modified with a feminine adjective simply because the noun is grammatically feminine in Biblical Hebrew, like its cognates in other Semitic languages, even when the species is implied.[51]

As discussed above, P's שתי תורים serves as an excellent parallel, as the feminine שתי modifies the grammatically feminine תור, though the specimens referred to may be of either sex.[52] Similarly, the collective צאן is almost always feminine, even when context reveals that both male and female specimens are implied.[53] Hence, while עז בת שנתה could denote a

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in the first millennium BCE in Palestine matured at roughly the same age as goats in modern times (if the latter are not treated with hormones to speed maturation). I thank Dr. Rivka Rabinovich of the Hebrew University Archaeozoology Laboratory for this piece of data (personal communication). However, it is highly unlikely that the law would require a person to bring such an animal, since this would mean that, if a person sinned at the beginning of the summer, when most kids are born, that person would have to wait eight months before offering a חטאת, since last year's kids would already be too old and this year's kids would still be immature. Note that the form עז בת שנתה in m. Bekorot 3:1 does not necessarily indicate a shift in the usage of עז in Middle Hebrew.

50. E.g., Péter-Contesse, "Quels animaux," 72. See succinctly Ibn Ezra ad loc.

51. See, for example, *CAD* 4 (*E*): 180–83, in particular 182, denotation 2.a1; Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*, Dictionaries of Talmud, Midrash and Targum 3; Publications of The Comprehensive Aramaic Lexicon Project (Ramat-Gan, Israel: Bar Ilan University Press, 2002), 852b with examples; see also Alexander Militarev and Leonid Kogan, *Semitic Etymological Dictionary*, AOAT 278 (Münster: Ugarit-Verlag, 2000–), 2:53–56, though the present discussion shows their analysis of the Biblical Hebrew data to be incorrect. In other Semitic languages, the cognates of עז are masculine (e.g., Gregorio del Olmo Lete and Joaquín Sanmartín, "*ʿz*," *A Dictionary of the Ugaritic Language in the Alphabetic Tradition*, trans. Wilfred G. E. Watson [Leiden: Brill, 2003], 196).

52. The turtledoves referred to by P, as well as the pigeons (termed בני יונה), can be either male or female. This is not only logical, since the two sexes are hardly distinguishable, but also accords with rabbinic tradition and, more importantly, with the precise language of P, which throughout Lev 1 distinguishes between male and female quadrupeds but makes no such distinction among birds.

53. E.g., Exod 21:37: חמשה בקר ... וארבע צאן; Gen 4:4; Deut 28:31, etc. The

female kid, it most probably denotes "a goat in its first year," regardless of sex; that is, any kid in the first year of its life, male or female, would qualify.

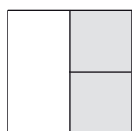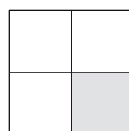Figure 7. Denotation of עז בת שנתה
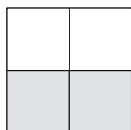
עז בת שנתה

[עֵז in denotation (a)]

One might counter by suggesting that the noun עֵז has a third denotation: (c) "female goat" (of any age),[54] in which case עז בת שנתה would refer to a female kid, as in the following diagram:

Figure 8. A Third Denotation of עֵז in Biblical Hebrew?

עֵז (c) (hypothetical)　　　　　　　עז בת שנתה (hypothetical)

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term שׂה is occasionally attested as grammatically feminine even where a specimen of either sex is implied, e.g., Ezek 45:15 (see also 34:16).

54. In Biblical Hebrew, the data are less conclusive than one might expect. The noun עֵז in sense (b) is always grammatically feminine in Biblical Hebrew. Theoretically at least, in terms of its gender, עֵז in denotation (a) could be either epicene (and grammatically feminine, like חסידה, ארנבת, or בת היענה) or grammatically common (i.e., either feminine or masculine, depending on the sex of the specimen implied, like גמל); see GKC §122b–e. Yet despite ample attestation of Biblical Hebrew עֵז in sense (a), it is unfortunately never found in a context that would reveal its grammatical gender. Ironically, the standard lexica of Biblical Hebrew support the claim made here (that עֵז is a feminine noun even when denoting the species), though the only evidence for this, as argued here, is found in P's idiolect and was not previously noticed.

However, this counterargument must be rejected on the following grounds. In the first place, this denotation is attested nowhere else in Biblical Hebrew. Additionally, the Priestly texts employ a different term for "female goat": שעירת עזים. This term is used throughout P in contradistinction to שעיר עזים, a male goat (of any age).[55] In fact, the term שעיר עזים is found in this very passage (Num 15:24). It stands to reason that, if the authors had wished to communicate "female kid," they would have used שעירת עזים בת שנתה. Thus, even if this third denotation existed, the term עז in the formula עז בת שנתה should *still* be construed according to denotation (a).[56] In conclusion, while עז בת שנתה could theoretically denote a female kid, in P it apparently denotes "a goat in the first year (of its life)" regardless of sex.[57]

5. Diachronic Zoemics

The binary structure of the Israelite zoemic system is not universal among the sacrificial practices of ancient cultures.[58] Even in the Israelite sacrificial

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55. A detailed survey of the confusing ancient traditions on the precise age of the שעיר is carried out elsewhere (Meshel, *A Grammar of Sacrifice*, §2.4.8). The most likely interpretation is that the term שעיר *within the ritual texts* does not denote an age group at all and that the phrase שעיר עזים simply denotes $\mathbb{G}\sigma$, while שעירה denotes $\mathbb{G}♀$. The fact that שעירת עזים, together with כשבה ($\mathbb{S}♀$), is in apposition to נקבה מן הצאן (Lev 5:6) lends support to this interpretation.

56. Alternatively, one might counter the argument presented here by suggesting that denotation (a) of the noun עֵז is common rather than epicene, so that denotation (c) is merely a particular case of denotation (a) and that the modifying adjective בת שנתה reveals that the author had a female specimen in mind. This line of reasoning, which is only slightly different from the objection raised above, is similarly invalidated by the argument from P's idiolect.

57. This observation may have ramifications for the long-debated question of the relationship between Lev 4:27–35 and Num 15:27–28. See, for example, Diether Kellerman, "Bemerkungen zum Sündopfergesetz in Num 15,22ff," in *Wort und Geschichte*, ed. Hartmut Gese and Hans Peter Rüger, AOAT 18 (Kevelaer: Butzon & Bercker, 1973), 107–13; Israel Knohl, "The Sin-Offering Law in the 'Holiness School'" [Hebrew], *Tarbiz* 59 (1990): 1–10.

58. It is worth noting that the zoemic system of P is considerably simpler than zoemic systems pertaining to some other sacrificial systems. By way of comparison, a list of the daily sacrifices to the gods of Uruk contains such zoemes as (1) a first-class, fat, clean ram fed with barley for two years, (2) a fat, milk-fed *kalū*-ram, (3) a large bull, (4) a milk-fed bullock, (5) a fat ram (not barley-fed), (6) a lamb, (7) a grain-fed

cult, one cannot know whether this system of bifurcation was recognized and followed in practice. To some extent, in its finer details it may be an artificial innovation of the Priestly ritual texts.

Sacrificial texts that are included in P are not of one cloth, and, from a broader diachronic point of view, sacrificial texts that depend on the pentateuchal system contain evidence of radical changes in the details of sacrificial rituals. For example, these sources (including diverse strata of P and H) differ significantly in the numbers of animals sacrificed on special occasions, as well as in the relationships between animal and nonanimal materials constituting each type of sacrifice.[59]

However, there is almost complete accord among these texts as far as the zoemic classification system is concerned. Thus, one may conclude that the zoemic system remained relatively stable, and so a similar zoemic system is shared in its details by P, H, Ezekiel, Ezra and Nehemiah, and Chronicles,[60] as well as extrabiblical sources from the first centuries BCE and CE, including Qumranic and rabbinic literature.

However, changes did take place within the zoemic system. Rather than introducing new elements, these changes shifted the old elements in two related ways. First, relatively inclusive or "wide" zoemes were narrowed down by excluding some of their constituent blocks. Second, the binary pattern underlying P's system was extended to create new zoemes unattested in P.

Textual evidence from postbiblical literature—Jewish Hellenistic, Qumranic, and rabbinic—suggests that the principle of differentiation between only two age groups persisted unaltered, with very few exceptions, well into an era when sacrificial rituals were no longer performed in Israel. Important exceptions do exist, such as in Jub. 32:6 and t. Parah

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duck, (8) a (relatively cheaper) duck, (9) a crane (?), (10) a wild boar, (11) a *marratu* bird, (12) an ostrich egg, and (13) a duck egg. See "Daily Sacrifices to the Gods of the City of Uruk," trans. A. Sachs (*ANET*, 343–45). Compounded by the larger number of species involved, it is probable that organizing these sacrificial elements into a binary system would appear forced.

59. The studies of Rendtorff (*Studien zur Geschichte* and "Two Kinds of P") and Marx (*Les offrandes végétales* and *Les systèmes sacrificiels*) highlight these changes. See also Milgrom, *Leviticus 1–16*, 411–12, 473–81; Nihan, *From Priestly Torah*; and Koch, *Die Priesterschrift*. Elliger, *Leviticus*, is particularly attentive to the text history of smaller units within P.

60. This cannot be said of other non-P texts, such as 1 Sam 7:9 and Ps 66:15 (see, e.g., Rendtorff, *Studien zur Geschichte,* 115–18.

1:1, where the system of bifurcation gives way to a tripartite division of age-groups.[61]

These texts emulated P and expanded the inventory of zoemes without breaking its rules, so zoemes that were merely "potential" in P's system became realized as "attested" zoemes in postbiblical texts. Let us turn to two further examples regarding the development of age distinctions for fowl and ovines to see how these expansions occurred.

5.1. Age Distinctions for Pigeons and Turtledoves

As noted above, the distinction between age groups applies in P only to quadrupeds. The text of P nowhere implies that turtledoves must be mature or that pigeons must be young;[62] it merely lists שתי תרים and שני בני יונה (and in one case תור או בן יונה) as interchangeable zoemes (though not intermixable—a combination of one pigeon and one turtle-dove is nowhere implied). However, several ancient Jewish texts suggest that the transformations $\mathbb{T} \to$ T and $\mathbb{Y} \to$ y took place. The transformation $\mathbb{Y} \to$ y is attested in LXX (e.g., Lev 12:6)[63] and in Jubilees (6:3),[64] and rab-

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61. It appears that Jub. 32:6 refers to zoemes of three different age groups among goats. According to R. Eleazar in t. Parah 1:1, there is a zoemic distinction between פר and פר בן בקר: the former are two years old (i.e., in the third year of life), the latter three to five years old (i.e., in the fourth to sixth years of life). This dichotomy is clearly not implied in P (compare Num 29:13, 17 with vv. 14, 18, 32 and with vv. 17, 20, 23, 26, 29, 32), and in any case, it is probably purely theoretical. Since R. Eleazar does not deny the existence of the zoemes עגל and עגל בן שנה, which are younger than פר בן בקר, it appears that rabbinic literature recognizes the possibility of more than two age groups for bovines. It is noteworthy that according to R. Eleazar the qualification בן בקר "lowers" the age of the פר; this corresponds to the case of בני יונה in rabbinic literature, which was rendered as referring to young doves (corresponding with late Second Temple reality). On the other hand, where R. Simeon (t. Parah 1:3) distinguishes between עגל, which should be under a year old, and עגל בן בקר, which should be in the second year of its life, it appears that בן בקר raises the age of the עגל. This is almost unavoidable, since the textual basis for the dichotomy is unambiguous: the עגל is specified as being less than a year old (ועגל וכבש בני שנה; Lev 9:3).

62. See above, n. 14. Remarkably, the author of the Dead Sea Genesis Apocryphon (1Qap Gen[ar]) does not hesitate to refer to the turtledoves offered by Noah (upon disembarking from the ark) as בני שפנגא (10:15), not שפנין or שפניניא, even though the birds are clearly not young.

63. In all instances except for Lev 1:14, the law in LXX distinguishes between δύο τρυγόνας (two turtledoves) and δύο νεοσσοὺς περιστερῶν (two fledgling pigeons). In Lev

binic tradition reflects $\mathbb{T} \to$ T as well as $\mathbb{Y} \to$ y (e.g., m. Zebaḥim 7:5; m. Meʿilah 3:4).[65]

Clearly, there is an exegetical aspect at play here: the term בני (as in בני יונה) may be understood, with some exertion, to denote "young." However, if pure linguistic exegesis had been employed here, only the transformation $\mathbb{Y} \to$ y would have taken place, not $\mathbb{T} \to$ T. The fact that the latter transformation took place as well suggests that an internal, implicit logic was assumed: if there is a zoemic distinction between mature and immature quadrupeds, then there ought to be a zoemic distinction between mature and immature birds, with an exemplar of each age bracket. Hence, if it is suitable to limit pigeons to fledglings, then turtledoves, which are termed תורים and not בני תור in P, must be mature.

These two zoemic shifts probably reflect common practice and are not merely theoretical. First, $\mathbb{Y} \to$ y is attested in two early independent sources, LXX and Jubilees, as well as in rabbinic tradition. Second, the Mishnaic laws cited above assume, rather than assert, that in the sacrificial system turtledoves are mature but pigeons immature.[66] Therefore, the two aforementioned shifts probably occurred in reality and not merely in the texts.

12, where only one bird is required, LXX distinguishes between νεοσσὸν περιστερᾶς and τρυγόνα.

64. Jub. 6:3 distinguishes between *g*ʷ*ala rəgb* (young pigeon, the equivalent of בן יונה) and *manṭēta* (the equivalent of תֹר, not necessarily young). I thank Prof. Michael Segal for assisting me with the Geʿez of Jubilees. See also Eugène Tisserant, "Fragments syriaques du Livre des Jubilés," *RB* 30 (1921): 80–81.

65. For instance, several sources (*Sifra de-Ve Rav*, ed. Isaac H. Weiss [New York: Om, 1947], 83b; m. Zebaḥim 7:5; 14:2; m. Meʿilah 3:4) speak of תורים שלא הגיע זמנן ובני יונה שעבר זמנן, turtledoves too young and pigeons too old (to be offered). Similarly, m. Zebaḥim 3:5; t. Zebaḥim 3:9; m. Meʿilah 3:5 all speak of eggs found in turtledoves but not in pigeons. The reason for this is not that turtledoves are female and pigeons male but that the latter are too young to have eggs.

66. The sacrifice of pairs of birds was apparently quite common in the Herodian Temple, as may be inferred from several sources (e.g., m. Keritot 1:7, Luke 2:24) and possibly from a stone vessel depicting a pair of birds and the word קרבן, now in the Israel Museum (see Benjamin Mazar, "The Excavations in the Old City of Jerusalem" [Hebrew], *ErIsr* 9 (1969): 168–70 and plate 45 no. 5. Note that the etchings are of two birds of seemingly different ages: one has a tail, but the other does not. If the birds represent a pair (Mishnaic קן), this does not dovetail with rabbinic evidence according to which both members of a pair must be of the same age group (either two mature turtledoves or two immature pigeons).

5.2. The Development of Mature Sheep

It was noted above that, while S is a potential zoeme in P's system, it remains unattested in P. However, consider the following development reflected in the writings of Josephus, from the late first century CE. In his discussion of individual noncalendric whole-burnt offerings, Josephus (*Ant.* 3.9.11–12) notes that a person may offer a quadruped that is either s♂, g♂ (each less than a year old), or 𝔹♂ (any age).[67] In a nearby passage (*Ant.* 3.9.22–23), when describing thanksgiving offerings (a type of well-being sacrifice), Josephus notes that the animals offered as well-being offerings are more than a year old (τῶν ἐπετείων πρεσβύτερα). An unbiased reading of the passage suggests that this condition is requisite, not permissive,[68] in other words, that well-being offerings *must* be older than one year.

Since there is no distinction between male and female zoemes in the case of well-being offerings, and since the set of laws applying to ovines offered as well-being offerings differs from the set of laws applying to other quadrupeds, inasmuch as the broad tail is placed on the altar (Lev 3:7–11), Josephus here reflects a new zoeme, S, which is not found in P, and to which a specific set of laws exclusively applies.

Because the ritual procedure suggested in this text is, as far as I have found, uncorroborated,[69] it is possible that it does not reflect actual prac-

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67. The Greek is unambiguous: … βοῦν καὶ ἀρνίον καὶ ἔριφον: ταῦτα μὲν ἐπέτεια, τοὺς δὲ βοῦς ἐφεῖται θύειν καὶ προήκοντας. The Latin, however, which translates ἐπέτεια as *anniculos*, also allows a different reading: "yearling" (i.e., having already attained the age of one year).

68. See Louis H. Feldman, *Judean Antiquities 1–4*, vol. 3 of *Flavius Josephus: Translation and Commentary*, ed. Steve Mason [Leiden: Brill, 2000], 293 n. 606), who notes that Josephus's specification was interpreted as permissive by Thackeray. However, it appears that Thackeray's interpretation was motivated by his knowledge of Mishnaic and biblical law, where this requirement is lacking. Gallant (also as cited by Feldman) correctly notes that, since this requirement immediately follows the requirement that the animal be unblemished, it is clearly requisite and not permissive. It is unclear whether Josephus was consciously attempting to introduce a new law that he knew deviated from common practice. It may be a slip of the pen, but if so, it is a telling slip.

69. To be sure, the requirement that whole-burnt offerings be young is not unique to Josephus (see Meshel, *A Grammar of Sacrifice*, §2.3.3.), but the requirement that well-being offerings be mature is idiosyncratic. Cf. m. ʿEduyyot 7:6; m. Temurah 3:1: אמר רבי פפייס אני מעיד שהיתה לנו פרה זבחי שלמים ואכלנוה בפסח ואכלנו ולדה שלמים בחג ("Said R. Pappias, I testify that we had a cow as a well-being offering; we ate it on the paschal celebration, and we ate its offspring as a well-being offering on

tice. However, even if it is an artificial construction of a theoretician attempting to systematize the Jewish sacrificial practices as he understood them, it reveals a logical process similar to the process described above for 𝕋/𝕐. This train of thought runs as follows: if voluntary whole-burnt sacrifices of laypersons must be immature (at least in the case of ovines and caprines), then voluntary well-being sacrifices of laypersons must be mature.[70]

Both of these examples reflect a tendency to extend the binary pattern in P, a pattern that persisted after sacrificial practices in Israel had ceased and survived only in the minds of those who studied them. Thus, later rabbinic literature, replete with details of sacrifices that probably never took place in reality, continued to be pervaded by a mental "game" of sacrifice even when the physical game was no longer played.

For example, some medieval rabbinic authorities extended the binary pattern to he-goats: R. Joseph Caro, in his commentary (כסף משנה) on Maimonides (*Hilchot Ma'aseh ha-Qorbanot* 1:14), suggests that a zoemic distinction exists between שעיר עזים and שעיר. According to this distinction, the former would denote an immature male caprine (less than a year old), whereas the latter would denote a mature male caprine (in the second year of its life). R. Caro's motivation was exegetical: he was attempting to reconcile several rabbinic sources indicating that שעיר denotes an immature male goat (including b. Yoma 65b, 66a, following Sifra) with other sources that indicate that שעיר denotes a mature male goat (e.g., m. Menaḥot 13:7, b. Menaḥot 91a).[71] Yet the mode of reasoning reflected

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the Festival [of Sukkot]"). It is impossible to determine the precise age of the second-generation bovine.

70. The first half of the equation—with regard to whole-burnt offerings—was not Josephus's innovation. See Altshuler, cited in Feldman, *Judean Antiquities 1–4*, 292 n. 593, regarding LXX on this. Note that Josephus's terminology differs from that of LXX: Josephus has βοῦς and ἀρνίον ("little lamb") where LXX has μόσχος and τῶν ἀρνῶν, respectively. This suggests that Josephus was not dependent on LXX in this matter (see Meshel, *A Grammar of Sacrifice,* §2.3.3).

71. This harmonistic approach allowed R. Caro to offer highly unlikely and artificial conclusions, including a textual conjecture regarding Maimoindes's Code: Maimonides had written שעיר עזים (i.e., שעיר עזים—בן שתים implies [an animal] in its second year), whereas R. Caro suggested inserting words to create שעיר עזים בן שנה שעיר בן שתים (that is, "שעיר עזים" implies [an animal] in its first year, whereas "שעיר" implies [an animal] in its second year).

in the forced solution he offered suggests that zoemics was still alive and kicking long after the zoemes themselves were sacrificed.

6. Conclusion

Two underlying observations in Milgrom's approach to the study of P prove useful in the analysis of P's zoemic system. First, P is highly consistent in its use of precise technical terms, including the recoinage of well-known words in Biblical Hebrew with specific, technical denotations. Second, there are implicit, rigorous systems of thought underlying P's sacrificial system. The resulting zoemic scheme of animal organization not only accords with what we understand from P but also provides a helpful lens for clarifying its more ambiguous parts and evaluating later ritual practices dependent on the Priestly Israelite tradition.

Here zoemics has been discussed as an independent system, relying as little as possible on other operative categories in the Israelite "grammar" of sacrifice, and has been offered as a tool for the solution of some philological errors and obscurities. It still remains to describe how the rules of this grammar operate in full, as well as the transformational rules governing the relationships between zoemics and other operative categories, such as the combination of animal and nonanimal substances in larger sacrificial procedures. It also remains an open question to what degree the operative categories, and perhaps even some of the specifics, of this grammar apply to other ritual systems, both nonsacrificial systems in P (such as purity and impurity) and rituals from the ancient Near East and further afield outside P.

Women and the Purification Offering: What Jacob Milgrom Contributed to the Intersection of Women's Studies and Biblical Studies

Elizabeth W. Goldstein

1. Introduction: Milgrom's Translation of the חטאת Sacrifice

In this essay I use Jacob Milgrom's explanation of the purification offering as a starting point for evaluating the perspective of the Priestly (P) writer on women, their status of purity versus impurity in relation to that of men, and the extent to which women could participate in the cult. Milgrom is known for his many insights into the intricacies of ritual in the biblical world. In 1991, in the first part of his three-volume commentary on Leviticus, he wrote:

> To my knowledge, all versions and translations, old and new, render the *ḥaṭṭā't* sacrifice as "sin offering." This translation is inaccurate on all grounds: contextually, morphologically, and etymologically. The very range of the *ḥaṭṭā't* in the cult gainsays the notion of sin. For example, this offering is enjoined upon recovery from childbirth (chap. 12), the completion of the Nazirite vow (Num 6) and the dedication of the newly constructed altar (8:15; see Exod 29:36–37). In other words, the *ḥaṭṭā't* is prescribed for persons and objects who cannot have sinned.[1]

To support his claim, Milgrom referenced biblical Hebrew grammar in addition to context. When the root חטא is found in the *piel* conjugation, it always means "purify" or "purification." So, he argued, the term חטאת as a label for a kind of sacrifice, which is a noun derived from the *piel* conjuga-

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1. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 253.

tion, must be rendered as "purification offering" rather than "sin offering."[2] Without a doubt, the חטאת is required when people commit inadvertent sins, as in Lev 4–5, but they still engage in purification rituals for these sins. In other words, if one sins (חטא), one is responsible for a purification offering (חטאת). While the words look the same, they issue from different grammatical stems (*qal* and *piel*, respectively). The confusion goes all the way back to the LXX, which translates חטאת as ἁμαρτία, "sin offering," followed by Philo (*Spec. Laws* 1.226) and Josephus (*Ant.* 3.230).

2. The חטאת Sacrifice and the Portrayal of Women in Leviticus

Jacob Milgrom's seemingly small grammatical point and simple contextual claim regarding the חטאת has far-reaching consequences. It has been the foundation for important claims about women in the Priestly writing and more generally in the Hebrew Bible. However, although writings on women, purity, and Leviticus almost always highlight Milgrom's work, they do not directly engage his contribution regarding the חטאת sacrifice. For example, the new *Women's Torah Commentary*, published by the Union for Reform Judaism, cites Milgrom on a host of issues but does not mention his definition of the חטאת.[3]

It appears that neglect of Milgrom's explanation of the חטאת is largely due to the fact that it has been over forty years since he first published it (1971),[4] and his innovative and clearly correct reading was seamlessly incorporated into contemporary translations of the Bible. New translations already articulate the idea that the חטאת primarily serves to purify and only secondarily serves to atone.[5] While textbooks are in need of an update on this issue,[6] I would hope that instructors of Hebrew Bible reg-

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2. Ibid.

3. Tamara Eskenazi and Andrea Weiss, eds., *The Torah: A Woman's Commentary* (New York: URJ, 2008).

4. Jacob Milgrom, "Sin Offering or Purification-Offering?" *VT* 21 (1971): 237–39; repr. in Milgrom, *Studies in Cultic Theology and Terminology*, SJLA 36 (Leiden: Brill, 1983), 67–69.

5. NJPS retains the well-known translation "sin-offering" but reads in a footnote on Lev 4:3: "so traditionally; more precisely 'offering of purgation.'" The same kind of note has appeared in the NIV since 2005. The *Etz Hayyim*, the Torah commentary for the Conservative movement, uses "purification offering," and the Union of Reform Judaism translation has "purgation offering."

6. See, e.g., Barry L. Bandstra, *Reading the Old Testament: Introduction to the*

ularly help students differentiate between purification and atonement in Leviticus.

Based on my experience in the classroom, I would venture to say that most students encountering biblical texts in which female sexuality and reproductive fluids are characterized as "impure" immediately conjure up the idea of "sinful" in an ethical sense. More distressing than the uneducated assumptions of novices about Leviticus are interpretations by scholars who unapologetically read a pericope such as Mark 5:24–34 (paralleled in Luke 8:43–48), the story of Jesus touching the hemorrhaging woman, as an example of Christian supersessionism regarding the fair treatment of women.[7] For instance, Marla Selvidge has read this story as a corrective feminist act because Jesus was repudiating the misogyny of the Levitical purity laws.[8]

Subsequent scholars of Mark have repudiated Selvidges's reading by showing that Jesus's actions were not at all concerned with the purity laws.[9] She also ignored Milgrom's work on the חטאת, "purification offering," when she wrote: "At the end of the woman's seclusion she must offer a sacrifice of sin (Leviticus 12:8)."[10]

Furthermore, Selvidge seems to have overlooked two key factors in Lev 15, where the law regarding female impurity from a chronic genital flow is found (15:25–30). First, there is an attempt on the part of the Priestly writer to treat the ritual impurities of both men and women in the spirit of "literary equality"—given the chiastic structure of this chapter—if not qualitative equality. That is, although menstrual blood is more "contaminating" than semen, given that the one who produces it is ritually

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Hebrew Bible, 4th ed. (Belmont, CA: Wadsworth, 2009), 156; Michael D. Coogan, *A Brief Introduction to the Old Testament: The Hebrew Bible in Its Context*, 2nd ed. (New York: Oxford University Press, 2012), 124.

7. Marla Selvidge, *Woman, Cult, and Miracle Recital: A Redactional Critical Investigation on Mark 5:24–34* (Lewisburg, PA: Bucknell University Press, 1990), 45–70, cited in Susan Haber, *"They Shall Purify Themselves": Essays on Purity in Early Judaism*, ed. Adele Reinhartz, EJL 24 (Atlanta: Society of Biblical Literature, 2008), 126–27.

8. Selvidge, *Woman, Cult, and Miracle Recital,* 45–70.

9. See, e.g., Mary Rose D'Angelo, "Gender and Power in the Gospel of Mark: The Daughter of Jairus and the Woman with the Flow of Blood," in *Miracles in Jewish and Christian Antiquity*, ed. John C. Cavadini (Notre Dame, IN: University of Notre Dame Press, 1999), 83–109.

10. Selvidge, *Woman, Cult, and Miracle Recital,* 54.

impure for a longer period of time (Lev 15:16 versus 15:19), the attempt at literary parallelism on the part of the Priestly writer offsets this difference.

Second, Selvidge did not treat ritual impurity any differently than moral impurity, although scholars recognize that these are two distinct categories.[11] In 1990 Selvidge would not have had access to the work of Jonathan Klawans, who drew attention to the differences between them.[12] Nevertheless, others before Klawans had pointed out the distinctions between different kinds of impurities and between sin and impurity, as when David P. Wright distinguished between "permitted" and "unpermitted impurities."[13]

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11. Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 75. There are, of course, other scholars who do not distinguish between the types of impurity. Jacob Neusner has called the impurity of the holiness code "metaphorical" (*The Idea of Purity in Ancient Judaism*, SJLA 1 [Leiden: Brill, 1973], 11–15, 108), and Mary Douglas was convinced that the two halves of Leviticus fit neatly together, including on the issue of impurity (*Leviticus as Literature* [Oxford: Oxford University Press, 1999], 194). It is unclear what kind of sacrifice she had in mind when she claimed that sacrifice atones for bloodshed (10–11). I find that her collapse of two types of impurity led to this confusion. I discuss this at greater length in my Ph.D. dissertation: Elizabeth W. Goldstein, "Impurity and Gender in the Hebrew Bible: Ideological Intersections in the Books of Leviticus, Ezekiel, and Ezra" (PhD diss., University of California, San Diego, 2010), 7–8.

12. Klawans, *Impurity and Sin,* 21–42. Words from the Hebrew root טמא, translated as "impure," "defiled," or "unclean," can refer to physical ritual impurity. One becomes ritually impure through reproductive fluids, such as blood or semen, scaly skin disease, or a corpse. To remove a light ritual impurity, one must undergo prescribed measures such as washing in water, laundering one's clothes, and waiting until evening. Removal of a severe impurity requires bringing a purification offering as well. A pure state is necessary to take part in the sacrificial cult (see, e.g., Lev 7:20–21). No sin (moral fault) is attached to states of physical ritual defilement. The same Hebrew term טמא is also used to convey repulsion toward three central sins in the Holiness Code: murder, apostasy, and violation of sexual prohibitions outlined in Lev 18 and 20. These are considered the three most heinous sins that an Israelite could commit in the whole of the Priestly imagination. Impurities from these moral violations cannot simply be washed away in water or remedied by sacrifices. They contaminate the sinner, the sanctuary, and the land but not another person, a piece of furniture, or bedding. Klawans maintains that there is a clear-cut difference between both the causes and the effects of moral impurity and ritual impurity.

13. David P. Wright, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature* (SBLDS 101; Atlanta: Scholars Press, 1987), 85, 283–84. Wright pointed to the "noncultic" and "moral" impurity of idolatry (283–84). Regarding the biblical skin disease called צרעת (so-called "leprosy"), Wright deemed

Physical ritual impurity comes from reproductive fluids of men and women, scaly skin disease, and corpse contamination. These causes of impurity are primarily specified in the P source, in Lev 1–16. Moral impurity is identified primarily in the Holiness Code (17–26), Num 19, and the legislation against murder in Num 35:30–35.

Comparison between passages in Leviticus regarding sexual relations with a menstruating woman illustrates differences between physical ritual and moral impurities. Earlier in the book, such sexual contact results in pollution of a ritual nature, that is, in relation to the sanctuary (15:19–24). Later, the Holiness Code gives an additional layer of caution by forbidding sexual relations with a menstruant (18:19; 20:18). Violating the prohibition generates moral impurity that pollutes the land of Israel (18:25, 27–28; cf. 20:22).

Moral impurity often appears in writings dating to the latter half of the Second Temple period, and it is prominent in the Dead Sea Scrolls and the New Testament. For example, 2 Cor 12:20–21 and Rom 1:24 read as follows:

> For I am afraid that when I come I may not find you as I want you to be, and you may not find me as you want me to be. I fear that there may be discord, jealousy, fits of rage, selfish ambition, slander, gossip, arrogance and disorder. I am afraid that when I come again my God will humble me before you, and I will be grieved over many who have sinned earlier and have not repented of the *impurity* [ἀκαθαρσία], sexual

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the purgation ritual as directed toward the "cultic" impurity, rather than toward the "moral impurity" or the disease (85). Wright delineated differences between impurities more extensively in "Unclean and Clean (OT)," *ABD* 6:729–42. Here he distinguished between "permitted" and "prohibited" impurities. On this, see also David P. Wright, "Two Types of Impurity in the Priestly Writings of the Bible," *Koroth* 9 (1988), 180–93; Wright, "The Spectrum of Priestly Impurity," in *Priesthood and Cult in Ancient Israel*, ed. Gary A. Anderson and Saul M. Olyan, JSOTSup 125 (Sheffield: JSOT Press, 1991), 150–81. Tikva Frymer-Kensky utilized different terminology in "Pollution, Purification, and Purgation in Biblical Israel," in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of His Sixtieth Birthday*, ed. Carol Meyers and M. O'Connor (Winona Lake, IN: Eisenbrauns, 1983), 399–410. She distinguished between pollution beliefs regarding physical impurity and "danger beliefs." See also the work of Thomas Kazan, who distinguishes between "inner" and "outer" impurities, taking issue with the language of Klawans (*Jesus and the Purity Halakhah: Was Jesus Indifferent to Impurity?*, ConBNT 38 [Winona Lake, IN: Eisenbrauns, 2010], 219–20).

sin and debauchery in which they have indulged. (2 Cor 12:20–21 NIV, emphasis added)

Therefore God gave them up in the lusts of their hearts to *impurity* [ἀκαθαρσίαν], to the degrading of their bodies among themselves. (Rom 1:24 NRSV, emphasis added)

When Paul refers to impurity, he builds on the Hebrew Bible's attribution of moral impurity to three heinous sins: murder, apostasy, and the sexual prohibitions listed in Lev 18–20. Although Klawans describes the late Second Temple period as characterized by a move away from a definite distinction between ritual and moral impurity,[14] Paul appears to use the Greek term ἀκαθαρσία, "impurity," solely in the moral sense.

Christians who are new to the study of the Hebrew Bible and its historical context tend to read Leviticus through the lens of their understanding of Paul, and therefore they assume that biblical impurity of any kind is essentially sinful.[15] Thus, impurity concepts have been misinterpreted in contemporary culture and in some scholarship, such as in Selvidge's work cited above. Modern readers are still trying to find sin in the ancient understanding of menstruation, but at least in Leviticus no notion of menstruation constituting any kind of moral fault can be found.

Milgrom's innovative approach to the translation of the חטאת was the first step in correcting the notion that the Hebrew Bible treats sexual purity in the same way as does the New Testament. The New Testament is mostly concerned with moral impurity, such as that which is represented in the Holiness Code. The Hebrew Bible is more equally concerned with both manifestations of impurity. By detaching the notion of sin from the perspective of Leviticus concerning reproductive fluids, Milgrom opened the door for scholars to reexamine the connections between purity and gender in this biblical book.

In my own doctoral work (completed 2010), I partly relied on Milgrom's definition of the חטאת to argue that the Priestly writer did not "deny women," despite their inferior status in the cult.[16] Among other things, I analyzed differences between ritual and moral impurity, used Milgrom's

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14. Klawans, *Impurity and Sin,* 75.

15. However, it is entirely possible that Paul himself could have articulated the difference between ritual and moral impurity.

16. This is the language of Nancy B. Jay, *Throughout Your Generations Forever:*

translation of the חטאת to support my argument, and advanced a thesis that the Priestly writer had a more nuanced view of women and impurity than did H (Lev 18:19; 20:18, 21), Ezekiel (16:6, 9; 24:7, 11; 36:17), or Ezra (9:11).[17]

Similarly, Tarja Philip has relied on Milgrom's work for her thesis that the Priestly writer did not shun women because of their blood.[18] Based on Milgrom's commentary on Lev 17–22, one of Philip's central contributions is to highlight the difference between the P and H laws on menstruation.[19] Specifically, no punishment ensues for sex with a menstruating woman in P, while a weighty penalty is cited for breaking what becomes a moral violation in H.[20] Philip also distinguishes between what might be deemed theologically neutral ideas about female blood and ones that carry a more negative valence, such as in Ezek 36:17: "their ways were before me like the pollution of a menstruant."[21]

Sacrifice, Religion, and Paternity (Chicago: University of Chicago Press, 1992); see also Goldstein, "Impurity and Gender."

17. In sum, Milgrom's reading of the חטאת as a purification offering buttresses the argument that P's focus on ritual impurity is far less problematic than H's focus on moral impurity. Elsewhere I have argued that H sets in motion a set of ideas that will feed Ezekiel's intentionally confusing literary manipulation of images of female blood and Ezra's semantic broadening of the lexeme נדה (menstrual impurity) to describe foreign worship in the land of Israel (Goldstein, "Impurity and Gender").

18. Tarja Philip, *Menstruation and Childbirth in the Bible: Fertility and Impurity*, Studies in Biblical Literature 88 (New York: Lang, 2006), 59–79. I subsequently found some of my own conclusions on these issues in the work of Philip and of Judith Hauptman (*Rereading the Rabbis: A Woman's Voice* [Boulder, CO: Westview, 1998], 149).

19. Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York; Doubleday, 2000), esp. 1572–73. The P laws on menstruation are in Lev 15:19–24; the H laws are in Lev 18:19; 20:18. Milgrom himself speculated on the possibility that P "did not envisage any penalty at all for the violation of the impurity laws" (*Leviticus 1–16*, 940).

20. Philip, *Menstruation and Childbirth*, 59. Milgrom posits three options in the case of sexual relations with a menstruant in P: first, contact with female blood is accidental; second, P is concerned with the nature of impurity and not with its punishment; and third, P did not envision any punishment for this occurrence (Milgrom, *Leviticus 1–16*, 940). In any case, there is no moral judgment for sex with a menstruating woman in P.

21. Philip, *Menstruation and Childbirth*, 64.

3. The Influence of Milgrom's Definition of the חטאת Sacrifice on the
Development of the Idea of Moral Impurity

Why is Milgrom's work on the חטאת sacrifice often cited in studies that
distinguish between ritual and moral impurity? The answer is articulated
in a helpful review of Milgrom's three-volume Anchor Bible series com-
mentary on Leviticus by Klawans, published in 2003.[22] Klawans points to a
seminal article by Milgrom titled "Israel's Sanctuary: The Priestly 'Picture
of Dorian Gray,'"[23] in which Milgrom developed his understanding of how
a person's sin affects the sanctuary. According to Milgrom, the portrait
in Oscar Wilde's story corresponds to the sanctuary, which bears pollu-
tion. Like Dorian Gray, who shows no evidence of corruption, the sinner
is also unaffected by defilement, but the חטאת sacrifice purifies the altar.
This buttresses Milgrom's argument for calling the sacrifice a "purification"
offering as opposed to a "sin" offering.[24] Then, by sharply distinguishing
between sin (moral fault) and physical ritual impurity, as when he dem-
onstrated that the parturient who offers a purification offering needs no
expiation from sin (Lev 12:6–8), Milgrom provided the foundation for the
focus of subsequent scholars on the differences between ritual and moral
uncleanness.[25]

Klawans's 2003 article highlights the fact that there was a gap in the
evolution of scholarship. While scholars such as Frymer-Kensky, David
P. Wright, and Klawans himself were developing ideas about nonritual
impurities, Milgrom was not yet finished with his Anchor Bible commen-
tary.[26] Only the first volume—*Leviticus 1–16* (1991)—was in print, and

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22. Jonathan Klawans, "Ritual Purity, Moral Purity, and Sacrifice in Jacob Mil-
grom's *Leviticus*" (review of Jacob Milgrom, *Leviticus* [AB 3, 3A, 3B]), *RelSRev* 29
(2003): 19–28.

23. Milgrom, "Israel's Sanctuary: The Priestly 'Picture of Dorian Grey,'" *RB* 83
(1976): 390–99.

24. The position that the sinner himself or herself requires no removal of sin is
refuted by Roy Gane, *Cult and Character: Purification Offerings, Day of Atonement,
and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005), esp. ch. 6. See also the explana-
tion in Gane, "Privative Preposition *min* in Purification Offering Pericopes and the
Changing Face of 'Dorian Gray,'" *JBL* 127 (2008): 209–22.

25. Milgrom, *Leviticus 1–16*, 760.

26. For a good summary of previous generations of scholars who identified two
types of impurity, see Klawans's introduction in *Impurity and Sin,* 3–13.

therefore, Milgrom had not yet explained his own understanding of moral impurity. Writes Klawans in 2003:

> Of course, by virtue of the fact that Milgrom wrote his commentary in sequence (reasonably enough) those who wrote on the defiling force of sin in the 90's did not yet have access to Milgrom's own interpretation of passages like Leviticus 18. For that one had to wait until Leviticus 17–22 came out in late 2000. What scholars could—and did—do before then is use Milgrom's ideas about the "purification offering" as a model for understanding that a non-ritual form of sin defilement did indeed exist in ancient Israel.[27]

In "Israel's Sanctuary: The Priestly 'Picture of Dorian Grey,' " Milgrom only included biblical passages from Lev 1–16, with the exception of Lev 20:3 and Num 19:20, 13, the H prohibition against Molech worship and the corpse impurity law.[28] He used these passages to support his case that sin pollutes the sanctuary from afar. Klawans explains that scholars were reading Milgrom's theory of aerial pollution, primarily based on Lev 1–16 and matters of ritual impurity, into a distinct category of sin impurity articulated in the second half of Leviticus. Those who were working on the categorical differences between ritual and moral impurity believed that Milgrom's views were closer to their own than was actually the case. Klawans describes the surprise that he and others felt when Milgrom's commentary on *Leviticus 17–22* was published in 2000 and they realized that he did not express a clear category of "moral impurity."[29] Klawans and others had assumed that Milgrom would also advocate for moral impurity to be conceived of as a system, filled with intricacies and details, just as he had filled numerous pages describing the system of physical ritual impurity.[30]

When Milgrom's *Leviticus 23–27* was published (2001), he still did not write about moral impurity as a systematic category. He discussed the idea of such impurity on a case-by-case basis, but without consistency in descriptions of the impurity, its effects, or even the terminology of such

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27. Klawans, "Ritual Purity," 21.
28. Milgrom, "Israel's Sanctuary," 392. On the designation of Num 19:13, 20 as H, see Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995), 92–93, 104–5.
29. Klawans, "Ritual Purity," 22.
30. Ibid., 21.

impurity.[31] Milgrom made use of the expression "moral impurity," but he also used the expressions "metaphoric impurity" and "noncultic impurity" in place of it.[32] Two years after Klawans's review of his entire commentary on Leviticus, a seemingly shocked Milgrom responded in a "clarifying essay" in *Revue Biblique* (2005). He explained that his approach to moral impurity was intentionally unsystematic because the Holiness writer's approach to impurity could not be systematized as P's had been.[33]

4. The Cup Is Half Full: The Impact of Moral Impurity on Women's Studies

Perceptions of feminist scholars regarding the portrayal of women in P generally fall into two categories: The cup is either half empty or half full, to borrow an expression from Susan Ackerman.[34] Some scholars have differed with Milgrom in seeing an even more positive view of women in P than he recognized.

Milgrom cites two versions of chiastic structure in Lev 15 and states a preference for the second version.[35] Concerning this version, which is based on the term paper of one of his students, who shows that 15:18 is "the center and pivot of the introverted structure,"[36] Milgrom decides, "A more meaningful division of this chapter is the following."[37] It is unclear why Milgrom finds this version of the chiasm more meaningful. Perhaps he is commenting on the meaningfulness of designating the heterosexual

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31. Ibid., 22. Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B (New York: Doubleday, 2001).

32. Klawans, "Ritual Purity," 22. See also Milgrom, *Leviticus 17–22*, 1353, 1404, 1572. Sometimes he states that moral impurity is metaphorical (1326–27, 1353, 1438, 1702), and at other times he says it is literal (1578–79).

33. Milgrom, "Systematic Differences in the Priestly Corpus: A Response to Jonathan Klawans," *RB* 112 (2005): 321–29.

34. Susan Ackerman, private communication, 2010.

35. Milgrom, *Leviticus 1–16*, 904–5. In the first version, two sequences stand at the midpoint of the chiasm: male discharge–short term (emission of semen alone and through intercourse, and the subsequent parameters of impurity transmission); and female discharge–short term (menstruation and intercourse during menstruation, and the subsequent parameters of impurity transmission). The second scheme places the first instance of intercourse as the midpoint.

36. Ibid., 905.

37. Ibid., 904.

sex act as constituting the link between male and female in the priestly system of bodily impurity. Regarding 15:18, Milgrom observes: "the syntactic construction and vocabulary of this verse qualify it as an 'inverted hinge' (Parunak, 1983), which both designates it as a separate case and an interlocking device that effectively binds the male (BC) and female (C'B') cases together."[38] Milgrom clearly prefers the second division of the chapter.

In her formative work on the chiastic structure of Lev 15, Deborah Ellens, followed later and expanded by Tarja Philip, convincingly showed that 15:18, the impurity of heterosexual intercourse, is not the single midpoint of the chiasm.[39] Rather, 15:18, regarding the contagion of seminal emission when it comes into contact with the female body, parallels 15:24, concerning the contagion of menstruation when it comes in contact with a male body during intercourse. Thus the chiasm in Lev 15 has a double midpoint, which serves to demonstrate that both men and women have the potential to cause a sexual partner to become ritually impure.

Milgrom was aware of the double midpoint version of the chiasm but did not see in it the inherent parallel. To my mind, the Priestly writer attempted to write the bodily impurity laws in a more egalitarian way than Milgrom gave him credit for. Placing 15:18 (intercourse in which male reproductive fluid pollutes the female body) in parallel to 15:24 (intercourse in which female reproductive fluid pollutes the male body) demonstrates more gender parity and complementarity than placing 15:18 at the center of the chiasm, which also isolates and highlights the act of intercourse over the central issue of pollution.

5. The Cup Is Half Empty: Are Women Discounted in P?

In consideration of scholarly trends, it should be recognized that some scholars find the cup half empty rather than half full, with regard to P's portrayal of women. Where I (and others) have contended that Milgrom did not assign enough credit to the Priestly writer, Judith Romney Wegner

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38. Ibid., 905, citing H. Van Dyke Paranuk, "Transitional Techniques in the Bible," *JBL* 102 (1983): 525–48.

39. Deborah Ellens, "Menstrual Impurity and Innovation in Leviticus 15," in *Wholly Woman, Holy Blood: A Feminist Critique of Purity and Impurity*, ed. Kristin De Troyer et al., SAC (Harrisburg, PA: Trinity Press International, 2003), 29–43; Philip, *Menstruation and Childbirth*, 47.

and Nicole Ruane have argued that Milgrom gave the writer more credit than he deserved.

Wegner proposes that, although scholars find parallel and chiasm in Lev 15 to indicate gender equality, a clear distinction separates women from men in this chapter in the way that they bring their purification offerings to the sanctuary. Verse 14 stipulates regarding a זב, a man with a chronic genital flow: "And on the eighth day, he will take two turtledoves or two pigeons and come *before YHWH* [לפני יהוה] to the entrance of the Tent of Meeting and give them to the priest" (NJPS, emphasis added). Alternatively, 15:29 commands concerning a זבה, a woman with a chronic genital flow: "And on the eighth day, she will take two turtle-doves or two pigeons and bring them to the priest to the entrance of the Tent of Meeting." Wegner interprets the omission of "before YHWH" in verse 29 as an indication that women do not come as close to God as men do in the eyes of the Priestly writer.[40]

Wegner challenges Milgrom's specific comment on this verse, which reads:

> 29 and [she shall] *bring* them [to the priest] (*wĕhēbîʾâ ʾôtām*). A short-ened form for *ûbāʾ lipnê YHWH … ûnĕtānām* 'he shall come before the Lord … and give them' (v 14), and the indication that the pericope on the *zābâ* is structured on that of the *zāb* but in a condensed form.[41]

Wegner counters:

> Given the meticulous attention to detail for which Professor Milgrom is justly renowned, this arbitrary dismissal of so glaring a discrepancy is astounding, first because Milgrom (uncharacteristically) ignores the well known rabbinic maxim, אין אות מיותרת בתורה "there is no superfluous

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40. Judith Romney Wegner, "'Coming before the Lord': The Exclusion of Women from the Public Domain of the Israelite Priestly Cult," in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003), 451–65. Cf. Wegner's earlier version, "'Coming before the Lord': *lpny yhwh* and the Exclusion of Women from the Divine Presence," in *Hesed Ve-Emet: Studies in Honor of Ernest S. Frerichs*, ed. Jodi Magness and Seymour Gitin, BJS 320 (Atlanta: Scholars Press, 1998), 81–91. Subsequent quotations will be from the 1998 publication. This issue is also mentioned in Wegner's *Chattel or Person? The Status of Women in the Mishnah* (New York: Oxford University Press, 1988), 146–47.

41. Milgrom, *Leviticus 1–16*, 944, cited in Wegner, "Coming before the Lord," 84.

letter in the Torah"; and second, because it hardly seems possible that a scholar of Milgrom's caliber, teaching at Berkeley in today's climate of raised consciousness to gender issues, could have overlooked the fact that the omission of a phrase as significant as לפני יהוה in the woman's case can hardly be due to "condensation" or even mere inadvertence, but undoubtedly reflects the priestly view of a woman's ineligibility to enter, still more participate in, the public domain of the cult.[42]

Milgrom finds that the Priestly writer has a specific writing style in which he employs abbreviation at times to imply a fact that he has previously stated. For example, in Lev 1:10–13 the writer utilizes shorthand in prescribing the sacrificial procedure for the burnt offering (עלה) of a flock animal: "The omissions are expendable or can otherwise be accounted for. The hand-leaning and flaying can be omitted because in the bovine pericope their prescriptions contain the word עלה (vv 4a, 6a), thereby indicating that these rites apply to all burnt offerings and not just to the bull."[43] Milgrom again speaks of abbreviation in the context of the purification offering in 4:13–21: "Because the sacrificial procedure for the community is identical to that of the high priest, there is no reason to repeat it verbatim. It is given in abbreviated form with the following omissions from the high priest's case."[44] Thus when Milgrom again speaks of shorthand in the case of the זבה in the matter of coming before YWHH (15:29), it should not be entirely surprising, as Milgrom already understands such abbreviation to be a feature of Priestly writing.

Wegner does not accept Milgrom's explanation, seeing within the asymmetry much more than simple shorthand on the part of the Priestly writer. She writes, "Specifically, the inclusion of לפני יהוה in the man's case distinguishes him from the woman in an otherwise identical situation *by according him a symbolic location that brings him much closer to God*.[45]

Mayer Gruber has shown that women were indeed involved with the priestly cult. For example, there were women who served at the entrance of the "tent of meeting," from whose mirrors Bezalel created the laver for the tabernacle (Exod 38:8). Later the sons of Eli were accused of having sexual relations with women who performed tasks at the entrance of the sacred

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42. Wegner, "Coming before the Lord," 84.

43. Milgrom, *Leviticus 1–16*, 163.

44. Ibid., 240.

45. Wegner, "Coming before the Lord," 84, emphasis original.

tent (1 Sam 2:22).[46] Yet Wegner cites such cases to prove that, although women could get close to the entrance of the sacred tent, they were never permitted to get close to the Divine Presence.[47] Wegner maintains that the language in 1 Sam 2:22 supports her premise, and she also argues that we cannot make claims about the Jerusalem temple based on references to the sanctuary at Shiloh.[48] This is how she discounts Hannah praying "before YHWH" (לפני יהוה; 1 Sam 1:12) as evidence that women get close enough to participate in their own rituals.[49] However, this is largely an argument from silence because women are not explicitly forbidden from coming "before YHWH" in the Jerusalem temple.

Unless we have already decided that the Priestly writer must be discounting women, there is no reason to reject Milgrom's explanation and accept Wegner's. While it cannot be proven what was in the mind of the writer, the chiastic structure in Lev 15 conveys the opposite of Wegner's claim. As I have argued in my dissertation, compared to H and then Ezekiel, the Priestly writer is the paradigm of gender equality on purity.[50] We can cite the cases of the "leper" and the Nazirite to reinforce this. Both men and women could take the Nazirite vow (Num 6), and both men and women could become unclean and subsequently clean from skin disease (Lev 13–14).

Wegner asserts that, because the Nazirite is never required to come "before YHWH," this person's vow is less theologically meaningful than other vows that perhaps do take place before YHWH.[51] However, aside from the oath of the suspected adulteress (Num 5:19–22) and the vow of Hannah (1 Sam 1:11), which are "before YHWH" (Num 5:18; 1 Sam 1:12, respectively), evidence is lacking that other such declarations take place "before YHWH." The primary legislation concerning vows is in Num 30, where it is assumed that Israelites can take vows anywhere.

We can also challenge the claim that "[t]he discrimination between זב and זבה analyzed here is paradigmatic in giving overt expression to

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46. Mayer Gruber, "Women in the Cult according to the Priestly Code," in *Judaic Perspectives on Ancient Israel*, ed. Jacob Neusner, Baruch Levine, and Ernest Frerichs (Philadelphia: Fortress, 1987), 36–37.

47. Wegner, "Coming before the Lord," 89.

48. Ibid., 87.

49. Ibid.

50. Goldstein, "Impurity and Gender," 84–85.

51. Wegner, "Coming before the Lord," 88.

a taboo based largely on male fears of potential cultic contamination by females. This taboo became enshrined in a (perhaps subliminal) assumption that a woman simply cannot enter the Divine Presence."[52] However, there is absolutely no evidence for this assertion that the discrepancy in language is due to the fact that women menstruate.

Perhaps Wegner could argue for a discrepancy on the basis of the summary statement at the end of Lev 15, which mentions the impurities of men and women (15:32–33),[53] but supplies an additional reminder of the man who becomes unclean through sexual relations with a menstruating woman. Wegner notes that here the mirror image of the (nonmenstruating) woman who is polluted through sex with a man is lacking, although she is mentioned in the main body of the chapter in correlation with the impure man (5:18). Wegner concludes: "The simple answer is that contamination of a clean woman by an unclean man is irrelevant to a system in which women do not perform cultic rituals requiring them to be in a state of cultic purity."[54]

However, we know that anyone, whether man or woman (see generic נפש in Lev 2:1; 4:27; 5:1, 2, 4, 15, 17, 21), can enter the "entrance of the tent of meeting" area in the court outside and in front of the tabernacle to offer a sacrifice (as an offerer), and presumably all who do this must be in a state of ritual purity or in the process of being purified (see 7:20–21; 12:6–8; 14:19–20; 15:15, 30). This "entrance of the tent of meeting" area is לפני יהוה (Exod 29:11, 42; Lev 1:5), so anyone who goes there is "before YHWH," not just when "before YHWH" is specifically mentioned.[55]

Milgrom explains the lack of mention in Lev 15:32–33 regarding a (nonmenstruating) woman who becomes impure through sex with a man as another instance of abbreviation.[56] We could add that this summary is preceded by verse 31, which is more than likely a Holiness interpolation.[57] Since H has a more stringent understanding of sex with a woman during

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52. Ibid., 90.

53. Ibid., 86.

54. Ibid.

55. I am grateful to the editors of this volume for helping me to clarify this distinction and for recommending the following study: Michael B. Hundley, "Before YHWH at the Entrance of the Tent of Meeting: A Study of Spatial and Conceptual Geography in the Priestly Texts," *ZAW* 123 (2011): 15–26.

56. Milgrom, *Leviticus 1–16*, 947–48.

57. Ibid., 946. Knohl, *Sanctuary of Silence*, 69, 105.

her period (18:19; 20:18; see above), one might extrapolate that H possibly shaped the final editing of the summary statement in 15:32–33 to emphasize implicitly that if a man does this, it is a more serious case than sexual relations with a woman who is not menstruating. However, one does not need to go this far to explain the discrepancy. Milgrom understands the summary statement to refer back to the multidirectionality of the pollution between men and women. Creatively, he offers this solution to the problem:

> *For the one who has an emission of semen (waʾăšer tēṣēʾ mimmennû šikbat-zeraʿ).* A résumé of vv 16–18 that deals with seminal discharge. *and becomes impure thereby (lĕṭomʾâ-bāh).* As rendered, this clause seems superfluous. After all, the other enumerated cases also cause impurity without having to say so. Perhaps the verb should be vocalized as a *piʿel: lĕṭamměʾah-bāh* 'to contaminate her with it (the semen)'. This clause would then comprise two parts: semen emission (vv 16–17) and sexual intercourse (v 18)."[58]

Even though Milgrom prefers the chiastic structure that highlights intercourse over pollution (see above), he rightly intuits that the Priestly writer is striving for gender parity in the overall structure of Lev 15. If his reading of the summary statement is correct, then any argument for gender disparity here must be reconsidered. If we take into account the examples cited by Gruber and Wegner that show female involvement with the cult (see above), there is little to suggest that P discriminates against women on the basis of their potential to become impure through menstruation.

Wegner's reading of Lev 15 highlights important questions about P and women, but her challenges to Milgrom's interpretations do not succeed. Women are clearly inferior in some aspects of P's cultic hierarchy, which is established from the beginning of the Aaronide priesthood (Lev 8).[59] However, there is no evidence that this inferior status is due to the fact that women menstruate. The omission of "before YHWH" in Lev 15:29 is insufficient evidence to claim that the ritually pure status of women is irrelevant to P.

Nicole Ruane would disagree with me. She builds on Wegner's arguments to claim that a woman's state of purity is not *irrelevant* to the cult,

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58. Milgrom, *Leviticus 1–16*, 947.
59. Goldstein, "Impurity and Gender," 43–44.

as Wegner maintains, but serves to demonstrate women's *inferiority* in the cult.[60] Ruane draws attention to the disparity over washing prescribed for men's rituals but not for women's rituals. Ellens has argued that washing should be implied for women, even though Lev 15 does not explicitly state it.[61] Ruane rejects this reading and concludes that washing for women is omitted not because it is not necessary, as Wegner concludes, but because menstrual blood in itself is an inferior substance. The lack of washing and of the need to go before YHWH "both serve to de-emphasize the woman's relation to the divine."[62]

Again, Milgrom deals with the discrepancy in washing as shorthand in the text.[63] Even if one does not accept Milgrom's answer, there is no indication that women are disqualified from participating at the sanctuary when they are in a state of ritual purity simply because they menstruate at other times. The fact that women are as capable of conveying pollution (Lev 15:19–27) as men (15:3–18) indicates that they are not inherently inferior. The human being occupies a different realm than the deity and possesses distinct qualities altogether. With regard to their bodies, man and woman are equally inferior to YHWH, in the eyes of the Priestly writer.

The Priestly writer's clear attempt to make literary parallels between men and women[64] also appears in Gen 1:26–27, where there is no differentiation between male and female in terms of the times at which they were created, as if they were created at the same moment.[65] This stands in contrast to the separate creation of the two beings in J (2:7, 20–23).[66] Elsewhere the Priestly writer strives to find a place for women, even with what

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60. Wegner, "Coming before the Lord," 86.

61. Milgrom, *Leviticus 1–16*, 923–24.

62. Nicole Ruane, "Bathing, Status and Gender in Priestly Ritual," in *A Question of Sex? Gender and Difference in the Hebrew Bible and Beyond*, ed. Deborah W. Rooke, Hebrew Bible Monographs 14 (Sheffield: Sheffield Phoenix, 2007), 77.

63. Milgrom, *Leviticus 1–16,* 944.

64. Goldstein, "Impurity and Gender," 42–58. A version of this chapter also appears as "Genealogy, Gynecology and Gender: The Priestly Writer's Portrait of a Woman," in *Embroidered Garments: Priests and Gender in Biblical Israel*, ed. Deborah W. Rooke, Hebrew Bible Monographs 25 (Sheffield: Sheffield Phoenix, 2009), 74–86.

65. Goldstein, "Impurity and Gender," 49.

66. Despite these two separate moments of creation depicted in Gen 2, one could argue that gender differentiation does not fully emerge until the writer uses the terms איש, "man," and אשה, "woman" (2:22–23), and ceases using the potentially gender-neutral term אדם, "person."

we might call severe limitations. For example, P's (Gen 17:17) change of J's (18:12–15) depiction of Sarah laughing into an instance where Abraham laughs is such a corrective. I have called it a "benevolent patriarchy" in that there is an attempt to rescue women, even as they are to remain in a lower position in the cultic hierarchy.[67] I find this to be the same phenomenon as in Lev 15 (see above).

6. Conclusion

Renewed interest and research in Priestly literature and gender studies reveals that P's view on women, menstruation, and the female body is quite different from what some scholars have posited. Although Jacob Milgrom did not mention feminist scholarship as such, his close study of Leviticus yields much fruit for this branch of investigation. This essay began by examining the implications of Milgrom's research on the חטאת sacrifice, previously referred to as the "sin offering." Milgrom's early work demonstrates that the term is more accurately translated as "purification offering." This seemingly small issue of translation was important for a more accurate understanding of the Priestly view on women and their impurity. The distinction by Milgrom, as well as his students, between the ritual and moral aspects of impurity has influenced subsequent scholarship on the Priestly attitude toward women.[68]

Truly, the glass is either half full or half empty with regard to P and women. This essay has shown that Milgrom supported the former.[69] He demonstrated the parturient's utter lack of sin, reread Lev 15:32 in favor of gender parity, and asserted that both men and women washed in their purification process. On the parturient (12:7–8), Milgrom pointed out: "This distinction in terminology makes it crystal clear that the parturient and all others who suffer *physical* impurity have committed no moral wrong that requires divine forgiveness."[70] This insight, among many other

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67. Goldstein, "Impurity and Gender," 48; Goldstein, "Genealogy, Gynecology and Gender," 74–86.

68. See, e.g., Wright, *Disposal of Impurity*; Klawans, *Impurity and Sin*.

69. I only met Professor Milgrom in person once when he came to lecture in a seminar that I was attending at the University of California, San Diego. However, I think of him often when people say, sometimes just with their eyes, how strange it is that I devote so much of my life to Leviticus. I am grateful to be able to honor him.

70. Milgrom, *Leviticus 1–16*, 760.

discoveries relevant to women's studies, is one of Milgrom's lasting lega-
cies.

I have found that the Priestly writer of Lev 15 portrays male and
female bodily impurities in a basically parallel fashion, even though the
differences between them are significant. Why does the writer do this?
Perhaps the answer lies in the difference between those who led, operated,
and performed the rituals and the one who wrote down their instructions.
Officiating priests were always men, although not all men served as offici-
ating priests. Despite the references to female functionaries at the sanctu-
ary or temple, equal roles for women of priestly descent did not exist as
they did for men. Nevertheless, it appears that the one who transcribed
the rituals, the Priestly writer, intended to indicate the parallel and equally
inferior status of potentially impure male and female bodies in relation-
ship to the deity.

Leviticus 22:24: A Prohibition of Gelding for the Land of Israel?

Elaine Adler Goodfriend

1. Introduction

Contributing to a volume in memory of Jacob Milgrom is a great honor. Professor Milgrom provided me with five wonderful years of meticulous and insightful education in Hebrew Bible. I proudly tell my undergraduate students in our sweeping fifteen-week survey of the Bible (Hebrew Bible and New Testament!) how as a graduate student with Professor Milgrom we would spend the same amount of time pondering every exegetical possibility of one chapter of the book of Numbers! Further, Professor Milgrom, along with his wife Jo, offered students their warmth, generosity, and friendship. In 2008, I visited the Milgroms in Jerusalem and enjoyed their wonderful hospitality. Professor Milgrom suggested that we go on a stroll to a "surprise" destination, which turned out to be the home of the now late Moshe Greenberg, another giant of scholarship in Hebrew Bible and also a beloved former teacher. What a memory! Now, the mark of a great mentor is his or her ability to raise a new generation of scholars who dare to differ. So in the following work, while my great admiration and appreciation for the work of Professor Milgrom will be evident, my conclusion will dissent in certain ways from his own.

This research examines Lev 22:24, which restricts an Israelite's ability to offer animals that have wounded or mutilated testicles. NJPS translates thus: "You shall not offer to the Lord anything [with its testes] bruised or crushed or torn or cut. You shall have no such practices in your own land." The issue that provides our focus is found in verse 24b, ובארצכם לא תעשו, literally, "and in your land you shall not do." The referent, obviously, has to be supplied from the context. While most modern commentaries

and many translations understand that the forbidden act is the sacrifice of gelded animals (so that v. 24b emphatically repeats v. 24a), traditional Jewish commentaries and some moderns see the verse as a blanket prohibition of the castration of animals. The latter possibility raises interesting issues regarding animal husbandry in ancient Israel, which will be discussed below.

2. Background to Leviticus 22:24

2.1. Terms for Cattle in the Hebrew Bible

The clarification of English terms used for cattle is helpful. The word "cow" refers to a mature female bovine, and "heifer" is the term for a young cow, especially one that has not yet had a calf. The term "calf" in English refers to the young of a cow and is neutral in terms of gender. Regarding males, there are finer distinctions. "Bull calf" is the label for a young male that will grow into a bull if it is left intact. However, if castrated, it will grow into a "steer," and in about two or three years it will become an "ox." While the term "ox" can be used generally for any domesticated bovine, its more correct and technical referent is a "castrated mature male of the domesticated cattle species," either *Bos primigenius* or *Bos Taurus*.[1] The physical and behavioral differences between an ox and a bull will be described below.

Biblical Hebrew is much less precise than English regarding terms for cattle, which makes it difficult to determine if a given biblical text is discussing an ox, a cow, or a bull. The term צמד בקר is usually translated "yoke of oxen." While the English translation might assume that the pair is castrated, the Hebrew uses the collective בקר, "large cattle," which allows no such determination. בקר is often paired with צאן, "small cattle," that is, sheep and goats, to indicate wealth in livestock.[2] בקר is a generic term,

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1. T. C. Smith, "The Use of Oxen," *BI* (1989): 70; *Merriam-Webster Collegiate Dictionary* (11th ed.; 2003), s.v. "ox," where the first definition is "a bovine animal" and the second is "an adult castrated male domestic ox."

2. צאן and בקר refer to cattle wealth in Gen 12:16, 13:5, 20:14, and in approximately fifty more passages in the Hebrew Bible. This is movable wealth as opposed to real estate, a distinction that is made in ancient Near Eastern and Jewish law; see C. Watkins, "NAM.RA.GUD.UDU in Hittite: Indo-European Poetic Language and the Folk Taxonomy of Wealth," in *Hethitisch und Indogermanisch: Vergleichende Studien zur*

so that a bull is termed a פר בן בקר and a heifer is an עגלת בקר.[3] The term שור indicates a single head of large cattle, without any indication of age, gelding, or gender.[4] It can also be used for the female bovine, as in Lev 22:28: "However, no animal from the herd (שור) or flock shall be slaughtered on the same day as its young," with שור used for a female herd animal where one might have expected פרה (cf. Exod 34:19; Num 18:17). The terms פר and פרה are used for adult bovines and indicate male and female, respectively.[5] פר is the preferred term in Priestly sacrificial texts,[6] which do not indicate its status as a neutered male in any way. If we assume consistency between Lev 22:24 and these Priestly texts, then פר signifies an intact male: a bull calf or bull. There are several other terms for large cattle in the Hebrew Bible, such as עגל and עגלה, "bull calf" and "heifer," מריא, a young animal especially fattened for slaughter, and אביר and אלף, both poetic terms.[7] Thus, Biblical Hebrew offers the reader no specific term for the ox, the castrated male head of cattle.

2.2. The Gelding of Domesticated Animals: Why and How?

An Israelite farmer would be prompted to castrate his bull calf and turn it into an ox for several reasons. Oxen are more docile and can be trained

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historischen Grammatik und zur dialektgeographischen Stellung der indogermanischen Sprachgruppe Altkleinasiens, ed. Erich Neu and W. Meid, Innsbrucker Beiträge zur Sprachwissenschaft 25 (Innsbruck: Institut für Sprachwissenschaft der Universität Innsbruck, 1979), 269–87; and Shalom Albeck, "Property," *EncJud* 13:1146–8.

3. פר בן בקר for a bull calf or bull is found in Lev 4:3, 14; 16:3; 23:18, and other sacrificial texts in Exodus, Leviticus, and Numbers. עגלת בקר for a heifer is used in Deut 21:3; 1 Sam 16:2; and Isa 7:21.

4. René Peter, "*Shor* et *Par*: Note de Lexicographie Hebraique," *VT* 25 (1975): 496.

5. Ibid.

6. Ibid., 489. Peter observes that there is no indication of age in the sacrificial texts of the Torah and Ezekiel and that פר could refer to a bull calf, but he concludes that it generally refers to an adult (496). BDB (830) translates פר as "steer." For פר in sacrificial texts, see Exod 29, Lev 4, 16, and Num 29.

7. עגל appears as a bull calf most famously in Exod 32:4 and 1 Kgs 12:28. עגלה is the term for the heifer used as the victim in the ritual performed in the case of an unknown murder in Deut 21:1–9. An especially fattened head of cattle is termed a מריא in 1 Kgs 1:19; Isa 1:11. אביר is used for a bull in Isa 34:7; Pss 22:13; 50:13; אלפים (pl. only) appears in Deut 7:13; 28:4; Prov 14:4. Smith notes that אלף always occurs in the plural, אלפים, perhaps suggesting that the animals, i.e., oxen, worked in pairs yoked together ("The Use of Oxen," 70).

with greater facility to pull a plow or cart.[8] They are less prone to gore or violently attempt copulation with a nearby cow. Jonathan Fisher, who wrote during the nineteenth century about "Scripture Animals," attests the following:

> In most civilized parts of the world, Bulls, except so many as are needed for propagating, are altered usually while calves; then from about one to three years old, we call them *Steers*, after that, *Oxen*. The Ox is usually very gentle; grows to a size much larger than the Bull; is much taller, has longer horns, and the hair of his front is much less curled; so that he seems to be almost another species of animal. In this state he is exceedingly useful; he draws the wagon, the cart, and the plough, and is used for almost all kinds of draught. He is very patient in labor. He is in a sense, the wealth of the farmer.[9]

According to Brian Hesse, domestication of large cattle in the Near East began before 5000 BCE, and the use of oxen for plowing is already characteristic of the fourth millennium BCE.[10] The use of both cows and castrated bulls as working animals was also commonplace in Greek and Roman agriculture.[11] Compare the fact that among traditional farmers in present-day Zimbabwe castrated adult males are the main draft animals and are used "for the most arduous tasks," although cows and bulls are sometimes used.[12] A farmer or herder could also castrate members of his herd so that they would not breed, in order to prevent inferior males

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8. "The castrated male of B. Taurus is a docile form especially useful as a draft animal in many less developed parts of the world" (*Encyclopædia Britannica Online*, s.v. "ox," http://www.britannica.com/EBchecked/topic/436367/ox). "Males retained for beef production are usually castrated to make them more docile on the range or in feedlots; with males intended for use as working oxen or bullocks, castration is practiced to make them more tractable at work" (*Encyclopædia Britannica Online*, s.v. "cattle," http://www.britannica.com/EBchecked/topic/100077/cattle.).

9. Jonathan Fisher, *Scripture Animals: Natural History of the Living Creatures Named in the Bible* (Portland: William Hyde, 1834; repr., New York: Westhervane, 1972), 49–50.

10. Brian Hesse, "Cattle and Oxen," *OEANE* 1:442–43.

11. K. D. White, "Agriculture and Food," in *Civilization of the Ancient Mediterranean: Greece and Rome*, ed. Michael Grant and Rachel Kitzinger, 3 vols. (New York: Scribner's, 1988), 1:218.

12. John C. Barrett, "The Economic Role of Cattle in Communal Farming Systems in Zimbabwe," 10, www.odi.org.uk/resources/docs/5381.pdf.

from passing on their undesirable traits. The gelding of large cattle was of great utility in the premodern world, and therefore it was a very common practice.

It appears that the docility afforded by castration would have been a desirable trait for large cattle in ancient Israel, where the ox was used for plowing, hauling carts, and threshing grain.[13] The Hebrew Bible offers ample testimony concerning the use of large cattle as draft animals. Cows (פרות) were used for pulling the ark of the covenant from Philistine country to Judah (1 Sam 6:7).[14] Large cattle (שור, בקר) participated in pulling the wagons for the initiatory gifts of the Israelite chieftains for the tabernacle (Num 7:3). The ritual production of ashes for purification demands a red cow "on which no yoke has been laid" (Num 19:2), which suggests that the opposite was the norm. The same applies to the heifer killed in a wadi in the case of an unsolved murder (Deut 21:3). The term צמד בקר, "a yoke of oxen," assumes the use of large cattle in plowing (1 Sam 11:7; 1 Kgs 19:21; Job 1:3; 42:12). The עגלה, "heifer," is mentioned in the context of plowing (Judg 14:18; Jer 50:11), and the phrase עגלה מלמדה (NJPS, "trained heifer") refers to a heifer trained to plow a field (Hos 10:11). Deuteronomy refers to large cattle (שור) threshing and plowing (22:1; 25:4), and Exod 23:12 mandates that the שור rest on the Sabbath. Proverbs 14:4 praises the contribution of cattle as draft animals: "If there are no oxen [אלפים], the crib is clean, but a rich harvest comes through the strength of an ox [שור]." The words for cattle in this verse are the poetic אלפים and the common שור. The weapon used by Shamgar, son of Anat, to kill six hundred Philistines was a מלמד הבקר, a goad to discipline cattle in plowing (Judg 3:31).

The passages just cited either use terms for female bovines (עגלה or פרה) or gender-neutral terms such as בקר or שור. Therefore, we have no

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13. Smith, "The Use of Oxen," 70. Oded Borowski observes: "During the Iron Age, cattle were raised primarily for traction and for their milk and dung, and secondarily for meat, hide, and other by-products" (*Every Living Thing: Daily Use of Animals in Ancient Israel* [Walnut Creek, CA: Altamira, 1998], 74, 121–5).

14. In another context, the wagons sent by Pharaoh to bring Jacob and his sons to Egypt were probably drawn by cattle (Gen 45:21, 27; 46:5). The reiteration of wagons in that context suggests that such conveyance was exceptional, probably because the customary animal for travel and burden was the donkey. To be taken by wagons was evidently a great honor (see Borowski, *Every Living Thing*, 96–97, and the illustration from Egypt on 123).

indication if oxen, that is, castrated bulls, were utilized in ancient Israel in defiance of the traditional interpretation of the law in Lev 22:24.

Jeremiah 31:18 implies that attempts were made to train bull calves for traction: "I can hear Ephraim lamenting: 'You have chastised me, and I am chastised, like a calf that has not been broken.'" There is a logical connection here between כעגל לא למד, "like a calf that has not been broken," and יסרתני, "You have chastised me." Thus, the tragic fate of the northern kingdom of Israel, represented by Ephraim, is compared to the beating inflicted on a bull calf that rebuffs attempts to discipline it. However, the imprecise nature of the Hebrew terminology can again leave the reader wondering whether this verse refers to a castrated bull calf or to an intact one.

2.3. The Goring Ox

Exodus 21:28–36 deals with cases involving cattle that are homicidal or bovicidal. Bernard S. Jackson calls this kind of bovine "the most celebrated animal in legal history."[15] Translations differ over the rendering of שור in these verses, as some have "bull" and others render "ox."[16] Most commentaries offer no clarification.[17] Gary Rendsburg translates the expression שור נגח (v. 29) as "goring bull" and notes:

> Most ancient Near Eastern languages, Hebrew and Akkadian among them, do not distinguish between "bull" and "ox." Accordingly, many scholars call this case "the goring ox." But oxen (who because they have been castrated, are quite docile) are much less likely to gore than bulls (whose strength and virility are well known).[18]

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15. Bernard S. Jackson, "Liability for Animals: A Historico-structural Comparison," *International Journal of the Semiotics of La*w 24 (2011): 261.

16. ASV, KJV, NRSV, and Wycliffe have "ox," while NIV, NIRV, and the God's Word Translation render שור as "bull."

17. William H. C. Propp uses the terms "ox" and "bull" interchangeably (*Exodus 19–40: A New Translation with Introduction and Commentary*, AB 2A [New York: Doubleday, 2006], 232–35). No other commentary that I consulted mentions the significance of the terms. James Bruckner speaks of the bull as the dangerous animal regarding vv. 28–36, but he is following the NIV, which uses the term "bull" instead of "ox" (*Exodus* [Peabody, MA: Hendrickson, 2008], 187–8).

18. Cyrus H. Gordon and Gary A. Rendsburg, *The Bible and the Ancient Near East* (New York: Norton, 1997), 155 n. 4.

On the other hand, would the owner of a bull allow his strong, virile, and potentially lethal beast to roam in a public thoroughfare where it has access to vulnerable people and other animals? If the Bible indeed speaks of a bull here, one would expect the penalty to be even harsher for a first offense because every bull should be classified as a "habitual gorer" (v. 29), the violence of which is predictable. Perhaps an ox is the subject precisely because its potential tendency to lethal destruction is more difficult to foresee. Therefore, the owner of a first-time offender "is not to be punished" (v. 28) and only suffers the loss of his beast. On the other hand, it is possible that this legislation is not grounded in quotidian reality but rather reflects ancient Near Eastern jurists' fascination with the ambiguity of a chattel possessed of will but not full intelligence.[19]

3. The Law of Leviticus 22:24

3.1. Leviticus 22:24 in Context

Leviticus 22:24 appears in legislation that is concerned with the fitness of animals to serve as victims for the עולה, "burnt offering" (22:17–25). Modern scholarship assigns Lev 22 to H, the Holiness Code, which comprises Lev 17–26, while Lev 1–16 are considered to be the work of P, the "other" Priestly source.[20] In Lev 1–16 we find repeated demands that a

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19. See Propp, *Exodus 19–40*, 232, quoting J. J. Finkelstein, "The Ox That Gored," *TAPS* 72 (1981): 21. There Finkelstein notes that "hardly a single allusion" to an ox (or bull) harming a person or other animal can be found in tens of thousands of cuneiform documents, and it was an occurrence "rare at best." A survey of talmudic material regarding oxen/bulls that gore also produces no anecdotal material, only theoretical discussion based on the legislation in Exod 21. A text from Nuzi, however, does provide a case concerning an ox that gores another (William W. Hallo, "The Goring Ox from Nuzi," *COS* 3.121:270).

20. Jacob Milgrom (*Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 1. He notes that both P and H are Priestly sources. For more on the distinction between these sources and the history of research, see Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995). Strong evidence supports an eighth century BCE dating for the writing of H, but it is possible that the practices it mandates predate its documentation. On the dating of H, see Jacob Milgrom*, Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York; Doubleday, 2000), 1361–64, Gordon J. Wenham, *The Book of Leviticus*, NICOT (Grand Rapids: Eerdmans, 1979), 8–13; Knohl, *Sanctuary of*

sacrificial animal brought to the altar be תמים, without blemish" (NJPS), or "complete" (1:3, 10; 3:1, 6, 9, etc.).[21] However, nowhere in the corpus assigned to P can we find an indication of the defects that exclude an animal from serving as a sacrifice.[22] Deuteronomy 17:1 demands that a sacrificial animal be without מום, "defect," and further defines this as כל דבר רע, literally, "anything bad"; Deut 15:19–23 demands that the Israelites devote all firstborn male small and large cattle to the Lord but excludes any animal with a מום, specifying that a lame or blind animal or one that has "any serious defect" (כל מום רע) is exempt.

Leviticus 22:22–24 is the most detailed text regarding animal defects, listing twelve physical traits that render an animal inadmissible to the altar. This list bears an obvious correspondence to 21:18–20, which enumerates the twelve kinds of blemishes that disqualify priests from service in the sanctuary. Milgrom notes the strained attempts in both lists to reach the number twelve (based on the twelve tribes and/or the twelve lunar months in a solar year?) and suggests that the common denominator of both lists is that all of the blemishes would be noticeable to any observer. Certainly the obvious nature of animal defects would be helpful to the priests, who must inspect many sacrificial animals per day (see 2 Chr 15:11; 29:32–33; 30:24; 35:7–9). An exceptional priestly defect is the "crushed testicle" (Lev 21:20), because the candidate would be clothed, but conspicuousness would not have been as crucial regarding a priest, who could have undergone a careful examination of his fitness.[23] Milgrom suggests that the crushed testicle was

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Silence, 204–12. Just as the avoidance of pork in the Israelite diet predates the writing of Lev 11, so perhaps the criteria for acceptable sacrificial animals were observed long before they were documented by H. For the dearth of pork in the Israelite diet, going back to Iron I, see William G. Dever, *What Did the Biblical Writers Know and When Did They Know It? What Archeology Can Tell Us about the Reality of Ancient Israel* (Grand Rapids: Eerdmans, 2001), 113.

21. That תמים means "complete" is clear from Lev 23:15: שבע שבתות תמימות, "seven complete Sabbaths (= weeks)."

22. Milgrom explores P's neglect regarding the enumeration of potential blemishes (*Leviticus 17–22*, 1873–74). He thinks that P takes them for granted, as the careful examination of the animal would be accomplished by the priest at the sanctuary. H, however, regards the examination of the animal to be the shared responsibility of the lay offerer and the priest, in accordance with H's penchant for erasing the distinction between priests and laity (1352).

23. Middle Assyrian palace decrees mention examinations for the fitness of palace officials who must be castrated in order to enter the palace (Martha T. Roth,

added to the priestly list so that it would "match the animal list in kind," an idea based on the assumption that the animal list was primary.[24] He initially suggests that this defect was "arbitrarily chosen" but admits that it could be based on the priest's aversion to his gelded counterpart in Mesopotamia. The necessity of whole and functioning genitals would not be a surprising qualification for a hereditary caste such as the Israelite priesthood.

A comparison between the two lists in Lev 21:18–20 and 22:22–24 shows several direct correspondences.[25] However, the animal list has four defects in 22:24 that involve sexual organs, while the list for priests has only one: מרוח אשך, a "crushed testicle" (21:20). That the reference is to a reproductive organ is clear from the second term in this phrase, which is unique in the Bible but has cognates in other Semitic languages.[26] The meaning of the first element of the phrase is disputed but clearly refers to an impairment of some sort.[27] While the use of four words for one kind of defect seems forced, the structure of the paragraph necessitates four terms in succession.[28] Furthermore, the four terms in verse 24 might reflect different methods of castration, although the use of four may be artificial because the terms overlap in meaning. For example, מעוך refers to squeezing or crushing, and כתות means pounded but also smashed.[29] The two other words, נתוק and כרות, both denote separation and detachment.[30] The near identity

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Law Collections from Mesopotamia and Asia Minor, WAW 6 (Atlanta: Scholars Press, 1995], 200, 205).

24. Milgrom, *Leviticus 17–22*, 1877.

25. For example, blindness and broken limbs appear in both lists as עור/עורת and שבר/שבור, respectively, as do שרוע (extended limb) and ילפת (scabs). Several other terms have no obvious correspondence (21:20: גבן, "hunchback"; דק, "dwarf ").

26. Cognates to אשך are found in Syriac and Ethiopic (BDB, 78) and Akkadian (*CAD* 7:250) and Ugaritic (*UT* 132.1.2).

27. Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (Brooklyn, NY: Traditional Press, 1903), 838; Milgrom, *Leviticus 17–22*, 1868; BDB, 598.

28. Lev 22:22 lists six kinds of defects, 22:23 has two, and 22:24 has four. This chiastically corresponds to the list of priestly defects in Lev 21, with four in 21:18, two in 21:19, and six in 21:20.

29. Targum Onkelos derives its translation of both terms from the same root, רסס. The root מעכ occurs in only two other passages, with the sense of press or squeeze (1 Sam 26:7; Ezek 23:3). The root כתת is more properly translated "smash" or "pound" (Deut 9:21; Isa 2:4; Joel 4:10; Mic 1:7).

30. The word נתוק, a *qal* passive participle, occurs only here, but the root in the *niphal* and *piel* has the sense of "separate," "loosen," "detach" (Josh 4:18; Isa 5:27; Jer

of these pairs of terms is reflected in Rashi's comments, as interpreted by S. Gelbard, which suggest that the first element in each pair refers to an action accomplished manually, but the second member of each pair describes the same mutilation performed with a tool of some sort.[31] Milgrom notes that the four genital defects are listed "according to their increased severity."[32]

Is it possible that four different methods of gelding were actually utilized? In modern times, castration can be accomplished via physical, chemical, and hormonal methods, but physical methods are most common, and in ancient times they would have been the only way to geld an animal. "Physical" in this sense refers to the surgical removal of the testicles, their irreparable damage, or causing them to atrophy via the constriction of the blood supply.[33] Today this is generally accomplished by the application of an elastic band at the base of the scrotum or the use of a clamp (the Burdizzo clamp is the most common). These two methods sever the blood flow to the testes, but the surgical removal of testicles is also practiced.[34] As reported to me by a student who grew up on a farm, a more primitive method is quite effective: a string tied in the right place causes the organs to atrophy and fall off. Accordingly, the "crushing" implied by the first two terms in verse 24 might not denote an action done to the testicles themselves but to the blood vessels that supply the organs. נתוק might refer to the separation of the testes by a clamp that cuts off the blood supply but leaves them in the scrotal sack, and כרות indicates their

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2:20;10:20; Nah 1:13). The word כרות, a *qal* passive participle, appears in Deut 23:2 for the genital defect that excludes a person from the "congregation of the Lord." In that context, the organ that is cut is probably the penis rather than the testicles, as the noun modified by כרות is שפכה, from the root שפך, "pour" (Maimonides, *Mishneh Torah*, *Issurey Bi'ah*, 16:1–3; Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1996], 386). The most common use of כרת in *qal* is with the object ברית, "covenant." Elsewhere it is used for cutting the hem from a garment (1 Sam 24:12) and cutting down trees or a sacred pole (1 Kgs 5:20; Judg 6:30).

31. Shemuel P. Gelbard, *Lifeshuto shel Rashi* (Petah Tikvah: Rashi, 1990), 3:362.

32. Milgrom, *Leviticus 17–22*, 1879.

33. American Veterinary Medical Association, "Welfare Implications of Castration of Cattle," https://www.avma.org/KB/Resources/LiteratureReviews/Pages/castration-cattle-bgnd.aspx.

34. Anna Bassett, "Castration of Cattle" (Animal Welfare Approved Technical Paper No. 9, http://animalwelfareapproved.org/wp-content/uploads/2013/07/TAFS-9-Castration-of-Cattle-v2.pdf).

surgical removal with a knife or similar sharp tool. Thus, the four terms do somewhat approximate known physical methods of gelding utilized in the past but also today.[35]

3.2. Leviticus 22:24b: A Reiteration or an Addendum?

As noted above, some modern translations view verse 24b as a reiteration of verse 24a, thus emphasizing the ban on sacrificing animals with damaged sexual organs. Thus KJV translates: "Ye shall not offer unto the LORD that which is bruised, or crushed, or broken, or cut; neither shall ye make any offering thereof in your land." RSV echoes this: "Any animal which has its testicles bruised or crushed or torn or cut, you shall not offer to the LORD or sacrifice within your land." Everett Fox translates, "(One that is) bruised or smashed or torn-up or cut out (in the testicles) you are not to bring-near to Y, in your land these may not be sacrificed."[36] On the other hand, most translations leave the object of the prohibition as vague as it is in the Hebrew. Thus, the New Century Version translates verse 24b: "You must not do this in your own land," so the reader is unsure whether it is the sacrifice of the mutilated animal or the mutilation itself that is taboo. Only the God's Word Translation renders verse 24b in accordance with ancient interpretation: "Never bring the LORD an animal that has bruised, crushed, torn out, or cut out testicles. Never do any of these things to an animal in your land." Regarding commentaries, several make no mention of the traditional interpretation of verse 24b[37] and thus assume that the

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35. For this opinion, see also Yehoshua Leibovitz and Jacob Licht, "מום," *Encyclopedia Mikrait* (Jerusalem: Bialik Institute, 1971), 4:727. The apparent familiarity of Lev 22:24 with the various methods of gelding could be taken as an indication that castration of flock animals was practiced locally, so that the second half of the verse clearly could not have been an absolute ban. On the other hand, familiarity with gelding could simply reflect second-hand knowledge because other peoples with whom Israelites came into contact through trade and travel practiced it. Regarding the importation of gelded animals, see below.

36. Everett Fox, *The Five Books of Moses: Genesis, Exodus, Leviticus, Numbers, Deuteronomy* (New York: Schocken, 1995), 617.

37. Those that lack mention of this interpretive possibility include: Frank H. Gorman Jr., *Leviticus: Divine Presence and Community*, ITC (Grand Rapids: Eerdmans, 1997), 125; Philip J. Budd, *Leviticus*, NCB (Grand Rapids: Eerdmans, 1996), 311; Samuel E. Balentine, *Leviticus*, IBC (Louisville: John Knox, 1989), 171; R. K. Harrison, *Leviticus: An Introduction and Commentary*, TOTC (Downers Grove, IL:

phrase "and in your land you shall not do [thus]" refers to offering castrated animals on the altar.

Jewish tradition assumes that, in the Torah, redundancy or repetition for the sake of emphasis in divine speech is precluded.[38] Thus, for example, the two passages in the Torah that prohibit stealing are understood to pertain to different objects: in Exod 20:15, "you shall not steal" refers to kidnapping, but in Lev 19:11 the same words in the plural refer to the theft of impersonal objects.[39] Therefore, it is not surprising to find that ancient interpreters regarded verse 24b as supplementing the content of verse 24a, rather than just repeating it. Josephus writes that the gelding of men or "any other animals" is unlawful (*Ant.* 4.8). Targum Pseudo-Jonathan renders the clause in 24b: "and in your land you shall not castrate" (תסרסון). Ben Zoma, a second-century CE sage known in the Mishnah as the last of the great Bible expositors, was asked, "'Is it permitted to castrate a dog?' He replied, 'In your land you shall not do.' This means, to none that is in your land shall you do thus" (b. Ḥagigah 14b; m. Soṭah 9:15).[40] The Septuagint, Vulgate, and Targum Onkelos translate literally, and thus we do not receive a precise sense of what they intend by the verb "do."

Perhaps the opinion that castration of animals in general is prohibited by Lev 22:24 is a reflection of the postbiblical sages' belief in the "omnisignificance" of the biblical text and lacks any real textual basis. On the other hand, several factors suggest that the traditional view should not be discarded too hastily. First, the general decree that "in your land you shall

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InterVarsity Press, 1980), 213. Those that do express support for the more inclusive interpretation include Baruch A. Levine, *Leviticus: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 152; Karl Elliger, *Leviticus*, HAT 1/4 (Tübingen: Mohr Siebeck, 1966), 300; and Wenham, *The Book of Leviticus*, 295.

38. It is difficult to find in rabbinic texts an explicit statement of this fundamental assumption. James Kugel writes that the traditional view of Scripture's perfection "led to the doctrine of 'omnisignificance,' whereby nothing in Scripture is said in vain or for rhetorical flourish" (*The Bible as It Was* [Cambridge: Harvard University Press, 1998], 21). See also Hermann L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, ed. and trans. Markus Bockmuehl, rev. ed. (Minneapolis: Fortress, 1996), 24.

39. Rashi quotes Mekilta Tractate Bahodesh 8 (*Mekilta de-Rabbi Ishmael*, ed. and trans. Jacob Z. Lauterbach [Philadelphia: Jewish Publication Society, 1961], 2:260).

40. Rabbinic exegesis broadens the prohibition to include nonsacrificial animals that belong to Jews even outside the Land of Israel. See Rashi on Lev 22:24, quoting m. Qiddušin 1:9.

not do" is not H's usual way of emphasizing the prohibited nature of a spe-cific act; it is used in no other verse to forbid an act previously interdicted.[41] Moreover, of the defects enumerated in verses 22–24, the category of geni-tal mutilation is the only one that an owner might "do" because it enhances the value of the animal. Baruch A. Levine notes that all the others listed in verses 22–23 "are more likely congenital in nature or the result of injury."[42] Thus, "you shall not do" in verse 24b refers only to the immediately pre-ceding defects in verse 24a and not to those enumerated in verses 22–23. To designate "any of these" twelve preceding defects, verse 25 uses a differ-ent expression: מכל אלה.[43] The verb from the root עשה can be used for sacrifice, but in that case it generally must have ליהוה as indirect object, or the preposition ל with the category of sacrifice, or a category of sacrifice as a direct object.[44] None of these is the case in verse 24b.

3.3. Ambiguity and Deviation from Main Topic

Perhaps the clause "and in your land you shall not do" is too ambiguous to bear a consequential meaning. The verb "do" expresses the most general

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41. The second-person plural imperfect of עשה is used with the object מלאכה, "work," nine times in Lev 23. In 18:3 it is used to prohibit Israelites from "copying the practices" of Canaan and Egypt. See also 19:15, 35 with the object עול, "injustice"; 19:4 with אלהי מסכה "molten gods"; and 18:26 with תועבות, "abhorrent things." The second-person plural perfect of עשה with *waw* consecutive is found in H in combination with the verb שמר and the objects "commandments" and "statutes" (חקות, מצוות; 19:37; 20:8, 22; 22:31; 25:18; 26:3) and in the context of sacrifice with an animal as its object (23:12, 19).

42. Levine, *Leviticus*, 152.

43. Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26,* VTSup 67 (Leiden: Brill, 1996), 76; Levine, *Leviticus*, 152. On the other hand, see Milgrom, *Leviticus 17–22*, 1880.

44. With ליהוה, see Lev 17:9; Num 29:3. With ל followed by the type of sacrifice, see Lev 23:12, 19; with the name of the sacrifice as the direct object, see Exod 12:48; Lev 9:7, 22; 16:9; 22:23; Num 15:3; 29:2. David Z. Hoffmann writes that עשה would refer to sacrifice only if it were followed by ליהוה (*The Book of Leviticus* [Hebrew] (Jerusalem: Rabbi Kook Institute, 1976), 2:82. On the other hand, there are several passages in which עשה does have a sacrificial sense without the additional phrases. See Num 28, where the verb עשה has the meaning "sacrifice" in vv. 4, 6, 8, 15, 23, 24, 31 and "prepare" in vv. 20, 21. See also Exod 29:39, 41; Num 15:12–14. The three texts concern sacrifices with their grain and liquid accompaniments, so perhaps some spe-cialized terminology is employed here.

of actions, it has no specific direct object, and the locus of the action is "the land," as opposed to a more specific designation. Furthermore, Lev 22:17–25 focuses on sacrifice, and one might wonder why an entirely new topic (gelding) would be introduced into an unrelated context.

Regarding the problem of ambiguity, it should be recognized that ambiguity is characteristic of biblical law. A few examples will suffice here, but many more could be adduced. First, מלאכה, "work," is prohibited on the Sabbath (Exod 20:8), but nowhere is the term defined; its definition must have been supplied by Israel's oral tradition. Second, the timing of the first day of the Omer counting is a famous dispute based on the ambiguity of the phrase ממחרת השבת in Lev 23:11, 15–16.[45] Third, the term אסון in Exod 21:22–23 has confounded exegetes since ancient times. If the Covenant Code wanted to clearly express the superiority of the mother's life to that of her fetus(es), it could have used more specific terminology, such as "if the mother dies."[46] Fourth, within the corpus of H, the terminology used to express sexual intercourse is euphemistic and therefore lacks specificity, which is especially surprising when we consider that acts of illicit sex are capital crimes.[47] Returning to Lev 22:24b, it is possible that this command was couched in general terms because the audience was already familiar with the content of the prohibition; specificity was superfluous because the first half of the verse supplied the particulars: genital mutilation.

Regarding the second objection, that the legislator is going "off topic" when he mentions gelding in the context of sacrifice, this kind of deviation is very common in biblical law in general. Compare, for example, the case of the woman who intervenes in a brawl to save her husband by grabbing the genitals of his protagonist (Deut 25:11–12), which is immediately followed by legislation against unjust weights and measures, beginning with the words, "you shall not have in your pouch a stone two stones, a large

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45. Jacob Milgrom observes that "there are four interpretations of this expression which gave rise to arguably the most long-lasting schism in the history of the Jewish people" (*Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B [New York: Doubleday, 2001], 2057).

46. Much has been written about this problematic law. The LXX departs from a simple translation of the word אסון and introduces the idea of the formed versus unformed fetus. See Propp for a recent summary of the problems (*Exodus 19–40*, 221–32).

47. The most prominent expressions in H for sexual intercourse are "to reveal nakedness," "to lie with," and "to take" (Lev 18:6–23; 20:11–21).

and a small" (v. 13). While one link between these two seemingly unre-
lated laws may be the concept of unfair advantage, another connection
might be the imagery.[48]

A similar kind of linkage could apply to Lev 22:24. If the legislator
wanted to incorporate a ban on gelding within the corpus of H, where
would he insert it? Certainly Lev 22:24a, which specifies genital defects
of sacrificial animals, is more relevant to a ban on gelding than any other
passage in H.

There are many places within H where the topic of legislation deviates
from what we would consider to be the main theme of the context. Here
are a few examples. First, the worship of Molech is interjected into the cat-
alogue of illicit sexual acts in Lev 18, linked by the keyword זרע, "seed" (v.
21). Second, in Lev 20, verses 10–21 deal with various forms of sexual mis-
deeds, but verses 25–27 concern dietary laws and then necromancy. Third,
Lev 22 includes a time limit on eating a thanksgiving offering after two
commandments dealing with sensitivity to animals (vv. 27–30). Fourth,
the prohibition on loaning at interest (Lev 25:36–37) appears in a chapter
dealing with sabbatical and jubilee years. Therefore, given that staying "on
topic" is not a consistent priority in biblical law in general, and H in par-
ticular, we should not be surprised when Lev 22:24b deals with gelding in
the context of physical blemishes of livestock.

3.4. The Sense of "in Your Land"

Phillip Budd thinks that the key expression for understanding Lev 22:24
is בארצכם, "in your land." Thus, the clause might contrast what Israelites
are allowed to offer with the practice in other lands.[49] However, it is logi-
cal to expect that the cults of other lands also demanded animals without
blemish.[50] Moreover, Leviticus contrasts the practices in Israel with those

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48. Tigay, *Deuteronomy*, 458. The principle of "free association" seems to be
important in the arrangement of the legal sections of Deuteronomy (452–59).

49. Budd, *Leviticus*, 311. Elliger thinks that the verse contrasts Israelite practice
with that of the Babylonians in the postexilic period (*Leviticus*, 300).

50. Milgrom, *Leviticus 1–16*, 147, regarding the term תמים. He writes that the
same requirement for an unblemished animal prevailed in Mesopotamia and refers
to an Old Babylonian prayer in which the person bringing a sacrifice to Shamash
and Adad declares that he is bringing a "pure sheep whose fleece has a herdsman not
torn right and left" (quoting Adam Falkenstein and Wolfram von Soden, *Sumerische
and akkadische Hymnen und Gebete* [Zurich: Artemis, 1953], 1:275). Whether gelded

of other peoples and lands with the legal vocabulary of "walking in" and "observing" the laws, statues, and ordinances of the Lord, compared to those of the other nations, as in 18:3–5, 26–30; 20:22–24; 26:3.[51] Only 26:1, like 22:24, prohibits a specific practice "in your land," and that is placing there an אבן משכית, "a figured pavement." Perhaps בארצכם is used here because it signifies not only "in your land" but at the same time "on your land," as the practice, according to the same verse, was to prostrate upon the figured pavement (להשתחות עליה).[52] Thus, it seems unlikely that the reference to Israel's land in 22:24b intends to contrast Israel's practice with those of other nations. Rather, it extends the prohibition of castrated animals on the altar to the "doing" of castration in the land of Israel.

4. Jacob Milgrom's Analysis of Leviticus 22:24

At this point it is necessary to examine Jacob Milgrom's analysis of the problems posed by Lev 22:24. These are verbatim his four objections to the traditional interpretation of verse 24b:

1. *Structure.* The progression gelded sacrificial animals (v. 24a), gelded non-sacrificial animals (v. 24b), and gelded sacrificial imports (v. 25) is broken.
2. *Logic.* Gelded animals for non-sacrificial use could be imported.
3. *Rationale.* Presumably, H prohibits gelded animals in all the land because it extends the holiness of the sanctuary (P) to the entire land. If so, one would rightly ask: Why doesn't H also ban castrated humans in the land? That is, why doesn't H extend the ban on castrated priests (21:20bγ) to Israelites (and resident aliens)?
4. *Economics.* As observed by Wessely (1846), gelding is essential husbandry. His observation is correct, for it can be shown that gelding is

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animals were considered defective outside of Israel is unclear. Marcus Varro wrote regarding the animals for sacrifice in ancient Rome: "those who buy cattle for sacrifice do not usually demand a guaranty of soundness in the victim" (*On Agriculture* 2.5.11 [LCL, 373]).

51. In H, בארצכם is found again in the conditional clause, "If a stranger lives with you in your land" (Lev 19:33).

52. Victor Hurowitz describes it as "a stone slab placed in the ground" and "decorated with divine symbols." The supplicant would bow down upon it and kiss the ground in order to have her or his wishes granted ("Wish upon a Stone: Discovering the Idolatry of the *Even Maskit*," *BRev* 15.5 [1999]: 51)

necessary for better quality meat, for manageable beasts of burden, and for the production of wool (Wapnish and Hesse 1991: 34–35).[53]

On the basis of the above observations, Milgrom concludes that there was large-scale gelding in the land of Israel. If that was the case, what is the point of the prohibition of verse 24b? He very tentatively suggests "with due reserve" that "in your land" means *any other sanctuary* in your land. Thus, the prohibition is restricted to sacrifices offered at regional sanctuaries "in your land," and this allows the exploitation of gelded beasts for common purposes.[54]

This interpretation invites criticism on several points. First, if "in your land" refers to regional altars, one might have expected that the term would be more common in this body of literature; regarding sacrifice, it is found only here in H. Further, the structure of verses 24–25 is not broken if seen in an alternative sequence: the altar, the land of Israel, and, finally, other lands, expressed by the term נכר (22:25).

Regarding Milgrom's third point, that H for the sake of consistency must also ban castrated people if it bans gelded animals, H can only ban from the land of Israel intentional acts, not those that are accidental. Tigay, in his comments on Deut 23:2, concludes that it is unclear whether intentional castration was practiced in Israel. He notes that in the ancient Near East, intentional castration had various purposes: for high-ranking officials, for punitive purposes, and as an element in religious ceremonies during the Hellenistic and Roman periods.[55] A recent evaluation of the literature suggests that this practice was not as frequent as previously thought regarding the first two of these categories.[56] Regarding castration in religious contexts, it is possible that the biblical authors knew nothing of this because it was so remote.[57] Regarding the Bible, the relevant word is סריס,

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53. Milgrom, *Leviticus 17-22*, 1880.

54. Ibid.

55. Tigay, *Deuteronomy*, 210.

56. Luis R. Siddall, "A Re-examination of the Title *Sha Reshi* in the Neo-Assyrian Period," in *Gilgameš and the World of Assyria: Proceedings of the Conference Held at the Mandelbaum House, the University of Sydney, 21–23 July, 2004,* ed. Joseph Azize and Noel Weeks, Ancient Near Eastern Studies Supplement 21 (Leuven: Peeters, 2007), 226–40.

57. Tigay quotes Lucian of Samosata, a second-century CE satirist, regarding the worship of the Syrian goddess. Castrated priests called "Galli" participated in orgiastic ceremonies. Lucian reports that a possessed spectator might take a sword and castrate

which interpreters have generally thought to denote a high-ranking official who was also a eunuch. However, scholars are reevaluating the identification of the סריס with a eunuch.[58] The only biblical text that is explicit in this regard is the postexilic Isa 56, in which case a Jew may have become a eunuch in the service of the Babylonian court.[59] Brevard Childs writes that, "as far as we know, castration was not practiced in Israel, either for court and harem officials or as a judicial punishment," and notes that only Isa 56, Esther, and possibly Daniel can be used to identify the סריס with a gelded male, and all three are foreign contexts.[60]

Regarding the possibility of H prohibiting castrated men from the land of Israel, we should note that this corpus bans from the land various volitional actions, such as illicit sex (Lev 18 and 20), because they are considered polluting. However, regarding individuals who are impure through no fault of their own, such as those afflicted with skin disease or genital discharges, there is an expectation that at some point in the future they may achieve purity (Lev 12–16). They are banned from the camp but not from the land (Num 5:1–4). Granted that the temporary nature of their disabilities puts them in contrast to an Israelite with damaged organs, the expectation that H would have to ban from the land males who are damaged through no fault of their own if it did the same to intentionally gelded animals is not a necessity. Compare Deut 23:2, which does not banish men with genital mutilation from the land or people of Israel but rather from the "Assembly," perhaps a national governing body of those with full citizenship.[61]

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himself, then "run wild through the city, bearing in his hands what he has cut off" (Herbert A. Strong and John Garstang, *The Syrian Goddess: Being a Translation of Lucian's 'De dea Syria,' with a Life of Lucian* [London: Constable, 1913], 51; see further http://www.sacred-texts.com/cla/luc/tsg/index.htm). Dario M. Cosi refers to "the custom, widespread in the ancient Near East and in the Semitic cultures, of castrated priests" but specifically cites only the *kurgarru* of the temple of Ishtar ("Castration," *ER* 3:110).

58. R. North, "Palestine, Administration of (Judean Officials)," *ABD* 5:87; Siddall, "Re-examination of the Title," 229–32.

59. Siddall, "Re-examination of the Title," 232, Tigay, *Deuteronomy*, 386 n. 25. In Isa 56 the eunuch is paired with the foreigner. Brevard S. Childs concludes that סריסים "were … of non-Jewish origins, hence a subcategory of *bene hannekhar*" (*Isaiah*, OTL [Louisville: Westminster John Knox, 2001], 457).

60. Childs, *Isaiah*, 457. See Esth 1; Dan 1.

61. Tigay, *Deuteronomy*, 209–10.

Milgrom's fourth point, that gelding is necessary for efficient animal husbandry, is absolutely correct and consistent with the information surveyed above regarding large cattle, especially regarding their utility in plowing and pulling. If the ox was the wealth of the farmer, then the bull would be his detriment. It was wild, was difficult to discipline, and demanded care and vigilance. Regarding small cattle, Wapnish and Hesse write that a ban on gelding sheep "would have had a substantial impact on herd demographics and the system's capacity for fiber production. While intact males can be used to produce wool, it is hard to manage them in large numbers." The authors suggest that only females would have been sheared for wool, and males would have been eaten when they were young.[62]

If Lev 22:24b was a ban on gelding for the land of Israel, how do we harmonize this with the Israelite farmer's need for cattle for traction, his most important possession?[63] First, it is possible that this law is one of several examples in the Torah of idealistic legislation, similar to laws against oppressing the alien (19:33), demands for honest weights (19:36; Deut 25:13–16), or the prohibition of interest on loans among Israelites (Exod 22:24; Lev 25:36–37; Deut 23:20–21). All of these express ideals that may not have met with general compliance, so we see the development of legal strategies in later Jewish law to ameliorate the most burdensome consequences of some of these requirements.[64] Jacob Milgrom asserts that the Torah's laws, "far from being a guide for behavior, were, at least in part, the living code of Israel."[65] While this may be true, the strict enforcement of a ban on gelding, as well as other idealistic legislation, could have been thwarted easily. Oded Borowski notes that, while Lev 19:19 prohibits

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62. Paula Wapnish and Brian Hesse, "Faunal Remains from Tel Dan: Perspectives on Animal Production at a Village, Urban and Ritual Center," *Archaeozoologia* 4 (1991): 34–35.

63. That cattle were the Israelite farmer's most important possession is reflected in legal texts that safeguard an Israelite's right to his possessions (Exod 20:14; 21:37; 22:8; Deut 5:14).

64. Regarding the ban on loans at interest, later Jewish law allows numerous ways to evade it (H. Cohen, "Usury," *EncJud* 16:30–31). Similar is the Torah's categorical prohibition on leavening in Israelite homes (Exod 12:15, 19) and perhaps even the Land of Israel (Deut 16:4). Later Jewish law allows the householder (and merchant) to "sell" his leavening during the seven days of Passover and "receive" it back intact after the festival, which is certainly a concession to pragmatism (H. Rabinowicz, "Sale of Hamez," *EncJud* 7:1237–38).

65. Milgrom, *Leviticus 17–22*, 1348.

breeding hybrid animals, there are ample references in the Hebrew Bible to mules and hinnies.[66] It is hard to imagine that there was large-scale cattle inspection to coerce compliance or that priests and Levites would have been the enforcers. Rather, the individual's conscience, the pressure of the community to conform, along other elements in the Torah that motivate compliance,[67] would have served to pressure an Israelite to obey.

Second, it is possible that cows were used for traction, while males were used for sacrifice and sources of meat. This accords with the demand that the עולה sacrifice, the animal wholly burned on the altar, be a male (Lev 1:3). Milgrom writes that the עולה is described first in Leviticus because of its popularity and ubiquity. Regarding the requirement that it be a male, he writes that this "would correspond to the socioeconomic reality that in all livestock-raising cultures the male animal is expendable."[68] Note that the texts cited above regarding Israelite utilization of cattle for pulling a plow or cart often mention the female or use neutral terms that could include females; none speak of a פר.

Third, it is plausible that Israelites in the preexilic period, like their descendants, found various ways to circumvent the force of the onerous law in Lev 22:24b while adhering to its literal meaning. Milgrom notes

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66. Oded Borowski, personal communication, May 13, 2013. The Hebrew terms for male and female mules are פרד and פרדה, respectively, usually mentioned in the context of royalty (2 Sam 13:29; 18:9; 1 Kgs 1:25, 33, 38, 44; 10:25; 18:5; 2 Kgs 5:17; Isa 66:20; Ezek 27:14; Ps 32:9; Ezra 2:66; Neh 7:68). A mule is the hybrid offspring of a male donkey and a female horse; a hinny is the offspring of a male horse and a female donkey. Biblical Hebrew might not distinguish between the two. Roy E. Gane (personal communication) raises the possibility that Israelites might not have viewed the interbreeding of horses and donkeys as a violation of the law because they were both equids.

67. Elaine Goodfriend, "Ethical Theory and Practice in the Hebrew Bible," in *The Oxford Handbook of Jewish Ethics and Morality*, ed. Elliot Dorff and Jonathan K. Crane (New York: Oxford University Press, 2013), 38–41.

68. Milgrom, *Leviticus 1–16*, 174. Legislation regarding the חטאת, "purification offering," in Lev 4 also requires that the high priest, congregation, and prince offer male animals. Regarding the חטאת of the commoner, a female goat or lamb is the requirement because "a commoner is likely to keep only female animals" (ibid., 252). For the שלמים, "well-being" offering, a male or female is acceptable (Lev 3:1). In ancient and modern animal husbandry, the number of bulls needed to inseminate a herd is quite small, perhaps one bull for every thirty to forty cows (so Varro regarding Roman agriculture: *On Agriculture* 2.3.18 [LCL, 379]). The proportion of males to females in Jacob's gift to Esau (Gen 32:14–16) suggests that fewer males were retained.

above in his second point that gelded animals could have been imported. This is a valid point, but *using* an ox in the Land of Israel is not forbidden, only *making* one. Obeying the law while avoiding its full consequences is characteristic of later Jewish law regarding gelding: a Jew may not neuter his dog nor have a gentile neuter it for him but may purchase a neutered canine.[69] Perhaps such a practice can be derived from verse 25: defective animals obtained from foreigners may not be used for sacrifice, but this verse does not prohibit the acquisition of a defective animal from a foreigner for a profane purpose.[70] The Babylonian Talmud (b. Baba Meṣi'a 90b–91a) mentions another way to circumvent the law:

> Come and hear: For they [the scholars] sent to Samuel's father: What of those oxen which Arameans steal [at the instance of the owners] and castrate? He replied: Since an evasion was committed with them, turn the evasion upon them [their owners], and let them be sold! — R. Papa replied: The Palestinian scholars hold with R. Hidka, viz., that the Noachides are themselves forbidden to practice castration, and hence he [the Israelite, in instructing the heathen to do it,] violates, Ye shall not put a stumbling block before the blind [Lev 19:14].

In this case, non-Jews "steal" and castrate the cattle at the request of their owners. However, because non-Jews (Noachides) are also prohibited from gelding their animals,[71] Jews may not bribe them to do so lest they "place a stumbling block before the blind," that is, induce them to transgress a prohibition that pertains to them as well. Thus, some Jews of antiquity, rather than suffer the economic hardship caused by the high price of suitable cattle for traction, utilized an overly literal reading of the law and observed it according to its letter but not its spirit.[72] It is not hard to imagine that

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69. See Rabbi Natan Slifkin, *Man and Beast* (Brooklyn: Yashar, 2006), 241. Many Jews who obey Jewish law believe that it is permitted to temporarily "sell" their animals to non-Jews to have them neutered, but the Talmud even prohibits the "sons of Noah," i.e., non-Jews, from emasculating their animals (ibid., 242, based on b. Sanhedrin 56b–57a).

70. The obvious target of v. 25 is the reasoning that a sacrificial animal acquired from a foreigner does not have to meet the rigorous standards that the gift of an Israelite does. Those who opine that the verse may prohibit all animals, even unblemished ones, from other countries (Budd, *Leviticus*, 311; Gorman, *Leviticus*, 126) are wrong.

71. B. Sanhedrin 57a; see n. 68.

72. Another example relates to firstborn cattle, which have special status; they must be devoted to Israel's God and eaten at God's chosen place (Exod 13:11–13; Deut

Israelites of previous eras also would have utilized this practice in the face of restrictions that caused financial loss. Jewish law, with its rigorous Sabbath and festival restrictions and high standards of commercial ethics, offered many such opportunities for monetary privation.[73]

5. Motivation for a Prohibition of Gelding

If Lev 22:24b does indeed impose a categorical ban on the castration of nonsacrificial animals, one must question the motivation for such a highly unusual and costly practice. Elijah Schochet suggests that the ban on emasculation of animals stems from two principles: compassion (akin to other commandments regarding kindness or generosity to animals), and a desire not to trespass upon "God's world." Regarding the latter, he cites the Torah's desire that an animal reproduce "according to its own kind" and abhorrence of the intermingling of species. Deuteronomy 22's law of the mother bird expresses a concern akin to Lev 22:24, "a concern that an entire species, or family of species, created by God to endure … might thereby be eradicated from the earth."[74] Similarly, Natan Slifkin categorizes Lev 22:24 among "commandments of sensitivity to the value of an animal's life" and

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15:19–20). In later Jewish law, after the destruction of the Jerusalem temple, the firstborn of sacrificial animals must be given to a priest after it has attained the age of thirty days ("Firstborn," *EncJud* 6:1310). Therefore, halakic literature deals with the question: Can a Jew sell his cow (pregnant with its firstborn) to a non-Jew for a short term, until after its delivery? In that way, the Jewish owner would not have to forfeit his property (Maimonides, *Mishneh Torah, Sefer Korbanot, Bekhorot*, ch. 4, and later responsa literature).

73. Jews may not engage in work or even discussion of business on Sabbath and festivals (Maimonides, *Mishneh Torah*, *Sefer Zemanim*, *Shabbat*, ch. 24). Regarding ethical behavior, for example, Jewish interpretation regarding Lev 19:14 ("you shall not place an obstacle before the blind") forbids a Jew from offering a potential customer misleading information from which the Jew would benefit (see Rashi, ad loc.).

74. Elijah Schochet, *Animal Life in Jewish Tradition: Attitudes and Relationships* (New York: Ktav, 1984), 71. Laws against the intermingling of species are found in Lev 19:19; Deut 22:9–11. The phrase, "according to its kind," is found in Gen 1:11–12, 21, 24–25; 6:20; 7:14; Lev 11:14–16, 19, 22; Deut 14:13–15, 18. The sixteenth-century Spanish exegete Don Isaac Abarbanel suggests that castration is banned "so that this species of animal will always remain viable which is the purpose of nature, and further, that one should not alter God's creative works" (*Perush 'al HaTorah* [Jerusalem: Benei Arbel, 1979], 2:126).

quotes an anonymous medieval work, Sefer Ha-Hinnukh, which explains that gelding thwarts God's plan for a perfect, self-sustaining world.[75]

Genesis does indeed express the imperative that both humanity and the animal world reproduce after the flood. In 8:17, God tells Noah, "Bring out with you every living thing of all flesh that is with you: birds, animals, and everything that creeps on earth; and let them swarm on the earth and be fertile and increase." Just as the law of the goring "ox" in Exod 21 is a legal expression of Gen 9:5–6's principle that God requires vengeance on a homicidal animal, perhaps Lev 22:24b is a legal reflex of Gen 8:17's demand that animals proliferate on earth.

The prohibition of emasculation conforms to other ideas regarding animals found in the Hebrew Bible. It is evident that Israelites had a great affinity for and empathy with their animals of the flock and herd. The "flock" is the most common biblical metaphor for Israel.[76] Howard Eilberg-Schwartz speaks of the pastoral metaphor as the dominant one in Israelite thought and elaborates on the potent influence it had on Israelite law and practice.[77] The affinity reflected in the metaphor is evident in various ways. As a narrative example, Nathan's juridical parable of the poor man's lamb suggests that Israelites could empathize with the poor man's filial relationship with his flock animal.[78] William Propp suggests that the prohibition in Exod 23:19 of cooking a kid in its mother's milk is

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75. Slifkin, *Man and Beast*, 145–46, cites Aaron ha-Levi and Gabriel Hirsch Englander, *Sefer HaHinnukh* (Vienna, 1827), commandment 291, available at Hebrewbooks.org/38670.

76. צאן, "flock," is used for Israel in Num 27:17; 2 Sam 24:17; 1 Kgs 22:17; Jer 13:20; 23:1–4; 25:34–37; 50:6; Ezek 34; 36:37–38; Mic 2:12; 7:14; Zech 9:16; 11:4–17; 13:7; Pss 44:12; 74:1; 77:21; 78:52; 79:13; 95:7; 100:3. For other nations as flocks, see Isa 13:14; 53:6. עדר, "flock" or "herd," is used for Israel in Isa 40:11; Jer 13:20; 31:10; Mic 2:12; Ps 78:52; Zech 10:3. Howard Eilberg-Schwartz notes that, while the docile flock is a frequent metaphor for society in the Bible, the metaphorical use of large cattle is found less often because the bull is too dangerous and unpredictable, as reflected perhaps in Ps 22:13 (*The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* [Bloomington: Indiana University Press, 1990], 120).

77. Ibid., 115–40.

78. The parable assumes that a flock animal can be considered "like a daughter" to its doting owner, and no less a judge than the king of Israel decrees that the man who heartlessly slaughtered this cherished lambkin deserves to die. Robert Alter remarks that the parable "begins to become a little fantastic here in the interest of drawing close to the relationships of conjugal intimacy and adultery to which it refers" (*The David Story* [New York: Norton, 1999], 258). However, if the parable were too fantastic to

motivated by horror "at causing a mother to be instrumental in the eating of her young," and this is grounded in empathy, "the ability to imagine another person as possessing feelings and rights as valid as one's own."[79] Personal names also reflect this sense of kinship, while Hebrew terms from the animal kingdom, such as איל, אביר, and עתוד, are used for men in leadership positions.[80] Several laws in the Torah concerning animals are obviously motivated by empathetic compassion.[81]

There are several reasons for this affinity with animals, especially of the flock and herd:

(1) Interdependence. Humans were dependent upon their animals for meat, milk, leather, wool, fuel in the form of dung, companionship, perhaps even warmth at night, while people felt a strong pragmatic and emotional obligation to offer food, water, and protection to their dependent animals.

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be believable, it would lose its rhetorical power, as the reader expects David to have a reasonable reaction to the tale, not a completely exaggerated one.

79. Propp, *Exodus 19–40*, 286.

80. For personal names, we have Eglah, "heifer," a wife of David (2 Sam 3:5), and the related name Eglon, king of Moab (Judg 3); Rachel, "ewe lamb"; Yael, "mountain goat"; and Leah, "bovine antelope" (so Eilberg-Schwartz, *The Savage in Judaism*, 116). For איל (pl. אילים) as people in leadership positions, see Exod 15:15; 2 Kgs 24:15; Ezek 17:13; 32:21. The term אביר, "mighty," is used for bulls and horses in Isa 34:7; Pss 22:13; 50:13, but for men in 1 Sam 21:8. Israel's God is called אביר (without the *dagesh* in the *bêt*) in Gen 49:24; Isa 1:24; 49:26; Ps 132:2. For עתוד, "he-goat" (Gen 31:10; Deut 32:14) as princes or leaders, see Isa 14:9 and perhaps Ezek 34:17; 39:18.

81. Admittedly, the Torah commands the sacrifice of animals and their ritual consumption. There are (as I count them) ten nonsacrificial laws in the Torah that deal with animals, but the only statutes that are clearly motivated by compassion for animals (as opposed to other concerns) are Exod 23:11 (that the Israelite leave the produce of the sabbatical year for the poor and "wild animals"), Exod 20:10 and 23:12 (that one's animals should rest on the Sabbath), and Deut 25:4 (an "ox" threshing grain may not be muzzled). The others have various motivating factors, perhaps including concerns about the "fusion of life and death" (so Milgrom, *Leviticus 1–16*, 741). These are Exod 23:19; 34:26; Deut 14:21; Lev 22:26–28; Deut 22:6–7. As for Deut 22:10, the prohibition of yoking an ox and an ass together, it is unclear which animal is the object of compassion. As for Exod 23:4–5 and Deut 22:1–4, which focus on livestock that have strayed or have fallen under their burdens, the object of concern is just as likely the owner.

(2) Shared habitation. This is evident when we look at the typical Israelite dwelling during the Iron I period: the pillared or four-room house in which animals were sheltered on the first floor and their masters on the second.[82] Deuteronomy 22:2 commands the Israelite to gather into his house his brother's animal that has strayed. Exodus 9:20 and 1 Sam 6:10 also suggest that livestock was kept in one's house. The story of Jephthah's daughter assumes that animals were more likely than his lone daughter to emerge from the doors of his house (Judg 11:30). In 1980, I personally spent the night in a cave with a Kashmiri family who brought all their livestock inside at dusk.

(3) Shared emotional range. Animals have emotional reactions not unlike those of humans.[83] This is one of the endearing qualities of animals, as they make obvious their loyalty, fear, and affection. Several passages suggest that animals even recognize God's ability to sustain them (Pss 104:27; 145:15–16; Job 38:41).

(4) Shared fates. Phenomena such as drought, famine, locusts, plague, and invasion would have devastated people and animals together.[84] God's restoration of the land of Israel offers blessings to both (Deut 28:4; 30:9; Jer 31:27; 33:12–13; Ezek 36:11).

(5) Shared origins. Evidently Israelites viewed the origin of the animal world as a manifestation of God's creative imagination, not unlike the origin of humankind. This kinship is evident in Gen 1, as both land animals and humans are created on the sixth day (1:24–31). In Gen 2, both are created (verb from root יצר) from the earth (2:7, 19).

Perhaps the ban on castration in Lev 22:24 is based on this sense of affinity and commonality that Israelites had with their domesticated animals. Just as an Israelite man would find castration anathema for himself or his son, so, too, some authorities in ancient Israel rejected it for their animals. This

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82. William G. Dever, *The Lives of Ordinary People in Ancient Israel: Where Archeology and the Bible Intersect* (Grand Rapids: Eerdmans, 2012), 156–57, 164–65.

83. See Schochet, *Animal Life in Jewish Tradition*, 51–55.

84. Lev 26:22 and Deut 28:18 specifically refer to the loss of animal life among the many dire consequences of breaking the covenant. Of course, famine that afflicts humans also results in loss of cattle feed and the subsequent demise of livestock (Lev 26:19–20; Deut 28:23–24).

may be unique to Israel because of the reverence for life characteristic of biblical law. Another aspect of the Israelite worldview possibly reflected in the ban on castration is its appreciation of the pleasures of sexuality, which should be the right of animals, as it is of humans.[85]

6. Conclusion

The goal of this work was to reevaluate the traditional interpretation of Lev 22:24b, that the clause prohibits the gelding of domesticated animals in the land of Israel. Most modern commentaries and translations view the words "and in your land you shall not do" as a reiteration of verse 24a, so that gelding is only prohibited for animals intended for the altar. This limitation allows the use of oxen for plowing and traction, a remarkably utilitarian benefit for the ancient Israelite farmer, and indeed all premodern farmers. However, the weight of the evidence presented here supports the traditional understanding of the verse, which would have placed the Israelite farmer at a disadvantage, as far fewer suitable animals would have been available for his use. Various strategies may have been utilized to overcome this obstacle, including the predominant use of cows for traction, but also the importation of oxen. The restriction of Lev 22:24b would have been motivated by the life-affirming ethos of Israel's laws, an aspect of Scripture amply illuminated by the work of Jacob Milgrom.

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85. The reference in Exod 21:10 to ענתה may refer to a married woman's right to sexual relations. Nahum Sarna writes that this understanding of the term "would reflect a singular recognition in the laws of the ancient Near East that a wife is legally entitled to sexual gratification" (*Exodus: The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1991], 121; for other interpretations of this obscure term, see Propp, *Exodus 19–40*, 202–3). Another passage that could reflect the same sentiment is Deut 24:5, which refers to a newly married man's obligation to make his wife "happy" (שִׂמַּח, a *piel* verb). Certainly the Song of Songs (as part of the biblical canon), as well as the absence of any reference to celibacy in the Hebrew Bible, reflect this positive view of sexuality. Regarding the sexual pleasure of animals, perhaps Israelites projected human sensibilities onto them. The lustful nature of equine animals is mentioned in Jer 2:24; 5:8; Ezek 23:20. Animal sexuality is also mentioned in the context of bestiality (Exod 22:18; Lev 18:23; 20:15–16; Deut 27:21), and the phraseology of these laws assumes that the initiators are the human partners. However, Hittite Laws §199 refers to animals as initiators of sexual attacks on humans (trans. Harry A. Hoffner Jr. [*COS* 2.19:118–19]).

"The Meeting Places of God in the Land": Another Look at the Towns of the Levites[1]

Daniel I. Block

1. Introduction

The search for the location, history, and function of the towns of the Levites is a complicated and complex venture.[2] First, while allusions to the status of Levites and their dwelling places occur elsewhere,[3] Levitical towns are the primary subjects of only four texts: Lev 25:32–34; Num 35:1–8; Josh 21:1–42; and 1 Chr 6:39–66 [ET 54–81]. Second, the lists of Levitical towns in Josh 21 and 1 Chr 6 contain variant information. Most agree that the Chronicler depended on Joshua rather than vice versa,[4] though some argue that both are based on a shorter *Urtext*, perhaps simi-

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2. We are all indebted to Professor Jacob Milgrom for his contributions to this subject, found particularly in his magnificent commentaries on Leviticus (*Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B [New York: Doubleday, 2001], 2201–4) and Numbers (*Numbers: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1990], 288–90, 502–4), and in a short essay, "The Levitical Town: An Exercise in Realistic Planning," *JJS* 33 (1982): 185–8.

3. Lev 25:32–34; Deut 18:1–8; 1 Chr 9:2; 13:1–3; 26:29–32; 2 Chr 11:13–17; 17:7–9; 19:4–11; 31:17–20; Ezek 45:1–5; 48:8–22.

4. On the text-critical issues involved and the relationship between the lists, see Gary N. Knoppers, *I Chronicles 1–9: A New Translation with Introduction and Commentary*, AB 12 [New York: Doubleday, 2003), 430–42; and more briefly, Sara Japhet, *I and II Chronicles: A Commentary*, OTL (Louisville: Westminster John Knox, 1993),

lar to the LXX text of Josh 21.[5] Third, the investigation of Levitical towns touches on the status of the Levites and their relationship to Aaronides and Zadokites. Following Wellhausen,[6] many view the lists as late literary creations, reflecting a period when Levites were distinguished from these priestly groups.[7] However, others argue that distinctions between the central sanctuary priesthood and other priests are early and that the tribal expression "Levites" was often used generally for those responsible

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145, 159–65. For a dissenting view, see A. Graeme Auld, "The 'Levitical Cities': Texts and History," *ZAW* 91 (1979): 194–206.

5. Thus Gary Knoppers, "Projected Age Comparisons of the Levitical Townlists: Divergent Theories and Their Significance," *Textus* 22 (2005): 21–63. For a helpful survey of discussions of the Levitical town lists, see Jeremy M. Hutton, "The Levitical Diaspora (II): Modern Perspectives on the Levitical Cities Lists (A Review of Opinions)," in *Levites and Priests in Biblical History and Tradition*, ed. Mark Leuchter and Jeremy M. Hutton, AIL 9 (Atlanta: Society of Biblical Literature, 2011), 45–81. Earlier Hutton proposed that the Levites' role in Israel compares with Ahansal tribe in the Atlas Mountains of Morocco ("The Levitical Diaspora (I): A Sociological Comparison with Morocco's Ahansal," in *Exploring the Longue Durée: Essays in Honor of Lawrence E. Stager,* ed. J. D. Schloen [Winona Lake, IN: Eisenbrauns, 2009], 223–34).

6. Julius Wellhausen, *Prolegomena to the History of Ancient Israel,* trans. Allan Menzies and J. Sutherland Black (New York: Meridian, 1957), esp. 121–51.

7. See Richard D. Nelson, *Joshua: A Commentary,* OTL (Louisville: Westminster John Knox, 1997), 241. For detailed analyses of the history of the priesthood, see Aelred Cody, *A History of the Old Testament Priesthood*, AnBib 35 (Rome: Pontifical Biblical Institute, 1969); A. J. H. Gunneweg, *Leviten und Priester: Hauptlinien der Traditionsbildung und Geschichte des israelitisch-jüdischen Kultpersonals*, FRLANT 89 (Göttingen: Vandenhoeck & Ruprecht, 1965); Joachim Schaper, *Priester und Leviten im achämenidischen Juda: Studie zur Kult- und Sozialgeschichte Israels in persischer Zeit,* FAT 31 (Tübingen: Mohr Siebeck, 2000), esp. ch. 3. John R. Spencer argues that "Aaronites," "Levites," and "Zadokites" are designations for competing factions that vied for control of the Israelite priesthood. In the end, the "P" writer made Levi and his followers secondary priests, ignored the discredited Zadok, and portrayed Aaron as the true priest. See Spencer's "Priestly Families (or Factions) in Samuel and Kings," in *The Pitcher Is Broken: Memorial Essays for Gösta Ahlström*, ed. Steven W. Holloway and Lowell K. Handy, JSOTSup 190 (Sheffield: Sheffield Academic Press, 1995), 387–400; see also Spencer, "Levitical Cities," *ABD* 4:311. Spencer suggests that the lists "are creations of the post-exilic period which sought to explain how the Levites fit into the early political, social, and theological structure of ancient Israel." For his full analysis, see "The Levitical Cities: A Study of the Role and Function of the Levites in the History of Israel" (PhD diss., University of Chicago, 1980). See also J. P. Ross, "The 'Cities of the Levites' in Joshua XXI and I Chron VI" (PhD diss., University of Edinburgh, 1973).

for Israel's spiritual welfare.[8] Whatever the historical realities, the narrative world of biblical texts often uses the term "Levites" as a general designation for priestly functionaries.

The purpose of this essay is not to repeat previous attempts to establish the historical contexts in which texts dealing with Levitical towns might have been written but to explore their socioreligious functions and the implications of our findings for understanding the role of Levitical priests within ancient Israelite society. However, before I discuss scholarly proposals regarding their function it may be helpful to set the geographic context for the discussion.

The three major texts involving the Levitical towns agree that the Israelite tribes were to donate forty-eight towns to the Levites (Num 35:1–5; Josh 21:1–45; 1 Chr 6:39–66 [ET 54–81]; fig. 1 below). Since there were twelve tribes, most tribes contributed four towns. However, Judah allotted nine, though the narrators note that these included Simeon's grants (Josh 21:9; 1 Chr 6:50 [ET 65]). The total of forty-eight is achieved by having Naphtali grant the Levites only three towns. These towns were allocated principally to the three main Levitical branches, with the Qohathites, the branch that included Aaron, receiving twenty-three [almost half] of the towns, while the Gershonites received thirteen, and the Merarite branch received twelve.

Although the locations of some of the towns are uncertain,[9] several features of the lists are noteworthy. First, with several exceptions in each case, most of the Qohathite towns were located in the south, in Judahite and Danite territory, most Gershonite towns were in the north around the Sea of Galilee, and most Merarite towns were east of the Jordan. Second, the Levitical towns included the six asylum towns, three on the west side of the Jordan (Hebron, Shechem, Qadesh) and three in the Transjordan

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8. For critiques of the common scholarly reconstructions, see Rodney Duke, "Punishment or Restoration: Another Look at the Levites of Ezekiel 44:6–16," *JSOT* 40 (1988): 61–81; J. G. McConville, "Priests and Levites," in his *Law and Theology in Deuteronomy,* JSOTSup 33 (Sheffield: JSOT Press, 1984), 124–53; Jacob Milgrom in conversation with Daniel I. Block, *Ezekiel's Hope: A Commentary on Ezekiel 38–48* (Eugene, OR: Cascade, 2012), 141–48.

9. In an exhaustive study forty-five years ago, John L. Peterson devoted almost seven hundred pages to the archaeological evidence for the Levitical towns ("A Topographical Surface Survey of the Levitical 'Cities' of Joshua 21 and 1 Chronicles 6: Studies on the Levites in Israelite Life and Religion" (ThD diss., Chicago Institute for Advanced Theological Studies, Seabury-Western Theological Seminary, 1977).

Figure 1: The Locations of the Levitical Towns*
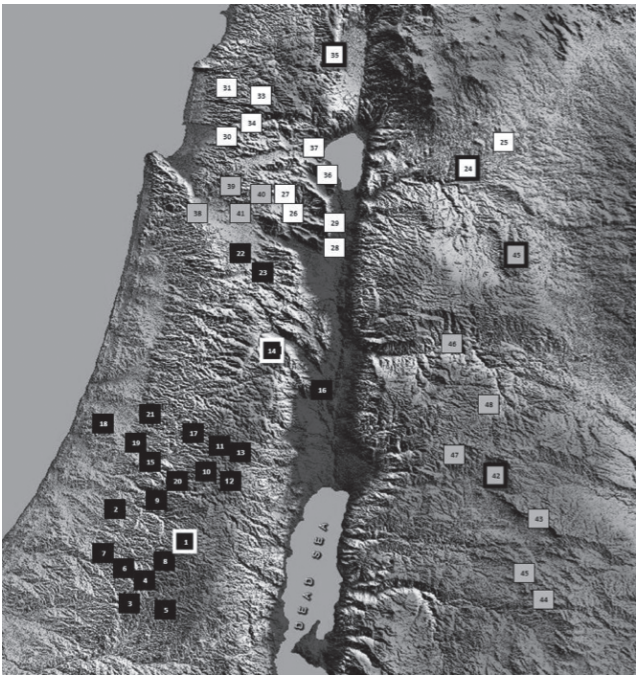
Key:

20 Qohathite Levitical towns		**30** Gershonite Levitical towns	
40 Merarite Levitical towns		**1** Asylum Towns (underlined)	

1 Hebron	13 Almon	25 Ashtaroth	37 Jokenam
2 Libnah	14 Shechem	26 Qishion	38 Qartah/Tabor
3 Jattir	15 Gezer	27 Daberath	39 Dimnah
4 Eshtemoa	16 Qibzaim	28 Jarmuth	40 Nahalal
5 Holon	17 Beth-Horon	29 En-gannim	41 Bezer
6 Debir	18 Eltekeh	30 Mishal	42 Jahzah
7 Ain/Ashan	19 Gibbethon	31 Abdon	43 Qedemoth
8 Yuttah	20 Aijalon	32 Helkath	44 Maphaath
9 Beth-shemesh	21 Gath-rimmon	33 Rehob	45 Ramoth
10 Gibeon	22 Taanach	34 Qadesh	46 Mahanaim
11 Geba	23 Ibleam	35 Hammoth-dor	47 Heshbon
12 Anathoth	24 Golan	36 Qiriathaim	48 Jazer

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(Bezer, Ramoth, Golan). Third, the lists include two prominent sites in the patriarchal traditions, Hebron and Shechem, with awareness that the former had been allotted earlier to Caleb (Josh 21:12). The absence of Jerusalem, Bethel, and Dan suggests that the original list antedates the monarchy.[10] Fourth, the list includes several theophoric toponyms involving names of pagan deities: Beth Shemesh (בית שמש; Josh 21:16); Anathoth (ענתות; 21:18), Beth-Horon (בית חורן; 21:22); and Be-Eshterah (בעשתרה, a contraction of בית עשתרה, "House of Ashtarte"; 21:27).[11] That Levites were allotted such a high proportion of places with names associated with foreign gods may suggest that they were to take the lead in expunging their names from the land (Deut 12:3).[12] The persistence of these names attests to their failure to carry out the mandate.

2. Levitical Towns as an Economic Base for Levitical Prosperity

The Jubilee ordinance assumes the allocation of towns for the Levites (Lev 25:32–34). However, according to the pentateuchal narrative, the divine command to do so occurred almost four decades later, when the Israelites were poised to cross the Jordan River. Numbers 35:1–8 is sandwiched between prescriptions for allocating tribal territorial grants (33:50–34:29)

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10. Whereas Benjamin Mazar, G. Ernest Wright, and William F. Albright had dated the Levitical towns to the eleventh and tenth centuries BCE, Peterson dated the towns he identified as Levitical to the ninth and eighth centuries, based on the archaeological evidence ("Topographical Surface Survey," 698–705). Even if his conclusions are correct—as seems likely—his evidence has no bearing on the dating of the biblical lists. First, none of his evidence distinguished these sites as Levitical, as opposed to hundreds of others he could have surveyed. Second, even if they were Levitical, this would only prove when they functioned that way, rather than when the notion originated. Hezekiah's reforms (2 Chr 29–31) could have represented the first serious attempt at implementing policies that had been in place for centuries. In any case, we must beware of the fallacy of negative proof: absence of evidence is not evidence of absence. For discussion of the fallacy, see David H. Fisher, *Historians' Fallacies: Toward a Logic of Historical Thought* (New York: Harper & Row, 1970), 47–49.

11. Perhaps also Qibzaim (קבצים, Josh 21:22; ים being the name of the god of the sea, hence "Yamm has gathered") and Yoqneam (יקנעם, Josh 21:34; a corruption of יקמעם, "May ʿAm raise up/establish"?; cf. 1 Chr 6:53 [ET 68]).

12. See Daniel I. Block, *The Gospel according to Moses: Theological and Ethical Reflections on the Book of Deuteronomy* (Eugene, OR; Cascade, 2012), 268–69.

and the six asylum towns (35:9–34).[13] Verses 6–8 anticipate that these asylum towns would also function as Levitical towns.

These instructions are striking on several counts. First, they appealed to public generosity: the people were to give (נתָן) the towns to the Levites, a detail reinforced in Josh 21, which lists the forty-eight Levitical towns they donated. Apportionment of the towns within tribal lands reminded the Israelites that their respective territories were not their own; YHWH was the divine Landlord (cf. Lev 25:23). Since the preceding instructions for partitioning the land of Canaan among the tribes omit the tribe of Levi, one could view these Levitical towns as compensation for tribal territory denied them, in addition to the tithes and firstfruits of Israelite worshipers (Num 18:21–32; Deut 14:27–29; 18:1–8; 26:12–13), though YHWH also offered himself as their allotment (חלק) and special grant (נחלה).[14]

The towns of the Levites were to serve as dormitory towns in which members of a tribe scattered throughout the country might live (לשבת; Num 35:2–3). Although the Levites were denied land for producing crops, YHWH provided pastureland, termed מגרש, around their towns to shepherd their flocks (35:2–5, 7).[15] Jacob Milgrom has plausibly suggested that the allotment, traditionally understood as belts of land around Levitical towns,[16] involved four rectangles extending 1,000 cubits from the edge of the town in each direction, allowing the מגרש to grow as the town expanded (fig. 2).[17] While the Levites would be dependent on members of other tribes for grains, vegetables, and fruit, apparently they could raise

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13. On the asylum towns, see Jeffrey Stackert, "The Urbanization of Asylum: Reconceptualizations of Refuge in Deuteronomy and the Holiness Legislation," in his *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007), 31–112.

14. Num 18:20 (חלק); Deut 18:1–2; Josh 13:33; Ezek 44:28 (all נחלה).

15. Hebrew מגרש apparently derives from גרש, "to drive, drive out." Although not attested with animals as the object, in everyday speech the verb may have been used of driving herds of sheep or cattle. It is used of driving the Amorites out of their land (Exod 34:11), and in the Mesha Inscription of Chemosh it refers to driving the king of Israel away from Mesha ("The Inscription of King Mesha," translated by K. A. D. Smelik [*COS* 2.23:138]). Milgrom (*Leviticus 23–27*, 2204) rightly suggests that מגרש refers to "a place into which animals are driven [i.e., pens]."

16. Cf. *HALOT*, 546.

17. Milgrom, "The Levitical Town," 185–88; Milgrom, *Numbers*, 502–4).

Figure 2. The Expanding מגרש

Israelite Agricultural Land	Levitical Pastureland	Israelite Agricultural Land
1,000 cubits		1,000 cubits
Levitical Pastureland	Levitical Town	Levitical Pastureland
Israelite Agricultural Land	Levitical Pastureland	Israelite Agricultural Land
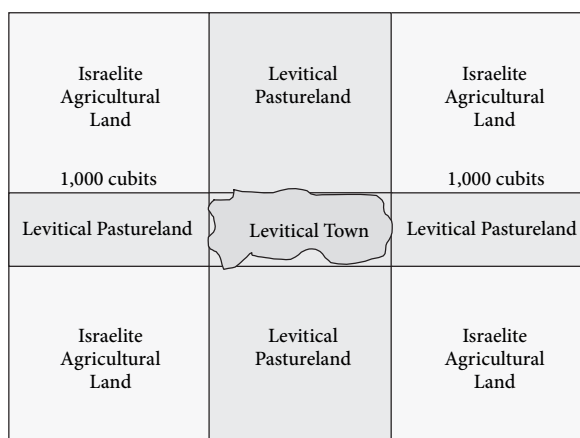
their own livestock for wool, leather, meat, and milk to supplement the donations they received as tithes and offerings.

Although the tribes were to give the Levites these towns, it is doubtful that they had exclusive rights to live there. Joshua 21:11 acknowledges that Hebron, which had been granted to Caleb, was also an asylum town. Apparently non-Levites lived in all Levitical towns. However, YHWH's instructions required them to give up tracts within the city's environs to accommodate them. Leviticus 25:32–34 suggests that their homes were equivalent to fields of non-Levites; they were subject to laws of jubilee and under normal circumstances would be passed on from generation to generation.[18] This provision prevented non-Levites from claiming their homes, thereby impoverishing them and preventing them from performing their religious duties in the community (see below). This policy did not apply to the pastureland around the towns, which was not to be parceled into private holdings nor sold. As property of all the Levites, it served as a community pasture for their flocks. Ezekiel's vision reinforces the notion of the inviolability of Levitical property (Ezek 48:14). In short, the institution of Levitical towns was an economic arrangement intended in part to secure the well-being of Levites.

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18. For fuller discussion of this text, see Milgrom, *Leviticus 23–27*, 2201–4.

3. Levitical Towns as Judicial Centers

It is commonly assumed that the Levites functioned as judges who adjudicated legal cases in the courts,[19] which would suggest that Levitical towns functioned as bases for the national judicial system.[20] Samuel, a Qohathite (1 Chr 6:18 [ET 33]), had a regular circuit, judging at Bethel, Gilgal, Mizpah, and Ramah (1 Sam 7:15–17), and he appointed his own sons as judges over Israel (1 Sam 8:1–5). While the narrator's disposition toward the last action is unclear, he certainly discredits Samuel's sons (cf. Deut 16:19; 24:17). For our purposes it is significant that none of Samuel's sites was a Levitical town and that no biblical narrative depicts a Levite sitting as judge to hear legal cases.

The Deuteronomic evidence cited by Leuchter for a judicial role for priests is dubious.[21] First, although Deut 16:18 and 17:8 envision judicial proceedings being conducted in the gates of towns, no judicial function is implied by the statement in 18:6 that the Levite comes from "any of your gates" (שעריך). That the Levite is "sojourning" (גר) in the town suggests that he is not a permanent resident there. Furthermore, while in Deuteronomy "in your gates" often identifies the place where people live,[22] it never

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19. See especially Mark Leuchter, " 'The Levite in Your Gates': The Deuteronomic Redefinition of Levitical Authority," *JBL* 126 (2007): 417–36.

20. If this assumption is granted, it is a small step to proposing that under the Josianic reforms the Levites' role shifted "from a cultic position to one that is strictly juridical and administrative" (ibid., 425) and that their agenda became political, viz., to administer the centralizing reforms of Josiah. Some go so far as to suggest that the institution of the tithe, particularly the acceptance of silver instead of produce (Deut 14:22–29), ultimately functioned as a tax to support Josiah's centralized political and military administration (see, e.g., Schaper, *Priester und Leviten*, 95–112). Benjamin Mazar suggested that Solomon built Levitical towns at strategic locations in newly occupied territories and installed Levites as civil servants who supervised royal estates and collected taxes ("The Cities of the Priests and Levites," in *Congress Volume: Oxford, 1959*, VTSup 7 (Leiden: Brill, 1960], 193–205). Milgrom (*Numbers*, 507) notes that "the clearly archival note of 1 Chronicles 26:29–32 … pointedly demonstrates that the Levites were assigned administrative functions in Transjordan at the end of David's reign." For full discussion of this text, see Japhet, *I and II Chronicles*, 453–55, 463–66.

21. Leuchter, "The Levite in Your Gates," 421–25.

22. The Levite alone (Deut 14:27; 18:6); with children, servants, and livestock (5:14 [cf. Exod 20:10]; Deut 12:12, 18; 16:11, 14); with the fatherless and widows (14:29; 16:11, 14; 26:11–13); with fellow Israelites (24:14; 31:12). Significantly, all of these cases that involve Levites identify the person only with respect to tribe, "the

refers to the location of the "court." "Gates" functions simply as a metonym for "towns," that is, a settlement protected by walls and gateways.

Second, in Deuteronomy Levitical priests never actually function as judges who hear cases and weigh evidence to render judicial decisions. As custodians of Torah, they were to supervise the king as he wrote a copy of the Torah for himself (17:18), presumably to ensure that he neither added to it nor subtracted from it (cf. 4:2; 13:1 [ET 12:32]), and they were to read it at the central sanctuary before the assembled worshipers every seven years on Sukkoth (31:9–13). Deuteronomy 18:1–8 envisions Levitical priests sharing in the offerings Israelites present to YHWH and traveling to the central sanctuary to serve YHWH there. In Deut 20:1–4 the priest functions as chaplain, preparing troops for battle by encouraging them not to be afraid because YHWH their God goes before them to secure victory. In the ritual involving the red heifer in 21:1–9, the priest does not adjudicate the case of an unsolved murder[23] but supervises a ritual designed to absolve Israel of bloodguilt. Deuteronomy 24:8 casts Levitical priests as teachers of the people and guardians of the people's purity, overseeing the treatment of defiling skin diseases. Deuteronomy 27:9–26 involves Levitical priests in the anticipated covenant-renewal ritual at Mounts Ebal and Gerizim immediately after the Israelites enter the land. None of these texts has the priest functioning as a judge administering justice in a court of law.[24]

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Levite" (הלוי), and without reference to priestly role (cf. הכהנים הלוים, "the Levitical priests").

23. ועל פיהם יהיה כל ריב וכל־נגע in Deut 21:5 translates literally, "and every dispute and every assault shall be according to their declaration." English translations generally interpret this as settling disputes and violent cases. However, this passage portrays the priest ministering (שרת) to YHWH and blessing (ברך, *piel*; object: the people) in his name and specifies the goal of the ritual as securing atonement for YHWH's people (כפר לעמד), to atone for bloodguilt (ונכפר להם הדם), and to purge the guilt of innocent blood from their midst (תבער הדם הנקי מקרבד; 21:8–9). Therefore the clause in v. 5 should be translated, "and their declaration in every dispute and every assault shall stand." Presumably the ritual would end with the priest's announcement on YHWH's behalf that the bloodguilt had been lifted and the curse replaced with the blessing (see Daniel I. Block, *Deuteronomy*, NIVAC (Grand Rapids: Zondervan, 2012], 491–92).

24. Contra Karel van der Toorn, who comments, "In the perspective of Deuteronomy, the Levitical priests have the monopoly on Torah and legal expertise; the focus on instruction and jurisdiction throws other sacerdotal prerogatives into the shadows" (*Scribal Culture and the Making of the Hebrew Bible* [Cambridge: Harvard University

Deuteronomy 17:8–13 may be the exception that proves the rule. The people are to bring insoluble cases involving homicide or assault to the central sanctuary for resolution. Although Levitical priests and a judge have the final word (17:9), the primary addressees are ordinary citizens. Like 16:18–20 and 17:2–7, these instructions involve the people in maintaining righteousness in judicial matters. Deuteronomy 17:8–12 present the actions of the priests/judge in one short statement (17:9c), while focusing on the people's responsibilities: to present the case to the priest/judge (17:8b–9) and to execute the decision (17:10–12b). Rather than offering the accused another chance to have the case reviewed, the process provides a resource for local adjudicators,[25] identified as the Levitical priests and the judge (17:9)[26] Most scholars view "the judge who is in office at that time" (17:9) as a layperson who joins a group of priests (note the plural) to hear the case (cf. 19:15–21).[27] However, the references to the sanctuary (17:8, 10) and the location of the procedure "before Yahweh" (19:17)[28] suggest that in 17:9 "the judge" (השפט) functions appositionally to "the Levitical priests," specifying an individual selected from among them to preside over and to announce the decision.[29]

Press, 2007], 168). They do indeed have the monopoly on the Torah, but the remainder of this statement is incorrect.

25. So also Richard D. Nelson, *Deuteronomy: A Commentary*, OTL (Louisville: Westminster John Knox, 2002), 221.

26. The expression הכהנים הלוים, "Levitical priests" appears in Deuteronomy for the first time in 17:9 (cf. v. 18; 18:1; 24:8; 27:9). Elsewhere this group is identified simply as הכהנים, "the priests" (19:17; 20:2 [sg.]), or הכהנים בני לוי, "the priests, the descendants of Levi" (21:5; 31:9), or שבט ה[לוי], "the tribe of Levi" (10:8; 18:1). On their duties, see 10:8; 18:1, 3; 26:4; 27:9–10; 31:9–11, 24–26). See further McConville, "Priests and Levites," 124–53; M. D. Rehm, "Levites and Priests," *ABD* 4:303–5. The Priestly writings never explicitly ascribe a judicial role to priests. Although Num 5:11–31 involves a legal/moral case, the priest does not adjudicate the legal process but subjects the accused to a "trial by ordeal," and YHWH himself declares the verdict.

27. Moshe Weinfeld suggests that two independent judicial traditions have been combined (*Deuteronomy and the Deuteronomic School* [Oxford: Clarendon, 1972], 235).

28. Exod 21:6 and 22:7–8 [ET 8–9] also speak of judicial cases being resolved "before God."

29. On the conjunction "and" as an explicative *waw*, see GKC §154 n. (b). The clause "who is [in office] in those days" leaves open whether these persons served for life, like high priests, or rotated off when their terms expired. The use of the plural in 19:17 (הכהנים והשפטים) suggests a panel of judges drawn from the priests.

In Deut 17:9 the LXX and the Samaritan Pentateuch read MT's ודרשת as a plural ודרשו, "and they shall inquire," suggesting that the tribunal would repeat the lower court's investigation (cf. 13:15 [ET 14]; 17:4).[30] However, here דרש means "to make inquiry" rather than "to investigate," and the verb refers to seeking oracular guidance from Yahweh.[31] The use of משפט in the last clause of verse 9 reinforces this interpretation.[32] As priestly "judge," the designated official is heir, not to the "judges" of Exod 18:22 and 25 (or Deut 1:13–16c), but to Moses, to whom the people came to "inquire" (דרש) of God (Exod 18:15, 19; Deut 1:17d).[33] However, unlike Moses, the priestly "judge" at the central sanctuary could use the Urim and Thummim to determine the mind of God.[34]

The charge to execute the divine judgment represents the center of gravity in this panel (Deut 17:10–12b). Since 17:10 demands action, "the

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30. Thus Samuel R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, ICC (Edinburgh: T&T Clark, 1902), 208.

31. Thus *DCH* 2:474. On לדרש דבר, "to seek a word," as an idiom for oracular inquiry see 1 Kgs 14:5; 22:5 (= 2 Chr 18:4); Ezra 10:16.

32. The noun is used elsewhere of a divine pronouncement in response to inquiry (Judg 13:12; 1 Sam 2:12–13; 8:10–11) or a cry for rescue (Judg 4:5).

33. While Exod 18:19 envisions Moses bringing the most difficult cases to YHWH, as in Deut 17:9, the use of דרש in search of a משפט in Exod 18:15 involves an oracular consultation. Similarly, Bernard S. Jackson, "Law in the Ninth Century: Jehoshaphat's 'Judicial Reform,'" in *Understanding the History of Ancient Israel*, ed. H. G. M. Williamson, Proceedings of the British Academy 143 (Oxford: Oxford University Press, 2007), 387 n. 105.

34. On the oracular use of the Urim and Thummim in the priest's "breastpiece of the judgment" (חשן המשפט), see Exod 28:30; Lev 8:8. If we abandon the common political interpretation of the broader context (Deut 16:18–18:22; cf. Block, *Deuteronomy*, 399), several features of this text are clarified: (1) the characterization of difficult cases with the verb נפלא; elsewhere the root פלא refers to miraculous or "wonderful" divine actions, as opposed to ordinary events (Deut 1:17; Exod 18:26); (2) the location of the inquiry at the sanctuary rather than "in your gates" (Deut 17:8, 10); (3) the absence of any reference to an investigation by priests or judge; this tribunal simply declares the outcome; (4) the phrase דבר המשפט, "the word of decision," which suits an oracular context perfectly (cf. 17:11); (5) the twofold occurrence of the idiom על פי, literally "according to the mouth" (vv. 10, 11), which suggests that the officials do not establish but only declare the verdict (vv. 9, 10, 11); (6) the later reference to "the priest who stands there to serve Yahweh your God" (v. 12). These elements do not belong in a judicial inquiry conducted by a lay official. The procedure presents Yahweh as Judge in the ultimate court, and the priest at the sanctuary who declares the verdicts is his representative.

word of judgment" (דבר המשפט) in 17:9 would include both a declaration of guilt or innocence and the actions against a person declared guilty. If the "word" the priest declares represents the divine judgment in a case that normal procedures had failed to resolve, the immediate context might suggest that the Torah to be taught by the priestly tribunal (17:11) involves specific instructions related to the case at hand.[35] However, the usage of the expression in Deuteronomy and the Levites' role as instructors of Torah (33:10) argues in favor of the Torah as taught in these addresses. By executing the divine decision as prescribed, Israelites pursue righteousness as determined in this case and as taught in the Torah. Demanding the same rigorous compliance with a specific revelation from God as he does with the Torah (5:32; 17:20; 28:14), in this context deviation "to the right or to the left" refers to punishing more severely or leniently than the ruling prescribed, or substituting the prescribed sentence with a different action. Therefore the present instructions conclude with a stern warning: failure by the defendant or those charged to execute the judgment to comply with the divine decision is presumptuous and constitutes defiance against God (17:12a–b). Refusal to hear the priestly judge, who represents Yahweh and declares his verdict, is as reprehensible as idolatry itself (cf. 17:5–7a) and deserving of the death penalty.

If Josianic scribes who "envisioned Levites as suitable candidates for the position of official regional jurists"[36] produced these texts, they have thoroughly camouflaged their intentions. Levites might have been included among the "judges" (שפטים) and "officials" (שטרים; 1:15–17; 16:18–19), but to characterize local Levitical priests as the default juridical agents[37] is unwarranted. Texts such as 17:8–13 and 19:15–21 involve Levitical priests in judicial proceedings, but only to present cases to YHWH for divine adjudication. The expressions "before YHWH" (לפני יהוה) and "who are [in office] in those days" (אשר יהיו בימים ההם) link these passages, while the plurals "priests and judges" in 19:17 suggest local settings. However, as in 17:8–9, in 19:17 the priests probably do not serve as judges but as YHWH's representatives overseeing the procedures, ensuring the pursuit of "righteousness, only righteousness" (צדק צדק; 16:20) as specified in the Torah, and securing purgation of the evil from Israel. In any case, the

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35. Thus A. D. H. Mayes, *Deuteronomy*, NCB (Grand Rapids: Eerdmans, 1981), 269.

36. Thus Leuchter, "The Levite in Your Gates," 426.

37. Ibid., 423.

burden of justice rests on the shoulders of the people (16:18–19; 19:15–21), who select the judges—presumably from the elders of their communities.[38] This is not to deny that Levitical priests ever served in a judicial capacity. However, since in the administration of justice the Levitical priests' role primarily involved representing YHWH and guarding Torah, to view Levitical towns chiefly as judicial centers seems unwarranted.[39]

4. Levitical Towns as Centers of Pastoral Ministry

The silence of scholars on the religious function of Levitical towns is extraordinary.[40] Studies of ancient Israelite religion/religions give scant attention to the subject,[41] and when they do they are preoccupied with

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38. On the role of elders in the administration of justice, see Deut 19:8–13; 21:1–9, 18–21; 22:13–21; 25:5–10. For full discussion of these texts, see Timothy M. Willis, *The Elders of the City: A Study of the Elders-Laws in Deuteronomy*, SBLMS 55 (Atlanta: Society of Biblical Literature, 2001). Significantly, the instructions concerning asylum towns—which were included among the Levitical towns—assign responsibility for the adjudication of homicide refugee cases to the "assembly" (Num 35:9–15). Whether the עדה is a national political body representing all Israelites, adult males, or chieftains (thus Milgrom, *Numbers*, 335) or a local assembly of elders (on this possibility, see Daniel Levy and Jacob Milgrom, "עֵדָה *ēdâ*," *TDOT* 10:477), the absence of Levitical priests is significant.

39. In the Chronicler's report of Jehoshaphat's reform (2 Chr 19:4–11), the regulations concerning judges in the towns throughout the land ("town by town"; 19:4–7) apparently involved neither Levites nor Levitical towns. Whether or not the appointment of priests and Levites (19:8–11) was localized in Jerusalem, the program emphasizes their role in maintaining the relationship between the people and YHWH rather than priestly adjudication of cases. On this text, see Jackson, "Law in the Ninth Century," 376–89.

40. Peterson's unpublished dissertation, "Topographical Surface Survey," is a notable exception. His concluding twenty-five pages focus on the significance of these towns in Israel's religious life.

41. Rainer Albertz in *A History of Israelite Religion in the Old Testament Period*, trans. J. Bowden, OTL (Louisville: Westminster John Knox, 1994) never mentions Num 35:1–5 and disposes of Josh 21 and 1 Chr 6 with a single dismissive comment: "I regard the tradition of the forty-eight Levitical cities (cf. Josh. 21; I Chron, 6) as a later artificial systematization" (263 n. 94). The subject is never addressed by Helmer Ringgren, *Israelite Religion*, trans. D. E. Green (Philadelphia: Fortress, 1966); Karel van der Toorn, *Family Religion in Babylonia, Syria and Israel: Continuity and Change in the Forms of Religious Life*, Studies in the History and Culture of the Ancient Near East 7 (Leiden: Brill, 1996); Patrick D. Miller, *The Religion of Ancient Israel*, Library of

whether the lists in Josh 21 and 1 Chr 6 are utopian or realistic.[42] Since these discussions are largely hypothetical, perhaps the time has come to explore the biblical evidence to see how the Levitical towns might have functioned socioreligiously. I shall address this subject under two sub-topics: (1) explicit statements concerning Levites in the constitutional materials, especially Deuteronomy; and (2) narrative accounts involving Levites.

Ancient Israel (Louisville: Westminster John Knox, 2000); Richard S. Hess, *Israelite Religions: An Archaeological and Biblical Survey* (Grand Rapids: Baker, 2007); or any of the essayists in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. P. D. Miller Jr., P. D. Hanson, and S. D. McBride (Philadelphia: Fortress, 1987); or *Religious Diversity in Ancient Israel and Judah*, ed. F. Stavrakopoulou and J. Barton (London: T&T Clark, 2010). Ziony Zevit does slightly better, offering a helpful map (*The Religions of Ancient Israel: A Synthesis of Parallactic Approaches* [London: Continuum, 2001], 610) and devoting a couple of pages to the subject (656–58). He acknowledges that "Levites were the recognized bearers of common—though not necessarily uniform—tradition" but ill-advisedly interprets the Levitical guild-caste as "part of the royal bureaucracy/public works and services sector, assigned or allotted the right to reside in various cities and villages in tribal territories" (656–57). Roland de Vaux devotes two pages to Levitical towns but is preoccupied with the origins of the lists and has nothing to say about their religious function (*Religious Institutions*, vol. 2 of *Ancient Israel* [New York: McGraw-Hill, 1965], 366–67).

    42. Those who argue for a realistic interpretation tend to find the origin of these lists in the time of the united monarchy, usually from the reign of David. Chris Hauer Jr. opined that David allotted these towns to the Levites in the interests of the "national royal ecclesiastical cult dedicated to Yahweh, the God who had guided his own royal destiny. The settlement of Levites, a tribe of sacerdotal specialists notorious for their Yahwistic zeal, at points of particular concern about the country, would certainly serve this policy" ("David and the Levites," *JSOT* 23 [1982]: 48). For antecedents of this view, see W. F. Albright, "The List of Levitical Cities," in *Louis Ginzberg Jubilee Volume* (New York: American Academy for Jewish Research, 1945), 49–73 (Eng. sec.); Benjamin Mazar, "The Cities of the Priests and Levites," 193–205. Proponents of the utopian interpretation of the lists disagree on their antiquity. Yehezkel Kaufmann argues for a premonarchic date (*The Biblical Account of the Conquest of Canaan* [Jerusalem: Magnes, 1953], 40–46); Menaham Haran suggests that, while the tradition may have historical roots, the lists reflect the utopian vision of preexilic Priestly authors ("Studies in the Account of the Levitical Cities: I. Preliminary Considerations," *JBL* 80 [1961]: 45–54; Haran "Studies in the Account of the Levitical Cities: II. Utopia and Historical Reality," *JBL* 80 [1961]: 156–65). Ehud Ben Zvi argues for a postmonarchic date for Josh 21 ("The List of the Levitical Cities," *JSOT* 54 [1992]: 77–106).

4.1. The Activities of Levitical Priests in the Constitutional Materials

As noted earlier, the book of Deuteronomy offers some insight into the religious functions of Levitical priests:[43] carrying the ark of the covenant in processions (10:8; 31:9); standing before YHWH and serving him (10:8; 17:12; 18:5, 7); representing YHWH in blessing the people in his name (10:8; 21:5); declaring the divine judgment in otherwise insoluble cases (17:9); supervising the king as he copied the Torah (17:18); serving as witnesses on YHWH's behalf in legal proceedings (19:17); guarding the Torah (31:9); instructing the people on the distinctions between clean and unclean and supervising purification rituals (24:8); presiding over covenant-renewal rituals (27:9, 14); performing cultic rituals before YHWH (33:10); and teaching YHWH's judgments (משפטים) and his Torah in Israel (33:10).[44]

While the last function is commonly recognized, how Levitical priests would fulfill this role deserves further comment. Deuteronomy 31:9–13 requires them to read the entire Torah orally to the nation at the central sanctuary every seven years at the Sukkoth festival. However, it is unlikely that this was the only time the people heard the Torah. Since Deut 6:6–9 calls on parents to take "these words" (presumably the Torah) to heart, that is, memorize them, and recite them diligently to their children,[45] presumably Levitical priests bore responsibility for teaching them to the people,

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43. Deuteronomy does not distinguish between priests and Levites but uses a variety of expressions to refer to those charged with responsibility for the spiritual well-being of the people: הכהנים הלוים, "Levitical priests" (17:9, 18; 18:1; 24:8; 27:9); הכהנים, "the priests" (19:17; 20:2 [sg.]), or הכהנים בני לוי, "the priests, the descendants of Levi" (21:5; 31:9), or שבט [ה]לוי, "the tribe of Levi" (10:8; 18:1).

44. On priestly duties and responsibilities in general, see Richard D. Nelson, *Raising Up a Faithful Priest: Community and Priesthood in Biblical Theology* (Louisville: Westminster John Knox, 1993), 83–110; Patrick D. Miller, *The Religion of Ancient Israel*, LAI (Louisville: Westminster John Knox, 2000), 162–74.

45. Hebrew וְשִׁנַּנְתָּם involves the verb שנן, "to repeat." The speech act does not entail speaking "about these words" but reciting them to the children at every opportunity. The statement need not assume general literacy. If ancient Greeks could memorize Homer's *Iliad* and *Odyssey* in their entirety and would recite these epics to inspire the ancient values of "love of glory, virtue of cunning, and the importance of the preservation of honor" (thus David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* [Oxford: Oxford University Press, 2005], 99–104), ancient Israelites could have memorized the entire Torah (i.e., the speeches in Deuteronomy).

just as Moses had taught (למד) the Song of YHWH to the Israelites by "putting it in their mouths" (שימה בפיהם; 31:19–22; cf. 32:44–46). In the absence of written copies, having memorized the Torah themselves, the Levitical priests could teach the Torah by reciting it in the towns and villages where they lived and assisting the people in memorizing it.[46] The historian's observation that the generation that succeeded Joshua "did not know YHWH nor the great deeds he had done for Israel" (Judg 2:10) reflects the massive failure of the heads of Israel's households and the Levitical priests to keep alive the memory of YHWH's redemption and his covenant stipulations.[47] Some have suggested that the eighth-century BCE prophet Hosea represented a faithful remnant of these Levitical priests. Thinking and speaking like one, he denounced the people for their covenantal infidelity and their liturgical recidivism.[48]

Many have studied Israel's national cult and the nature of personal and family religion, but the practice of religion and spiritual leadership at the clan or community level deserves more attention. In any society people look to a spiritual leader, not only for instruction in the traditions and mores of the past, but also for comfort when grieving and blessing at significant moments (e.g., the birth of a child). Israel's priestly writings call for the involvement of priests as spiritual physicians in women's purification rituals after childbirth (Lev 12), in cases of defiling skin diseases (Lev 13–14), in cleansing a house infected with mold (14:33–57), and in personal purification rituals (Lev 15). These texts envision a people gathered around the central sanctuary ("tent of meeting," 12:6; 14:11, 23; 15:14, 29), and Milgrom rightly noted that they do not involve Levites (Deuteronomy's Levitical priests), but only the priests.[49] However, if the principles underlying these purity/impurity ordinances had any force for the nation settled in the promised land, it would be unreasonable for those who were ritually unclean to run to the central sanctuary every time they became impure through childbirth, skin diseases, bodily discharges, or contact

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46. Cf. Carr, *Writing on the Tablet of the Heart*, 132–34.

47. Cf. the "Deuteronomic" recollection of YHWH's past favors attributed to the divine envoy (מלאך יהוה) in Judg 2:1–5, a prophet (נביא) in 6:7–10, and YHWH himself in 10:11–14.

48. See Stephen L. Cook, *The Social Roots of Biblical Yahwism*, SBLStBl 8 (Atlanta: Society of Biblical Literature, 2004), 231–66.

49. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 1.

with a moldy house or with cadavers. If Levites could be authorized to take care of the tabernacle, it is reasonable to suppose that they could also be commissioned to oversee purification rituals and pronounce those who had been defiled as clean in the far reaches of the land. Presumably they would also have officiated at community religious observances and supervised the practice of Sabbath-keeping.

Indeed, Israel's constitutional literature provides several hints that Israel's theocratic structures had room for local liturgical expression. Regulations for constructing altars in Exod 20:24–26 are open to altars at various sites.[50] The absence of the article on "altar of earth" (מזבח אדמה, v. 24) and "altar of stones" (מזבח אבנים, v. 25) suggests that these are generic instructions rather than prescriptions for the altar at the central sanctuary. The clause "in every place where I cause my name to be remembered" (בכל המקום אשר אזכיר את שמי) presupposes simultaneous worship at more than one place. Whereas the tabernacle altar (Exod 27:1–8; 38:1–7), later temple altar (2 Chr 4:1), and Ezekiel's altar (Ezek 43:13–17) bore no resemblance to the altar prescribed here, the Iron Age I structure on Mount Ebal appears to have been constructed according to these specifications.[51] However, unlike Bethel and Shiloh, biblical texts never associate the Ebal site with the tabernacle. Anticipating worship at every place that YHWH caused his name to be remembered, he promised to meet and bless the people there. Indeed, Milgrom has argued forcefully that P's doctrine of religious centralization was limited and that it recognized the legitimacy of other regional sanctuaries.[52] Furthermore, following Yehezkel Kaufmann and reversing his earlier position, Milgrom has demonstrated that H also assumes the ongoing validity of multiple sanctuaries. Especially critical here is Lev 26:31: "I will lay your cities waste, and will make *your sanctuaries* desolate, and I will not smell your pleasing odors"

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50. So also Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1998), 28–34.

51. See Adam Zertal, "An Early Iron Age Cultic Site on Mount Ebal: Excavation Seasons 1982–1987," *TA* 13–14 (1986–1987): 105–65. For the definitive study of this site, see now Ralph K. Hawkins, *The Iron Age Structure on Mt. Ebal: Excavation and Interpretation*, Bulletin for Biblical Research Supplement 6 (Winona Lake, IN: Eisenbrauns, 2012).

52. Milgrom, *Leviticus 1–16*, 28–42; more briefly in Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1503–4.

(NRSV, emphasis added). In contrast to the previous verse, here מקדשיכם refers to legitimate cult centers where sacrifices were presented.[53]

All this supposedly changed with Josiah's reforms in the late seventh century BCE. Interpreting Deuteronomy as a seventh-century document produced to support the king's centralization of religion and political power in the crown, most assume that the book's call for worship at "the place that YHWH would choose to establish his name"[54] excluded legitimate worship of YHWH at any other location. Milgrom writes:

> There is agreement that D's major innovation is its abolition of the local sanctuaries. Thus it is not surprising when D prescribes a sanctuary ritual it invariably states explicitly, emphatically, and repetitively that henceforth it must be observed only at one chosen sanctuary.[55]

However, this interpretation seems unlikely on several counts. First, it is unrealistic. Although the three annual pilgrimage festivals should have united Israel in a common tradition, theology, and faith (Exod 23:14–19; Deut 16:1–17), the latter cannot be maintained by legislating participation in national observances while outlawing local expressions, either at the community level or within the family. Deuteronomy does indeed require minimally three annual pilgrimages to the central sanctuary (16:1–17), but true religion is personal and local, lived out in everyday activities of work and play and celebrated in domestic and communal spiritual rituals.

Second, even Deuteronomy, which provides the strongest mandate for centralization of worship, seems to open the door to worship away from the central sanctuary. The use of the verb זבח, "to sacrifice, slaughter" (12:15, 21), the link between Israel's kosher food and acceptable offerings to YHWH (12:15, 22; cf. 14:1–21),[56] the care required in following divine prescriptions in slaughtering animals, especially with reference to blood (12:16, 23–25), the explicit link with well-being (12:25), and the recogni-

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53. So also Milgrom, *Leviticus 23–27*, 2320. For fuller discussion of multiple sanctuaries in H, see Milgrom, *Leviticus 17–22,* 1503–14.

54. Variations of the formula occur twenty-one times in the book (Deut 12:5, 11, 21; 14:23–25; etc.). On the "place name formula" in Deuteronomy, see Sandra L. Richter, *The Deuteronomistic History and the Name Theology:* lᵉšakkēn šᵉmô šām *in the Bible and the Ancient Near East*, BZAW 318 (Berlin: de Gruyter, 2002); Richter, "The Place of the Name in Deuteronomy," *VT* 57 (2007): 342–66.

55. Milgrom, *Numbers*, 505; cf. Milgrom, *Leviticus 1–16*, 187.

56. Cf. Block, *Deuteronomy*, 341–52.

tion that these are acceptable acts "in the eyes of YHWH" (הישר בעיני יהוה; 12:25; cf. 12:28), suggest that every meal involving meat is a sacred act of worship.[57] Furthermore, the reference to "the altar of YHWH your God that you make for yourself" (אשר תעשה לך) in 16:21 involves compromising a legitimate act (building an altar to YHWH) with an illegitimate one (erecting an Asherah pole beside the altar of YHWH). While Deuteronomy emphasizes worship at the central sanctuary and forbids the worship of any other gods anywhere, it does not proscribe legitimate worship of YHWH elsewhere.

Priestly writings elsewhere distinguish the ritual service of Aaronic and Zadokite priests from the rest of the Levites, who maintained the sanctuary but did not have access to the inner sanctum (Num 18:1–32; cf. Ezek 44:1–27).[58] This coheres with the vision of centralized worship at the tabernacle while "the hosts of YHWH" marched to the land promised to their ancestors and with Ezekiel's idealized/utopian view of the nation's ancestral homeland, dominated by the sanctuary, the reserve of the נשיא (Ezek 45–46, 48), and the city named "YHWH Shammah" (Ezek 48:35). Because Deuteronomy envisions a realistic world, with the Israelites settled in their allotted tribal territories, it does not distinguish priests from Levites and recognizes the logistical difficulties of centralized worship for the scattered people (cf. 12:20–28; 14:24–27). Deuteronomy highlights the worship of the nation and individuals at "the place YHWH has chosen to establish his name," but it also anticipates Levitical priests living throughout the land. The references to Levites "in your gates" (12:12, 18; 14:27, 29; 16:11, 14; 26:12) or coming "from your gates" (18:6) do not concern Levitical towns but towns where ordinary Israelites live. The book does not envision Levites living in monastic isolation in towns reserved exclusively for them; rather, they will be regular fixtures wherever Israelites reside. If resident aliens (גר) commonly sought employment among the Israelites,

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57. Similarly, Peter T. Vogt, *Deuteronomic Theology and the Significance of Torah: A Reappraisal* (Winona Lake, IN: Eisenbrauns, 2006), 181–83; contra Levinson, *Deuteronomy and the Hermeneutics,* 35–38. There is no need to relegate this to the category of "profane [i.e., nonsacrificial] slaughter" as Milgrom does or to attribute D's preference for זבח (which Milgrom acknowledges denotes sacred slaughter) over שחט (which Milgrom says denotes common slaughter) to "ignorance of its [שחט] technical meaning as developed by P" (Milgrom, *Leviticus 1–16*, 716–17).

58. For Milgrom's discussion of this issue, see "Excursus 1: Ezekiel and the Levites," in *Ezekiel's Hope*, 141–48.

we may reasonably suppose that Levites were welcome in these communi-
ties not merely as freeloaders but presumably to minister to the people.
Although they were permitted to own homes, because Levites were denied
tribal territory, like aliens, widows, and the fatherless, they were depen-
dent upon the Israelites' charity. The people's treatment of Levites "in their
gates" would thus serve as a barometer of their spiritual condition.

4.2. The Activities of Levitical Priests in Hebrew Narratives

Apart from Josh 14:4; 21 and 1 Chr 6, explicit references to Levitical towns
in biblical narratives are rare. The Chronicler reports that David gathered
all the priests and Levites who lived "in towns that have pasturelands"
(בערי מגרשיהם) to celebrate the return of the ark from Kiriath-jearim
(1 Chr 13:2). Second Chronicles 11:13–14 reinforces the image of Levites
away from the central sanctuary, noting that when Jeroboam established
his cult centers at Bethel and Dan the priests and Levites in all Israel came
"from all their districts" (מכל גבולם) and stood with Rehoboam. When
Jeroboam barred Levites from ministering as priests for YHWH (מכהן
ליהוה), they abandoned "their pasturelands and their property" (מגרשיהם
ואחזתם), apparently referring to Levites' holdings in other towns, and
moved to Judah and Jerusalem (2 Chr 11:14). Later Jehoiada the priest
assembled the Levites from all the towns of Judah to Jerusalem for the
installation of Josiah as king (2 Chr 23:1–11, esp. v. 2). According to 2 Chr
31:19, in Hezekiah's time priestly descendants of Aaron also lived in "the
fields of the pasturelands of their towns" (בשדי מגרש עריהם).[59]

   In reconstructing the place of Levitical priests outside the environs of
the central sanctuary, 2 Kgs 23:8–9 is a crux. Having purged the temple of
pagan objects and personnel (23:1–7), Josiah extended his campaign to
the city of Jerusalem and its environs (23:10–14), Judah (23:8–9), and the
Neo-Assyrian province of Samaria (23:15–20). Given his severe treatment
of syncretistic priests in Jerusalem (23:5) and the high places in Samaria
(23:20), his response to the priests at the high places of Judah is modest, if
not generous. I interpret "priests of the high places" (כהני הבמות, 23:9) as
legitimate priests of YHWH ministering in high places outside Jerusalem,
in contrast to the "idolatrous priests" (כמרים, 23:5).[60] After destroying the

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59. The reference to "fields" may suggest that some of the pastureland was under
cultivation.

60. כמרים is a loanword from Akkadian *kimru* "priest," via Aramaic. Cf. *DNWSI*

cult centers he brought all of the former to Jerusalem. Although they were denied direct access to the altar, they were welcomed to the fellowship of priestly colleagues. We may also speculate that, because away from Jerusalem these high places were subject to local syncretistic pressures, Josiah may have brought these Levitical priests to Jerusalem to participate in his religious agenda and renew their commitments to orthodox Yahwism. McConville rightly argues that this did not signal the failure of the centralizing agenda of Deut 18:1–8.[61] Since the altar rituals in Jerusalem were the preserve of the Zadokite priests, to exclude the Levitical priests from the inner sanctuary was not a punitive policy.

While they do not all mention Levitical towns, other texts suggest that Levitical priests were scattered throughout the land, performing rituals at community cult centers and serving as spiritual leaders for the people. The narratives offer numerous illustrations of the latter. For example, in contrast to the Aaronide Eli, Samuel was a Qohathite, the grandfather of Heman the musician (1 Chr 6:18–23 [ET 33–38]). His father Elkanah resided in Ramathaim of the Zophites, in the hill country of Ephraim (1 Sam 1:1).[62] Judges 17–20 demonstrates that Levites were identified both by tribe of origin and by their geographic location. Although non-Aaronides were barred from the high priesthood, Deut 18:6–8 explains how Samuel, an Ephraimite, could minister to YHWH in the sanctuary

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1:515–16; Hayim ben Yosef Tawil, *An Akkadian Lexical Companion for Biblical Hebrew: Etymological-Semantic and Idiomatic Equivalents with Supplement on Biblical Aramaic* (Jersey City, NJ: Ktav, 2009), 166. Legitimate high places are also acknowledged elsewhere (1 Sam 9:12–14; 10:5, 13; 1 Kgs 3:4).

61. McConville, "Priests and Levites," 132–35.

62. Since 1 Sam 1:19 locates Elkanah and Hannah's house in Ramah, this could be a variant name of Ramathaim. However, given Ramah's location in Benjamin and the transience of Levites (see Judg 17–20), in 1 Sam 1:1 the narrator seems to have distinguished Elkanah's origins from his residence. Susan Ackerman considers associating Ramathaim-zophim with New Testament Aramatea (modern Rentis) or with Khirbet Raddana ("Who Is Sacrificing at Shiloh? The Priesthoods of Ancient Israel's Regional Sanctuaries," in Leuchter and Hutton, *Levites and Priests*, 38). Ramathaim ("twin peaks") could also be linked with Shechem, a Levitical town in Ephraim (Josh 21:21), located between the "twin peaks" of Mounts Gerizim and Ebal. Many question the originality of the Chronicler's genealogy of Samuel. According to Japhet, "a genealogy of the prophet Samuel has been transplanted into the line of the Kohathites, in an attempt to provide Samuel with a legitimate levitical pedigree" (*I and II Chronicles*, 153), but ultimately the concern is to legitimize the musician, Heman, a grandson of Samuel (156).

at Shiloh. However, Samuel's destiny was neither tied to Shiloh nor limited to the role of a priest. Whereas the nation recognized him as prophet (1 Sam 3:19–21), he also functioned as "governor"[63] of a small region in the nation's heartland (7:15–16). His home was in Ramah, but he also governed from Bethel, Gilgal, and Mizpah. As priest he built an altar to YHWH at Ramah (7:17), but as pastor to the nation he pleaded with Israel to repent of their sin (7:3–4), prayed for them (7:5, 8), performed water rituals before YHWH (7:6a), led the people in fasting (7:6b), presented burnt offerings to YHWH (7:9–11), and presided over commemorative rituals of thanksgiving (7:12). Later he presented sacrifices at the high place in Zuph (9:11–14, 22–24) and hosted a sacrificial occasion with Jesse and his family in Bethlehem (16:1–5). The narrator never suggests that these priestly services away from the central sanctuary were illegitimate.[64]

If Samuel represents legitimate Levitical priestly service, Judg 17–21 recounts the adventures of Levitical priests who lost their spiritual and professional way. After presenting the origins of Micah's apostate household cult (Judg 17:1–5), the narrator's focus turns to a Levite who stumbles upon Micah. By withholding his name until the end of this story (18:30), readers are invited to generalize this person's characteristics to Levites as a group. Identified by status (נער), geography (from Bethlehem), clan (ממשפחת יהודה), tribe (a Levite), and vocation (גר; 17:7), the Levite is characterized as a shiftless man, "going to sojourn wherever he might find"

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63. Hebrew שפט is not restricted to arbitration of civil disputes but should be understood more broadly as "govern" (cf. Daniel I. Block, *Judges, Ruth*, NAC [Nashville: Broadman & Holman, 1999], 21–25).

64. The narrators locate other altars away from the central sanctuary without criticism: Ophrah (Judg 6:24, 26); the threshing floor of Araunah (2 Sam 24:18–25); Gibeon (1 Kgs 3:4); and Mount Carmel (1 Kgs 18:30–35—note Elijah's reference to YHWH's altars [pl.]; 19:10, 14). These altars contrast with illegitimate installations at Ophrah (Judg 6:25–32); Bethel and Dan (1 Kgs 12:32–33; 13:1–5); the towns of Samaria (1 Kgs 13:32); on the high places and hills and under every green tree (2 Kgs 16:4); and alternate altars in Jerusalem (2 Kgs 16:10–16; 21:3–5); etc.

Archaeologists have recently discovered evidence for early monarchic cultic shrines at Khirbet Qeiyafa and Tel Motza. For the former, see Yosef Garfinkel, "Three Shrines from Khirbet Qeiyafa: Judean Cult at the Time of King David" (paper presented at the Society of Biblical Literature Annual Meeting, Chicago, 18 November 2012); for the latter, see the report of discoveries by Anna Eirikh, Hamoudi Khalaily, and Shua Kisilevitz, "Temple and Sacred Vessels from Biblical Times Discovered at Tel Motza," http://www.mfa.gov.il/mfa/israelexperience/history/pages/temple_vessels _biblical_tel_motza_26-dec-2012.aspx.

(17:8; cf. 17:9). While most translations fill the gap with something like "a place" (NRSV, NJPS), the text does not specify the object of the Levite's search, inviting the reader to contemplate other possibilities: a treasure, home, job, place to minister, wife, someone who will take him in.

Micah's conscience apparently troubled him for having ordained his son as priest of his private installation. Capitalizing on the arrival of the Levite, he tried to legitimize his cult and secure YHWH's favor by installing the newcomer as his priest (17:10–13). The Levite happily accepted the offer, but his professional infidelity did not stop there. When Danite scouts arrived, they recognized the Levite's voice—apparently he had previously spent some time with the Danites—and asked him what he was doing there, to which he shamelessly answered that Micah had hired him and he had become his priest (18:3–4). In response to the Danites' request for an oracular word from YHWH regarding the prospects for their scouting venture, he replied, "Go in peace; the road on which you are traveling is before YHWH" (18:5–6). Although the expression, נכח יהוה דרככם, is ambiguous, the Danites interpreted it in their favor. Later, when the entire Danite tribe appeared, the Levite abandoned his patron and sold his services to the highest bidder (18:19), in effect blessing the Danite thugs who stole Micah's cultic objects and his priest and sanctioning their establishment of a new shrine at Laish/Dan (18:27–31). We do not learn the Levite's identity until the end of the story; he was Jonathan, the grandson of Moses.[65] This account illustrates how quickly and deeply the spiritual recidivism affected premonarchic Israel (cf. 2:10–12), suggesting that the absence of faithful Levitical priests contributed to the problem.

The narrator's portrait of the Levite in Judg 19–20 is not quite as round as that of Jonathan ben Mosheh, but it is equally troubling, inasmuch as his domestic dispute precipitated a national crisis that brought the nation to the brink of disaster. Judges closes with the Benjaminite tribe all but eliminated for their defense of evil and the women of Israel helpless victims of male monstrosity (21:6–23). The narrator portrays the nameless Levite (who figures only at the beginning of this series of events; 19:1–20:7) as self-interested and heartless, so that in the end readers wonder who killed his concubine (cf. 19:27–20:6). In contrast to Samuel, these Levites lacked

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65. On the superscripted *nun* in מנשה to read "Manasseh" rather than "Moses," see Emmanual Tov, *Textual Criticism of the Hebrew Bible*, 3rd ed. (Minneapolis: Fortress, 2012), 52–53.

a moral compass and awareness of the place of their tribe in the divine agenda. In this world no one, not even YHWH, was king (17:6; 18:1; 19:1; 21:25).

5. The Role of Levitical Towns in Israelite Life

The place of Levitical towns in the narratives is unclear, since narratives involving Levites rarely involve Levitical towns. Apart from the theophoric names that associate sites with cult installations before the Israelites arrived (see above), texts involving Levitical towns rarely mention cult centers used by Israelites. The asylum towns may be exceptions. Since persons seeking refuge from an avenger would cling to an altar (Exod 21:14; 1 Kgs 1:51; 2:28–29), asylum towns (which also functioned as Levitical towns)[66] probably contained shrines, though Haran suggests that this did not apply to other Levitical towns.[67] Distinguishing between "shrines" (houses of God involving an altar and other cult installations at which priests ministered) and "high places" (במות, represented simply by open air altars),[68] Haran observes that, while the former were rare, the latter were scattered throughout the land.[69] Later texts note that Anathoth, a Levitical town (Josh 21:18), was home to the priestly figures Abiathar (1 Kgs 2:26) and Jeremiah (Jer 1:1; 32:7–9), though evidence for a shrine is lacking.[70] However, the case of Micah in Judg 17 suggests that these distinctions may

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66. Josh 20:7–8 identifies the following: Kadesh in Galilee (Naphtali; 21:32); Shechem in Ephraim (21:21); Kiriath-Arba (Hebron) in Judah (21:11); Bezer in Reuben (21:36); Ramoth in Gilead (Gad; 21:38); and Golan in Bashan (Manasseh; 21:27). The bracketed references identify them as Levitical towns.

67. Haran, "Studies … I. Preliminary Considerations," 53.

68. According to these distinctions, the tenth–ninth century installation in Arad must be classified as a "shrine," but its legitimacy is cast in doubt by two standing pillars signifying devotion to more than one God (perhaps YHWH and his Asherah) and a seventh-century ostracon inscribed "the house of YHWH" (בית יהוה), which may refer to the Jerusalem temple or suggest that this installation competed with the central sanctuary. On this site, see Miriam Aharoni, "Arad: The Israelite Citadels," in *The New Encyclopedia of Archaeological Excavations in the Holy Land*, ed. Ephraim Stern (New York: Simon & Schuster, 1993), 1:82–87.

69. Haran, "Studies … I. Preliminary Considerations," 53 n. 14; "Studies … II. Utopia," 160.

70. Abiathar ministered at Nob (1 Sam 22:19–20) and Jerusalem (2 Sam 15:29), and his forbears ministered at Shiloh (1 Sam 1–4; 14:3).

be too absolute. The manufacture of a household idol (17:4) could easily escalate into the construction of a household shrine (בית אלהים, 17:5), complete with image, ephod, תרפים, and ordained priest. If cultic activities happened in other places, Levitical priests probably would have performed such rituals in Levitical towns.[71] Indeed, it seems that the institution of Levitical towns was intended to serve a critical purpose in the maintenance of religious fidelity and pastoral care of the Israelite population (fig. 3). Rather than serving as instruments of Josianic social, political, and economic centralization, together Levitical towns and Levitical priesthood reflected a deliberately centrifugal religious strategy.

Figure 3. A Schematic Portrayal of the Location
and Function of the Levitical Towns

The Central Sanctuary   Outlying Towns and Villages   Levitical Towns
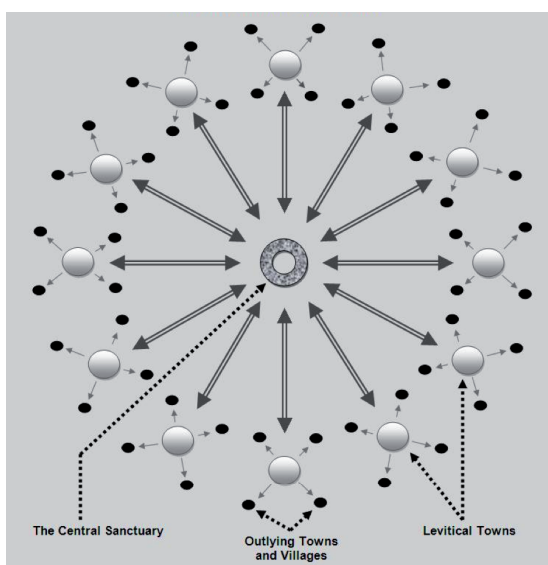
Priestly texts and Deuteronomic writings alike envision a religious world dominated by a central sanctuary, where national festivals would be celebrated and rites of penitence observed (Yom Kippur). All males

71. Contra McConville, *Law and Theology*, 134–35, and Haran, "Studies … I. Preliminary Considerations," 51–53.

were required to attend the festivals of Pesach/Matsot (Passover/Unleav-ened Bread), Shabuoth (Weeks), and Sukkoth (Booths; Exod 23:14–27; 34:23; Deut 16:16–17), but Deuteronomy encourages heads of households to bring along wives and children, aliens and Levites (12:12; 16:11). In addition to these scheduled observances, YHWH invited his people to his presence when they brought tithes (14:22–29), consecrated the first-born of the flock (15:19–23), and presented the firstfruits of the harvest (26:1–11). The high priest and his Aaronide/Zadokite clan presided over the ritual at the central sanctuary, while other branches of Levites served as supporting cast.

This spiritual fervor needed to be maintained between the festivals, in the everyday life of family and community. Moshe Weinfeld recognized the absurdity of people from the farthest corners of the land routinely worshiping at the central sanctuary.[72] It seems that Levitical towns and Levitical priests were to promote faith and facilitate worship throughout the year and in every region. Despite scholars' neglect of John L. Peterson's work, his conclusion that Levitical priests were "the theological educa-tors of ancient Israel" and that their towns were "outposts for the Mosaic teaching"[73] demands reconsideration, if not expansion. These institutions provided means for meeting Israel's pastoral needs, for communal and clan expressions of faith, and for instruction on righteousness in everyday life.

There were only forty-eight Levitical towns. What about communi-ties not serviced by Levitical priests stationed there? Remarkably, of sites mentioned as places of sanctioned worship led by Levites at altars outside Jerusalem, only Gibeon was a Levitical town (1 Kgs 3:4; cf. Josh 21:17). Presumably the Levites' ministry radiated from Levitical towns to outly-ing settlements. Susan Ackerman reasonably proposes that regional במות scattered throughout the land provided places of worship for people living within a 25- to 30-kilometer radius.[74] Individuals, families, clans, and entire village communities came to these altars to renew their relationship with YHWH, to be instructed in his saving acts, to encounter him person-ally, or to receive a blessing from him. The role of Levitical priests in the

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72. Weinfeld, *Deuteronomy and the Deuteronomic School*, 218.

73. Peterson, "Topographical Surface Survey," 724, following G. Ernest Wright, "The Levites in Deuteronomy," *VT* 4 (1954): 325–30. See also Robert G. Boling, "Levit-ical Cities: Archaeology and Texts," in *Biblical and Related Studies Presented to Samuel Iwry*, ed. A. Kort and S. Morschauser (Winona Lake, IN: Eisenbrauns, 1985), 31.

74. Cf. Ackerman, "Who Is Sacrificing at Shiloh," 33 n. 26.

rituals at these sites is largely unknown, but under normal circumstances such worship was legitimately Yahwistic. References to Levites "in your gates" in Deuteronomy[75] are not addressed to Levites but to heads of lay households, charged to care for Levites living in their midst, presumably serving as spiritual leaders in the community.[76]

The boundaries separating priestly activity in outlying towns, Levitical towns, and the central sanctuary were not absolute. Deuteronomy 18:6–8 suggests that priests were free to move back and forth from Levitical town to central sanctuary and vice versa[77] (which also opened the door to Levitical priests losing their spiritual and professional way).[78] Although verses 1–8 excluded Levitical priests from the country from officiating at the central altar, this provision guaranteed them access to priestly portions of the people's offerings when they were in Jerusalem, table fellowship with priests at the central sanctuary, and opportunities for spiritual enrichment. Within this centrifugal system, communication between axle and rims should have promoted the orthodoxy of Levitical priests as they returned to their places of service in the outlying regions, where temptations to compromise with pagan rites associated with those sites were strong. Having begun his reforms at the axle (2 Kgs 23:1–7), Josiah extended them to outlying regions, demolishing cult installations throughout the land because they had been compromised as badly as the central sanctuary. Since Josiah appears not to have purged any legitimate priests in Jerusalem,[79] it should not be a surprise that he let country Levites retain their status. Second Kings 23:8–9 does not declare his motive for bringing them to Jerusalem. However, rather than challenging the central sanctuary priesthood, he probably intended to reorient the Levitical priests to

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75. Deut 12:12, 18; 14:27, 29; 16:11, 14; 18:6; 26:12.

76. The economic vulnerability of Levitical priests dependent on the charity of laypeople is reflected in the frequency with which Deuteronomy mentions them alongside other groups of vulnerable people (12:12, 18, 19; 14:29; 16:11, 14; 26:11–13).

77. Contra Ada Taggar-Cohen, who comments, "It seems likely that priestly families belonged to a certain temple and remained in their own towns of origin" ("Covenant Priesthood: Cross-Cultural Legal and Religious Aspects of Biblical and Hittite Priesthood," in Leuchter and Hutton, *Levites and Priests*, 21).

78. Cf. Judg 17–20. Mal 2:1–9 suggests that the problem persisted into postexilic times.

79. Hilkiah the high priest (הכהן הגדול) and his descendant retained the position until the exile and beyond (1 Chr 5:39–41 [ET 6:13–15]; Ezra 7:1–5).

the Deuteronomic vision of Yahwistic orthodoxy, presumably in time to send them back to the towns and villages to carry on their priestly service.[80]

Although the origins of the synagogue in Judaism largely remain a mystery,[81] with this interpretation we may have stumbled upon a generally overlooked possibility. In Ps 74 the psalmist laments the loss of the basic institutions that served the spiritual needs of the nation: the destruction of the temple, the silencing of the prophetic voice, and the burning of "all the meeting places of God in the land" (כל מועדי אל בארץ, 74:8).[82] In keeping with Exod 20:24–25, this comment assumes legitimate places throughout the land where the people would come for communal religious gatherings, presumably supervised by Levites, and where God would keep appointments with his people. Although the hub of this centrifugal structure could never be transferred to another location, the Levitical towns and outlying centers of worship served as ready precedents for the establishment of institutions, such as the synagogue, for the maintenance of faith wherever remnants of the nation might be found.

6. Conclusion

Scholars will continue to debate whether the biblical vision of the Levitical priesthood and the Levitical towns represents utopian ideals or historical realities and what the role of the Levitical priests and the function of the Levitical towns were within that vision. The reconstruction provided here differs radically from the prevailing orthodoxy among critical scholars, which often relies upon speculative readings of specific texts and is sometimes driven as much by presuppositions brought to the reading as the evi-

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80. McConville rightly sees the transfer of the priests to Jerusalem as "a measure taken against cultic corruption" (*Law and Theology,* 133). This was probably not conceived as a permanent arrangement, for it would have left outlying populations without regular pastoral care, instruction in the Torah, and oversight in community cultic observances.

81. For brief comment, see Morton Smith, "Jewish Religious Life in the Persian Period," in *Introduction; the Persian period*, vol. 1 of *The Cambridge History of Judaism*, ed. W. D. Davies and Louis Finkelstein (Cambridge: Cambridge University Press, 1984), 258–59. For fuller discussion of the options, see Lee I. Levine, *The Synagogue: The First Thousand Years* (New Haven: Yale University Press, 2000), 19–41. Lee proposes that its precursor might be found in the city gate, which functioned as the focal point of communal activity (26–31).

82. In 74:4 the same expression (מועד) is used of the temple.

dence of the texts themselves. Obviously I have my own presuppositions, and I grant that some of my interpretations are speculative, but sometimes a look at the data from a different perspective can be helpful.

Based on the foregoing analysis of the role of Levitical towns in the religious life of ancient Israel, the following observations arise. First, the Levitical towns represent an ancient idealistic arrangement designed not primarily to serve economic and political ends but to promote the religious well-being of the people. Second, the distribution of the Levitical towns throughout the land recognizes that deep faith is demonstrated not primarily in annual pilgrimages to the central sanctuary but in everyday life, and it is in their daily experiences that people need spiritual mentoring and care. Third, in the ideal world, this spiritual care should have been provided by the Levitical priests, who used the Levitical towns as bases of ministry but went out from there to the villages to instruct the people in their faith, to supervise the maintenance of purity regulations, to lead in local religious observances, and to provide general pastoral care to the citizens. Fourth, although the boundaries between the service of Levitical priests and the Aaronic/Zadokite priests of the central sanctuary were clearly drawn, under ideal circumstances these two groups would not have been rivals who struggled for hegemony in the realm of the cult. Rather, their ministries were intended to be complementary, promoting exclusive devotion to YHWH at the central sanctuary and throughout the land, on the one hand, and giving all access to the presence and blessing of YHWH, on the other. This was the ideal. Unfortunately, the reality on the ground rarely matched the ideal. The historical narratives speak of quick, rampant, and persistent recidivism on all fronts. The trauma of 586 BCE testifies, not to the failure of the Levitical towns as an institution, but to the failure of those in whose hands YHWH had placed the care of his people—both political and spiritual.

I offer this study in honor of Professor Milgrom, who has contributed so much to our understanding of all things religious and spiritual in ancient Israel, in the hope that it will stimulate further dialogue on an intriguing but underresearched topic.

PART 2
COMPOSITION OF PRIESTLY AND HOLINESS TEXTS

Profane versus Sacrificial Slaughter: The Priestly Recasting of the Yahwist Flood Story

David P. Wright

1. Introduction

The relationship between the Priestly and non-Priestly materials in the Pentateuch is disputed. Some documentary analyses see the three main narratives (E, J, and P) as having arisen independently, with similarities due to reliance on common oral traditions.[1] Some others, who view P as an independent source, claim that it relied to some degree on non-P narratives.[2] Scholarship that explains the Pentateuch by a model of redactional

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1. See Baruch J. Schwartz, "The Priestly Account of the Theophany and Law-giving at Sinai," in *Texts, Temples, and Traditions: A Tribute to Menahem Haran*, ed. Michael V. Fox, Victor Avigdor Hurowitz, Avi Hurvitz, Michael L. Klein, Baruch J. Schwartz, and Nili Shupak (Winona Lake, IN: Eisenbrauns, 1996), 103–34; Schwartz, "סיפורי המבול שבתורה ושאלת נקודת המוצא של ההיסטוריה," in *Shai le-Sara Japhet*, ed. Moshe Bar-Asher, Dalit Rom-Shiloni, Emanuel Tov, and Nili Wazana (Jerusalem: Bialik Institute, 2007), 142 n. 13; Joel Baden, *J, E, and the Redaction of the Pentateuch*, FAT 68 (Tübingen: Mohr Siebeck, 2009), 197–207; Baden, *The Composition of the Pentateuch*, ABRL (New Haven: Yale University Press, 2012), 178–79 and esp. 188–92; cf. also 63–65; Baden, "Identifying the Original Stratum of P: Theoretical and Practical Considerations," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, ed. Sarah Shectman and Joel Baden, ATANT 95 (Zürich: Theologischer Verlag Zürich, 2009), 14–15 and n. 4.

2. See Sean McEvenue, *The Narrative Style of the Priestly Writer*, AnBib 50 (Rome: Biblical Institute, 1971), 22–89; David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996); Carr, *The Formation of the Hebrew Bible* (Oxford: Oxford University Press, 2011), 292–303. See also Michaela Bauks, "La signification de l'espace et du temps dans 'l'Histoire Sacerdotale,'" in *The Future of the Deuteronomistic History*, ed. Thomas Römer, BETL 147 (Leuven: Leuven University Press, 2000), 30–32. For a recent argument for indepen-

supplementation views P to be inherently related to non-P: P is either an
addition to non-P;[3] alternatively, parts of P—such as the flood story or
even all of P—is the base text to which non-P was added.[4]

This essay provides new evidence and arguments that P used the
non-P (i.e., J = Yahwist) flood story as a model in composing its own self-
standing flood tale, recorded in Genesis.[5] With this as the focus, the study

dent flood stories that have been edited together, see Jan Christian Gertz, "Source
Criticism in the Primeval History of Genesis: An Outdated Paradigm for the Study
of the Pentateuch?" in *The Pentateuch*, ed. Thomas B. Dozeman, Konrad Schmid, and
Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 171–78. Gertz says that
one story may have been familiar with the other (178).

3. For example, Frank Moore Cross, *Canaanite Myth and Hebrew Epic* (Cambridge:
Harvard University Press, 1973), 294, 324–25; Rolf Rendtorff, *The Problem of the Process
of Transmission in the Pentateuch*, JSOTSup 89 (Sheffield: JSOT Press, 1990), 156–70
(esp. 169–70); Rainer Albertz, *A History of Israelite Religion in the Old Testament Period*,
2 vols. (Louisville: Westminster John Knox, 1994), 1:42–43, 55, 2:480–93; Mark Smith,
The Priestly Vision of Genesis 1 (Minneapolis: Fortress, 2010), 2, 4, 117–38. Erhard Blum
views P as somewhat independent but also a supplement (*Studien zum Komposition des
Pentateuch*, BZAW 189 [Berlin: de Gruyter, 1990], 221–85; Blum, "Issues and Problems
in the Contemporary Debate Regarding the Priestly Writings," in Shectman and Baden,
Strata of the Priestly Writings, 31–44. Cf. Jean-Louis Ska, *Introduction to Reading the
Pentateuch* (Winona Lake, IN: Eisenbrauns, 2006), 147 (cf. also 146–61).

4. Joseph Blenkinsopp, "P and J in Genesis 1:1–11:26: An Alternative Hypoth-
esis," in *Fortunate the Eyes That See: Essays in Honor of David Noel Freedman*, ed.
Astrid B. Beck, Andrew H. Bartelt, Paul R. Raabe, and Chris A. Franke (Grand Rapids:
Eerdmans, 1995); Blenkinsopp, *The Pentateuch*, ABRL (New York: Doubleday, 1992),
77–86; Albert de Pury, "Pg as the Absolute Beginning," in *Les dernières rédactions
du Pentateuque, de l'Hexateuque et de l'Ennéateuque*, ed. Thomas Römer and Konrad
Schmid, BETL 203 (Leuven: Leuven University Press, 2007), 99–128; Blenkinsopp,
"The Jacob Story and the Beginning of the Formation of the Pentateuch," in *A Fare-
well to the Yahwist? The Composition of the Pentateuch in Recent European Interpre-
tation*, ed. Thomas Dozeman and Konrad Schmid, SBLSymS 34 (Atlanta: Society of
Biblical Literature, 2006), 51–72; Jean-Louis Ska, "The Story of the Flood: A Priestly
Writer and Some Later Editorial Fragments," in his *The Exegesis of the Pentateuch*,
FAT 66 (Tübingen: Mohr Siebeck, 2009), 1–22; Jan Christian Gertz, Angelika Berle-
jung, Konrad Schmid, and Markus Witte, *T&T Clark Handbook of the Old Testament*
(London: T&T Clark, 2012), 265; Konrad Schmid, *The Old Testament: A Literary His-
tory* (Minneapolis: Fortress, 2012), 147–48. See also those cited by Schmid, *Genesis
and the Moses Story: Israel's Dual Origins in the Hebrew Bible*, trans. James D. Nogalski,
Siphrut 3 (Winona Lake, IN: Eisenbrauns, 2010), 152 n. 665.

5. The designation P is ambiguous. It can refer to the whole PH work or to the
basic stratum of the PH work (see n. 37, below). Because the flood story belongs to

only incidentally presents argumentation for the identification and delineation of sources. The analysis, however, will broadly show the validity of source analysis and the specific division followed here. The essay also does not treat the theoretical issues of what correlations constitute evidence for textual dependence and how to judge directionality of dependence,[6] though, again, it will inductively illustrate the cogency of the proposals offered here. I should, in any case, observe at the outset that recent works on inner-biblical exegesis demonstrate that a dependent text may substantially differ from its source.[7] Reasonable explanations of differences may actually provide support for literary dependence. These explanations also point to directionality of dependence.

2. Analysis

The appendix to this essay sets out the full Hebrew texts of the two flood stories in parallel, with headings outlining the main scenes. The reader will see that each story in Genesis reads as a continuous, complete, and independent narrative with its own character, ideology, and goal. One is not a supplement to the other.[8] The point to recognize up front is that the two stories have the same overall pattern and that several passages that are consecutive in the present biblical text are actually parallel.[9] This broad correspondence suggests a literary relation between the two. Also note that P's story is much longer than J's (56 verses to 28), especially in the

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basic P, I will generally speak of P when referring to its writer(s). Sometimes, however, I will use P in reference to the whole PH work.

6. I have treated these matters elsewhere. See David P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (Oxford: Oxford University Press, 2009), 24–28, and the literature cited at 375–76 nn. 115–17.

7. See Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, 1985); Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1998); Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008), 95–181.

8. For the idea that the J and P stories are self-standing compositions, see esp. Schwartz, "סיפורי המבול," 140–42 (and passim). See also Carr, *Reading the Fractures*, 48–62; Baruch Halpern, "What They Don't Know Won't Hurt Them: Genesis 6–9," in Beck et al., *Fortunate the Eyes That See*, 16–34.

9. Cf. Carr, *Reading the Fractures*, 60 (with table on 52–53).

final scene. This arouses the suspicion that, if there is literary dependence, P's story is posterior.

2.1. Prelude and Decision to Send the Flood

A look at the specific correlations shows that P's text in large part can be explained as a reaction to that of J. Let us start with the sections in Genesis about the decision to send the flood. Both of these describe the deity as *seeing* evil:

בארץ   כי רבה רעת האדם   וירא יהוה   6:5a J
על הארץ   וירא אלהים   את הארץ והנה נשחתה   כי השחית כל־בשר את דרכו   6:12 P

Commonalities include the verb ראה, the deity's name or title as subject, a clause headed by כי describing human evil, and reference to the place of evil, in or on the earth. P's more elaborate formulation with different vocabulary comes from its painting a *protocultic* picture of sin and its polluting effect: the land became "corrupt" (נשחת) because all flesh "corrupted" (השחית) its behavior. This anticipates cultic notions that the larger PH work explicitly describes in the age of Moses.[10] The verbal root שחת is chosen because it can refer to the people acting corruptly (Gen 6:12), the land being corrupted (6:11–12), and also the consequent destruction of the earth (6:13; 9:11) and life (6:17; 9:15). P can thus portray the flood as a measure-for-measure punishment. P's description of evil in 6:12 also builds on language in the narrative's description of evil in the immedi-

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10. For sanctuary pollution and purification in P, see Lev 4 and 16; Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 222–64. H speaks of sins polluting the land (see Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A [New York: Doubleday, 2000], 1404–5, 1571–84; David P. Wright, "Holiness in Leviticus and Beyond: Differing Perspectives," *Int* 53 [1999]: 351–62. For the notion of talion in P's use of שחת, see Hermann-Josef Stipp, "Who Is Responsible for the Deluge?" in *"From Ebla to Stellenbosch": Syro-Palestinian Religions and the Hebrew Bible*, ed. Izak Cornelius and Louis Jonker, ADPV 37 (Wiesbaden: Harrrassowitz, 2008), 150–52. P's use of the verb may be inspired from J's Sodom and Gomorrah story (Gen 13:10; 18:28, 31, 32; 19:13, 14). P uses the verb in connection with these cities in Gen 19:29. This verse also has the motif of divine remembering after destruction, as in P's flood story at 8:1. Gen 19:29 originally came immediately after Gen 17, the covenant with Abraham, which parallels P's covenant with Noah.

ately preceding verse (6:11). This says that the land was corrupted (ותשחת
הארץ). P restates this emphatically in 6:12, where the deity sees the land
that it was "indeed" (והנה) corrupted.

The first mention of the verb שחת in 6:11 is itself motivated by the
larger thematic arc in P. Corruption described in 6:11 with the phrase
ותמלא הארץ חמס plays inversely against P's creation command for ani-
mals and people to fill (מלא) the earth (1:22, 28), which is renewed after
the flood (8:17; 9:1, 7). The motif appears later in P's narrative (17:20; 28:3;
35:11; 48:3–4; 47:27), with special fulfillment at the time of Moses (Exod
1:7). Moreover, just as Gen 6:11 echoes a motif pertaining to creation by
contrast, so also does 6:12. God's *seeing* corruption in this verse plays
against the deity's *seeing* that aspects of creation are *good* (1:4, 10, 12, 18,
21, 25, 31).[11] In sum, in 6:11 P takes the linguistic template of J's 6:5 and
infuses it with motifs that tie it to its own creation story.

P's dependence on J is also visible in its description of כל־בשר as
responsible for the evil (6:12). This is a key term throughout P and
describes the animate object of destruction (6:13, 17, 19; 7:15, 16, 21; 8:17;
9:11, 15–17). It refers to *all* life forms, humans *and animals*. The combined
responsibility of these groups for the flood is reflected in the interspecies
triangle of sanctions set down after the flood. Humans are prohibited from
killing other humans (9:5b–6), and, although they are now given animals
to eat, humans must avoid ingesting their blood (9:3–4). Animals, for their
part, are accountable if they kill humans (9:5a). These sanctions are pre-
sumably responses to the evil that provoked the flood, and they indicate
what P means by the term חמס in 6:11, 13.[12] In contrast, J speaks only of
the evil of human beings, who are the primary objects of destruction (6:5,
6, 7aα; cf. 6:7aβ; 7:4, 23; 8:21).

The problem in J is that animals, never portrayed as guilty, are destroyed
in the flood along with humans. P's term כל־בשר resolves this contradic-
tion. It specifically appears to transform J's language. J elsewhere describes
humans and animals together, as objects of destruction, as כל־חי (8:21)

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11. The last of these (Gen 1:31), climaxing in "*very* good," uses the conjunction
הנה as in P's 6:12. The other examples (1:4, 10, 12, 18, 21, 25) use the conjunction כי
and are thus more like J's 6:5. Given other points of possible dependence of P's creation
story on J (see nn. 47, 48), its motif in Gen 1 may develop from J's 6:5. J's divine seeing
is part of its anthropomorphic portrayal of deity, whereas P's is virtually ritualized in
its formal repetition and has theological, not simply narratological, significance.

12. See Schwartz, "סיפורי המבול," 153–54.

and כל־היקום (7:4, 23). P's כל־בשר resembles these terms. P, in fact, uses the J-like term כל־החי in 6:19, after which it adds its preferred כל־בשר. P's terminological correlation is also visible in the postdiluvium promises, where P uses כל־בשר (9:11) over against J's כל־חי (8:21).[13]

The notice of the deity's perception of evil in 6:5 and 12 is followed in the two texts by the deity *speaking* (אמר) the decision to destroy all life:[14]

J 6:7aα   ויאמר יהוה   אמחה את־האדם אשר־בראתי מעל פני האדמה ...
P 6:13aα   ויאמר אלהים   לנח   קץ כל־בשר בא לפני

The descriptions of destruction in these verses accord with the ways in which the respective stories describe it elsewhere. J uses the key verb מחה, which appears later at 7:4, 23. While P does not use its key root שחת for destruction just here, this root appears in its rationale clause at the end of 6:13: והנני משחיתם את־הארץ. This delay is for emphasis. In any case, P's announcement of destruction at the beginning of verse 13 uses language found in other phrases in P that use the root שחת. The prepositional phrase לפני recalls the ותשחת הארץ לפני האלהים in 6:11 (P). A similar prepositional phrase, referring to the connection of "all flesh" to evil, is found in P's rationale clause near the end of P's 6:13: כי־מלאה הארץ חמס מפניהם. Moreover, P's כל־בשר at the beginning of 6:13 also appears in 6:12, which has the double use of שחת to describe evil and its effect, as discussed earlier. P's description of destruction at the beginning of 6:13 (which, again, lacks the verb שחת) may simply seek to avoid redundancy against the other uses of the root in the immediate context. P may have

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13. See Stipp, "Who Is Responsible," 148. P's shift to "all flesh" precludes describing the evil as connected with the human thought process (J: 6:5; 8:21). See Schwartz, "סיפורי המבול," 149–50, 152–53 on the deity's anthropomorphic psychology of failure and frustration in J.

14. The lists in 6:7aβ and 7:23aβ (J) may not be additions (cf. Carr, *Reading the Fractures*, 57). P's 7:21, which parallels J's 7:23aβ, has a similar list and may be influenced by the full wording of 7:23. Ska ("Story of the Flood," 15, 17) argues that 7:23a is an addition to P that operates as a resumptive repetition to set up 7:23b. But such a repetition (or the addition of just v. 23aβ) is unnecessary if 7:21–22 are already in the text. The term רמש in 6:7aβ and 7:23aβ, while prominent in P, could be part of an earlier J. P may be developing animal lists and terminology found in J. Other presumed Priestly terminology in J may also be language that P took up and developed. This includes the verb ברא in J's 6:7 (see P's 1:1, 21, 27; 2:3, 4a; 5:1, 2) and idioms discussed in nn. 17, 21, 45.

also chosen wording for the beginning of 6:13 that echoes לפני האלהים in 6:11. All in all, P's use of its key verbal root (שחת) in this area of its text and elsewhere seems to be a response to J's similar use of a key verbal root (מחה). That P uses its root more frequently is an indication that it recognized this feature in J and developed it.

The rationale clauses that follow the announcements of destruction, both using the conjunction כי, give different reasons for the destruction: כי נחמתי כי עשיתם (6:7b; J); כי מלאה הארץ חמס מפניהם (6:13aβ; P). These reiterate descriptions earlier in the respective narratives: Yahweh's regret in 6:6 (J) and the description of violence filling the land in 6:11 (P). A reason for P's different rationale here—apart from P's different view of the reason for destruction expressed in the rationale—is that in P the deity is speaking to Noah, whereas in J the deity is speaking only to himself. J's deity does not need to tell himself in the rationale clause that there is evil. He instead reflects on his disappointment. P's deity, however, needs to make the reason clear to Noah.

The reason P has the deity speak to Noah in 6:13 is to remedy two associated problems in J. The first is that in J Yahweh speaks to Noah *only once* in the entire flood tale, in the command to enter the ark in 7:1–4. The promises that the deity makes after the flood are spoken only mentally: ויאמר יהוה אל־לבו "Yahweh spoke *to his heart*" (8:21). Noah has no idea if his sacrifice was effective! Not coincidentally, the prepositional phrase used here also occurs in the clause ויתעצב אל־לבו in 6:6, immediately before J's first instance of divine thought-speech described with ויאמר יהוה in 6:7. The prepositional phrase of 6:6 contextually carries over into 6:7 and makes this first instance of thought-speech parallel to that in 8:21. These two instances are thematic structural bookends in J's story. At these points the deity reflects on the human inclination toward evil (cf. 6:5; 8:21). This leads to the second problem that P sought to solve: in the first of these passages, J's deity admits that creation has failed; in the second, he admits that his attempt to rectify human evil by the flood has also failed.

P fixed both of these problems by converting J's two divine thought-speeches into speeches to Noah. The basic literary transformation was to replace J's "heart" with "Noah" in 6:6–7 and 8:21: ויאמר יהוה אל־לבו became ויאמר יהוה אל־נח/לנח in P's 6:13 and 9:8 (compare J's ויאמר יהוה לנח in 7:1).[15] Noah thus became the hearer of the decision to send the flood

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15. J's 6:5–8 and 8:20–22 have been explained as additions to P elucidating the

and of the promises. P made these extended speeches. The first covers nine verses in 6:13–21. At the end of the story, after the flood, the deity speaks five times. He first issues a command to Noah to leave the ark and be fruitful (8:15–17). After exiting the ark, the deity unfolds the covenant to Noah in a series of four speeches: a blessing and grant of animals for food (9:1–7), announcement of the covenant and promises (9:8–11), announcement of the rainbow sign (9:12–16), and recapitulation of the sign announcement (9:17). In these speeches, P portrays the flood as effective divine punishment and the deity as unrepentantly decisive, clearly making his will known to humans.

2.2. Command to Load Ark and Noah's Status

If P's command to build the ark (6:14–16; see below) is disregarded for a moment, the J and P stories continue with commands to enter the ark and acquire animals and a specification to Noah that the destruction will take the form of a flood. The commands to enter the ark are very similar:[16]

J 7:1 בא־ אתה וכל־ביתך אל-{ה}תבה
P 6:18 ובאת אל־התבה אתה ובניך ואשתך ונשי־בניך אתך

Each of these commands has a form of the root בוא that carries injunctive force, an explicit personal pronoun אתה, a reference to Noah's family, and the adverbial אל־התבה (see n. 19 on the definite article here in J).

This is immediately followed by a command to acquire animals:

J 7:2 מכל הבהמה הטהורה תקח־לך שבעה שבעה איש ואשתו
ומן־הבהמה אשר לא טהרה הוא שנים איש ואשתו:
3 גם מעוף השמים שבעה שבעה זכר ונקבה

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deity's inner decision-making process (Ska, "Story of the Flood," 16–17; Reinhard Kratz, *The Composition of the Narrative Books of the Old Testament* [London: T&T Clark, 2005], 257–58). This does not account for the self-contained character of these J passages and their overall parallelism to P's narrative pattern, as outlined in this analysis. One also expects J's reflections, if they are such, to have been inserted *inside* P's passages, which they supposedly clarify.

16. J's 7:1–5 is not a supplement to P that adds detail and corrects P's 6:17–22 (the view of Ska, "Story of the Flood," 17–18; Kratz, *Composition of the Narrative Books*, 257). One would expect J to have made its corrections *inside* P's 6:17–22. Furthermore, 7:1–5 portrays Yahweh speaking to Noah for the first time.

לחיות זרע על־פני כל־הארץ:

P 6:19 ומכל־החי מכל־בשר שנים מכל תביא אל־התבה
להחית אתך זכר ונקבה יהיו:
20 מהעוף למינהו ומן־הבהמה למינה מכל רמש האדמה למינהו
שנים מכל יבאו אליך להחיות:
21 ואתה קח־לך מכל־מאכל אשר יאכל ואספת אליך
והיה לך ולהם לאכלה:

Commonalities here include beginning the lists of animals with מכל (emphatically six times in P against J's single occurrence), the number of animals to be taken, and reference to males and females.[17] Each text also uses an infinitive of the root חיה that describes the purpose for taking the animals. P's requirement of a single pair of any species, with no mention of cultic quality, is to be ascribed to its view of cultic history, the primary motivation behind its retelling of the J flood story. Sacrifice and purity laws do not operate at this period of history. More on this below.

These passages contain a smoking gun of literary dependence. Instead of J's תקח־לך (7:2) P has תביא אל־התבה להחית אתך (6:19). Both expressions have verbs of acquisition and prepositional phrases indicating the animals' relationship to Noah, but there is a significant difference. A reader, including the P authors, could understand J's phrase תקח־לך to mean that the animals are taken on board to keep them alive *and for human use as food*.[18] P's wording reads as a flat rejection of the second purpose. The animals are brought into the ark *only to keep them alive*. P presumably brought up the infinitive of purpose להחיות from the end of J's animal passage (7:3) to make this point clear. Yet P has not discarded J's תקח־לך phrase. It has recontextualized this directly after its discussion of animals in a verse describing food to be taken on the ark (6:21): ואתה קח־לך מכל־מאכל אשר יאכל ואספת אליך והיה לך ולהם לאכלה. This uses the phrasing of J's animal taking in 7:2 (מכל הבהמה הטהורה תקח־לך), combined with wording from P's prescription of plants alone as food for humans and animals in 1:29–30: לכם יהיה לאכלה ולכל־חית הארץ ולכל־

עוֹף הַשָּׁמַיִם וּלְכָל־רוֹמֵשׂ עַל־הָאָרֶץ ... לְאָכְלָה. P also has a description of dietary appropriateness, מִכָּל־מַאֲכָל אֲשֶׁר יֵאָכֵל, which contrasts with J's (וּמִן־הַבְּהֵמָה אֲשֶׁר לֹא טְהֹרָה) (and its converse מִכֹּל הַבְּהֵמָה הַטְּהוֹרָה). P essentially converts J's טהרה to a description of permissibility (אֲשֶׁר יֵאָכֵל) that sidesteps cultic categories. P's modifier refers to vegetation, the only "kosher" food for both humans and animals at this point in P's history. From this example P's textual patrimony can hardly be clearer. The transformations here on a small scale exemplify how P used and transformed J's story more broadly, keeping some of the language but otherwise radically rewriting it to serve P's ideological goals.

In addition to being motivated by the theological and narratological reasons described above, P's long first speech to Noah in 6:13–21 responds to a glaring defect in J's narrative: the absence of a command to build the ark. J never had this detail, and it is not necessary for a complete independent story.[19] P wrote such a command in its own story at 6:14–16 and logically put this command before the command to enter the ark.

Writing the command to build the ark was part of the reason why P relocated the announcement of the flood as the means of destruction. In

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19. Yahweh appears to speak to Noah for the first time in J's 7:1–4. Noah is introduced only at 6:8, which immediately precedes in J. The deity in 7:1–4 also imparts information of an introductory nature: the rationale of Noah's piety and the announcement of a destructive flood. That Noah has only seven days to prepare is consistent with the Atrahasis and Gilgamesh stories, which give the Mesopotamian Noah only a week to prepare (see Andrew R. George, *The Babylonian Gilgamesh Epic*, 2 vols. [Oxford: Oxford University Press, 2003], 1:514). J's fulfillment clause in 7:5 (if this is not redactional) implies that Noah performed a broad range of actions, including getting a craft ready. The definite article on הַתֵּבָה "*the* ark" may be a redactional harmonization, though the use of the article on a noun not previously introduced has parallels elsewhere (e.g., הַסְּנֶה Exod 3:2). It may function in deictic anticipation ("the ark *featured later*") or even with indefinite force ("*some* ark"). For its originality, see Schwartz, "סיפורי המבול," 151 n. 28. The flow of J's story at the beginning would thus be: [6:5]"Yahweh saw that the evil of humans had become great in the land, … [6:7]so Yahweh said (to himself), 'I will wipe out humans that I created from the face of the land, … because I regret that I made them.' [8]Yet Noah found favor in the sight of Yahweh, [7:1]so Yahweh said to Noah: 'You and all your household get into an ark, because I have found you to be upright before me in this generation. From all the pure animals take for yourself seven pairs.'" Being imbued with the narrative of the canonical version of the flood story predisposes us to expect a description of building the ark, but it is not necessary, especially in view of the fact that J's story throughout is otherwise succinctly formulated.

J this appears *after* the command to enter the ark (7:4 after 7:1–3), but in P it appears before the command to enter (6:17 before 6:18–21) and just after the command to build the ark (6:14–16). The relocated announcement provides the reason for building the ark. The J and P texts correlate in their formulations of the announcement, each of which uses an independent first-person pronoun, a participle, and adverbial על־הארץ:

על־הארץ ממטיר אנכי כי לימים עוד שבעה	J 7:4aα
ואני הנני מביא את־המבול מים על־הארץ	P 6:17aα

The deity's announcements of the scope of destruction in J and P follow next in the two texts:

ומחיתי את־כל־היקום אשר עשיתי מעל פני האדמה	J 7:4b
לשחת כל־בשר אשר־בו רוח חיים מתחת השמים כל אשר־בארץ יגוע	P 6:17b

Each announcement begins with a verb of destruction (using the respectively favored verbs), the object of destruction with כל, a relative clause that modifies the object, and an adverbial expression with the preposition מן that indicates the place from which the object will be destroyed. Here there are further indications that P relies on J's narrative template. First, both texts have announcements of destruction earlier (J 6:7; P 6:13), without mention of the flood, and it is only here (J 7:4; P 6:17), in conjunction with the command to enter the ark, that they restate the planned destruction with reference to a flood. Second, both stories use their respective key words for destruction in these two locations.

It is not clear if the notices of Noah's piety in 6:9 (P) and 7:1 (J) are evidence of dependence. While most analyses attribute the whole of 6:9 to P, Schwartz has recently presented a cogent argument for attributing the phrase נח איש צדיק תמים היה בדרתיו (6:9aβ) in that verse to J. Nevertheless, there is good reason to maintain attribution to P.[20] The larger body of

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20. See Schwartz, "סיפורי המבול," 143, 147–48, and n. 21. But note that the wording in 6:9 and 7:1 is not the same, and 6:9 also matches other P תולדות statements that have an immediately contiguous repeated proper noun (11:10, 27; 36:1–2; cf. 25:19). Also, 6:9 is similar to P's command to Abraham in 17:1: התהלך לפני והיה תמים. Thus at least תמים היה בדרתיו in 6:9 must be P. P's לדרת עולם in 9:12, used of the covenant sign, may play against the notice of Noah's piety in *his own particular* predestruction generation in 6:9aβ. Though P does not use צדיק otherwise, the description of an individual with איש + adjective (as in איש צדיק) is not foreign to PH (Exod 36:1,

evidence of P's dependence on J, explored in this essay, explains why the phrase in P looks so much like J's: it is built on J.

The piety notice in J appears right after the command to Noah to enter the ark and explains to him why he is being saved:

J 7:1   כי־אתך ראיתי צדיק לפני   בדור הזה

P's notice appears at the beginning of its Noah story, after the narrative's introductory *toledot* notice (אלה תולדת נח) in 6:9:

P 6:9   נח איש   צדיק תמים היה   בדרתיו   את־האלהים התהלך־נח

Both passages describe Noah as צדיק and put his uprightness "in" (ב) this or his "generation(s)" (דור(ת). P's description looks expansive, having taken up J's terms צדיק and בדור and inserting the description of being תמים, matching the description of Abraham's piety (17:1 P). The reason why P relocated the piety notice to the beginning of its Noah story is partly from converting J's first divine thought-speech into a speech to Noah. This required P to predicate Noah's piety from the start. However, P did not leave a lacuna where Noah is told of his worthiness in J—and this indirectly supports ascribing all of 6:9 to P. Rather, P inserted a functional equivalent suited to its story. Just before its command to enter the ark, P's deity says to Noah והקמתי את־בריתי אתך (6:18). The first-person verb and את preposition with second-person suffix pronoun broadly correlates with J's formulation ראיתי אתך in 7:1, from which J's piety notice continues. P's reference to the covenant informs Noah why P's Noah is saved, similar to the function of J's piety notice (9:9, 11, 17). In providing its new rationale, P retained motifs from J's piety notice and moved them to 6:9.

After the initial commands, the command sections in J and P end with almost identical performance clauses:

J 7:5   ויעש נח ככל אשר־צוהו   יהוה
P 6:22   ויעש נח ככל אשר צוה אתו אלהים

2; Lev 14:11; 16:21; etc.). Attributing Gen 6:9aβ to J results in an awkward text with *two* consecutive *disjunctive* phrases with 6:8: ונח מצא חן ... נח איש צדיק. The צדיק clause here should also, more logically, precede the מצא חן clause. The book of Ezekiel, broadly indebted to P, also attributes צדקה to Noah (14:14, 20). For an alternative solution that attributes less but still part of Gen 6:9 to J, see Schwartz, "סיפורי המבול," 148–49 n. 22.

The main difference is the respective characteristic terms for deity. While it is possible that 7:5 is a redactional addition made by the compiler of the two stories, it does function well in J to bridge the command of 7:1–4 with the fulfillment in 7:8abα+10 (see n. 19).[21]

2.3. Noah and Company Enter Ark and Start of the Flood

After the description of Noah's compliance, P sets down its first date (7:6). This anticipates its detailed chronology to come, which appears to be a reaction to J's simpler chronology (discussed later). P then continues with Noah boarding the ark, which has correlations with J. Source analysis of the passage of concern here (7:7–9) is disputed. Most analyses resolve the complexities by positing redactional additions. However, most of the phrases in these verses are assignable to P or J by the generally accepted criteria for identifying sources.[22] The impossibility of setting out continu-

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21. That similar idioms appear outside P provides some support for the claim that 7:5 belongs to the pre-P J text. Moreover, in J's flood story J's deity reflects on his action with somewhat similar wording: כאשר עשיתי (8:21). Some argue that the phrase in 7:5 is part of and evidence for the post-P expansion of P (Ska, "Story of the Flood," 16, 17; Kratz, *Composition of the Narrative Books*, 257).

22. 7:6–9 displays a number of inconsistencies. Matters are complicated by 7:13–16a (clearly P), which contain a duplicate description of entrance into the ark. As for 7:6–9, Schwartz ("סיפורי המבול," 144, 147 n. 15) analyzes the text without recourse to positing redactional additions (P = 7:6+8bβ [from וכל]–9+11; J = 7:7–8abα [to העוף]+10). An approach that limits redactional contributions seems preferable because the compiler of the stories did not substantially add material or resolve contradictions elsewhere in them. But I differ from Schwartz in my solution. All the elements in 7:6–9 can be easily assigned to J or P. Verses 6 and 9 are clearly consistent with P. Verse 7 is P in view of P's family lists in 6:18; 7:13; 8:16, 18 (contrast J's 7:1, 23). This *mechanical* assignment yields incomplete narratives. Using sensibilities and methods that philologists have developed in suggesting restorations for broken texts discovered in archaeological excavations (e.g., Ugaritic texts), restorations can be proposed for the missing wording in the flood stories (see the main discussion and text appendix).

The duplicate description of the entrance of humans and animals into the ark in P in 7:13–16a is a repetition *within P* (7:7+8bβ–9+11+13–16a; see Ska, "Story of the Flood," 5–6; Carr, *Reading the Fractures*, 49 n. 8). The unit may be an addition within P but made prior to blending P with J. It contains the phrase בעצם היום הזה, which in other contexts Knohl has attributed to H (see Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman [Minneapolis: Fortress, 1995], 13). The unit also breaks the contextual flow

ous narratives by this means may be due to the compiler *omitting* a couple of words from each source to avoid redundancy, such as a phrase referring to fowl and land animals from P (e.g., מן־העוף ומן־הבהמה; cf. P's 6:20) and a verb referring to animal acquisition in J (e.g., ויקח לו; cf. J's 7:2; see the appendix for these restorations in context). The omissions can be explained by their occurrence at points of narrative singularity, like a birth or death notice, which can only be told once. In any case, the existing assignable text fragments show that both sources included mention of the animals boarding the ark at this point. P's visible text says that they *came* two by two into the ark (7:8bβ–9), which agrees with P's earlier description in 6:20. This presumably supplanted J's missing verb referring to the taking of animals. While J referred to the animals' purity status, it did not restate here the number of animals taken or explicitly say that Noah and company went into the ark. P's longer description may be seen as responding to these holes in J.

The description of the flood comes next, headed by a chronological notice in each text:

J 7:10 ויהי לשבעת הימים ומי המבול היו על־הארץ 12 ויהי הגשם על־הארץ
ארבעים יום וארבעים לילה

P 7:11 בשנת שש־מאות שנה לחיי־נח בחדש השני בשבעה־עשר יום לחדש ביום הזה
נבקעו כל־מעינת תהום רבה וארבת השמים נפתחו

P appears to respond to J in two ways. First, it expands the phenomenology of the flood so that the destructive waters come from both the sky (in J also 7:4) and underground sources (see also 8:2a P, which parallels 8:2b J). While J's flood is not tied phenomenologically to its creation story, P's flood is a return to the unseparated watery chaos at the beginning

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of P's description from 7:11 to 7:17b. Verses 13–16a recapitulate elements of 7:6–9 that ostensibly belong to P. As an addition or part of the original P narrative, the purpose of 7:13–16a was to emphasize exactness in the obedience to divine command similar to the function of בעצם היום הזה descriptions in 17:23, 26, the context of which also displays narrative repetition (see also Exod 12:17, 41, 51; cf. Robert Kawashima, "Sources and Redaction," in *Reading Genesis*, ed. Ronald Hendel [Cambridge: Cambridge University Press, 2010], 56).

In contrast to P, J did not have an explicit statement that Noah entered the ark. This telescoping parallels J's lack of describing Noah's exit from the ark in J (cf. Gen 8:13b+20 J).

of creation (1:6–8).[23] P also broadens J's chronological scheme. J's flood starts after seven days of preparation, at the end of which Yahweh shuts the ark door (7:4, 10), the rain and flood last forty days (7:12, 16b, 17a; 8:6), and two weeks pass as a dove is sent out to see if the ground is dry (6:6b–12). Noah is thus in the ark a total of fifty-four days, and it takes only fourteen days for the water to recede and the earth to dry.[24] P's flood begins 2/17/600 (m/d/y; 7:11); the ark runs aground 150 days later on 7/17/600 (8:3b–4), the mountaintops appear on 10/1/600 (8:5); the earth is dried (by context, to a muddy state) by 1/1/601 (8:13a); and the earth is firmly dry on 2/17/601 (LXX 8:14), exactly one year after the flood's start.[25] The flood rages five of these months and takes seven more months to recede and dry. P's expansion of the flood phenomenology and chronology makes it a much grander and, with its calendric precision, a more believable event.[26]

In setting out its chronology, several of P's notices correlate with J's in their narrative placement. Besides 7:11 (P) and 7:10+12 (J), noted above, P has a notice that the flood lasted 150 days (7:24), where J again says it lasted forty (7:17a).[27] After the water is shut off, P has a notice similar to J's: מקצה חמשים ומאת יום (8:3bβ P), comparable to ויהי מקץ ארבעים יום (8:6a J).

2.4. Cessation of the Flood and the Birds

After describing the death of all living beings (7:21–22 P; 7:23a J),[28] the J and P texts describe Noah's situation in the ark:

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23. On re-creation in P, see Schwartz, "סיפורי המבול," 153.

24. "Forty days" in 8:6 appears to be a restatement of the earlier datum of forty days, not an additional forty days.

25. For the staged description belonging to P, see Ska, "Story of the Flood," 7–8. On the chronologies see Carr, *Reading the Fractures*, 56; Blum, *Studien zum Komposition des Pentateuch*, 283–4; McEvenue, *Narrative Style*, 54–59; Niels P. Lemche, "The Chronology in the Story of the Flood," *JSOT* 18 (1980): 52–62; Gertz, "Source Criticism," 174.

26. P's stages of water increase in 7:17b–22 (note the use of the adverb מאד) are paralleled by its stages of recession in 8:1–2a+3b–5+7+13a. J does not describe stages of increase but does portray gradual decrease in the dove episode (8:8–12; cf. 8:3a).

27. Schwartz ("סיפורי המבול," 143 n. 14) notes a conceptual caesura between 7:16b and the following J material. This helps to explain the repetition of the forty-day datum of 7:12 in 17a.

28. On the assignment of 7:22 to J, with original reading נשמת חיים, see Ronald

7:23b J   וישאר   אך־נח   ואשר אתו בתבה
8:1b P   ויזכר אלהים את־נח   ואת כל־החיה ואת־כל־הבהמה   אשר אתו בתבה

Similarities include an initial verb followed by "Noah," where the verb says something about Noah's situation, and the phrase אשר אתו בתבה at the end. P appears to have theologized J's description. Noah does not simply remain; the deity remembers him. This is consistent with P's portrayal of multiple revelations to Noah culminating in the covenant, where, notably, the theme of the deity's *remembering* reappears (9:15–16).

This is followed in both texts by a statement that the waters were shut off:

8:3a   וישבו המים מעל הארץ הלוך ושוב   8:2b J   ויכלא הגשם מן־השמים
                        8:3bα ויחסרו המים   8:2a P   ויסכרו מעינת תהום וארבת השמים

The first part of P's formulation reflects its differing flood phenomenology. Right after this notice both texts have their "at the end of X (number of) days" clauses (8:6a J; 8:3b P) noted above. Genesis 8:1–2a+3b–5 (P) and 7:23b+2b–3a+6 (J) thus form sequences with rather close correspondences: Noah's remaining or being remembered, the phrase "what was with him in the ark," the shutting off of the water, and the phrase "at the end of X days." Within this context, the two texts also describe the recession of the waters with infinitives absolute (8:3a J; 8:5 P).[29]

Hendel, *The Text of Genesis 1–11* (New York: Oxford University Press, 1998), 53–54. Schwartz ("סיפורי המבול," 145, 147 n. 15) assigns the verse to P because it continues 7:21 and fulfills the divine promise in 6:17. He also notes that 7:22 suits P's picture of creation. J uses באפיו נשמת חיים in 2:7 of the man but *not animals*. The man thus becomes a נפש חיה, distinguished from animals. P, however, uses אשר בו רוח חיים in 6:17 and 7:15 and אשר בו נפש חיה in 1:30, which includes animals. That is the picture in 7:22. P may have extended the phenomenon of the life breath in J's 2:7 to animals (as in 1:30) and used the specific language of J in 2:7 for 7:22, to include animals. Another problem in assigning 7:22 to J is its redundancy with 7:23a (cf. Kratz, *Composition of the Narrative Books*, 258), which must be J. Moreover, the verb וימח in v. 23a does not have a clear subject if 7:22 precedes in J (the subject is המבול if 7:17a immediately precedes, or possibly Yahweh from 7:16b, contiguous to 7:17a in J; for Yahweh as subject, see 6:7; 7:4). Claus Westermann (*Genesis 1–11*, CC [Minneapolis: Augsburg Fortress, 1984], 440) observes a conceptual disjunction between 7:22 and 23.

29. Ska, "Story of the Flood," 8–9, assigns 8:1–2a, 3–5 to P and v. 2b to J (clear from the term גשם). Verse 3a on the consequence of shutting off the water should be assigned to J as well.

The texts next describe the dispatch of birds (8:7 P; 8:6b+8–12 J). The release of the raven belongs to P.[30] The raven makes multiple sorties, indicated by the words ויצא יצוא ושוב עד־יבשת המים מעל הארץ (8:7). This is P's summary of J's multiple dispatches of a bird (a dove in J). P's bird report is abbreviated to make way for an alternative description of the recession of waters over a longer duration with a precise chronology (8:3b–5, 13a+14). P's report is also tied to its different theological picture, in which the deity tells Noah when to leave the ark (8:16) and Noah is not dependent on empirical tests to find out when the land is dry.[31]

2.5. Promise and Animal Killing

The final scenes of the two stories, P's covenant versus J's sacrifice, cor-respond most visibly in the divine promises given after the flood. Each story has two promises, and these relate inversely. J's second and P's first promise are that the deity will not again destroy life:

J 8:21b   ולא־אסף עוד להכות את־כל־חי   כאשר עשיתי
P 9:11aβ   ולא־   יכרת   כל־בשר   עוד   ממי המבול

These promises start with negative particles, followed by verbs of destruc-tion with conceptual patient כל־חי or כל־בשר. Both include the adverb

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30. Reasons include the following: the feature of *three* dispatches of the dove is typically folkloric; the Mesopotamian story has three dispatches (though different species); the raven's dispatch is not followed by a week wait as for the dove; the dove story knows nothing about the raven; the raven goes and returns many times, parallel-ing the multiple sorties of the dove; and the description of the raven broadly matches J's dove episode with dispatch and water recession notices. For attribution to P, see Schwartz, "סיפורי המבול," 140 n. 3. Ska ("Story of the Flood," 12) and Kratz (*Composi-tion of the Narrative Books*, 258) see the whole bird episode in 8:6–12 as an addition to P. For the possible restoration of the subject "Noah" in 8:7, see Schwartz, "סיפורי המבול," 143 n. 14.

31. Contra Ska ("Story of the Flood," 10–11), 8:13b must belong to J: it is the climax of the staged regression of the water portrayed in the dove pericope; the emphatic particle הנה indicates Noah's verification of what the dove experiment circumstan-tially demonstrates; 8:13b has the folkloric manner of expression indicative of J against 8:13a, which is typical of P. P's story makes sequential sense: the deity remembers Noah (8:1a); the land dries (8:1–2a, 3b–5, [7], 13a, 14); then the deity tells Noah to exit (8:15–16). There is no reason for Noah to check the dryness of the land as described in 8:13b. On the different uses of the verb חרב in 8:13, see Schwartz, "סיפורי המבול," 140 n. 4.

עוד. P uses a passive verb, perhaps to focus responsibility on those punished.

J's first and P's second promise concern the earth or land:

את־האדמה בעבור האדם	עוד	לקלל	לא־אסף	8:21aβ J
הארץ	לשחת	מבול	עוד	ולא־יהיה	9:11b P

J's land promise rectifies the curse pronounced on the land in consequence of eating the prohibited fruit in Gen 3. However, the attached rationale clause (כי יצר האדם רע מנעריו) echoes the rationale for the flood in 6:5 and thus ties the promise to the flood event. J may be implicitly portraying the flood as part of a series of curse-punishments.[32] P, presumably rejecting J's story about the garden of Eden because it portrayed creation and procreation as being cursed, contextualized its corresponding promise specifically in the flood event and made it parallel to its other promise: neither *living beings* (9:11a) nor *the land* (9:11b) will be so destroyed. This duality correlates with P's protocultic description where the earth became corrupted (נשחת) because all flesh had corrupted (השחית) their way (6:12).

Making Noah the addressee of the promises after the flood, discussed above, must be considered a chief factor that enabled P to describe establishment of a covenant in place of sacrifice. Once J's אל־לבו (8:21 J) was replaced with אל־נח (9:8 P; his sons are also addressees), the scene effectively becomes one of covenant because the deity is disclosing the guarantee *to a human*. All P had to do was to flesh out the details and make appropriate changes in accordance with its view of cultic history.

One of those changes by P was to eliminate Noah's sacrifice (cf. 8:20 J).[33] P nevertheless retained the practical outcome of that performance: animal killing. This became permissible for the first time in P's view of human history (9:3–4; cf. 1:29–30).[34] Humans may now consume animal flesh as long as they do not ingest the blood. This is the institution of *pro-*

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32. J's land promise develops the theme of land (אדמה) and the accompanying curse of it from its creation story (2:7, 9, 19; 3:17, 19, 23; 4:2–3, 10–14; 6:1; 7:4, 23). Noah partly resolves the curse when he becomes a vintner (5:29; 9:20).

33. J's sacrifice cannot be an addition to P (so Ska, "Story of the Flood," 20–21). This hypothesis does not make sense of the parallelism in the promises of 8:20–22 to P's 9:11, why the promises of 8:20–22 are not spoken to Noah, nor why 8:20–22 appear to be the conclusion of a story.

34. J and P both make concessions to human nature: J to the human propensity for evil, P to the appetite for animal flesh.

fane slaughter.[35] In a mind thinking about cultic matters, this act is inextricably linked to sacrifice. For example, Deut 12, which requires sacrifice at a single chosen sanctuary, simultaneously considers and allows noncultic slaughter of animals away from the sanctuary (12:15–16, 20–25). Similarly, Lev 17, which is part of PH, requires all animals that can be sacrificed to be offered at the tabernacle altar in the wilderness. In that context it discusses and allows the noncultic killing of game animals (17:13–14). These texts tell how properly to dispose of the blood of profanely killed animals. They also prohibit the consumption of blood (Deut 12:16, 23; Lev 17:10–14), as P does in the covenant with Noah (Gen 9:4).[36]

P's replacement of J's sacrifice with covenant and profane slaughter is part of its and the larger PH work's rewriting of cultic history.[37] According

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35. William Gilders in passing refers to the animal killing in Gen 9 as "common slaughter" ("Sacrifice before Sinai and the Priestly Narratives," in Shectman and Baden, *Strata of the Priestly Writings*, 61–62).

36. Gen 9:4–6 are not necessarily secondary, though they diverge somewhat in style and anticipate H prohibitions on blood consumption (Lev 3:17; 7:26–27; 17:10–14; 19:26; see Knohl, *Sanctuary of Silence*, 105). That P responds to J's sacrifice indicates that P's basic narrative is concerned with animal killing and the disposition of blood (features of sacrifice), not just granting permission to eat animals in Gen 9:3. Thus at least 9:4 appears original. The prohibition of murder in 9:5–6 also appears to be original, given P's lack of a specific rationale for the flood otherwise. These verses also relate in content and poetic style to the description of creating humans in the divine image in P's 1:26–28 (see Edwin Firmage, "Genesis 1 and the Priestly Agenda," *JSOT* 82 [1999]: 101 [97–114]). Gen 9:5–6 are also integral to P's picture of re-creation, the concern of P's flood story. If they constitute an addition, 9:4–6 can be viewed as an H-related supplement that *completes* P according to its original plan and intent (see n. 37).

37. According to my evolving view of the whole P work—more precisely termed PH—the revelation of details for building the tabernacle and regulations about sacrifice and purity constitute the compositional and conceptual core (mainly and roughly in Exod 24b–29a*; Lev 1–5*; 11–16*). This core was never intended to stand alone but was equipped with an ideologically supporting narrative. The first part or "panel" of this narrative included most of the material broadly assigned to P from Gen 1 to Lev 16. This comprised the stories in Genesis and the first half of Exodus and material that fleshed out tabernacle prescriptions and the description of its building and consecration (e.g., Exod 29b–31*; 35–40*; Lev 8–10*). The Holiness Code (Lev 17–26) was added to this to expand the scope of legislation beyond cultic matters. This work also augmented some of the cultic regulations in the first panel. The second narrative panel, about rebellions in the wilderness and the Levites with various legal augments (e.g., from mid-Leviticus through Numbers) was then added. The work probably also ended with the description of entry into the land. The work was composed

to this, sacrifice begins only with the tabernacle at the time of Moses. None of the composition's pious personae perform sacrifices before that time.[38] They express their devotion by other ritual means: abstaining from animal blood (flood story), circumcision (Gen 17), and, just before the cult is established, observing the nonsacrificial first Passover (Exod 12:1–20).[39]

This rewriting of history is a function of PH's view of creation.[40] Conceptually, creation culminates in the establishment of the tabernacle. This

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in a relatively short time by a continuous line of scribes with evolving interests. P scribes were responsible for most of the first panel of law and narrative, H scribes for the Holiness Code and second panel of narrative and law. This said, the distinction between P and H is not always clear. The first panel anticipates the ideas and language of H, and some materials in the second panel appear to have been drafted earlier to be included in the larger work. Also, textual production at each major stage of development reflects what I call inner-compositional development, the refinement of the text in the drafting process. Internally, my analysis proceeds by determining which passages in PH presuppose other passages (e.g., the narrative in Genesis–Lev 16 appears to presuppose the revelation of the tabernacle and its basic cultic laws). Externally, my analysis recognizes that the whole PH work, even though executed over time by different hands, was composed according to a preconceived plan based on the model and substance of pre-P narrative(s), which also told a story of national origins from the earliest times to entry into the land (see this essay's conclusion). PH primarily sought to correct the perceived errant view of the cult and law in these earlier accounts. In terms of this plan, H can be viewed as *completing* the work started by P. The date of PH is to be determined chiefly by its relationship to other biblical literature (principally non-P pentateuchal narrative and law, Deuteronomy, and Ezekiel), not its sociological portrait or possible correlation with historical events. This suggests that the work may have begun just prior to 586 BCE but mainly developed in the exile, with the H material stemming from the late exile or early postexile. For more detail on my view of PH as well as its view of creation and discussion of other parts of PH that depend on non-P narrative, see David P. Wright, "Law and Creation in the Priestly-Holiness Writings of the Pentateuch," in *Laws of Heaven; Laws of Nature*, ed. Konrad Schmid and Christoph Uehlinger, OBO (Fribourg: Universitätsverlag, forthcoming).

38. See Gilders, "Sacrifice before Sinai," for non-P instances of sacrifice (see also Wright, *Inventing God's Law*, 358–9; Wolfgang Zwickel, "Die Altarbaunotizen im Alten Testament," *Bib* 73 (1992): 538–39). That Gen 35:14 is not P, see Baden, *Composition of the Pentateuch*, 319 n. 15.

39. P's first Passover is not sacrificial; see Gilders, "Sacrifice before Sinai," 60–61. Not all ritualistic animal killing is *sacrifice*; see David P. Wright, "The Study of Ritual in the Hebrew Bible," in *The Hebrew Bible: New Insights and Scholarship*, ed. Frederick Greenspahn; Jewish Studies in the Twenty-First Century (New York: New York University Press, 2008), 120–38.

40. Cf. Gilders, "Sacrifice before Sinai," 62–63.

accords with other ancient Near Eastern creation stories that describe the establishment of the national cult and provision for "feeding the gods."[41] It also agrees with J, which portrays humans as being created to work for the deity.[42]

Because PH limits such worship to Israel, the institution of the cult must wait many generations after the creation of the world until Israel's DNA has differentiated itself and the final building blocks can be put in place: the revelation of the divine name and the deity's adoption of the nation of Israel (Exod 6:2–8); the disclosure of the divine כבוד (implicitly starting with the splitting of the sea in Exod 14:4, 17, 18 and explicitly culminating in the theophany on Mount Sinai in 24:16–17 and at the tabernacle in 29:43; 40:34–35; Lev 9:4, 6, 23; see also Num 14:10; 16:19; 17:7; 20:6); the revelation of the calendar at the first Passover, anticipated by the creation of luminaries at the beginning to mark time (Exod 12:1–20; cf. Gen 1:14); the revelation of the Sabbath, anticipated by divine rest at the creation of the world (Exod 31:12–17; 35:1–3; cf. Gen 2:1–4a);[43] and, of course, the revelation of details about building the sanctuary and practices to be performed there (Exod 25–31; Lev 1–7, 11–16).[44]

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41. See Atrahasis I vii 339; Enuma Elish VI 7–8, cf. 34, 36. For sacrifice as the gods' food, see W. G. Lambert, "Donations of Food and Drink to the Gods in Ancient Mesopotamia," in *Ritual and Sacrifice in the Ancient Near East*, ed. J. Quaegebeur, OLA 55 (Leuven: Peeters, 1993), 191–201; Wright, "Study of Ritual."

42. See Gen 2:5, 7, 15, 3:23; 4:2, 12. J's early sacrifices carry on work done for the deity. See Edward Greenstein, "God's Golem: The Creation of the Human in Genesis 2," in *Creation in Jewish and Christian Tradition*, ed. H. G. Reventlow and Y. Hoffman, JSOTSup 319 (Sheffield: Sheffield Academic, 2002), 219–39.

43. The Sabbath is first revealed to the nation in P in the tabernacle prescriptions of Exod 31:12–17; 35:1–3. The P story about manna and quail in Exod 16, which features the Sabbath, originally appeared later in P's narrative (near Num 15:32–36). See Joel Baden, "The Original Place of the Priestly Manna Story in Exodus 16," *ZAW* 122 (2010): 491–504. For sorting out P and H in Exod 31:12–17; 35:1–3, see Jeffrey Stackert, "Compositional Strata in the Priestly Sabbath: Exodus 31:12–17 and 35:1–3," *Journal of Hebrew Scriptures* 11 (2011): article 15: http://www.jhsonline.org/Articles/article_162.pdf. See also his related essay in the present volume.

44. The connection of the establishment of the tabernacle to creation is also found in the use of creation language to describe the construction of the tabernacle. See Blenkinsopp, *The Pentateuch*, 217–20; Frank Crüsemann, *The Torah* (Minneapolis: Fortress, 1996), 290 and n. 71; Jon Levenson, *Creation and the Persistence of Evil* (San Francisco: Harper Collins, 1988), 78–99, 100–120; Schwartz, "סיפורי המבול," 153 n. 34; Moshe Weinfeld, "Sabbath, Temple and the Enthronement of the Lord," in

Remarkably in this schema, while P's humans have to wait until after the flood for animal flesh, its deity has to wait much longer. Only after the exodus can he enjoy sacrificial ריח ניחח.[45] Nevertheless, the deity's sacrificial diet ultimately complements the Priestly dietary rules, which altogether reflect a cultic-cosmic hierarchy, as summarized in table 1.[46]

Table 1: Priestly Dietary Rules Reflecting Cultic-Cosmic Hierarchy

Being or Creature	Consumable Quadruped Flesh	Sample References
Deity	Sacrifices of unblemished domestic animals including visceral fat (blood is placed on/at altar but technically not *offered* like the flesh)	e.g., Lev 1–7
Priests	Portions of sacrifices and properly killed permissible domestic or game animals but no blood or visceral fat	e.g., Lev 6–7; 22:8
Israelites	Permissible domestic or game animals, including improperly killed (hence impure) permissible animals, provided that purification follows; no blood or visceral fat	Lev 11 (esp. vv. 39–40); 17:15–16
Non-Israelites	All animal flesh and (implicitly) visceral fat but no blood	Gen 9:4–6
Animals	All animal flesh, blood, visceral fat allowed	implied

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Mélanges bibliques et orientaux en l'honneur de M. Henri Cazelles, ed. A. Caquot and M. Delcor, AOAT 212 (Kevelaer: Butzon & Bercker, 1981), 501–12.

45. ריח הניחח in J's Gen 8:21 does not necessarily come from P influence (so Ska, "Story of the Flood," 14). Majority of attestation (as in the case of this frequent phrase in PH) does not demonstrate chronological priority. PH, as an ideological rewriting of non-P narrative, may have developed the use of the term from J in connection with sacrifices at the later-revealed tabernacle. In any case, J has a number of correlations with Gilgamesh, and J's description of sacrificial odor may arise from the influence of that story: "the gods smelled the savour, the gods smelled the sweet savour (*īṣinū erīša ṭāba*)" (XI 161–162; trans. George, *The Babylonian Gilgamesh Epic*, 1:713). This suggests a linear model of development for the motif: Gilgamesh (or Mesopotamian tradition) to J to P.

46. See David P. Wright, "Unclean and Clean," *ABD* 6:739–41; Wright, "The Spectrum of Priestly Impurity," in *Priesthood and Cult in Ancient Israel*, ed. Gary Anderson and Saul Olyan, JSOTSup 125 (Sheffield: JSOT Press, 1991), 150–81.

This dietary-sacrificial schema drove P's rewriting of J's flood story (and this, by the way, shows the priority of the cultic regulations in the formation of the PH work). Because of its different view of the cult, P could not simply revise J's story but had to radically retool it to serve the ideology of its broad narrative.

P's portrayal of the diet and cult may be described as a type of cultic centralization, not spatial as in Deut 12 or Lev 17, but *temporal*. The time of Moses is the *center* of history. As one moves back from that point to the past, profane slaughter is allowed. P augmented this cultic-chronological model ideally and artificially by positing human and animal vegetarianism earlier, at creation (Gen 1:29–30). This created an antithesis against which the concession of profane slaughter after the flood could be set down.[47]

3. Conclusion

The foregoing indicates *at least* that P's flood story is conceptually secondary to a tradition similar to that manifested in J and that it has significantly altered this tradition to fit its particular vision of the world and Israelite cultic history. But the nature and quantity of evidence examined in this essay strongly points to the conclusion that P knew not just a tradition but J's *text*. The main evidence includes the shared overall scene-by-scene pattern, specific language correlations, such as P's change of divine thought-speech to speech to Noah and repurposing J's "you shall take for yourself" (תקח־לך), and P's apparent solution of difficulties in J, such as providing a command to build the ark and replacing sacrifice with profane slaughter and covenant.

P's apparent use of other parts of non-P narrative supports this. P's creation story seems to react to aspects of J's creation story.[48] This makes

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47. Another possible correlation in the final scenes of the two stories is in natural phenomena: J's natural cycles in Gen 8:22 and P's rainbow in 9:12–16. J's passage may have also influenced P's creation story. P's series of creation days and nights correlates with J's יום ולילה, and P's culmination in seventh-day rest (שבת) correlates with J's verb ישבתו (though the uses are somewhat antithetical). In this context, it may be significant that P calls both the rainbow and the Sabbath an אות (Gen 9:12–13, 17; Exod 31:13, 17). The transposition of motifs from J's Gen 8:22 to P's creation makes sense in that P is clearly portraying the flood as a re-creation of the world: P placed cycles promised late in J (8:22) back at the beginning of time.

48. It can be argued that P reduces the mythological characterization in J's creation story, makes the order of creation more logical, elongates the chronology, por-

sense, considering that P's creation story was likely written as a companion to its flood story. Much further into pentateuchal narrative, P's call of Moses and plague stories show signs of having transformed E's and J's call stories and J's plague stories.[49] P's tabernacle revelation at Mount Sinai (with later attendant revelation of cultic law) appears to be a rewriting of the revelation of law at the mountain in the wilderness.[50] Other examples of P's or PH's transformation of non-P narrative can be identified.[51]

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trays humans' likeness to divine beings as part of the creative plan, programs humans for procreation from the start, stresses the goodness of creation free of curse, allows consumption from *all* trees (contrast Gen 1:29 and 2:16–17), and depicts the deity as the one who names (קרא). P's story also starts with similar syntax (-ב, verb of creation, circumstantial clause, with a focus on water, followed by main clause). See also the considerations in nn. 11, 28, 47 and Carr, *Reading the Fractures*, 62–68; Smith, *Priestly Vision*, 130–38; and David Bokovoy, "Yahweh as Sexual Deity in J's Prehistory" (PhD diss.; Waltham, MA: Brandeis University, 2012), 280–315.

49. P appears to replicate the binary pattern of prediction and fulfillment in J's plagues while trying to fill J's problematic narrative gap between these elements, incorporate J's belief-signs for the people (Exod 4) into the series of sign-plagues for Pharaoh, and regularize J's heart-hardening motif (reserving the root כבד for divine glorification in Exod 14). P may have extracted its darkness plague from J's locust plague and may have even transformed J's hand-leprosy sign into the boils plague. P's appointment of Aaron (6:12, 30; 7:1–2; cf. 6:7) is similar to J's (4:10, 14–16). Its revelation of the divine name late in history (6:2–8; part of its creation culmination schema; see above) appears to be an interpretation of E's 3:14–15. The PH Passover regulations in 12:1–20 appear to be based on J's 12:21–27 (for a different view, see Shimon Gesundheit, *Three Times a Year: Studies on Festival Legislation in the Pentateuch*, FAT 82 [Tübingen: Mohr Siebeck, 2012], 44–95).

50. In this context P also transformed E's אהל מועד (Exod 33:7–11; Num 11:16; 12:4) from a place of revelation outside the camp to a cult place inside the camp. A text-historical reason for thinking P rewrote the non-P story about the revelation of law is that the Covenant Code, the primary law text of this narrative, is based on Hammurabi's Laws and most likely dates to the Neo-Assyrian period between 740 and 640 BCE (Wright, *Inventing God's Law*, 356–59 and throughout; Wright, "The Origin, Development, and Context of the Covenant Code [Exodus 20:23–23:19]," in *The Book of Exodus: Composition, Reception, and Interpretation*, ed. Thomas Dozeman, Craig Evans, and Joel Lohr; Formation and Interpretation of Old Testament Literature [Leiden: Brill, 2015], 220–44). The story about the Code's revelation at the mountain is thus a relatively recent innovation, not a long-held oral tradition. Given the late and limited attestation of this motif, P's sources of inspiration are limited and make sense as a recasting of the Covenant Code narrative.

51. See, for example, Christophe Nihan, *From Priestly Torah to Pentateuch*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 25–30, on Num 20:1–13 being a réécriture of

A broader reason for thinking that P may have used J is that both appear to have grown out of scribal production in Judah.[52] As such, J, the earlier of the two, likely would have been familiar to later P scribes, perhaps in a context of scribal education. Furthermore, it seems unlikely that the scribes of P and non-P narrative independently and coincidentally created full-length histories running from creation (or patriarchal times) to at least the death of Moses.[53] The model of oral tradition assumed for the independent production of P and non-P narratives would have to postulate the existence of a comprehensive story running from creation up to the conquest, which existed early on in oral form, and that the individual narratives each drew on this. A linear model of successive texts that respond to and transform earlier versions makes better sense. This is what has been demonstrated for biblical law: the Covenant Code comes first; Deuteronomy modifies this; then the Holiness legislation responds to both the Covenant Code and Deuteronomy.

That P (and PH as a whole broadly) responded to non-P narrative provides a further reason why it recast J's flood story instead of simply revising it. The composition was concerned about the cult across the sweep of history, not just in the flood story. This defined the task: to write an alternative history with a clear, consistent, and correct ideology. This could not be achieved by simply reworking existing narratives but required a

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Exod 17. Other examples include Gen 17's building on the narrative and promises mainly in non-P Gen 18 and 15, PH's manna and quail story in Exod 16 building on the corresponding non-P stories in Exod 16 and Num 11, and Lev 10's recasting of the golden calf episode (Exod 32). Many of the rewritings ritualize narrative events or relate them to the tabernacle cult. For more discussion of PH's dependence on non-P, see Wright, "Law and Creation."

52. See Carr's similar consideration (*Formation of the Hebrew Bible*, 299) about a small cadre of scribes who probably knew the work of previous scribes. I should add that whatever might be argued about northern influences in the Covenant Code and its narrative (= E or proto-E), these works appear to be products of scribes in the south (see Wright, "Origin, Development, and Context"). The scribes of PH would have known this work, too.

53. For recent works on Hebrew/biblical scribal culture and history, see Seth Sanders, *The Invention of Hebrew* (Urbana: University of Illinois Press, 2009); Christopher Rollston, *Writing and Literacy in the World of Ancient Israel*, SBLABS; Atlanta: Society of Biblical Literature, 2010); Carr, *Formation of the Hebrew Bible*; and the works cited in Wright, *Inventing God's Law*, 398–99.

completely fresh telling.[54] With this, it appears that the weight or authority of the PH work did not depend on citing or echoing the non-P narrative but on the inner coherence of its pioneering view of history and the world. The pentateuchal compiler contravened the intent of PH by placing it side by side with non-P narrative and law.

Appendix: Complete Parallel P and J Flood Stories

The individual texts run sequentially in each column. Indented text in large brackets in J is duplicated from another location for comparison (opposite P's 6:9–10, 17; 7:21–22). These passages also appear in their original location. To read J sequentially, ignore the indented passages with these brackets. The texts include and represent the complete MT, except for slight restorations at 7:8 and slight possible emendations at 7:1; 8:7, 14 (and see note inserted at 7:5). Small, in-text brackets [ ] mark a restoration; curved brackets { } mark a possible addition. Solid underlining points to identical or rather close correlations; dotted underlining points to more general correlations. Most of the correlations so marked in the texts are in the general area of the opposite text. Arrows point to more distant notable correlations.

P	J
Noah's Status	
6:9 אלה תולדות נח נח איש <u>צדיק</u> תמים היה <u>בדרתיו</u> את־האלהים התהלך־נח 6:10 ויולד נח שלשה בנים את־שם את־חם ואת־יפת:	⎰ 6:8 ונח מצא חן בעיני יהוה: ⎱ 7:1 כי־אתך ראיתי <u>צדיק</u> לפני <u>בדור הזה</u>:
Prelude	
6:11 ותשחת הארץ לפני האלהים <u>ותמלא הארץ</u> חמס:	6:1 <u>ויהי כי החל האדם לרב על־פני האדמה</u> ובנות ילדו להם: 6:2 ויראו בני־האלהים את־בנות האדם כי טבת הנה ויקחו להם נשים מכל אשר בחרו: 6:3 ויאמר יהוה לא־ידון רוחי באדם לעלם בשגם הוא בשר והיו ימיו מאה ועשרים שנה: 6:4 הנפלים היו <u>בארץ</u> בימים ההם וגם אחרי־כן אשר יבאו בני האלהים אל־בנות האדם וילדו להם המה הגברים אשר מעולם אנשי השם:

54. See Carr, *Formation of the Hebrew Bible*, 292–303, for a characterization of P's use of non-P.

Decision to Send Flood

^{6:5} וַיַּרְא יְהוָה כִּי רַבָּה רָעַת הָאָדָם בָּאָרֶץ וְכָל־יֵצֶר מַחְשְׁבֹת לִבּוֹ רַק רַע כָּל הַיּוֹם: ^{6:6} וַיִּנָּחֶם יְהוָה כִּי־עָשָׂה אֶת־הָאָדָם בָּאָרֶץ וַיִּתְעַצֵּב אֶל־לִבּוֹ: ^{6:7} וַיֹּאמֶר יְהוָה אֶמְחֶה אֶת־הָאָדָם אֲשֶׁר בָּרָאתִי מֵעַל פְּנֵי הָאֲדָמָה מֵאָדָם עַד בְּהֵמָה עַד רֶמֶשׂ וְעַד עוֹף הַשָּׁמָיִם כִּי נִחַמְתִּי כִּי עֲשִׂיתִם: ^{6:8} וְנֹחַ מָצָא חֵן בְּעֵינֵי יְהוָה:	^{6:12} וַיַּרְא אֱלֹהִים אֶת־הָאָרֶץ וְהִנֵּה נִשְׁחָתָה כִּי־הִשְׁחִית כָּל־בָּשָׂר אֶת־דַּרְכּוֹ עַל־הָאָרֶץ: ^{6:13} וַיֹּאמֶר אֱלֹהִים לְנֹחַ קֵץ כָּל־בָּשָׂר בָּא לְפָנַי כִּי־מָלְאָה הָאָרֶץ חָמָס מִפְּנֵיהֶם וְהִנְנִי מַשְׁחִיתָם אֶת־הָאָרֶץ:

Command to Build and Load Ark

^{7:4} כִּי לְיָמִים עוֹד שִׁבְעָה אָנֹכִי מַמְטִיר עַל־הָאָרֶץ אַרְבָּעִים יוֹם וְאַרְבָּעִים לַיְלָה וּמָחִיתִי אֶת כָּל־הַיְקוּם אֲשֶׁר עָשִׂיתִי מֵעַל פְּנֵי הָאֲדָמָה: ^{7:1} וַיֹּאמֶר יְהוָה לְנֹחַ בֹּא־ אַתָּה וְכָל־בֵּיתְךָ אֶל־{ה?}תֵּבָה כִּי־אֹתְךָ רָאִיתִי צַדִּיק לְפָנַי בַּדּוֹר הַזֶּה: ^{7:2} מִכֹּל הַבְּהֵמָה הַטְּהוֹרָה תִּקַּח־לְךָ שִׁבְעָה שִׁבְעָה אִישׁ וְאִשְׁתּוֹ וּמִן־הַבְּהֵמָה אֲשֶׁר לֹא טְהֹרָה הִוא שְׁנַיִם אִישׁ וְאִשְׁתּוֹ: ^{7:3} גַּם מֵעוֹף הַשָּׁמַיִם שִׁבְעָה שִׁבְעָה זָכָר וּנְקֵבָה לְחַיּוֹת זֶרַע עַל־פְּנֵי כָל־הָאָרֶץ: ^{7:4} כִּי לְיָמִים עוֹד שִׁבְעָה אָנֹכִי מַמְטִיר עַל־הָאָרֶץ אַרְבָּעִים יוֹם וְאַרְבָּעִים לַיְלָה וּמָחִיתִי אֶת כָּל־הַיְקוּם אֲשֶׁר עָשִׂיתִי מֵעַל פְּנֵי הָאֲדָמָה:	^{6:14} עֲשֵׂה לְךָ תֵּבַת עֲצֵי־גֹפֶר קִנִּים תַּעֲשֶׂה אֶת־ הַתֵּבָה וְכָפַרְתָּ אֹתָהּ מִבַּיִת וּמִחוּץ בַּכֹּפֶר: ^{6:15} וְזֶה אֲשֶׁר תַּעֲשֶׂה אֹתָהּ שְׁלֹשׁ מֵאוֹת אַמָּה אֹרֶךְ הַתֵּבָה חֲמִשִּׁים אַמָּה רָחְבָּהּ וּשְׁלֹשִׁים אַמָּה קוֹמָתָהּ: ^{6:16} צֹהַר תַּעֲשֶׂה לַתֵּבָה וְאֶל־אַמָּה תְּכַלֶּנָּה מִלְמַעְלָה וּפֶתַח הַתֵּבָה בְּצִדָּהּ תָּשִׂים תַּחְתִּים שְׁנִיִּם וּשְׁלִשִׁים תַּעֲשֶׂהָ: ^{6:17} וַאֲנִי הִנְנִי מֵבִיא אֶת־הַמַּבּוּל מַיִם עַל־הָאָרֶץ לְשַׁחֵת כָּל־בָּשָׂר אֲשֶׁר־בּוֹ רוּחַ חַיִּים מִתַּחַת הַשָּׁמָיִם כֹּל אֲשֶׁר־בָּאָרֶץ יִגְוָע: ^{6:18} וַהֲקִמֹתִי אֶת־בְּרִיתִי אִתָּךְ וּבָאתָ אֶל־הַתֵּבָה אַתָּה וּבָנֶיךָ וְאִשְׁתְּךָ וּנְשֵׁי־בָנֶיךָ אִתָּךְ: ^{6:19} וּמִכָּל־הָחַי מִכָּל־בָּשָׂר שְׁנַיִם מִכֹּל תָּבִיא אֶל־הַתֵּבָה לְהַחֲיֹת אִתָּךְ זָכָר וּנְקֵבָה יִהְיוּ: ^{6:20} מֵהָעוֹף לְמִינֵהוּ וּמִן־הַבְּהֵמָה לְמִינָהּ מִכֹּל רֶמֶשׂ הָאֲדָמָה לְמִינֵהוּ שְׁנַיִם מִכֹּל יָבֹאוּ אֵלֶיךָ לְהַחֲיוֹת: וְאַתָּה קַח־לְךָ מִכָּל־מַאֲכָל אֲשֶׁר יֵאָכֵל וְאָסַפְתָּ אֵלֶיךָ וְהָיָה לְךָ וְלָהֶם לְאָכְלָה:

6:22 וַיַּעַשׂ נֹחַ כְּכֹל אֲשֶׁר צִוָּה אֹתוֹ אֱלֹהִים כֵּן עָשָׂה:	7:5 וַיַּעַשׂ נֹחַ כְּכֹל אֲשֶׁר־צִוָּהוּ יְהוָה: [7:5 may be redactional, repeating 6:22, to join J's 7:1–4 with P's 7:6ff.]

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Noah and Company Enter Ark

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7:6 וְנֹחַ בֶּן־שֵׁשׁ מֵאוֹת שָׁנָה וְהַמַּבּוּל הָיָה מַיִם עַל־הָאָרֶץ: 7:7 וַיָּבֹא נֹחַ וּבָנָיו וְאִשְׁתּוֹ וּנְשֵׁי־בָנָיו אִתּוֹ אֶל־הַתֵּבָה מִפְּנֵי מֵי הַמַּבּוּל: 7:8bβ [וּמִן־הָעוֹף וּמִן־הַבְּהֵמָה] וְכֹל אֲשֶׁר־רֹמֵשׂ עַל־הָאֲדָמָה: 7:9 שְׁנַיִם שְׁנַיִם בָּאוּ אֶל־נֹחַ אֶל־הַתֵּבָה זָכָר וּנְקֵבָה כַּאֲשֶׁר צִוָּה אֱלֹהִים אֶת־נֹחַ:	7:8abα [וַיִּקַּח לוֹ] מִן הַבְּהֵמָה הַטְּהוֹרָה וּמִן־הַבְּהֵמָה אֲשֶׁר אֵינֶנָּה טְהֹרָה וּמִן־הָעוֹף

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The Flood

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7:11 בִּשְׁנַת שֵׁשׁ־מֵאוֹת שָׁנָה לְחַיֵּי־נֹחַ בַּחֹדֶשׁ הַשֵּׁנִי בְּשִׁבְעָה־עָשָׂר יוֹם לַחֹדֶשׁ בַּיּוֹם הַזֶּה נִבְקְעוּ כָּל־מַעְיְנֹת תְּהוֹם רַבָּה וַאֲרֻבֹּת הַשָּׁמַיִם נִפְתָּחוּ: 7:13 בְּעֶצֶם הַיּוֹם הַזֶּה בָּא נֹחַ וְשֵׁם־וְחָם וָיֶפֶת בְּנֵי־נֹחַ וְאֵשֶׁת נֹחַ וּשְׁלֹשֶׁת נְשֵׁי־בָנָיו אִתָּם אֶל־הַתֵּבָה: 7:14 הֵמָּה וְכָל־הַחַיָּה לְמִינָהּ וְכָל־הַבְּהֵמָה לְמִינָהּ וְכָל־הָרֶמֶשׂ הָרֹמֵשׂ עַל־הָאָרֶץ לְמִינֵהוּ וְכָל־הָעוֹף לְמִינֵהוּ כֹּל צִפּוֹר כָּל־כָּנָף: 7:15 וַיָּבֹאוּ אֶל־נֹחַ אֶל־הַתֵּבָה שְׁנַיִם שְׁנַיִם מִכָּל־הַבָּשָׂר אֲשֶׁר־בּוֹ רוּחַ חַיִּים: 7:16a וְהַבָּאִים זָכָר וּנְקֵבָה מִכָּל־בָּשָׂר בָּאוּ כַּאֲשֶׁר צִוָּה אֹתוֹ אֱלֹהִים 7:17b וַיִּרְבּוּ הַמַּיִם וַיִּשְׂאוּ אֶת־הַתֵּבָה וַתָּרָם מֵעַל הָאָרֶץ: 7:18 וַיִּגְבְּרוּ הַמַּיִם וַיִּרְבּוּ מְאֹד עַל־הָאָרֶץ וַתֵּלֶךְ הַתֵּבָה עַל־פְּנֵי הַמָּיִם: 7:19 וְהַמַּיִם גָּבְרוּ מְאֹד מְאֹד עַל־הָאָרֶץ וַיְכֻסּוּ כָּל־הֶהָרִים הַגְּבֹהִים אֲשֶׁר־תַּחַת כָּל־הַשָּׁמָיִם: 7:20 חֲמֵשׁ עֶשְׂרֵה אַמָּה מִלְמַעְלָה גָּבְרוּ הַמָּיִם וַיְכֻסּוּ הֶהָרִים: 7:21 וַיִּגְוַע כָּל־בָּשָׂר הָרֹמֵשׂ עַל־הָאָרֶץ בָּעוֹף וּבַבְּהֵמָה וּבַחַיָּה וּבְכָל־הַשֶּׁרֶץ הַשֹּׁרֵץ עַל־הָאָרֶץ וְכֹל הָאָדָם: 7:22 כֹּל אֲשֶׁר נִשְׁמַת־רוּחַ חַיִּים בְּאַפָּיו מִכֹּל אֲשֶׁר בֶּחָרָבָה מֵתוּ: 7:24 וַיִּגְבְּרוּ הַמַּיִם עַל־הָאָרֶץ חֲמִשִּׁים וּמְאַת יוֹם:	7:10 וַיְהִי לְשִׁבְעַת הַיָּמִים וּמֵי הַמַּבּוּל הָיוּ עַל־הָאָרֶץ: 7:12 וַיְהִי הַגֶּשֶׁם עַל הָאָרֶץ אַרְבָּעִים יוֹם וְאַרְבָּעִים לָיְלָה: 7:16b וַיִּסְגֹּר יְהוָה בַּעֲדוֹ: 7:23a וַיִּמַח אֶת־כָּל־הַיְקוּם אֲשֶׁר עַל־פְּנֵי הָאֲדָמָה מֵאָדָם עַד־בְּהֵמָה עַד־רֶמֶשׂ וְעַד־עוֹף הַשָּׁמַיִם וַיִּמָּחוּ מִן־הָאָרֶץ 7:17a וַיְהִי הַמַּבּוּל אַרְבָּעִים יוֹם עַל־הָאָרֶץ 7:23a וַיִּמַח אֶת־כָּל־הַיְקוּם אֲשֶׁר עַל־פְּנֵי הָאֲדָמָה מֵאָדָם עַד־בְּהֵמָה עַד־רֶמֶשׂ וְעַד־עוֹף הַשָּׁמַיִם וַיִּמָּחוּ מִן־הָאָרֶץ

Cessation of the Flood and the Birds

8:1 וַיִּזְכֹּר אלהים את־נח ואת־הַחַיָּה וְאֶת כל־הַבְּהֵמָה אֲשֶׁר אִתּוֹ בַתֵּבָה ויעבר אלהים רוח על־הארץ וישכו המים: 8:2a וַיִּסָּכְרוּ מַעְיְנֹת תהום וארבת השמים 8:3b וַיַּחְסְרוּ הַמַּיִם מקצה חמשים ומאת יום 8:4 ותנח התבה בחדש השביעי בשבעה־עשר יום לחדש על הרי אררט: 8:5 וְהַמַּיִם היו הָלוֹךְ וְחָסוֹר עד החדש העשירי בעשירי באחד לחדש נראו ראשי ההרים:	7:23b וַיִּשָּׁאֶר אַךְ־נֹחַ וַאֲשֶׁר אִתּוֹ בַתֵּבָה: 8:2b וַיִּכָּלֵא הַגֶּשֶׁם מִן־הַשָּׁמָיִם: 8:3a וַיָּשֻׁבוּ הַמַּיִם מֵעַל הָאָרֶץ הָלוֹךְ וָשׁוֹב 8:6 וַיְהִי מִקֵּץ אַרְבָּעִים יוֹם
8:7 וַיְשַׁלַּח [נח?] אֶת־הָעֹרֵב וַיֵּצֵא יָצוֹא וָשׁוֹב	ויפתח נח את־חלון התבה אשר עשה: 8:8 וַיְשַׁלַּח אֶת־הַיּוֹנָה מאתו לראות הקלו המים מעל פני האדמה: 8:9 ולא־מצאה היונה מנוח לכף־רגלה וַתָּשָׁב אליו אל־התבה כי־מים על־פני כל־הארץ וישלח ידו ויקחה וַיָּבֵא אתה אליו אל־התבה: 8:10 ויחל עוד שבעת ימים אחרים וַיֹּסֶף שַׁלַּח את־היונה מן־התבה: 8:11 וַתָּבֹא אליו היונה לעת ערב והנה עלה־זית טרף בפיה וידע נח כי־קלו הַמַּיִם מֵעַל הָאָרֶץ: 8:12 ויחל עוד שבעת ימים אחרים וישלח את היונה ולא יספה שׁוּב־אליו עוד:
עַד־יְבֹשֶׁת הַמַּיִם מֵעַל הָאָרֶץ: 8:13a ויהי באחת ושש־מאות שנה בראשון באחד לחדש חרבו המים מעל הארץ 8:14 ובחדש השני בשבעה ו{עשר}ים (LXX) יום לחדש יָבְשָׁה הָאָרֶץ: 8:15 וידבר אלהים אל־נח לאמר: 8:16 צא מן־התבה אתה ואשתך ובניך ונשי־בניך אתך: 8:17 כל־החיה אשר־אתך מכל־בשר בעוף ובבהמה ובכל־הרמש על־הארץ הוצא אתך ושרצו בארץ ופרו ורבו על־הארץ: 8:18 ויצא־נח ובניו ואשתו ונשי־בניו אתו: 8:19 כל־החיה כל־הרמש וכל־העוף כל רומש על־הארץ למשפחתיהם יצאו מן־התבה:	8:13b וַיָּסַר נח את־מכסה התבה וירא וְהִנֵּה חָרְבוּ פני האדמה:

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9:1 ויברך אלהים את־נח ואת־בניו ויאמר להם פרו ורבו ומלאו את־הארץ: 9:2 ומוראכם וחתכם יהיה על כל־חית הארץ ועל כל־עוף השמים בכל אשר תרמש האדמה ובכל־דגי הים בידכם נתנו: 9:3 כָּל־רֶמֶשׂ אֲשֶׁר הוּא־חַי לכם יהיה לְאָכְלָה כירק עשב נתתי לכם את־כל: 9:4 אַךְ־בשר בנפשו דמו לא תאכלו: 9:5 וְאַךְ אֶת־דִּמְכֶם לְנַפְשֹׁתֵיכֶם אֶדְרֹשׁ מיד כל־חיה אדרשנו ומיד האדם מיד איש אחיו אדרש את־נפש האדם:	8:20 וַיִּבֶן נח מזבח ליהוה ויקח מִכָּל הַבְּהֵמָה הַטְּהֹרָה וּמִכֹּל הָעוֹף הַטָּהֹר וַיַּעַל עֹלֹת בַּמִּזְבֵּחַ:

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9:6 שפך דם האדם באדם דמו ישפך כי בצלם אלהים עשה את־האדם: 9:7 ואתם פרו ורבו שרצו בארץ ורבו־בה: 9:8 ויאמר אלהים אל־נח ואל־בניו אתו לאמר: 9:9 ואני הנני מקים את־בריתי אתכם ואת־זרעכם אחריכם: 9:10 ואת כל־נפש החיה אשר אתכם בעוף בבהמה ובכל־חית הארץ אתכם מכל יצאי התבה לכל חית הארץ: 9:11 והקמתי את־בריתי אתכם ולא־יכרת כל־בשר עוד ממי המבול ולא־יהיה עוד מבול לשחת הארץ: 9:12 ויאמר אלהים זאת אות־הברית אשר־אני נתן ביני וביניכם ובין כל־נפש חיה אשר אתכם לדרת עולם: 9:13 את־קשתי נתתי בענן והיתה לאות ברית ביני ובין הארץ: 9:14 והיה בענני ענן על־הארץ ונראתה הקשת בענן: 9:15 וזכרתי את־בריתי אשר ביני וביניכם ובין כל־נפש חיה בכל־בשר ולא־יהיה עוד המים למבול לשחת כל־בשר: 9:16 והיתה הקשת בענן וראיתיה לזכר ברית עולם בין אלהים ובין כל־נפש חיה בכל־בשר אשר על־הארץ: 9:17 ויאמר אלהים אל־נח זאת אות־הברית אשר הקמתי ביני ובין כל־בשר אשר על־הארץ:	8:21 וירח יהוה את־ריח הניחח ויאמר יהוה אל־לבו לא־אסף לקלל עוד את־האדמה בעבור האדם כי יצר לב האדם רע מנעריו ולא־אסף עוד להכות את־כל־חי כאשר עשיתי: 8:22 עד כל־ימי הארץ זרע וקציר וקר וחם וקיץ וחרף ויום ולילה לא ישבתו: (recurring natural phenomena)

The Holiness School in Genesis?

Megan Warner

1. Introduction

The proposition, first formulated by Karl Elliger and mediated to English and Hebrew scholarship by Israel Knohl, Jan Joosten, and Jacob Milgrom, among others, that H postdates P, has had wide-reaching implications for scholarly understandings of the history of the formation of the Pentateuch.[1] Knohl's further innovation in the identification of a post-Priestly Holiness school (HS) made up of a Priestly group situated in Jerusalem that was responsible both for Lev 17–26 and editing across the Pentateuch, has contributed to the breadth of these implications.[2] Others have adopted Knohl's proposals to a greater or lesser extent, with the overall result that the traditional assumption of a Holiness Code predating P has been reversed so that "there is now almost unanimous acceptance that H presupposes at least a final form of the Priestly document."[3] This rep-

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1. Karl Elliger, *Leviticus*, HAT 1/4 (Tübingen: Mohr Siebeck, 1966), 14–20; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995); Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, VTSup 67 (Leiden: Brill, 1996); Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York; Doubleday, 2000); Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B (New York: Doubleday, 2001); Milgrom, *Leviticus: A Book of Ritual and Ethics*, CC (Minneapolis: Fortress, 2004). See further Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 4–11.

2. This essay adopts both Knohl's proposal of a "school" working within the tradition of H and his HS siglum (*Sanctuary of Silence*).

3. Nihan, *From Priestly Torah,* 10.

resents a significant shift, at least in English-language scholarship, from assumptions current even ten to fifteen years ago, and, partly as a result of this shift, scholarly interest in the Priestly tradition in its broadest sense has recently burgeoned.

The focus of this essay will be the implications of recent scholarship concerning the work of the Holiness school for interpretation of the ancestral narratives within Genesis. In *The Sanctuary of Silence*, Knohl identified a relatively large number of texts outside the so-called Holiness Code that he attributed to his HS.[4] Others, including Milgrom, followed Knohl's lead in this regard, although sometimes in a more circumspect manner, recognizing fewer HS incursions into non-H texts.[5] In the case of Genesis, however, scholars have shown a marked reticence to recognize the editorial influence of the Holiness school. Knohl himself initially pointed to only a small number of instances of possible HS editing in Genesis: Gen 17:7–8, 14; 23 and 36.[6] Others have been even more circumspect. Christophe Nihan, for example, has denied the influence of the Holiness school anywhere in Genesis, with the possible exception of 17:14.[7] More recently, Knohl has recognized a "linguistic connection" between Gen 1:31–2:3 and the Priestly account of the building of the tabernacle in Exod 39:32–33, 42–43 and 40:33, encouraging him to add this Genesis text to a growing list of HS editorial interventions in Genesis, further affirming the Holiness school as the final editor of the Pentateuch.[8]

Against this background, Jacob Milgrom's contribution to the study of HS editing in Genesis, although cautious, has been significant. As early as 2000 Milgrom was of the view that his H_R was the redactor of the three books at the center of the Pentateuch (Exodus, Leviticus, and Numbers) and was open to the possibility that, if Knohl were right about HS editing of Gen 17, 23, and 36, as well as Deut 32:48–52, and if these were the final editorial editions to Genesis and Deuteronomy, then the possibility that H_R was the editor of the Pentateuch as a whole not only could but must be

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4. Knohl, *Sanctuary of Silence*, 104–6.

5. See Milgrom, *Leviticus 17–22,* 1337–44; Nihan, *From Priestly Torah,* 564–75.

6. Knohl, *Sanctuary of Silence*, 104.

7. Nihan, *From Priestly Torah,* 570.

8. Israel Knohl, "Who Edited the Pentateuch?" in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 359–67.

considered.[9] Before his death, Milgrom was one of a very small number of scholars who considered the possibility of H-related editing in Genesis in anything more than a cursory way. In 2003 Milgrom argued that H_R was responsible for the entirety of the first creation story, Gen 1:1–2:3.[10] In that piece he drew on earlier work by Yairah Amit but went further to canvass the possibility of more extensive H_R editing of Genesis.[11] He nevertheless urged caution, counseling against drawing definitive conclusions about the influence of H_R in Genesis "until the redactorial picture of Genesis is clarified."[12] Later, in 2007, Milgrom expressed the view that there was insufficient evidence of the work of H_R in Genesis and Deuteronomy to conclude that H_R was the editor of the entire Torah but nevertheless went on to claim that, if he had been right in his argument that H_R was responsible for Gen 1:1–2:3, "then H_R indeed played the deciding role in editing the book of Genesis."[13]

Since 2007 there has been some limited interest in the possible role of the HS in Genesis. For example, Martin Arneth sees a post-P, non-P layer in Gen 1–11 that displays a dependence upon and a sympathy with "Holiness Code" legislation,[14] and Bill T. Arnold's 2009 commentary proposes the HS as the "final editor" of Genesis.[15] However, there has been

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9. Milgrom, *Leviticus 17–22,* 1443. Milgrom used the siglum H_R to identify a redactor analogous to Knohl's HS.

10. Jacob Milgrom, "H_R in Leviticus and Elsewhere in the Torah," in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003), 24–40.

11. Yairah Amit, "Creation and the Calendar of Holiness" [Hebrew], in *Tehillah le-Moshe: Biblical and Judaic Studies in Honour of Moshe Greenberg*, ed. Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay (Winona Lake, IN: Eisenbrauns, 1997), 13*–29*. Edwin Firmage also credits Milgrom with critiquing a draft of his (Firmage's) "Genesis 1 and the Priestly Agenda," *JSOT* 82 (1999): 97–114. There Firmage similarly suggests that Gen 1 is a product of HS, although he does not refer to Amit's work.

12. Milgrom, "H_R in Leviticus," 40.

13. Jacob Milgrom, "The Case for the Pre-exilic and Exilic Provenance of the Books of Exodus, Leviticus and Numbers," in *Reading the Law: Studies in Honour of Gordon J. Wenham*, ed. J. G. McConville and Karl Möller, LHBOTS 461 (New York: T&T Clark, 2007), 48–56.

14. Martin Arneth, *Durch Adams Fall ist ganz verderbt… : Studien zur Entstehung der alttestamentlichen Urgeschichte* FRLANT 217 (Göttingen: Vandenhoeck & Ruprecht, 2007), 183–5, 204–7, 230–36.

15. Bill T. Arnold, *Genesis*, New Cambridge Bible Commentary (Cambridge: Cambridge University Press, 2009).

only little focus on possible HS activity in the ancestral narratives. Significant in this respect is the work of Jakob Wöhrle, who has noted parallels between Lev 17:9–14, 23–27 and Exod 12:43–49 that persuade him that the two passages can be attributed to the same late Priestly redactional stratum.[16]

That there should be reticence in considering the presence of HS editing in the ancestral narratives, and especially in non-P narratives, is perhaps not surprising. The very nature of narrative makes it unlikely that extended passages of recognizable H language, predominantly legal in nature, will be found. It is both more difficult and more speculative to attribute editing to a particular school on the basis of common single words or short phrases, typically found in narrative, than on the basis of more extensive quotations, such as are sometimes found in legislative prose. These difficulties are magnified in the case of Genesis, which has its *Sitz im Leben* prior to the advent of the law, so that the presence of any recognizably legal language at all is unexpected.

These difficulties notwithstanding, we should not be wholly dissuaded from considering the possibility of HS editing within Genesis, recognition of which might, in fact, throw some light upon some current puzzles and curiosities. For example, some apparently redactional material in non-P Genesis narratives has been traditionally characterized as "Deuteronomistic." Yet, as David M. Carr has shown, this redactional material, while in some ways consonant with the Deuteronomistic profile, diverges from it in significant respects. Carr has termed such redactional material "semi-Deuteronomistic."[17] Others, such as Rendtorff, Weinfeld, Wenham, and more recently Ska, have observed aspects of this same redactional material that fit the Priestly profile.[18] Recent developments in HS scholar-

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16. Jakob Wöhrle, "The Integrative Function of the Law of Circumcision," in *The Foreigner and the Law: Perspectives from the Hebrew Bible and the Ancient Near East*, ed. Reinhard Achenbach, Rainer Albertz, and Jakob Wöhrle, BZABR 16 (Wiesbaden: Harrassowitz, 2011), 71–87. Recently also Mark G. Brett has begun to explore the possible role of the Holiness school in the patriarchal narratives ("The Priestly Dissemination of Abraham," *Hebrew Bible and Ancient Israel* 3 [2014]: 24–44). Brett was supervisor for the present author's doctoral thesis: Megan Warner, "And I Will Remember My Covenant with Abraham: The Holiness School in Genesis" (DTheol. diss., Melbourne College of Divinity, 2012).

17. David M. Carr*, Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 152.

18. Rolf Rendtorff, *The Problem of the Process of Transmission in the Pentateuch*,

ship may offer a possible solution to the mystery of such "mixed D and P texts."[19] In particular, the view of a growing number of scholars, primarily European and American, that H shows signs of dependence on D as well as P,[20] opens the way to seeing the HS as responsible for some redactional material in Genesis that displays both Deuteronomistic and Priestly characteristics.

Among those who recognize H's dependence upon both D and P, Nihan and Jeffrey Stackert go one step further, arguing that H employs a "hermeneutic of literary revision" with respect to both.[21] In the context of identifying the provenance of redactional material, this insight has important consequences. For example, if Nihan and Stackert are correct that H not only depends upon D but also revises D, then it cannot be assumed that non-P text in Genesis that contains traces of Deuteronomistic language or themes should, for that reason alone, be attributed to Deuteronomistic editors. Indeed, it cannot be assumed even that such textual material must be sympathetic to the Deuteronomistic program. In fact, precisely the opposite may be true, so that the identification of Deuteronomistic language in a text may indicate that this text should be read not *with* the grain of Deuteronomistic thought but rather *against* it. Accordingly, interpretations that read Deuteronomistic understandings into Genesis narratives on the basis of the presence of semi-Deuteronomistic language may be missing, or even camouflaging, interpretations of the text that are most consonant with the intention of the author/editor.

JSOTSup 89 (Sheffield: JSOT Press, 1990), passim; Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon, 1972), 75 n. 4; Gordon J. Wenham, *Genesis 16–50*, WBC 2 (Dallas: Word, 1994), 190; Jean-Louis Ska, *The Exegesis of the Pentateuch*, FAT 66 (Tübingen: Mohr Siebeck, 2009), passim.

19. On the question of P and D "mixed texts," see Konrad Schmid, *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible*, trans. James D. Nogalski; Siphrut 3 (Winona Lake; IN: Eisenbrauns, 2010), 280–81.

20. Those who consider H to be dependent upon both P and D include Nihan, *From Priestly Torah*, 547; Eckart Otto, "The Holiness Code in Diachrony and Synchrony in the Legal Hermeneutics of the Pentateuch," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, ed. Sarah Shectman and Joel S. Baden, ATANT 95 (Zürich: Theologischer Verlag Zürich, 2009), 135–56, esp. 139; Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007), 9, and others listed there.

21. Nihan, *From Priestly Torah,* 547; Stackert, *Rewriting the Torah,* 219.

An example will help to illustrate this point. In his *Reading the Fractures of Genesis,* David Carr identifies three related texts that he considers additional, late, and semi-Deuteronomistic: Gen 18:17–19, 22:15–18, and 26:3bβ–5.[22] Each of the three texts contains a divine promise that has been termed the "nations-blessing promise." The promise is notoriously difficult to interpret, but in the most general terms the patriarch is promised by God that all the nations of the world will be blessed, or will bless themselves, in, by, or through him or his posterity. Although Carr expressly dismisses the idea that these passages were produced by a strictly "Deuteronomistic" editor,[23] his view that the three passages were "the work of an author/reviser who creatively revised and extended the non-P Genesis tradition, while working in a context where Deuteronomistic themes and language were 'in the air,' contributes to his readiness to see in these texts elements that link them to what he terms "late trends in Israelite literature," which, he suggests, are "often linked to varying extents with the theology and language of specifically Deuteronomistic literature."[24]

Carr lists three elements that characterize these trends, one of which is "opposition to foreigners and their influence on Israel—especially to Canaanaites [*sic*]."[25] He then goes on to argue that what he terms "the anti-foreign elements of the Deuteronomistic tradition" may be reflected in the reformulation of the nations-blessing promise in the verses listed above (Gen 18:17–19, etc.). For that reason, he interprets the promise in a way that emphasizes Abraham's blessedness, rather than that of the nations, and he denies any idea of an Abrahamic vocation to mediate blessing to them.[26]

The trend of opposition to foreigners that Carr attributes to Deuteronomistic literature is not one that is evident in HS texts, which, while stressing a need for separation between Israel and the nations, tend to be far more irenic in tone. From Carr's discussion of the nations-blessing promise, it appears that, if his view concerning the identity of the author/reviser had been different, so that he had read the promise in light of the profile of the Holiness school, for example, rather than that of Deuteron-

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22. Carr, *Reading the Fractures,* 153–76.
23. Ibid, 159.
24. Ibid, 157.
25. Ibid.
26. Ibid, 158.

omistic literature, then his interpretation of the promise itself might also have been different.[27]

This discussion begs the question whether there might be any good reason to read the ancestral narratives, or sections of them, in light of the profile of the HS. Is there any evidence pointing to intervention on the part of editors sympathetic to the tradition of H? If so, are there discernible patterns within that material, and do those patterns conform with what is known of HS editing in other parts of the Pentateuch? Given the limited scope of this essay, the best means of addressing these questions will be focused consideration of a single text. Therefore, the remainder of the essay will consist of a case study based on one of the three short passages discussed by Carr: Gen 26:3b–5.[28] In this study, the passage will be read in the context of its narrative setting, 26:1–33, and in light of the three elements identified by Carr as characterizing late trends in Israelite literature, often linked to varying degrees with the theology and language of specifically Deuteronomistic literature: the centrality of obedience, opposition to foreigners, and the use of patterned language.

2. Genesis 26:3b–5 Read in the Context of Genesis 26:1–33: A Case Study

Genesis 26:1–33 is non-P narrative that offers a mosaic of Isaac traditions in which Isaac repeats some of his father Abraham's past exploits. Within this text, Gen 26:3b–5 is almost universally agreed to represent a late editorial addition.[29] The addition is a significant one: it articulates with 22:15–18 to effect the extension of the Abrahamic promises to Abraham's son Isaac. It is also highly anomalous: the express reference to law in 26:5 is unexpected in narrative that is concerned with a time prior to the giving the Mosaic law. This anomaly, together with the language of

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27. In relation to interpretation of the nations-blessing promise generally, see Keith N. Grüneberg, *Abraham, Blessing and the Nations: A Philological and Exegetical Study of Genesis 12:3 in Its Narrative Context*, BZAW 332 (Berlin: de Gruyter, 2003), 3–12; André Flury-Schölch, *Abrahams Segen und die Völker: Synchrone und diachrone Untersuchungen zu Gen 12,1–3 unter besonderer Berücksichtigung der intertextuellen Beziehungen zu Gen 18; 22; 26; 28; Sir 44; Jer 4 und Ps 72* (Würzburg: Echter, 2007); and Benjamin J. Noonan, "Abraham, Blessing, and the Nations: A Reexamination of the Niphal and Hitpael of ברך in the Patriarchal Narratives," *HS* 51 (2010): 73–93.

28. Carr's own delimitation of this passage has varied in publications subsequent to *Reading the Fractures*.

29. There is, however, little scholarly agreement as to delimitation of the passage.

the verse, has long been understood to indicate the verse's Deuteronomis-tic or "semi-Deuteronomistic" provenance. Of the three short passages discussed above, Gen 26:3b–5 is the one thought to be most *apparently* Deuteronomistic in its language and outlook.[30] However, although both the language and the theme of verse 5 have been viewed as consistent with those found in Deuteronomy,[31] in fact they have more in common with language and themes found in other books, especially Leviticus and Num-bers, as Wenham has noted.[32] Indeed, Weinfeld goes so far as to say of Gen 26:5: "There is nothing Deuteronomic in this verse."[33] In particular, Weinfeld points out that the word "instructions" (תורת) is never found in the plural in Deuteronomy, but only in Priestly texts.[34] A general sense of the Deuteronomistic provenance of Gen 26:3b–5, however, has often led to its interpretation in light of the profile of D, and Carr's approach is representative in this regard. Is the profile of D the best interpretive guide in this context?

2.1. The Centrality of Obedience

For Carr, a "sharp focus on the centrality of obedience" in Gen 26:3b–5 (and in 22:15–18) is one of the primary factors linking the passage with Deuteronomistic thought.[35] Clearly, obedience, and specifically obedi-ence to torah, is a crucial theme in Gen 26:3b–5. Here the extension of

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30. Wenham, *Genesis 16–50*, 190.

31. So Claus Westermann, who finds that the collation of terms "presupposes the language of Deuteronomy" (*Genesis 12–36*, CC [Minneapolis: Augsburg Fortress, 1984], 425).

32. Wenham, *Genesis 16–50,* 190. See also Ska, *Exegesis of the Pentateuch,* 36 n. 47: "This text is often considered to be Deuteronomist. However, the vocabulary is more Priestly than Deuteronomist, as is noted by Wenham." In this footnote Ska undertakes a survey of the instances of each of the legal nouns found in Gen 26:5 that are used in conjunction with the verb שמר. He finds that the instances "are not typically Deutero-nomic/ Deuteronomist" but also "appear very frequently in Priestly texts." In the case of משמר, this is especially marked.

33. Weinfeld, *Deuteronomy and the Deuteronomic School*, 75 n. 4. For Erhard Blum's response, see his *Die Komposition der Vätergeschichte*, WMANT 57 (Neu-kirchen-Vluyn: Neukirchener Verlag, 1984), 363.

34. Weinfeld, *Deuteronomy and the Deuteronomic School,* 338. Ska (*Exegesis of the Pentateuch*, 36 n. 47) agrees and suggests that the plural חקים is "rather late."

35. Carr, *Reading the Fractures,* 157.

the Abrahamic promises is made the consequence of Abraham's keeping of torah, and unmistakable resonances with 22:15–18 indicate that Abraham's conduct at Moriah is particularly in view.

Is the same focus on obedience a feature of 26:1–33 as a whole? The immediately striking point is that Gen 26 displays little or no interest in *Isaac's* obedience. Here in the third wife/sister story (26:6–11), Isaac exhibits many of the same flaws displayed by his father in 12:10–20 and 20:1–18.[36] Like those earlier accounts,[37] the narrative of Gen 26 does not reflect any consequential misfortune to Isaac. To the contrary, Isaac experiences good fortune to a remarkable degree, given the context of famine (26:1), particularly in relation to his agricultural pursuits. The dramatic nature of this good fortune is emphasized by the use of the verb גדל (to become great) no less than three times in 26:13, and Wenham notes that Isaac's hundredfold yield was the best that could be expected in Palestine.[38]

Genesis 26:12 expressly connects Isaac's abundance with Yahweh's blessing, and 26:3b–5 make this blessing the consequence of Abraham's observance of torah. The effect of these combined elements is that Isaac's good fortune can be attributed not to his own merit but to that of Abraham by reason of Abraham's observance of torah.[39]

As Carr readily concedes, this conception does not fit well with the Deuteronomistic profile, in which the responsibility for observance of torah falls anew on each generation and in which maintenance of the divine relationship is conditional upon that observance. The combined effect of Gen 22:15–18 and 26:3b–5, although not entirely to relieve Abraham's offspring of the imperative to observe torah, is that the divine promises, and indeed the divine relationship, are no longer conditional upon

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36. The nature of the literary relationship between the three Genesis narratives in which the patriarch (twice Abraham and once Isaac) passes his wife off as his sister is a matter of scholarly conjecture that is beyond the scope of this essay. Interested readers could consult, for example, T. D. Alexander, "Are the Wife/Sister Incidents of Genesis Literary Compositional Variants?" *VT* 42 (1992): 145–52.

37. Here the descriptor "earlier" only refers to location in the text, not to the date of composition.

38. Wenham, *Genesis 16–50,* 191. It is worth noting that the two earlier accounts include no comparable element of success and abundance that benefit the patriarch.

39. So Ska, *Exegesis of the Pentateuch,* 36: "Isaac is the first to benefit from Abraham's 'merits' which is a pledge for the patriarch's descendants. In very simple terms, the future descendants of Abraham can, like Isaac, rely on God's fidelity to his promises by reason of Abraham's obedience."

that observance. Genesis 26:5 turns the element of conditionality on its head by making the promises conditional upon an *already-satisfied condition,* the observance of Abraham, and particularly Abraham's willingness to sacrifice Isaac at Moriah.[40] Not only does this conception differ from properly Deuteronomistic understandings of covenantal relationship; it sets up a system of intergenerational merit that is incompatible with the rejection of such systems in Deut 7:9–10.[41]

These factors do not point toward a redactor sympathetic to Deuteronomistic ideology and working within the Deuteronomistic profile. However, in several respects resonances can be seen with the ideology and profile of the HS. First, it should be noted that a concept of Abrahamic merit is not foreign to H. Although Lev 26, H's counterpart to Deut 28, incorporates Deuteronomistic patterns of conditionality into P's covenant ideology,[42] it also makes provision for the divine forgiveness of protracted and obstinate Israelite disobedience, for which there are two prerequisites. One of those prerequisites is Yahweh's remembrance of the covenant with each of the patriarchs, with a particular focus on Abraham (Lev 26:42).[43] Thus for H, Abraham is already central to issues of justice, punishment, and forgiveness, and memory of him is a necessary element for the maintenance of the divine-human relationship. Another prerequisite is lack of opposton by H, unlike D, to systems of intergenerational punishment/ merit: "those of you who survive shall languish in the land of your enemies because of their iniquities; also they shall languish because of the iniquities of their ancestors. But if they confess their iniquity and the iniquity of their ancestors… (26:39–40)."

A second resonance with the ideology and profile of the HS is found in the fact that both Gen 26 and H make a connection between torah obser-

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40. George G. Nicol reaches the same conclusion but expresses it in terms of unconditionality rather than already-satisfied conditionality ("Studies in the Interpretation of Gen 26:1–33" [PhD diss., Oxford University, 1987]).

41. For a discussion of intergenerational punishment/merit, see Bernard M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008), 60–84.

42. Nihan, *From Priestly Torah* 535–45, esp. 539: "But contrary to P, where Yahweh's covenant is still unconnected with the Sinai legislation, *the restoration of the divine presence is now conditioned to Israel's obedience to the statutes* (חקת) *and the commands* (מצות) *given by Yahweh to Israel* (26:3)" (emphasis original).

43. Lev 26:42 is the only place in the Hebrew Bible where the names of the patriarchs are inverted.

vance and the fruitfulness of the land. In Gen 26 the extraordinary success of Isaac's early agricultural endeavours is attributed to Abraham's observance of torah, while in Lev 26 the keeping of torah is said to lead to the land's fruitfulness:

> If you follow my statutes and keep my commandments and observe them faithfully, I will give you your rains in their season, and the land shall yield its produce, and the trees of the field shall yield their fruit. Your threshing shall overtake the vintage, and the vintage shall overtake the sowing; you shall eat your bread to the full. (26:3–5; cf. 25:18–19)

In sum, when Gen 26:3b–5 is read in its narrative context it becomes apparent that its focus on obedience does not point toward Deuteronomistic conceptions of obedience. Rather, a number of resonances with H concepts and ideology appear.

2.2. Opposition to Foreigners

The second of Carr's three elements is "opposition to foreigners and their influence on Israel—especially to Canaanaites [*sic*], the paradigmatic pre-Israelite inhabitants of the Promised Land."[44] This element is not present in Gen 26 as a whole, which, to the contrary, presents a surprisingly universalist model for peaceful co-existence between Israel and a nation notorious elsewhere for enmity with Israel.[45]

Although the blessing noted in Gen 26:12 brings Isaac prosperity and increase, it does not *initially* bring him stability and harmonious relations with his neighbors. The Philistines become envious of Isaac's great possessions, livestock, and household, so that Abimelech tells Isaac to go, because "you have become far too mighty/numerous for us." So it is that Isaac leaves Gerar (26:17). That he does not travel far is suggested by the name of his new dwelling-place, "the Wadi-Gerar," and by the fact that strife with Abimelech's servants is not thereby averted. Isaac's herders redig three wells supposedly originally dug and named by Abraham. Isaac reassigns to the wells the names that Abraham had given them. The name

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44. Carr, *Reading the Fractures,* 157.

45. The Philistines are first presented as a notably warlike nation in Exod 13:17, and the history of Israelite battles against the Philistines is recounted in the monarchic narratives.

of each well reflects a response of the Philistines. Following the digging of the first well there is contention, and after the digging of the second there is quarrelling.

When it comes to the third well, things are different. Genesis 26:22 says that Isaac moved on (עתק) from the Wadi Gerar before digging the third well but does not identify his destination. The verb עתק (to move, proceed, advance) is rarer than that used in 26:17 (הלך, to walk, go), appearing in the Hebrew Bible in the *hiphil* in only four other places (12:8; Job 9:5; 32:15; Prov 25:1).[46] These instances show that the verb has a sense of advancement as well as of simple geographic movement. Once again, it appears that Isaac may not have moved far in a geographic sense: no place name is given for his destination, and the statement in the narrative that the digging of the third well did not give rise to further tension with Abimelech's servants suggests that Isaac was still close enough to Gerar for such tensions to have been at least a possible outcome. The name given by Isaac to the third well is Rehoboth (רחבות). The root רחב means "to be or grow wide or large." This time the servants of Isaac and Abimelech do not quarrel over the well, and, following the pattern established with the first two wells, Isaac offers a brief etiology: "Because now Yahweh has enlarged/made room [*hiphil* of רחב] for us and we shall be fruitful [פרה] in the land" (Gen 26:22).

Isaac's association of the two verbs רחב and פרה is unique in the Hebrew Bible. The verb פרה appears in Genesis on twenty-seven occasions, primarily in Priestly texts. In ten of those instances, all Priestly promise texts, it is paired with the verb רבה.[47] Outside Genesis the pairing can be found in five further places: Exod 1:7 (P, where it functions as a statement of fulfillment of the earlier promises); Lev 26:9 (H); Jer 3:16; 23:3; and Ezek 36:11.

The verb רחב, while quite similar in appearance to רבה, is associated with the Deuteronomistic tradition, not the Priestly tradition. In Genesis רחב appears only in 26:22. Elsewhere in the Pentateuch it occurs only in Deuteronomistic texts:

> Exod 34:24: For I will cast out the nations before you and enlarge your borders; no one shall covet your land when you go up to appear before Yahweh your God three times in the year.[48]

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46. None of these is likely to be a particularly early text.

47. Gen 1:22, 28; 8:17; 9:1, 7; 17:20; 28:3; 35:11; 47:27; 48:4.

48. This chapter of Exodus has undergone extensive Deuteronomistic editing;

Deut 12:20: When Yahweh your God enlarges your territory, as he has promised you, and you say, "I am going to eat some meat," you may eat meat whenever you have the desire.

Deut 19:8: If Yahweh your God enlarges your territory, as he swore to your ancestors—and he will give you all the land that he promised your ancestors to give you…

Deut 33:20: Blessed be the enlargement of Gad!

Here are all the appearances of the verb רחב in the Pentateuch. In each of these texts, as in Gen 26:22, the verb appears in the *hiphil*, and the context is the enlargement of land or territory by Yahweh. For the Deuteronomist it is evident that this enlargement is to be achieved by means of dispossession of the nations, and this idea appears most clearly in Exod 34:24.[49] A similar idea of enlargement at the expense of others can be seen in extrapentateuchal uses of the verb רחב, for example, in Hannah's prayer (1 Sam 2:1: "my mouth is enlarged over my enemies"); in Isa 26:14–15, where Yahweh's enlargement of the borders of the land of Judah is celebrated in conjunction with punishment and destruction of Judah's adversaries; and in Amos 1:13, where the Ammonites are castigated for enlarging their territory by means of violence to pregnant women.

The sense in which Isaac uses the verb רחב in Gen 26:22 is different, however. It connotes neither violence nor dispossession. The thematic context is still land and the relationship between the Israelites and the nations (here represented by the Philistines), but the sense of Isaac's statement is that, rather than enlarging Israel's territory by dispossessing the nations, Yahweh has enlarged the land itself so that Israelites and non-Israelites are able peacefully to reside in it together, without quarrelling.

A significant change comes about between the digging and naming of the second and third wells. Hostilities cease, and Isaac is moved to

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see Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1998), 66 n. 42, citing Eckart Otto, *Wandel der Rechtsbegründungen in der Gesellschaftsgeschichte des antiken Israel: Eine Rechtsge-schichtes des"Bundesbuches" Ex XX 22–XXIII 13*, StudBib 3 (Leiden: Brill, 1988).

49. For a helpful summary of dispossession traditions in pentateuchal sources, see Baruch J. Schwartz, "Reexamining the Fate of the 'Canaanites' in the Torah Traditions," in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume*, ed. Chaim Cohen, Avi Hurvitz, and Shalom M. Paul (Winona Lake, IN: Eisenbrauns, 2004), 151–70, esp. 155–56.

announce a new divinely appointed reality within the land. His new relationship with Abimelech and the Philistines becomes apparent in Gen 26:26–31. A relationship previously characterized by fear and mistrust (26:16: "Go away from us, for you have become too powerful for us") becomes one of aspirational fellowship and peace (26:28: "We see plainly that Yahweh has been with you.… let us make a covenant with you").[50] No explanation for the change is offered, apart from the subtle use of the verb עתק (to move, proceed, advance; 26:22). It is simply the case that with the digging of the first two wells there is one state of affairs and that with the digging of the third well, a short distance away from the first two, there is a new state of affairs. Isaac announces the change but does not account for it. In one way or another, apparently, the two peoples have simply resolved their differences, or else the Philistines have simply given up the fight.[51]

One possibility is that the degree of physical separation between Isaac and his retinue, on the one hand, and Abimelech and his people, on the other, which was effected by Isaac's moving on (עתק) in 26:22, was sufficient to make a dramatic difference in the quality of the relationship between the two. There was no such movement between the first and second wells. Isaac's servants apparently dug a second well in the same vicinity and with the same outcome: conflict. However, once Isaac put further distance between himself and the Philistines, the situation changed, and the two groups were able to cohabit peacefully. The text does not suggest a departure on a grand scale, merely a little space between the two groups, so that they could both be accommodated in a land that had been enlarged

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50. True, the covenant sought by Abimelech is of the nature of a nonaggression pact, as was the case in Gen 21:22–23. Nevertheless, it is significant that Abimelech now seeks to achieve peace between the two peoples through relationship rather than banishment and that the word שלום, absent from 21:22–32, appears here twice.

51. A comparison with Gen 13 underlines the change. There the wealth of the respective households of Abram and Lot became so great that the land could not support even the two of them living together (13:6), without strife arising between their servants (13:8), so that they were compelled to separate. Here in Gen 26, despite the rapidly escalating wealth of Isaac described in 26:12–14 and Abimelech's order to Isaac that he leave because he has become too powerful for the Philistines in 26:16, Yahweh's enlargement of the land (26:22) means that there is sufficient room in it for Isaac's family and the Philistines to achieve a degree of separation so that both can to live together *within the land* in peace, notwithstanding their earlier squabbles and contentions.

by Yahweh.[52] If this is the sense that Gen 26:17–22 means to convey, it is reminiscent of H's principle whereby Yahweh sets the people apart from the nations to be holy as Yahweh is himself holy (Lev 20:24–26).[53]

In associating the two verbs פרה and רחב in the name of the third well and its accompanying etiology in 26:22, Isaac does some new things. He suggests that the Deuteronomistic promise to "enlarge/make room" has been fulfilled in an unexpected way: rather than drive out the nations to make way for the Israelites, Yahweh has made room for the Israelites and the nations to coexist peacefully. Further, Isaac makes this unexpected fulfilment of a Deuteronomistic promise the cause of the further fulfillment of a Priestly promise: to be fruitful. In this way he combines otherwise unrelated Deuteronomistic and Priestly language and concepts, creating something new.[54]

This "new" thing resembles the Priestly conception of possession of land as an אחזה.[55] This idea is by no means foreign to Gen 26. Here the addition of verses 3b–5 results in the surprising juxtaposition of Yahweh's

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52. Michael A. Fishbane, *Text and Texture: Close Readings of Selected Biblical Texts* (New York: Schocken Books, 1979), 46–48, has identified multiple and compelling resonances between Gen 26 and 34, arguing that the two chapters have been redactionally placed at either end of the Isaac narratives. The same idea of the land being large enough to accommodate both the circumcised and the uncircumcised is expressed in 34:21: "These people are friendly with us; let them live in the land and trade in it, for the land is large enough for them."

53. As Nihan (*From Priestly Torah*, 478–79) notes, in H's conception of holiness "it is the observance of Yahweh's laws which brings about Israel's separation (root קדש) both *from* the other peoples (Lev 18:2–5, 24–30; 20:22–26) and *to* Yahweh (consecration)." In Gen 26 Isaac's blessings are presented as the consequence of Abraham's observance of *Torah*. Indeed, in H the concept of holiness itself is enlarged, just as Isaac declares the land to have been enlarged in Gen 26:22. Knohl (*Sanctuary of Silence*, 218–19) writes of this development: "Here, too, the solution was found through changing and enlarging the concept of holiness. Holiness, according to HS, surpasses the limits of the Temple-Priestly framework; it must be present throughout the Israelite congregation and the land of Israel. The call to a life of holiness, directed toward the nation as a whole, is grounded in Israel's separation from the nations to be a possession of God: 'You shall be holy to me, for I, Yahweh am holy, and I have set you apart from the other peoples to be mine' (Lev 20:26)."

54. In language used elsewhere by Jacob Milgrom (*Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991], 359–61), Isaac "spins a midrash."

55. See, e.g., Lev 25:10, 13, 24–25, 27–28, 32–34, 41, 45–46.

promise to give "all these lands" to Isaac and his seed and the divine direc-
tion to Isaac to live in it (in particular at Gerar) as a גר, "resident alien."[56]
Nihan describes the Priestly concept of אחזה as follows:

> in P the land promised to Israel is not given as a נחלה, a personal pos-
> session, as in the Deuteronomistic tradition, but rather as a אחזה, a term
> referring to a "*Nutzungsrecht*". In this conception, Israel has a right to the
> land's usufruct, but the land itself remains Yahweh's *exclusive* possession.[57]

The Priestly conception is adopted by H and can be seen most clearly in
Lev 25:23–24.[58]

The connection drawn here between Isaac's relationships with his
neighbors and the land, on the one hand, and the P and H conception of
אחזה, on the other, might appear fanciful, were it not for the fact of the
arrival in Gen 26:26 of a new character, missing from the parallel narrative
in 21:22–32. It appears that his primary function in the narrative is to bear
the name אחזת (Ahuzzath), thereby alluding to the idea of אחזה.

In sum, Isaac declares in 26:22 a new divine facilitation for the shared
occupation of land that, in its combination of D and P language, under-
mines Deuteronomistic conceptions while resembling the P and H con-
cept of the possession of land.[59]

2.3. The Use of Patterned Language

The third of Carr's three elements is "use of certain patterned language to
express these and other themes."[60] As we have seen, there is a great deal

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56. See Jakob Wöhrle, "The Un-empty Land: The Concept of Exile and Land in P,"
in *The Concept of Exile in Ancient Israel and Its Historical Contexts*, ed. Ehud Ben Zvi
and Christoph Levin, BZAW 404 (Berlin: de Gruyter, 2010), 189–206; Nihan, *From
Priestly Torah,* 67–68.

57. Nihan, *From Priestly Torah,* 66. See also Matthias Köckert, "Das Land in der
priesterlichen Komposition des Pentateuch," in *Von Gott reden: Beiträge zur Theologie
und Exegese des Alten Testaments: Festschrift für Siegfried Wagner zum 65. Geburtstag*,
ed. Dieter Vieweger and Ernst-Joachim Waschke (Neukirchen-Vluyn: Neukirchener
Verlag, 1995), 147–62, 155; Michaela Bauks, "Die Begriffe *mršh* und *ʾhzzh* in Pg. Über-
legungen zur Landkonzeption in der Priestergrundschrift," *ZAW* 116 (2004): 171–88.

58. Nihan, *From Priestly Torah,* 527–28. See also Köckert, "Das Land in der pries-
terlichen Komposition"; Bauks, "Landkonzeption in der Priestergrundschrift."

59. See, for example, Lev 25:23.

60. Carr, *Reading the Fractures*, 157.

of patterned language both in Gen 26:3b–5 and in the chapter as a whole, but it is of Priestly as well as Deuteronomistic derivation. Furthermore, in several instances where Deuteronomistic language appears, it is paired with Priestly language or themes in such a way as to *correct* the underlying Deuteronomistic ideology. A primary example is the list of legal terms in Gen 26:5, which *appears* Deuteronomistic[61] but on closer inspection includes language that is distinctly Priestly and contributes to a statement regarding the legacy of Abraham's obedience that is not at home in Deuteronomistic ideology. Other examples appear outside Gen 26:3b–5. In 26:22, as we have seen, the distinctively Deuteronomistic word רחב is uniquely paired with the distinctively Priestly word פרה in such a way as to undermine the Deuteronomistic tradition and to resemble the corresponding P and H conception.

A further example within Gen 26:3b–5 is connected with the nation-blessing promise that was mentioned above. This passage contains the only short phrase common to all three such promise passages (Gen 18:17–19; 22:15–18; and 26:3b–5): "all the nations of the earth." In 26:4 the promise is formulated: "and all the nations of the earth shall gain blessing for themselves through your offspring." The phrase "all the nations of the earth" appears in only one other place in the Pentateuch. Deuteronomy 28:1 reads: "If you will only obey the Lord your God, by diligently observing all his commandments that I am commanding you today, the Lord your God will set you high above *all the nations of the earth*" (NRSV, emphasis added). Konrad Schmid has suggested that Gen 22:15–18 and 26:3–5 "point to" Deut 28:1.[62]

The sense of Deut 28:1 is that if Israel obeys it will be set "high above" all the nations of the world. Is this also the sense of the nations-blessing promise? The answer hangs on the interpretation of the verb ברך, "to bless," as it appears in the *niphal* in Gen 18:18 and *hithpael* in 22:18 and 26:4. If Carr is correct in interpreting the *hithpael* in 22:18 and 26:4 as indicating a focus on Israel and it signal blessing, then these verses would resemble Deut 28:1 in its conception of the relative situations of Israel and the nations. However, recent studies by Keith N. Grüneberg, André Flury-Schölch, and Benjamin J. Noonan argue that the context of Gen 18:18

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61. Commentators routinely note that the list resembles those found in Deuteronomy, such as in 11:1 and 28:1, but only rarely note the parallels with similar lists in Leviticus.

62. Schmid, *Genesis,* 70.

indicates that the *niphal* of ברך should be interpreted in a (broadly) passive sense[63] and that the contexts of 22:18 and 26:4 suggest that even the *hithpael* of ברך should be interpreted in a way that focuses on the blessedness of the nations and a corresponding patriarchal responsibility for the mediation of divine blessing to them.

If Grüneberg, Flury-Schölch, and Noonan are on target, then the conception of the relative situations of Israel and the nations in each instance of the nations-blessing promise is vastly different from that of Deut 28:1. Rather than a model in which Israel is elevated above the nations (Deut 28:1), the nations-blessing promise suggests a model in which Israel (Abraham) is made Yahweh's agent for the mediation of blessing to the nations. In Deut 28:1 the focus is exclusively on the blessedness of Israel (if it will obey), but in the nations blessing promise, the focus is on the blessedness of the nations and Israel's vocation in that regard. Therefore, Gen 18:18, 22:18 and 26:4 do not reflect Deut 28:1 but rather *correct* it. To paraphrase Levinson, the citation of Deut 28:1 here "seems to function less as an acknowledgement of the authority of [Deut 28:1] than as a means to transform [it]."[64]

Close reading of Gen 26:26–33 serves to support the findings of Grüneberg and others that the nations-blessing promise should be interpreted with a focus on the blessedness of the nations and Israel's concomitant responsibilities. In 26:26–27 Abimelech approaches Isaac in a manner that is both unsolicited and unexpected. Whatever Abimelech's primary motivation may be, he observes Yahweh's presence with Isaac and Isaac's blessedness and indicates a wish to build a relationship with him. Because of Abimelech's express recognition of Isaac's blessedness, it is possible to say of this narrative (in contrast to 21:22–32) that Abimelech indicates a wish to participate in Isaac's blessedness.[65] Here we have a graphic model

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63. Grüneberg, *Abraham, Blessing and the Nations;* Flury-Schölch, *Abrahams Segen und die Völker*; and Noonan, "Abraham, Blessing and the Nations."

64. Levinson, *Legal Revision,* 80.

65. Nicol ("Studies in the Interpretation," 128) observes: "But the structural analysis of Gen 26:1–33 (Ch 1) has demonstrated a high degree of correlation between the various promises, particularly this promise of blessing for the nations, and the narrative episodes which surround them. Indeed, there is a sense in which the covenant formed between Isaac and Abimelech at Gerar could be considered paradigmatic of the way in which the foreign nations might eventually come to participate in the divine blessing by allying themselves with Israel, and through Israel with Israel's God."

of one of the nations being blessed, or blessing itself, by, or through, Isaac. In particular, there is a strong reflexive sense in this model, by which the nations recognize blessedness and take active steps to participate in it.[66] Contrary to Carr's view, however, in this reflexive model the focus is not exclusively upon the blessedness of Isaac; the text also reflects an interest in the blessedness that might attach itself to the nations in the course of their relationship with the patriarchs, and there is little indication of the "antiforeign elements of the Deuteronomistic tradition" that Carr sees reflected in the promise, as formulated with the *hithpael* of ברך.[67] The double use of the word שלום, once by Abimelech and once by the narrator (26:29, 31), supports the impression of the text's interest in the nations and their well-being, in addition to that of Isaac.

None of this, of course, is to assert that Gen 26:26–32 was written to explicate the nations blessing promise in 26:4. To be sure, this study is predicated on the understanding that 26:4 postdates the narrative in 26:26–32. Nevertheless, as Carr himself argues, where language allows more than one translation, "the decisive arguments must come from the context in which these promises occur."[68] Verses 26–32 not only offer an apposite model for understanding a reflexive sense of the nations-blessing promise but even suggest the fulfilment of that promise.

Before leaving Gen 26:26–32 we should note one further point. We saw earlier in this case study that 26:12–16 resonate with the conception of H, found most markedly in 26:3b–5, that observance of torah leads to an abundance of the fruits of the earth. Leviticus 26 (H) also expresses the associated idea that torah observance will lead to peace in the land:

> If you follow my statutes and keep my commandments and observe them faithfully, I will give you your rains in their season, and the land shall yield its produce, and the trees of the field shall yield their fruit.… you shall eat your bread to the full, and live securely in your land. And I will grant peace in the land, and you shall lie down, and no one shall make you afraid. (26:3–6).

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66. Ibid., 129: "The idiom seems to imply that the nations will come to participate in the blessing promised to the Patriarchs when they actively seek to obtain it for themselves."

67. Carr, *Reading the Fractures,* 158.

68. David M. Carr, review of Keith N. Grüneberg, *Abraham, Blessing and the Nations: A Philological and Exegetical Study of Genesis 12:3 in Its Narrative Context, JBL* 123 (2004): 741–44, esp. 743.

Just as Gen 26 portrays Isaac's extraordinary success as a farmer, so does it portray (again resonating with H) his unexpected success at building peaceful relationships with his nearest neighbors, the archetypal enemies of the monarchic narratives: the Philistines.

2.4. Synthesis

This case study has considered the brief passage Gen 26:3b–5 in its narrative context. In doing so it has tested the "fit" with the Deuteronomistic profile against which Carr and others have interpreted the passage. Repeatedly it was found that Gen 26:3b–5, *when read in the context of 26:1–33,* does not reflect that profile. On occasions the study instead brought to light resonances with the profile of H. While the brief passage and its narrative context both contain instances of language and motifs associated with Deuteronomistic literature, it was found that they also contain language and motifs associated with Priestly literature, including that of H. Furthermore, a discernible pattern was found in which the text adopts (semi-)Deuteronomistic language or motifs, sometimes in association with Priestly counterparts, for the purpose of correcting or subverting a Deuteronomistic principle. In this one chapter, Gen 26, can be found challenges to the Deuteronomistic understandings of covenant, possession of land, and relationship with foreigners. This discernible pattern of correction or subversion is the same pattern that others have found in HS editorial work elsewhere in the Pentateuch, although to date there has been a marked reluctance to also identify it in narrative texts within Genesis (see §1 above).

3. Conclusion

The present essay has suggested that recent scholarship concerning H, in which the work of Jacob Milgrom has played a crucial role, points to the fruitfulness of reopening questions about the provenance of redactional material in Genesis, sometimes thought to be Deuteronomistic or "semi-Deuteronomistic." These labels can no longer be confidently applied to these "mixed texts." A new scholarly consensus about the relative dating of P and H and the existence of a Holiness school, together with proposals concerning H's "hermeneutic of revision," suggest both the need for studies of possible influence of the Holiness school in Genesis narratives and the potential fruitfulness of such studies.

The Composition of Exodus 31:12–17 and 35:1–3 and the Question of Method in Identifying Priestly Strata in the Torah*

Jeffrey Stackert

1. Introduction

Jacob Milgrom's contribution to our understanding of the Priestly source of the Torah can hardly be overestimated and is as valuable for its nuanced identification of the issues that must be addressed in the text as for its exegetical and historical conclusions. It is a privilege to offer this essay here in Professor Milgrom's memory. In the great tradition of his own innovative scholarship, I hope to honor Professor Milgrom by showing how his work continues to inspire and resource new understandings of biblical Priestly texts.

Milgrom's analysis of Priestly texts began with ritual and cultic observance and rarely strayed far from them, a point that Rolf Rendtorff made well in response to Milgrom's first Anchor Bible commentary and, with limited exception, remains valid for his subsequent publications.[1] Milgrom sought to understand what he saw as the real religious practice represented in the Priestly texts of the Torah. It is perhaps unsurprising, then, that his consideration of Priestly texts as literature was often limited to stylistic and aesthetic features. Although he saw an earlier (stratified) Priestly (P) source supplemented by two Holiness (H) strata, he did not

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1. Rolf Rendtorff, "Two Kinds of P? Some Reflections on the Occasion of the Publishing of Jacob Milgrom's Commentary on Leviticus 1–16," *JSOT* 60 (1993): 75–81.

give significant attention to P as a narrative composition characterized by plot and meaning or the implications of P's narrative for understanding its imagination of religion or its literary stratification.

In this essay I will engage the question of literary strata in the Priestly source through an analysis of the Priestly account of the divine revelation of the Sabbath law in Exod 31:12–17 and Moses's subsequent recitation of the divine command to the Israelites in 35:1–3. Many scholars view part or all of these units as secondary, and several, including Milgrom, have recently ascribed them in their entirety to the Holiness stratum of the P source. Such full ascription to H is part of a trend in recent scholarship to assign more and more pentateuchal Priestly texts to H. Other scholars likewise identify these units as post-P compositions, even if they do not assign them to H in particular. Both of these approaches have significant implications for understanding what the underlying P stratum is—in my view, a fully coherent and independent literary source. I will identify here an earlier P stratum in both Exod 31:12–17 and 35:1–3 that was subsequently supplemented by H. I will also show how P's narrative qualities provide the most reliable basis for identifying strata in these texts and that such features can be usefully combined with stylistic and theological criteria to separate two strata in Exod 31:12–17 and 35:1–3. Finally, I will offer a few comments on the H supplements that I identify.

2. Strata in the Priestly Source of the Torah and Method in Redactional Analysis

Already in the nineteenth century, scholars identified strata in the pentateuchal Priestly source, and the view that P is composite rightly continues to dominate the discussion.[2] Among the various separations that have been proposed, many with their own distinctive sigla (P^g, H, and P^s; P and H [and H$_R$]; P^a and P^b; PT and HS; P, H, and HS; P and R^P; etc.), the most compelling in my view is a separation between P and H, and I will focus my analysis of Exod 31:12–17 and 35:1–3 below in this manner. Early scholarly work on the distinction between P and H identified a base P source that was supplemented by the introduction of an older H block of legal material, now located in Lev 17–26 (the Holiness

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2. For a concise *Forschungsgeschichte* of the stratification of the Priestly source, see Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 1–19.

Code, *Heiligkeitsgesetz*).[3] Beginning with Karl Elliger, more recent scholarship has reversed the relative compositional chronology of these two strata (with H now generally viewed as subsequent to P) and expanded the identification of H beyond the Holiness Code proper.[4] Pressing this model further, some scholars now also identify redactional activity subsequent to H in material previously identified as part of P.[5] The latter approach in some ways marries analyses that identify P and H strata with other analyses of compositional layers in P that do not identify an H stratum or do not do so outside of Lev 17–26.

In my view, H is composed as a supplement, revision, and expansion of P, and H's boundaries are not limited to Lev 17–26, the Holiness Code. Moreover, neither P nor H should be identified as a pentateuchal redactor.[6] The evidence instead suggests to me that H seeks to create a combined P+H that, especially by drawing from and reformulating material from other law collections now found in the Torah, would supplant those alternative law collections and the narrative histories of which they are a

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3. See, most prominently, Julius Wellhausen, *Prolegomena to the History of Ancient Israel*, trans. Allan Menzies and J. Sutherland Black (New York: Meridian, 1957), 376–84.

4. Karl Elliger, "Heiligkeitsgesetz," *RGG* 3:175–6; Elliger, *Leviticus*, HAT 1/4 (Tübingen: Mohr Siebeck, 1966), 14–20 and passim. Among more recent work that has emphasized this new sequential relationship between P and H, see esp. Israel Knohl, "The Priestly Torah versus the Holiness School: Sabbath and the Festivals," *HUCA* 58 (1987): 65–117; Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995); Baruch J. Schwartz, *The Holiness Legislation: Studies in the Priestly Code* [Hebrew] (Jerusalem: Magnes, 1999); Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1319–1443.

5. See esp. Reinhard Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*, BZABR 3 (Wiesbaden: Harrassowitz, 2003), passim; Christophe Nihan, "Israel's Festival Calendars in Leviticus 23, Numbers 28–29 and the Formation of 'Priestly' Literature," in *The Books of Leviticus and Numbers*, ed. Thomas Römer, BETL 215 (Leuven: Peeters, 2008), 177–231; Nihan, *From Priestly Torah*, 570–72, 576–607.

6. H also exhibits some evidence of internal growth, but such "updates" appear to be additions to the P+H scroll alone and not sufficiently different from H to warrant attribution to a different compositional identity. I resist reconstructing sociohistorical locations for P, H, or other hypothesized Priestly literary strata because of the paucity of available evidence.

part.[7] Only after H melds its work with P does a compiler combine the P+H scroll with the other Torah sources to produce the chronologically arranged Pentateuch. In so doing, this compiler blunts and even undermines the distinctive views of P+H, just as he does for the other Torah sources.[8]

Interpreters have undertaken to identify an H stratum in Priestly texts both within and outside of Lev 17–26 largely on the basis of stylistic and theological criteria, often accompanied by reconstructed historical contexts for the literary production of these strata. The cases of Exod 31:12–17 and 35:1–3 are no different: it is mainly the presence of stereotypical language and theology that has led several scholars to assign these units in their entirety to H, even as they also buttress their stylistic and theological arguments with redactional and historical reconstructions. Elements of style and theological emphasis in these units often cited as characteristic of H include the expressions שבתות, שמר שבת (plural construct), אני יהוה מקדשכם, verbal forms from the root שבת, שבתון, חלל, the combination of כרת and the מות יומת formula, and direct divine address to Israel.[9] As

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7. See Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007); Stackert, "The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, ed. Sarah Shectman and Joel S. Baden, ATANT 95 (Zürich: Theologischer Verlag Zürich, 2009), 187–204; Stackert, "Distinguishing Innerbiblical Exegesis from Pentateuchal Redaction: Leviticus 26 as a Test Case," in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 369–86.

For arguments in favor of H as a pentateuchal redactor, see, e.g., Eckart Otto, "Das Heiligkeitsgesetz Leviticus 17–26 in der Pentateuchredaktion," in *Altes Testament, Forschung und Wirkung: Festschrift für Henning Graf Reventlow*, ed. Peter Mommer and Winfred Thiel (Frankfurt am Main: Lang, 1994), 65–80; Nihan, *From Priestly Torah*, 548–59.

8. For discussions of the redactor's method of compilation, see Joel S. Baden, *J, E, and the Redaction of the Pentateuch*, FAT 68 (Tübingen: Mohr Siebeck, 2009), 255–86; Baruch J. Schwartz, "Joseph's Descent into Egypt: The Composition of Genesis 37 from Its Sources" [Hebrew], *Beit Mikra* 55 (2010): 19–20; Schwartz, "How the Compiler of the Pentateuch Worked: The Composition of Genesis 37," in *The Book of Genesis: Composition, Reception, and Interpretation*, ed. Craig A. Evans, Joel N. Lohr, and David L. Petersen, VTSup 152 (Leiden: Brill, 2012), 263–78.

9. Knohl, *Sanctuary of Silence*, 16; Milgrom, *Leviticus 17–22*, 1338–39; Milgrom, "H$_R$ in Leviticus and Elsewhere in the Torah," in *The Book of Leviticus: Composition*

further evidence in support of an H attribution, Israel Knohl cites Arie Toeg's identification of an elaborate (if dubious) chiasm in the canonical arrangement of Exod 25–40 and claims that the Sabbath units in Exod 31 and 35 link the Priestly and non-Priestly material in these chapters. The Sabbath units therefore must originate, in his view, in the redactional arrangement of Exod 25–40.[10] This redactional argument fits Knohl's larger view of H well, for he sees the final contributions to H as part of the redaction of the Pentateuch as a whole.[11]

Other scholars argue similarly. For example, Milgrom emphasizes the interruption of the Sabbath command between the instructions for and the construction of the sanctuary in Exod 25:1–31:11 and 35:4–39:43 and also identifies a chiasm in Exod 25–40.[12] Building especially upon observations of Andreas Ruwe,[13] Christophe Nihan likewise contends that the Sabbath units are redactionally arranged to frame the account of sanctuary building in Exod 25–40. This combination of Sabbath and sanctuary accords, in his view, with H's repeated combination of Sabbath keeping and sanctuary reverence (Lev 19:30; 26:2).[14]

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and Reception, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003), 29; Nihan, *From Priestly Torah*, 567.

10. Knohl, *Sanctuary of Silence*, 16. For the identification of this chiasm, see Arie Toeg, *Lawgiving at Sinai: The Course of Development of the Traditions Bearing on the Lawgiving at Sinai within the Pentateuch, with a Special Emphasis on the Emergence of the Literary Complex in Exodus xix–xxiv* (Jerusalem: Magnes, 1977), 144–56. Against these claims, the compilation of Exod 25–40 follows the same pattern observable throughout the Torah: the sources are maximally preserved and arranged chronologically and with minimal intervention. The combination of Sabbath law and tabernacle construction is fully part of P and appears in the compiled Torah in the same order that it appeared in P (and then P+H). Any chiasm that might be identifiable in the compiled Exod 25–40 is coincidental and must be traced to the underlying sources.

11. Knohl, *Sanctuary of Silence*, 101–3.

12. Milgrom, *Leviticus 17–22*, 1339; Milgrom, "H$_R$ in Leviticus," 29. Milgrom mistakenly attributes the hypothesized chiasm in Exod 25–40 to Simeon Chavel (Simeon Chavel, "Numbers 15, 32–36: A Microcosm of the Living Priesthood and Its Literary Production," in Shectman and Baden, *Strata of the Priestly Writings,* 45–55 [at 50 n. 21]).

13. Andreas Ruwe, *"Heiligkeitsgesetz" und "Priesterschrift": Literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1–26,2*, FAT 26 (Tübingen: Mohr Siebeck, 1999), 121–27.

14. Nihan, *From Priestly Torah*, 568. Nihan also emphasizes the correspondence

Those who view Exod 31:12–17 and 35:1–3 as wholly secondary to P but not necessarily part of an H stratum also derive their conclusions especially from the language of these texts. For example, Klaus Grün-waldt, Walter Gross, and Susanne Owczarek each identify a combination of language from elsewhere in the Torah in these verses, from which they conclude that they are compositions of a pentateuchal redactor.[15] Yet, as Nihan observes, greater precision in source attribution is possible for these units or, as I will argue, at least parts of them. That is, the language and theology in Exod 31:12–17 and 35:1–3 that correspond with language and theology elsewhere in the Torah is found predominantly in Lev 17–26 and is thus most easily attributable to H.[16] Strictly speaking, however, even if such a predominance of H language were not present in a composite text, H could still be its composer, for H is itself a "learned text," borrowing and recrafting material from the Decalogue, the Covenant Code, P, and D.[17] This is a major reason that it is at times difficult to differentiate H from a pentateuchal redactor: each had before him and utilized much of the same material.[18]

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between the notions of ברית in Exod 31:12–17 and Lev 26:42–45. On ברית in Lev 26, see Stackert, "Distinguishing Innerbiblical Exegesis," 374–84.

15. Klaus Grünwaldt, *Exil und Identität: Beschneidung, Passa und Sabbat in der Priesterschrift*, BBB 85 (Frankfurt am Main: Anton Hain, 1992), 173–7; Walter Gross, "'Rezeption' in Ex 31,12–17 und Lev 26,39–45: Sprachliche Form und theologisch-konzeptionelle Leistung," in *Rezeption und Auslegung im Alten Testament und in seinem Umfeld: Ein Symposium aus Anlass des 60. Geburtstags von Odil Hannes Steck*, ed. Reinhard G. Kratz and Thomas Krüger, OBO 153 (Fribourg: Universitätsverlag, 1997), 48–52; Susanne Owczarek, *Die Vorstellung vom "Wohnen Gottes inmitten seines Volkes" in der Priesterschrift: Zur Heiligtumstheologie der priesterschriftlichen Grund-schrift* (Frankfurt am Main: Lang, 1998), 40–42.

16. Nihan, *From Priestly Torah*, 567. Arguably the most significant correspondence with non-H pentateuchal material in Exod 31:12–17 is between 31:15a and 20:9–10a// Deut 5:13–14a. Yet even this parallel is inexact, and it can be explained as a common reflection upon a historical, seventh-day work-cessation practice. In light of the scarcity of evidence for direct literary interaction with the non-Priestly Torah sources elsewhere in P, this instance should not be championed as a clear case of borrowing.

17. See, e.g., Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine ver-gleichende Studie*, AnBib 66 (Rome: Biblical Institute, 1976); Eckart Otto, "Innerbib-lische Exegese im Heiligkeitsgesetz Levitikus 17–26," in *Levitikus als Buch*, ed. H.-J. Fabry and H.-W. Jüngling, BBB 119 (Berlin: Philo, 1999), 125–96; Stackert, *Rewriting the Torah*.

18. See Stackert, "Holiness Legislation."

On a broader level, some scholars also argue for the secondary status of Exod 31:12–17 on the basis of their view that all of Exod 30–31 consists of additions to P.[19] The focus of such arguments is especially the golden incense altar unit in Exod 30:1–10, which is positioned variously in Qumran Exodus manuscripts, SP, LXX, and MT. Moreover, in its position in MT, this altar-building instruction appears to be out of place vis-à-vis the other sanctuary furniture building instructions in Exod 25–26.[20] Though Nihan and others also offer additional arguments for the supplementary nature of Exod 30–31, he concludes, "If the incense altar is a late addition, all of ch. 30–31 should be viewed as secondary."[21] The close connection between Exod 31:12–17 and 35:1–3 suggests, then, that the latter text should also be ruled secondary, a conclusion seemingly confirmed by the textual complexity in Exod 35–40 that is similar to that observable in the sanctuary-building instructions and that leads some scholars to attribute some or even all of Exod 35–40 to a secondary stratum.[22] Though a full engagement with Exod 30–31 goes beyond the parameters of this study, I hope to show in my analysis of Exod 31:12–17 below that it is worthwhile to reevaluate the claim that all of Exod 30–31 is made up of late additions to P.

The literary arguments for Exod 31:12–17 and 35:1–3 as redactional compositions (whether attributed to H or not) also provide for the scholars who make them a historical context (normally exilic or Persian) for situating these texts. They likewise prompt the question of how P viewed the Sabbath, including whether Gen 1:1–2:4a should be attributed to P or to a later stratum.[23] Among those who attribute the Sabbath units in Exod 31 and 35 to H, Milgrom claims that because the redactionally constructed

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19. Early endorsers of this view include Julius Wellhausen (*Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* [Berlin: Reimer, 1899; repr., Berlin: de Gruyter, 1963], 137–41) and Abraham Kuenen (*An Historico-critical Inquiry into the Origin and Composition of the Hexateuch [Pentateuch and Book of Joshua]*, trans. Philip H. Wicksteed [London: Macmillan, 1886], 72–73). Many scholars have subsequently affirmed this view.

20. For a concise summary of these issues with extensive bibliography, see Nihan, *From Priestly Torah*, 31–33.

21. Ibid., 33.

22. See, e.g., Martin Noth, *Exodus: A Commentary*, trans. J. S. Bowden, OTL (Philadelphia: Westminster, 1962), 274–75; Eckart Otto, "Forschungen zum Priesterschrift," *TRu* 62 (1997): 23–36; Nihan, *From Priestly Torah*, 32.

23. As I will argue below, the compositional ascription of Gen 1:1–2:4a is a sig-

chiasm in Exod 25–40 highlights the Sabbath, its formulation should be linked to the templeless Babylonian exile and the historical importance of the Sabbath in that period.[24] The combination of this historical reconstruction and the H style observable in Exod 31:12–17 and 35:1–3 dissuades Milgrom from pursuing a P layer in these texts. When he still viewed the Sabbath unit in Gen 2 as P, Milgrom could avoid the claim that his view of the Sabbath here made it a blind motif in P (an issue to which I shall return below) by characterizing the Sabbath in the Decalogue of Exod 20 as Priestly.[25] Yet he would later revise this view, giving both Gen 1:1–2:4a and the Sabbath command in Exod 20:8–11 to H_R.[26] Neverthe-

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nificant issue for understanding P's narrative arc and for the stratification of Exod 31:12–17.

24. Milgrom, *Leviticus 17–22*, 1339; Milgrom, "H_R in Leviticus," 29. This historical contextualization of H's special concern for the Sabbath creates a problem for Milgrom, especially as he gradually gives more and more Priestly material in the Torah to H. Because Milgrom views the overwhelming majority of H as an eighth-century composition, including some instances of Sabbath emphasis (e.g., the Sabbatical Year in Lev 25; cf. *Leviticus 17–22*, 1369; but note that Milgrom claims on 1406 that the H_R [and thus exilic] Sabbath command in Lev 23:3 "is clearly the basis for the sabbatical year"), his insistence that the templeless nature of the exilic period explains the increased focus on Sabbath in H_R creates a question regarding H's concern for Sabbath in the eighth century.

25. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 19, 21. Following a host before him, Saul M. Olyan has recently assigned the Sabbath command in Exod 20 to P ("Exodus 31:12–17: The Sabbath according to H, or the Sabbath according to P and H?" *JBL* 124 [2005]: 203 n. 8, 205 n. 15).

26. Milgrom, "H_R in Leviticus," 33–38, following Yairah Amit, "Creation and the Calendar of Holiness" [Hebrew], in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg*, ed. Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay (Winona Lake, IN: Eisenbrauns, 1997), 22*–26*; Edwin Firmage, "Genesis 1 and the Priestly Agenda," *JSOT* 82 (1999): 94–114. The suggestion that the Priestly creation story is H and not P creates significant problems for understanding P as a whole and provides a push down the slippery slope toward reassigning all of the P narrative to H. Erhard Blum and Andreas Ruwe in particular have been sensitive to this problem and have argued partially on the basis of the mutually informing character of P and H against a differentiation between them. See Erhard Blum, "Issues and Problems in the Contemporary Debate Regarding the Priestly Writings," in Shectman and Baden, *Strata of the Priestly Writings*, 30–31.

As for Exod 20, Baruch J. Schwartz has convincingly argued that the pentateuchal redactor (who is not H) inserted the rationale for the Sabbath in Exod 20:11 ("The Sabbath in the Torah Sources" [paper presented at the Society of Biblical Literature

less, Milgrom retains the Sabbath in P in his later analysis by assigning a layer of Exod 16 to P.[27]

For his part, Knohl is less concerned with the historical contextualization of the Sabbath in H, but he does pay attention to the status of the Sabbath in P in light of H's special concern for it and, in so doing, introduces specific historical arguments. He attributes Gen 1:1–2:4a to P and argues that, if P intended a Sabbath work prohibition, it would be stated in Gen 2. He infers that the absence of such a work prohibition in Gen 2 is, in fact, an intentional omission and offers Num 28–29 as corroborating evidence. These chapters, which Knohl attributes to P, enumerate the statutory offerings for the Sabbath and festival days.[28] Yet unlike the festival offerings, which are accompanied by explicit work prohibitions (28:18, 25, 26; 29:1, 7, 12, 35), no work prohibition attends the Sabbath offerings there (28:9–10).[29] Knohl concludes from this that P demanded no Sabbath work cessation and that H "sought to restore the honor of the Sabbath," which P had "neglected."[30]

These recent analyses of Exod 31:12–17 and 35:1–3 as unified, post-P texts diverge from earlier identifications of strata in these units.[31] They

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Annual Meeting, San Diego, California, 19 November 2007]). I will return to this issue below.

27. Milgrom, "H$_R$ in Leviticus," 38–39. Milgrom does not delineate the strata in Exod 16. Knohl argues that the Priestly material in Exod 16 belongs to H (*Sanctuary of Silence*, 17–18, 62). For recent treatments of the sources in Exod 16 and the relation of the Sabbath there to Exod 31:12–17, see Schwartz, "Sabbath in the Torah Sources," 3–7; Joel S. Baden, "The Original Place of the Priestly Manna Story in Exodus 16," *ZAW* 122 (2010): 498–99.

28. Note that some scholars question the attribution of the Sabbath in Num 28–29 (and even the entirety of these chapters) to P$^{(g)}$. For recent arguments, see esp. Achenbach, *Die Vollendung der Tora*, 602–11; Jan Wagenaar, *Origin and Transformation of the Ancient Israelite Festival Calendar*, BZABR 6 (Wiesbaden: Harrassowitz, 2005), 146–55; Nihan, "Israel's Festival Calendars," 195–212.

29. Knohl, *Sanctuary of Silence*, 18.

30. Ibid., 196. Knohl thus presumes a preexistent Sabbath that was characterized by a work stoppage. He points specifically to Amos 8:5–6 for evidence of this view of Sabbath in the eighth century. According to Knohl, H "originates in a generation" that corresponds with the situation described in Amos 8:5–6.

31. For different proposals, see Gnana Robinson, *The Origin and Development of the Old Testament Sabbath: A Comprehensive Exegetical Approach*, BBET 21 (Frankfurt am Main: Lang, 1988), 231–36; Grünwaldt, *Exil und Identität,* 171; Olyan, "Exodus 31:12–17," 203 n. 9. My own stratification is in some ways closest to that of Gerhard

have also been met by new challenges from a few scholars who have renewed the argument for a P stratum within the passages. For example, Saul Olyan argues, largely on the basis of style, for the presence of both P and H material in Exod 31:12–17. Like others before him,[32] Olyan divides the unit between verses 12–15 and 16–17. Olyan assigns the former to H and the latter to P.[33] Baruch J. Schwartz has also recently argued that Exod 31:12–17, or at least a stratum within it, must be assigned to P.[34]

The problem in adjudicating the alternative analyses of the Sabbath pericopes in Exod 31 and 35 is a basic one for redaction criticism: What criteria are determinative for identifying compositional strata in a text?

3. The Strata of the Priestly Source in Exodus 31:12–17 and 35:1–3: A New Proposal

In the following pages I would like to propose a new redactional analysis of Exod 31:12–17 and 35:1–3. In so doing, I hope to show the importance of reading P as a narrative source, with its law and historical narrative as integral components of a single composition, for understanding the literary stratification of these and other Priestly texts. To differing degrees and with differing details, attempts to assign these units in their entirety to H or to a different post-P supplementary stratum each fall short on this account. Olyan's recent reconsideration of Exod 31:12–17, though it takes a positive step away from attempts to read this pericope as a unity, also insufficiently attends to the nature of P as a narrative source and is thus ultimately unconvincing.

Before turning to a compositional analysis of Exod 31:12–17 and 35:1–3, I will briefly describe the character of P as a narrative history and its usefulness as a criterion for literary stratification. The narrative genre of P (or, for some scholars, parts thereof) has been recognized from the early

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von Rad, who assigns 31:12, 13b–14 to a first layer of P (P[a]) and 31:13a, 15–17 to a second P layer (P[b]) (*Die Priesterschrift im Hexateuch: Literarisch Untersucht und Theologisch Gewertet*, BWANT 4/13 [Stuttgart: Kohlhammer, 1934], 62–63). However, as argued here, I reverse the sequence of the strata that von Rad identifies, offer further analysis of 31:13 and 15, and assign the strata to P and H.

32. See, e.g., S. van den Eynde, "Keeping God's Sabbath: אות and ברית (Exod 31, 12–17)," in *Studies in the Book of Exodus: Redaction, Reception, Interpretation*, ed. Marc Vervenne, BETL 126 (Leuven: Leuven University Press, 1996), 503.

33. Olyan, "Exodus 31:12–17."

34. Schwartz, "The Sabbath in the Torah Sources," 13.

decades of modern, critical biblical scholarship. In my view, the entirety of P should be characterized as what Shlomit Rimmon-Kenan calls "narrative fiction." It is a "narration of a succession of fictional events"[35] with a discernible plot.[36] Moreover, in purporting to tell a story of past events, P qualifies as historical narrative and is akin to other examples of biblical historical writing.[37] This is not to deny the inclusion of subgenres within P's historical narrative, but these subgenres are all encompassed within, informed by, and function as part of its larger narrative. Especially pertinent to this study is the extension of P's narrative character to its laws, which are presented within it as extended divine speeches, regularly introduced by the anonymous narrator as direct quotations. Moreover, P contains interdependent, internal cross-references between its legal and non-legal material that cannot be disentangled neatly, as some scholars have attempted to do.[38] Attempting such a bifurcation creates what scholars term "blind motifs": elements that, after being introduced, are left undeveloped in the ensuing text. As a rule, P in particular among the Torah sources avoids such narrative dead ends.[39]

Even H employs narrativizing elements in its supplements to P, notably in the introductions to its divine legal speeches, which are similar to P's, as

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35. Shlomit Rimmon-Kenan, *Narrative Fiction: Contemporary Poetics* (London: Routledge, 1983), 2.

36. For recent discussion of P's overall plot, see, e.g., Nihan, *From Priestly Torah*, 20–68.

37. Marc Z. Brettler, *The Creation of History in Ancient Israel* (London: Routledge, 1995), 12.

38. For arguments in favor of separating P's narrative from its laws, see already Karl Heinrich Graf, *Die geschichtlichen Bücher des Alten Testaments: Zwei historisch-kritische Untersuchungen* (Leipzig: Weigel, 1866), esp. 94–95. Graf's arguments in many ways set a course for subsequent scholarship that distinguishes between P^g and P^s, which frequently (though not entirely) separates narrative and law. Among studies that focus especially on the Sabbath, Grünwaldt, *Exil und Identität*, exemplifies this approach well.

39. By contrast, blind motifs are a more common part of J's presentation. For a discussion of J's attempt to overcome them, see Ronald Hendel, "*Leitwort* Style and Literary Structure in the J Primeval Narrative," in *Sacred History, Sacred Literature: Essays on Ancient Israel, the Bible, and Religion in Honor of R. E. Friedman on His Sixtieth Birthday*, ed. Shawna Dolansky (Winona Lake, IN: Eisenbrauns, 2008), 93–109. For an underappreciated example of P's productive integration of its various historical claims, see Jeffrey Stackert, "Why Does the Plague of Darkness Last for Three Days? Source Ascription and Literary Motif in Exodus 10:21–23, 27," *VT* 61 (2011): 657–76.

well as in its internal references to the wilderness setting of its lawgiving (e.g., Lev 25:1; 26:46). Yet, as I will show in the case of Exod 31:12–17, H at times also violates P's narrative integrity—in particular, its plot—even as it attempts to accommodate and mimic it.

In dividing strata, I will follow the longstanding practice of literary-critical analysis of pentateuchal texts by beginning with an assumption of the literary unity of the text and only pursuing the delineation of separate sources or strata when the received text is marked by discrepancies that create significant and intolerable incoherence.[40] If material claimed by other scholars to derive from separate sources or strata can be coherently read together as part of a single composition, there is no reason to posit redaction in those cases. Such instances are examples of what John Barton terms the "disappearing redactor"; an argument for redaction is only necessitated by observable evidence.[41]

I will also intentionally assign stylistic evidence—in particular, characteristic terminology—to a secondary, corroborative evidentiary position rather than affording it a primary place in distinguishing strata. My assumption is that the authors of each of the Torah sources were entirely fluent in (what we now term) Biblical Hebrew and could draw from and employ the full Hebrew lexicon as well as the various conventions of the language. Though there are indeed distinctive, stylistic characteristics to be observed in biblical texts—and especially in pentateuchal Priestly texts—these stylistic features cannot supersede the historical claims of the narrative in the hierarchy of evidence relevant to the analysis of sources and strata.[42]

With regard to Exod 31:12–17 and 35:1–3, taking seriously the nature of P as a narrative history means that references to the Sabbath elsewhere in the Priestly source must be taken into account. In the case of Exod 31 and 35, Gen 2:1–3 is of primary importance, as noted already. Exodus 31:17 cites Gen 2:2–3 as the origin of and rationale for the Sabbath. By itself, this citation does not recommend assigning this verse or the larger unit to P or to a post-P compositional stratum, for both P and a later author with access

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40. See, *inter alia*, John Barton, *Reading the Old Testament: Method in Biblical Study*, rev. ed. (Louisville: Westminster John Knox, 1996), 21–24.

41. Ibid., 56–57.

42. For further discussion of source-critical method, see Joel S. Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*, ABRL (New Haven: Yale University Press, 2012).

to P could offer this cross reference. But if the reference to seventh-day cessation in Gen 2 (or all of Gen 1:1–2:4a) is assigned to H (or a different post-P stratum), the reference to creation in Exod 31:17 cannot belong to P.

As noted already, a few scholars have recently argued for the ascription of Gen 1:1–2:4a (or 2:1–3 alone) to H. Yet these claims cannot be sustained. The style and theology that are the basis of the arguments offered in favor of assigning this unit to H are not unambiguously characteristic of H.[43] Yet even more importantly, Gen 2:1–3, which is inseparable from the rest of the creation narrative in Gen 1:1–2:4a, provides groundwork for P elsewhere in the Torah and is thus integrally tied to the larger P narrative.[44] Even in the context of his assignment of Gen 1:1–2:4a to H, Milgrom partly sees the problem that he creates through this attribution. He notes the strong continuity between Gen 1:27 and 9:6 with regard to the image of God.[45] Yet he fails to recognize that assigning Gen 1:27 to H but Gen 9:6, which cites the creation of humanity in the divine image, to the historically anterior P, leaves the rationale in Gen 9:6 without any force *at the level of the narrative*. The divine image is actually only one of several connections between the creation and flood texts in P that strongly

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43. Amit ("Creation and the Calendar," 25*) and Firmage ("Genesis 1," 109–12) argue for an H ascription on the basis of terminology (שבת, *piel* of קדש) and theology, including the alleged acceptance of divine anthropomorphism by H and rejection by P. Milgrom initially accepts these arguments and attempts to build upon them (*Leviticus 17–22*, 1344). However, following Knohl's analysis, Milgrom later cautions against dividing between P and H on the basis of divine anthropomorphism ("H$_R$ in Leviticus," 33 n. 35). In line with my argument above, I would add that the claim that only H could use the *piel* of קדש is unsustainable because both P and H not only knew this root but were fully capable of creating a denominative verb from the noun קדש.

44. Blum also recognizes the problem of the Sabbath in Gen 2:2–3 as a blind motif in P without an accompanying Sabbath command, but he problematically finds P's command in Exod 20:8–11 ("Issues and Problems," 42 n. 42). The argument that the Sabbath in Gen 2 replaces the element of temple building in the stereotypical ancient Near Eastern creation myth (e.g., Howard N. Wallace, "Genesis 2:1–3: Creation and Sabbath," *Pacifica* 1 [1988]: 235–50) does not alleviate the problem of Sabbath as a blind motif in P. In fact, if this argument—which is accompanied by a posited exilic, templeless sociohistorical setting—is granted, P is arguably in greater need of a Sabbath rule, for in such a case, the Sabbath takes on an even greater role in P (and in the life of the exilic community) and thus should receive even more intense treatment, including legislative attention.

45. Milgrom, "H$_R$ in Leviticus," 33 n. 35.

recommend that these texts be assigned to the same Priestly stratum.[46] Similar close parallels between P's creation account and its sanctuary building instructions and their fulfillment in Exod 25–29 (31) and 35–40 (esp. chs. 39–40) confirm the inseparability of Gen 1:1–2:4a from P.[47] It is thus more plausible to follow the argument that P sees the origin of the Sabbath in relation to God's actions following the creation of the world but its enjoinment upon the Israelites only once they reach Sinai.[48] In this case, P is in need of a Sabbath command, and Exod 31:12–17 should be considered an option for providing it, especially when both Exod 16 and 20 can be effectively ruled out.[49]

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46. For example, P's creation story explains the rationale for the flood in P (failure to adhere to the divine instruction to eat only vegetation; Gen 1:29–30) as well as the recurring command in P to "be fruitful and multiply" (e.g., 1:22, 28; 8:17; 9:1, 7; cf. also 17:2, 6, 20; 35:11; 47:27). Without Gen 1:1–2:4a, these features are insufficiently explained in P. For a recent attempt at delineating traditions and strata within the Priestly creation account, see Jürg Hutzli, "Tradition and Interpretation in Gen 1:1–2:4a," *Journal of Hebrew Scriptures* 10 (2010): article 12: http://www.jhsonline.org/Articles/article_140.pdf.

47. Scholars have especially focused on these connections between the P creation account and the Sinai tabernacle. See, *inter alia*, Moshe Weinfeld, "Sabbath, Temple and the Enthronement of the Lord—The Problem of the Sitz im Leben of Genesis 1:1–2:3," in *Mélanges bibliques et orientaux en l'honneur de M. Henri Cazelles,* ed. A. Caquot and M. Delcor, AOAT 212 (Kevelaer: Butzon & Bercker, 1981), 501–12; Peter Weimar, "Sinai und Schöpfung: Komposition und Theologie der priesterschriftlichen Sinaigeschichte," *RB* 95 (1988): 337–85; Nihan, *From Priestly Torah*, 54–58.

48. Schwartz, "Sabbath in the Torah Sources," 12.

49. See ibid., 3–8; Baden, "The Original Place," 499–502. Schwartz argues that the Sabbath in Exod 16 belongs entirely to J. Yet even if part of the Sabbath material in Exod 16 does belong to P, Baden shows that a P portion of the chapter that includes discussion of the Sabbath must assume a prior Sabbath law and cannot by itself introduce the Sabbath in P. The problem of finding such an antecedent is alleviated when it is recognized that the P text has been relocated by the compiler from a point in the narrative after the Israelites' departure from Horeb (Num 10:28) and the divine sentence of forty years wandering in the wilderness (14:28–35).

With regard to the Exodus Decalogue, Schwartz shows convincingly that the compiler is responsible for the Sabbath rationale in Exod 20:11. This rationale cannot belong to P because it contradicts P's basic notion of Sabbath cessation (rather than rest). Moreover, it does not adjoin the preceding and succeeding P material. In this verse, as with וינפש in 31:17, the compiler draws upon 23:12 in his additions. The preceding Decalogue verses, 20:8–10, are, in my view, inseparable from the rest of the Decalogue, which is an integral part of the Elohistic (E) source (see, e.g., Menahem Haran, *The Biblical Collection: Its Consolidation to the End of the Second Temple Times*

Such narrative factors are the starting point for isolating a P stratum in Exod 31:12–17. Moreover, based on both the evidence for P's literary integrity prior to H's supplementation of it and the method of H's revision and supplementation of P observable elsewhere in the Torah,[50] the P stratum in Exod 31:12–17 should be fully recoverable and coherent apart from H. Within this unit, there are multiple commands concerning the Sabbath, but only one, verse 15a, offers a basic definition of the Sabbath itself:

ששת ימים יעשה מלאכה וביום השביעי שבת שבתון קדש ליהוה

On six days work may be done, but on the seventh day there shall be a complete cessation, holy to the Lord.

The formulation of this law accords well with the historical myth of the Priestly narrative. Though P connects the Sabbath to God's actions after the creation, the Israelites must learn of it through divine revelation.[51] The basic law in Exod 31:15a provides precisely this inaugural revelation of the Sabbath to the Israelites.[52] In their position prior to the introduction of

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and Changes of Form to the End of the Middle Ages [Hebrew] [Jerusalem: Magnes, 2004], 2:157–64; Baden, *J, E, and the Redaction of the Pentateuch,* 153–61; Baruch J. Schwartz, "What Really Happened at Mount Sinai?" *BRev* 13.3 [1997]: 20–30, 46). Although scholars disagree on the particular shape of an E source, even those who discount its existence consider the Decalogue to be an integral part of a "mountain-of-God narrative" (to use Erhard Blum's terminology) that is not Priestly (see most recently, Erhard Blum, "The Decalogue and the Composition History of the Pentateuch," in Dozeman, Schmid, and Schwartz, *The Pentateuch*, 289–301 [esp. 295–96, 298], and the literature cited there). Note, however, that Blum views the Sabbath command as secondary and "reworked in a priestly mode" (298).

50. On the nature of P as an independent and coherent literary source, see, *inter alia*, Klaus Koch, "P—Kein Redaktor! Erinnerung an zwei Eckdaten der Quellenscheidung," *VT* 37 (1987): 446–67; Baruch J. Schwartz, "The Priestly Account of the Theophany and the Lawgiving at Sinai," in *Texts, Temples, and Traditions: A Tribute to Menahem Haran*, ed. Michael V. Fox et al. (Winona Lake, IN: Eisenbrauns, 1996), 103–34. On the nature of H's revision and supplementation of P, see Stackert, "Holiness Legislation."

51. In this respect, P's view of the Sabbath is similar to its view of sacrifice, which is only instituted at Sinai. For a recent discussion of this issue, see William K. Gilders, "Sacrifice before Sinai and the Priestly Narratives," in Shectman and Baden, *Strata of the Priestly Writings*, 57–72.

52. *Pace* Olyan, who claims that the passive construction of Exod 31:15 is limited to H ("Exodus 31:12–17," 205 n. 14). As noted already, such stylistic criteria by themselves are not reliable for identifying strata in the Priestly source. Both P and H were

the notion of Sabbath in 31:15a, the references to "my Sabbaths" and "the Sabbath" in 31:13 and 14 presume prior knowledge of the Sabbath and thereby short-circuit P's claim of Israelite ignorance of the Sabbath. These references thus betray themselves as secondary, as I will discuss further below.[53] As part of the larger P narrative, YHWH's speech is also naturally preceded by a narrative introduction. Thus, the narrative framing of the unit in verses 12–13aα should also belong to P. There is little reason to claim that this introduction is secondary.

These observations are fruitfully combined with and corroborated by a consideration of stylistic issues in Exod 31:12–17. The shift in this unit between second- and third-person address to the Israelites has long been noted.[54] The basic law in verse 15, which I have just assigned to P, employs third-person address: "Anyone who does work on the Sabbath shall be put to death." Verses 16–17 similarly address the Israelites in the third-person: "The Israelites shall ever observe"; "between the Israelites and me." As Olyan in particular has emphasized, 31:16–17 do not employ characteristic H style.[55] In fact, distinctive H terminology and theology in this unit is limited almost entirely to verses 13aβ–14a (for the reference to שבתון in 31:15, see below). The second-person plural address to Israel in verses 13aβ–14a is also characteristic of H. The narrative issues already highlighted and the alternation in the grammatical person of the divine

fully competent to formulate sentences in the passive voice. Examples of passive legal constructions in P include Lev 2:7, 8, 11; 6:9, 10, 14, 16, 19, 21, 23; 7:6, 15, 16, 18, etc.

53. Note in my translation below that I render the references to the Sabbath in 31:13–14 (H) as proper nouns (viz., "my Sabbaths" and "the Sabbath") and the references to the Sabbath in 31:15–16 (P) as "cessation."

54. See, e.g., von Rad, *Die Priesterschrift im Hexateuch*, 62; Grünwaldt, *Exil und Identität*, 170.

55. Olyan, "Exodus 31:12–17," 206. Though Olyan correctly notes that 31:16–17 are devoid of H characteristics, he views them as a "P unit of tradition" and not as part of a continuous narrative source. This is a necessary conclusion in his analysis, for these verses by themselves do not connect to anything that precedes or follows them in P. In part out of a recognition of this problem, Olyan suggests that the P material in 31:16–17 may supplement H here. He also suggests that this later P tradent who supplemented H may be responsible for the final redaction of the Torah (206–8). Each of these suggestions reflects a neglect of the basic literary character of P as a continuous narrative with an internally coherent plot. On the locution שמר שבת in 31:16, see n. 58 below.

address to Israel thus combine in this case to provide a reliable basis for identifying strata in the text.[56]

Based on these initial observations, we may begin our stratification. The narrative framing for the divine speech to Moses is found in verses 12–13aα. These verses should therefore be assigned to P. Verses 15a and 16–17 accord with P's larger historical myth, address the Israelites in the third-person, and, with the exception of the word שבתון in verse 15a, are devoid of H style.[57] We may thus assign verses 12–13aα, the basic law in verse 15a, and verses 16–17 to P. Verses 13aβ–14a are characterized both by H style and second-person plural address to the Israelites. Moreover, as noted above, they interrupt P's historical claims concerning the Sabbath. Thus verses 13aβ–14a may be assigned to H.[58]

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56. Shifts in grammatical person, like shifts in grammatical number (*Numeruswechsel*) and other stylistic features, are not by themselves reliable markers of compositeness. However, they can be useful in individual cases in delineating separate origins for literary material. For an additional example of the usefulness of shifts in grammatical person, see Stackert, *Rewriting the Torah*, 46–49.

57. The use of the divine first-person in v. 17 accords with Knohl's claim that YHWH only uses the first-person in discourse with Moses (*Sanctuary of Silence*, 95 nn. 119 and 120). When Moses delivers the Sabbath law to the Israelites, he does not relay the divine first-person to them (Exod 35:1–2).

As noted above, some scholars assign the locution שמר שבת to H; however, I see no difference in historical claim or ideation between P and H that would make the verb שמר especially appropriate to H and not to P. Moreover, שמר שבת also famously appears in D's Decalogue (Deut 5:12), raising the possibility that it is a more general way of referring to Sabbath observance. For the possibility that שבתון might also be assigned to P, see n. 61. For the general issue of terminology in determining distinctions between P and H, see the discussion above.

58. The word וינפש in 31:17 likely comes from the pentateuchal compiler. In brief, the verb נפש appears only here in biblical Priestly literature and indicates a positive rest component that is otherwise absent from the Priestly Sabbath. This precise notion of Sabbath refreshment is found in Exod 23:12, a verse that the pentateuchal compiler exploits for the verb נוח in his interpolation in Exod 20:11. Thus it seems likely that the compiler inserted וינפש in 31:17 to further harmonize the different legal portrayals of the Sabbath in the Torah. For a fuller discussion, see Jeffrey Stackert, "The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives," *CBQ* 73 (2011): 241–22. For a specific attempt to attribute וינפש in 31:17 to H, see Amit, "Creation and the Calendar," 25*. For similar observations on וינפש as part of a larger argument for the redactional origin of all of Exod 31:12–17, see Gross, "'Rezeption' in Ex 31,12–17," 52.

At this point we must address verse 14b and return to verse 15. In light of the assignment of verses 13aβ–14a to H, verse 14b must also belong to H, for the punishment for transgressing the law cannot reasonably precede the law itself (v. 15a) in the P stratum. Verse 14b poses no such problem as part of the H stratum already identified. Theoretically, this half-verse could also be a later addition, although this is an unnecessary conclusion. H's style is prolix and combines the כרת penalty and the מות יומת formula elsewhere (Lev 20:2–3).[59] With regard to verse 15, the fulfillment notice in Exod 35:1–3 can help to sort out which parts of this verse should be assigned to P versus H.

If the base narrative in the Priestly source belongs to P, not only should the narrative framing in 31:12–13aα belong to P; the fulfillment narrative in 35:1–3 should also contain a P stratum. Here verse 1 is purely narratival and closely corresponds with the formulation of 31:12–13aα. Exodus 35:2 corresponds with 31:15, with a few small but important differences:

Exod 31:15

ששת ימים יעשה מלאכה וביום השביעי שבת שבתון קדש ליהוה כל
העשה מלאכה ביום השבת מות יומת

On six days work may be done, but on the seventh day is a complete cessation, holy to the Lᴏʀᴅ. Anyone who does work on the cessation day shall surely be put to death.

Exod 35:2

ששת ימים תעשה מלאכה וביום השביעי יהיה לכם קדש שבת שבתון
ליהוה כל העשה בו מלאכה יומת

On six days work may be done, but on the seventh day shall be your holy occasion, a complete cessation of the Lᴏʀᴅ. Anyone who does work on it shall be put to death.

As already noted, the work stoppage requirement in 31:15a should be assigned to P. The attendant capital punishment in verse 15b for those who neglect this rule directly follows from it and thus may be assigned to P as well.

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59. Knohl, *Sanctuary of Silence*, 16. On the compositional integrity of the combination of כרת and the מות יומת formula in Lev 20:2–3, see Schwartz, *Holiness Legislation*, 54–55.

Several scholars have noted that the term שבתון is characteristic of
H.[60] I would suggest that in 31:15a, שבתון and קדש both originate from
H, a claim supported by the alternative formulation in 35:2.[61] The latter
verse introduces a second-person plural address to the Israelites (יהיה
לכם קדש). Both because of H's emphasis upon the holiness of the Sabbath
generally and especially because this second-person address is grammati-
cally inseparable from this verse's reference to the Sabbath's holiness, it is
likely that it belongs to H.[62] If this is the case, its corresponding variant in
31:15 should also be assigned to H. H's inconsistent interjection of second-
person plural formulation leads to the differing formulations of the same
idea in 31:15a and 35:2.[63] For its part, the underlying P text in both Exod
31 and 35 is consistent and coherent.

Three observations remain. First, 35:2 does not employ the cognate
infinitive absolute in the construction מות יומת, as 31:15b does. In light
of H's penchant for this construction, including its appearance in H in
31:14a, it is possible (perhaps even likely) that מות in verse 15 also belongs
to H.[64] Second, 35:3 belongs to H. It is characterized by second-person
plural address to the Israelites, and, as several scholars have noted, it
closely corresponds with the case of the wood gatherer in Num 15:32–36

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60. שבתון appears in Exod 16:23; 31:15; 35:2; Lev 16:31; 23:3, 24, 32, 39; 25:4, 5. If
Baden's source division of Exod 16 is to be followed, it is possible that שבתון appears
in P as well as H (Baden, "The Original Place," 494–6). However, it is also possible that
Baden's P source in Exod 16 has been supplemented by H. Specifically, it is possible
that both שבתון and קדש (especially in light of the suggestions here for 31:15 and
35:2) in 16:23 are interpolations. In support of this claim, note that neither שבתון nor
קדש appears elsewhere in Exod 16, even where one or both might be expected (e.g.,
16:25).

61. Note that this claim differs from the arguments of Amit and Firmage dis-
cussed above for the attribution of the root קדש to H (see n. 44). I do not suggest here
that קדש belongs to H because this lexeme (or root) is employed solely by H. Rather, it
is the combination of the alternative formulation between Exod 31:15 and 35:2 and the
inseparability of the reference to the Sabbath's holiness in 35:2 from the second-person
plural formulation there that suggest an H attribution.

62. Note that it also corresponds closely with Exod 31:14a, which can be assigned
to H on independent grounds.

63. Knohl argues that P uses precise language while H does not (*Sanctuary of
Silence*, 106–7).

64. In addition to Exod 31:14–15, מות יומת appears in H in Lev 20:2, 9, 10, 11, 12,
13, 15, 16, 27; 24:16, 17; 27:29; Num 15:35; 35:16, 17, 18, 21, 31.

(H).[65] It is also possible that the LXX, which concludes this verse with the typical H expression ἐγὼ κύριος, "I am the Lord" (אני יהוה =), preserves an older reading.[66] Finally, this division of strata accounts for the doubled reference to the Sabbath as a sign (31:13b and 17a) and the duplication of commands and penalties in the unit (31:13–16), including the specific verbal parallels between verses 14 and 15 and verses 14 and 16.[67]

Thus, my proposed stratifications of Exod 31:12–17 and 35:1–3 are as follows (with P underscored; H unmarked; R double underscored):

31:12 ויאמר יהוה אל משה לאמר 13 ואתה דבר אל בני ישראל לאמר אך את שבתתי
תשמרו כי אות הוא ביני וביניכם לדרתיכם לדעת כי אני יהוה מקדשכם 14
ושמרתם את השבת כי קדש הוא לכם מחלליה מות יומת כי כל העשה בה
מלאכה ונכרתה הנפש ההוא מקרב עמיה 15 ששת ימים יעשה מלאכה וביום
השביעי שבת שבתון קדש ליהוה כל העשה מלאכה ביום השבת מות יומת
16 ושמרו בני ישראל את השבת לעשות את השבת לדרתם ברית עולם 17 ביני
ובין בני ישראל אות הוא לעלם כי ששת ימים עשה יהוה את השמים ואת הארץ
וביום השביעי שבת וינפש

35:1 ויקהל משה את כל עדת בני ישראל ויאמר אלהם אלה הדברים אשר צוה יהוה
לעשת אתם 2 ששת ימים תעשה מלאכה וביום השביעי יהיה לכם קדש שבת שבתון
ליהוה כל העשה בו מלאכה יומת 3 לא תבערו אש בכל משבתיכם ביום השבת

[31:12]The LORD said to Moses, [13]"As for you, speak to the Israelites, 'Surely my Sabbaths you shall observe, for it is a sign between you and me in perpetuity that you may know that I, the LORD, sanctify you. [14]You shall keep the Sabbath, for it is holy to you. The one who defiles it shall surely be put to death. Indeed, anyone who does work on it—that person shall be cut off from the midst of his people. [15]On six days work may be done, but on the seventh day is a complete cessation, holy to the LORD. Anyone who does work on the cessation day shall surely be put to death. [16]The

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65. See, e.g., Chavel, "Numbers 15, 32–36," 45–49.

66. As noted by several scholars, including Knohl, *Sanctuary of Silence*, 16; Milgrom, "H$_R$ in Leviticus," 29. It is likewise possible that LXX here reflects a late interpolation, but the assignment of this verse to H stands regardless of the LXX reading.

67. Scholars have given extensive attention to these duplications (see the summary in Grünwaldt, *Exil und Identität*, 170–71). Michael V. Fox argues that the duplications are insufficient for identifying strata ("Sign of the Covenant: Circumcision in the Light of the Priestly ʾōt Etiologies," *RB* 81 [1974]: 557–96, here 576). He suggests instead that there is likely older material taken up and integrated by P into its composition here. As I have argued, however, the existence of strata is more likely than duplication and is supported by more evidence.

Israelites shall ever keep the cessation, carrying out the cessation, as a perpetual requirement. <u>[17]It is a perpetual sign between the Israelites and me, for in six days the LORD made the heavens and the earth, but on the seventh day he ceased</u> and refreshed himself.'"

[35:1]<u>Moses assembled all the congregation of the Israelites, and he said to them, "These are the words that the LORD commanded be done: [2]On six days work may be done, but on the seventh day</u> shall be your holy occasion, <u>a</u> complete <u>cessation of the LORD. Anyone who does work on it shall be put to death</u>. [3]Do not kindle a fire in any of your habitations on the cessation day."

4. The Sabbath in H

The supplementary H stratum in Exod 31:12–17 and 35:1–3 requires a brief comment. In each of these texts, as elsewhere, H supports P's basic view of the Sabbath. Its supplements in 31:12–17 and 35:1–3 further accentuate the sanctity of the Sabbath, both through explicit reference to its holiness and by prohibition of its desecration.[68] The formulation of 35:2 also closely corresponds with Lev 23:3, where the Sabbath is uniquely designated by (a late stratum of) H as a מקרא קדש, "a sacred occasion," which seems to be the meaning (albeit in abbreviated form) of קדש in Exod 35:2.[69] H also emphasizes the Sabbath's role in the sanctification of the Israelite laity, a theological concern that distinguishes H from P.[70] This latter focus, which defines the Sabbath as a "sign" (אות) for the Israelites in 31:13, stresses the point made especially in Lev 19:3 and 30 that Sabbath observance is directly related to Israelite lay holiness.

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68. Nihan argues that H is specifically concerned to include the Sabbath among the sancta not to be defiled (v. 14; *From Priestly Torah*, 568).

69. For discussions of the status of Lev 23:3 as belonging to a late stratum of H, see, e.g., Knohl, *Sanctuary of Silence*, 14–15; Nihan, "Israel's Festival Calendars," 202.

70. Knohl, *Sanctuary of Silence*, 189–92. On notions of holiness in P and H, see also Baruch J. Schwartz, "Israel's Holiness: The Torah Traditions," in *Purity and Holiness: The Heritage of Leviticus,* ed. Marcel J. H. M. Poorthuis and Joshua Schwartz, Jewish and Christian Perspectives Series 2 (Leiden: Brill, 2000), 52–59; David P. Wright, "Holiness in Leviticus and Beyond: Differing Perspectives," *Int* 53 (1999): 351–64; Stackert, "Sabbath of the Land," 245–50.

5. Conclusion

In conclusion, I hope to have shown that an appreciation for the nature of the Priestly source as a narrative history has significant implications for the stratification of the Sabbath law in Exod 31:12–17 and Moses's recitation of it in Exod 35:1–3. Attention to the basic narrative genre of P and the historical claims of its plot provides a reliable solution to the impasse created by an overreliance upon stylistic features in distinguishing Priestly strata. H's supplements to P in these texts, as elsewhere, accentuate H's special interests, but they also affirm and build upon the basic historical myth and theological framework of P.

This analysis by implication also calls into question various theories about the growth of the Priestly source, including the distinction between P^g and P^s. It points to the possibility of a Priestly source that runs through the entire Torah. This source is made up of a primary stratum, P, which contains both narrative and law, and a later supplementary stratum, H.[71] By itself, this study hardly sustains such a far-reaching claim, but I hope it provides useful data for future discussions that, like this one, will continue to build upon the masterful work of Jacob Milgrom.

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71. Note that this view does not rule out the possibility of earlier, pre-P traditions or even texts being employed in the composition of the P source. Nor does it rule out H's use of preexisting materials.

Didactic Logic and the Authorship of Leviticus*

Roy E. Gane

1. Introduction: Rhetoric and Teaching in Leviticus

Jacob Milgrom's foremost legacy is his detailed demonstration of coherent ritual and ethical systems in Priestly (including Holiness) texts of the Bible.[1] He has inspired others to further explore systems of logic in these texts in areas such as ritual meaning, legal concepts, literary structure, and strategies for rhetorical persuasion.

Concerning rhetorical persuasion, James Watts has carried out a fresh reading of the final form of Lev 1–16 in light of the question: "Who was trying to persuade whom of what by writing these texts?"[2] Rhetori-

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* I am grateful to David P. Wright and Christine Hayes for their penetrating and thought-provoking comments regarding an earlier form of this essay and to the members of my 2012 doctoral "Seminar in Advanced Old Testament Exegesis" at Andrews University for a number of insights regarding didactic logic.

1. Most prominently in his massive three-volume Anchor Bible series commentary on Leviticus: *Leviticus 1–16: A New Translation with Introduction and Commentary,* AB 3 (New York: Doubleday, 1991); *Leviticus 17–22: A New Translation with Introduction and Commentary,* AB 3A (New York: Doubleday, 2000); *Leviticus 23–27: A New Translation with Introduction and Commentary,* AB 3B (New York: Doubleday, 2001). See also especially *Numbers: The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1990).

2. James W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007), xv. This book builds on Watts's earlier work: *Reading Law: The Rhetorical Shaping of the Pentateuch,* Biblical Seminar 59 (Sheffield: Sheffield Academic, 1999). See more recently his essay, "Using Ezra's Time as a Methodological Pivot for Understanding the Rhetoric and Functions of the Pentateuch," in *The Pentateuch: International Perspectives on Current Research,* ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 489–506.

cal analysis of literary features leads him to the conclusion: "The major rhetorical purpose, then, for writing the first half of Leviticus was to provide prescriptive and descriptive justification for the Aaronides' monopoly over Israel's priesthood and cult."[3] Watts acknowledges the basic fact that Leviticus instructs but emphasizes that the text is also configured to reinforce its teaching by persuading the audience carefully to follow its authoritative directions, which include abundant evidence for the dominant priestly role.[4]

Watts's argument logically follows implications of the scholarly consensus that Lev 1–16 reflects the perspectives and interests of certain priests who composed this block of material. If they wrote these chapters, the elements they contain that benefit them would appear to reflect their purpose.[5]

Watts finds that there is historical evidence for the Aaronide domination prescribed in pentateuchal Priestly (P) texts only in postexilic Judea during the Persian and Hellenistic periods, when the Pentateuch had begun to serve as authoritative scripture for Judaism.[6] On this basis, Watts takes the next step:

> It is therefore to this period and this hierocracy that P's rhetoric applies, either by preceding the hierocracy and laying the ideological basis for it (if P dates to the exilic period or earlier) or by reflecting and legitimizing an existing institution as it began to accumulate religious and civil authority (if P dates from the early Second Temple period).[7]

Here Watts avoids the erroneous assumption that a text is necessarily composed during the same period to which its message seems to apply.[8] Extant evidence for implementation of key elements in Lev 1–16 during a certain period does not necessarily indicate when the original author(s) worked or intended for the text's program to be implemented. If history

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3. Watts, *Ritual and Rhetoric*, 143; see also 142, 154.
4. Ibid., e.g., 38, 129.
5. Ibid., 153–54.
6. Ibid., 143–49.
7. Ibid., 149–50.
8. Against this assumption, see Benjamin D. Sommer, "Dating Pentateuchal Texts and the Perils of Pseudo-Historicism," in Dozeman, Schmid, and Schwartz, *The Pentateuch*, 85–94.

had turned out differently, the cultic directions could have been applied during another period, or not at all (cf. Ezek 40–48).

Watts recognizes that the preserved rhetoric of the pentateuchal Priestly texts does not present itself as coming from priests. So he argues that Priestly authors disguised their role "by hiding behind God and Moses, and casting their speeches in the distant past" in order to "use the voice of God and the actions of Moses to legitimize the role and authority of the Aaronide priests."[9] Watts does not think of the Priestly authors as especially "deceptive"[10] but regards their persuasive rhetoric as typical of ancient Near Eastern priestly rhetoric in general, which places priestly and temple prerogatives in the mouths of kings or, less often, gods.[11]

It could be objected that Leviticus begins with prescriptions for the burnt offering, which expresses a selfless ideal. However, Watts finds additional support for his hypothesis in this, suggesting that the self-serving Priestly authors placed the burnt offering there to mask "the economic claims and religious authority of Aaronide priests."[12]

In response to Watts, if Priestly authors were so concerned with establishing their own authority, why would they dilute it by having Lev 1–7 address laity as well as priests, thereby positioning "priests and laity to monitor each other's performance with the text as arbiter of correct practice" in a way that would, ironically, "shift cultic authority from the priesthood to the book"?[13] Is this another example of priestly disguise, which is sufficiently radical that its consequence of shifting authority to the book turns out to undermine the overall goal of priestly domination to which it was intended to contribute? Alternatively, could holding priests account-

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9. Watts, *Ritual and Rhetoric*, 150.

10. Personal communication.

11. See James W. Watts, "Ritual Rhetoric in Ancient Near Eastern Texts," in *Ancient Non-Greek Rhetorics*, ed. Carol Lipson and Roberta Binckley (West Lafayette, IN: Parlor, 2009), 39–66. Watts summarizes: "Prevailing rhetorical norms, however, hid the role of priests and even prophets behind the voice and authority of kings or, sometimes, of gods. For example, though Egyptian ritual texts were always under the control of lector priests in the temple libraries, over time they were increasingly credited to the authorship of the god Thoth…. The Pentateuch's presentation of priestly texts through a divine voice exhibits Israel's distinctive manifestation of this widespread convention of ancient priestly rhetoric to hide behind royal and divine voices" (48).

12. Watts, *Ritual and Rhetoric*, 72.

13. Ibid., 60.

able in this way indicate the will and purpose of supra-priestly authority, such as could be represented by a prophetic writer?[14]

Watts has convincingly demonstrated that persuasion to accept priestly cultic authority on the level of religious sociology is an important element in the final form of Lev 1–16. However, was this the *primary* factor that guided the shaping of this section of Leviticus, or does rhetoric more broadly serve the teaching content on a higher theocratic level by seeking to persuade both priests and laypersons to obey all of it in submission to the authority of YHWH, as represented by his prophet? We can extend this question to the whole of Leviticus because Lev 1–16 in their final form are linked (not simply juxtaposed) to Lev 17–27 by shared language and themes as well as overarching literary macrostructure.[15]

Leviticus is presented as teaching from YHWH, with instructions concerning ritual procedures and ethical/moral behavior introduced as divine speeches (Lev 1:1; 4:1; 5:14, etc.). Content is explicitly labeled as תורה, "instruction," fifteen times in the earlier part of the book and once

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14. See Roy E. Gane, review of James W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture*," *CBQ* 70 (2008): 584–85.

15. For example, on the basis of linguistic and conceptual traits, Israel Knohl has proposed that there are several HS (Holiness school) additions in Lev 1–16 and that Lev 23 originated with a PT (Priestly Torah) festival scroll that was adapted by HS (*The Sanctuary of Silence: The Priestly Torah and the Holiness School,* trans. Jackie Feldman and Peretz Rodman [Minneapolis: Fortress, 1995], 8–45, 49–52, 68–71, 105). On the other hand, Erhard Blum does not see the need for a sharp and diachronic distinction between P and H or HS. Rather, he explains the distinctive rhetoric of admonition in passages found in Lev 11 and 17–26 (cf. some other minor expansions, such as 3:17; 7:22–27; 10:6–11; 16:29–34) as necessary to emphasize the idea that every aspect of Israel's life is subject to the demands of the holy realm, an understanding that is essential to the overall conception of P, in contexts where this is not self-evident ("Issues and Problems in the Contemporary Debate Regarding the Priestly Writings," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions,* ed. Sarah Shectman and Joel S. Baden, ATANT 95 [Zürich: Theologischer Verlag Zürich, 2009], 33–39). Wilfried Warning has found quite a number of terminological patterns that connect Lev 1–16 with 17–26 (*Literary Artistry in Leviticus,* BibInt 35 [Leiden: Brill, 1999], 133–66). For proposals regarding the overall structure of Leviticus in its final form, see, e.g., Mary Douglas, "Poetic Structure in Leviticus," in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, ed. David P. Wright, David Noel Freedman, and Avi Hurvitz (Winona Lake, IN: Eisenbrauns, 1995), 247–55, esp. 253 (endorsed by Milgrom, *Leviticus 17–22*, 1364–65); John H. Walton, "Equilibrium and the Sacred Compass: The Structure of Leviticus," *BBR* 11 (2001): 299–304.

more in the subscript at the end of Lev 26 (v. 46).[16] The fact that the תורה is said to come from God through Moses, his prophet (e.g., 7:37–38; 26:46), springloads the didactic term with rhetorical force: this is authoritative theo-pedagogy, with the force of law, that must be observed both by all lay Israelites and by the priests who are mandated to teach it to them (10:10–11).[17] Accordingly, the rhetorical climax of Leviticus—the covenant blessings and curses in chapter 26—shouts the purpose of the book as a whole: to teach and persuade all Israelites to follow God's instructions/laws loyally so that they can permanently live with him in the land that he has given them.

Teaching and rhetoric are both indispensable for accomplishing the purpose of Leviticus. They are inseparable and interdependent: the teaching needs an effective delivery system, and the rhetoric needs something substantial to deliver. Furthermore, logical didactic presentation plays an important role in persuasion. If the rhetoric of instruction is not clear, compliance is unlikely even if additional persuasive rhetoric goes to great lengths to provide motivational inspiration.

This essay probes evidence for didactic logic in Leviticus and its implications for the purpose and authorship of the book. First, we will identify examples (listed A, B, C, etc.) of literary relationships that could function as effective didactic strategies. These affect the book's presentation in various ways, for example, by building on prior knowledge, linking concepts in different passages and providing thematic coherence in blocks of texts, or using information to make a point in an effective way. Second, we will weigh the likelihood of pedagogical authorial intention against the possibility that what appear to be didactic strategies may have resulted secondarily from other literary factors. Third, we will enter preliminary exploration of a question inspired by Watts—"Who was trying to *teach* what to whom by writing this book?"—by identifying some aspects of the didactic background and foreground of Leviticus. In conclusion, we will consider implications of didactic logic for the authorship of the book.

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16. Lev 6:2 [ET 9], 7 [ET 14], 18 [ET 25]; 7:1, 7, 11, 37; 11:46; 12:7; 13:59; 14:2, 32, 54, 57; 15:32; 26:46. On distribution of this and other terms for religious instruction and learning in the Hebrew Bible, see Karin Finsterbusch, *Weisung für Israel: Studien zu religiösem Lehren und Lernen im Deuteronomium und in seinem Umfeld,* FAT 44 (Tübingen: Mohr Siebeck, 2005), 12–13.

17. Watts, *Ritual and Rhetoric*, 59–60.

Obviously, such investigation could be extended to other portions of the Bible, including passages that scholars regard as Priestly (e.g., the chapters of Exodus concerning the tabernacle and the cultic legislation of Numbers),[18] but the present essay focuses on Leviticus in order to keep the scope of inquiry manageable and of close relevance for dialogue with Watts regarding his view of Lev 1–16. If we find that didactic logic primarily buttresses priestly authority, this will support Watts's hypothesis derived from rhetorical analysis. It would make sense that teaching and rhetoric should share a common purpose. On the other hand, if the pedagogical thrust of Leviticus tends in another direction, we must consider the possibility that authorial concern for establishing priestly authority may only be secondary. In any case, whatever the extent to which the power of discourse may serve a discourse of power in Leviticus, I am grateful to Watts for stimulating this trajectory of exploration.

2. Didactic Strategies in Leviticus

2.1. Providing Necessary Background to New Information

Three text portions in Leviticus—chapters 8–10, 16, 27—could appear to be misplaced. However, their locations in the book are justified by the didactic need to make these portions comprehensible by previously providing necessary background knowledge on which presentation of their new information can be built.

A. It would seem natural for Leviticus to present the initiation of the cult before prescribing various kinds of sacrifices to be performed at the sanctuary after that initiation. However, as is well known, narrative descriptions of the consecration and inauguration ritual complexes are delayed until Lev 8–10, after instructions for individual kinds of sacrifices (Lev 1–7) have explained components of those complexes in a way that the Israelites, including laypersons and priests, can understand. In Lev 10

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18. Concerning the book of Exodus, Nahum M. Sarna observes: "Not the preservation and recording of the past for its own sake but the culling of certain historic events for didactic purposes is the intent" (*Exodus: The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1991], xiii). On contexts involving religious teaching and learning in Deuteronomy and some other books (Isaiah, Jeremiah, and Proverbs), see Finsterbusch, *Weisung für Israel.*

this strategy is evident in the fact that Moses's expression of anger that the priests surviving Nadab and Abihu had incinerated the inaugural purification-offering goat on behalf of the lay community rather than eating it (10:17–18) is comprehensible in light of prior legislation (6:19, 22, 23).[19]

B. The Day of Atonement prescriptions given after the death of Aaron's sons (Lev 16:1), an event recorded in Lev 10, are delayed until chapter 16, after Lev 11–15 have explained physical ritual impurities, some of which are purged from the sanctuary on the Day of Atonement (16:16, 19).[20] So the didactic need to provide background regarding the purity system so that the lay or priestly hearer/reader will comprehend the purpose of the purgations prescribed in Lev 16 overrides the opportunity to heighten the warning to Aaron regarding the lethal danger of transgressing a ritual rule (16:2), an opportunity that would have been realized by placing chapter 16 immediately after the narrative of chapter 10 concerning the tragedy that befell Aaron's sons for their ritual mistake.

C. Legislation regarding sacred dedications is delayed until Lev 27, after the unit of legislation concerning the land (Sabbatical and Jubilee Years) and covenant blessings and curses (involving the land) addressed to all Israelites in Lev 25–26 brings the book to a rhetorical climax and logical conclusion (with subscript in 26:46). The material in Lev 27, also addressed to all Israelites, comes as an anticlimax,[21] but it cannot precede Lev 25 because dedications of ancestral agricultural land are affected by Jubilee cycles (27:17–18, 21, 23–24), which are explained in Lev 25.[22]

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19. Note that whereas the prescription for the consecration ceremony in Exod 29 (cf. 40:8–15) contributes to comprehension of its narrative fulfillment in Lev 8, the description of the inaugural service in Lev 9 has no such prescriptive antecedent in Exodus. The details of Lev 9 are rendered intelligible only by the preceding sacrificial legislation recorded in Lev 1–7, but the appearance of YHWH's glory to the assembled congregation in 9:23 (cf. 9:4, 6) at the conclusion of Aaron's first officiation fulfilled the promise in Exod 29:43–46 that the deity would "meet with" the Israelites. This promise was not fulfilled in Exod 40:34–35 when YHWH's glory first filled the tabernacle because the people had not yet gathered there (David P. Wright, pers. comm.).

20. Of course, Lev 4 also provides important background to Lev 16.

21. Jacob Milgrom does not allow his judgment that Lev 27 is an appendix (due to resemblance of its subscript in 27:34 to that of 26:46) to rule out the role of this chapter in closing the overall structure of the book (*Leviticus 23–27*, 2401–2, 2407–9). Cf. the "ring" structure of Leviticus proposed by Mary Douglas, in which Lev 27 functions as the concluding "latch" ("Poetic Structure in Leviticus," 253).

22. Milgrom, *Leviticus 23–27*, 2407. A secondary rhetorical effect of this place-

2.2. Linking Units of Information via Shared Terminology or Concepts

Linking units of information by having them share terminology or concepts can contribute to coherence of instructional material and development of themes (cf. a kind of linking in §2.1, above). Such coherence facilitates comprehension by the learner, whose task is simplified by the ability to relate new information to familiar conceptual categories. Reiteration of terms or concepts can also make connections between units that provide opportunities for deeper reflection by implicitly inviting comparison between them.

A. The noun אָשָׁם to express the abstract idea that a purification offering victim functions as a "reparation" to God (Lev 5:6–7) is followed by technical use of the same word as "reparation offering" (5:15, 16, 18–19, 25 [ET 6:6]). Not surprisingly, the "reparation offering" also fulfills the abstract function of providing a "reparation" to YHWH (5:15, 25 [ET 6:6]) in addition to payment of financial reparation to the wronged party (5:16, 24 [ET 6:5]). The fact that both purification and reparation offerings are reparations to God implicitly invites comparison between their respective functions. Whereas a reparation offering normally remedies misappropriation of property belonging to God or a human (5:15, 21–24 [ET 6:2–5]), which can be restored, the commandment violation remedied by a purification offering (4:2, 13, 22, 27) cannot be assigned a financial price. Therefore, the purification offering bears the full burden of reparation. This may at least partly explain why only purification-offering blood is applied to the horns projecting from the top of one of the altars (4:7, 18, 25, 30, 34), thereby emphasizing that the sacrifice ransoms the life of the offerer (cf. 17:11).[23]

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ment is to end Leviticus on a positive note (see 2408–9): after the conditional curses that culminate with the threat of exile (26:14–39) comes hope that YHWH will deliver the Israelites (26:40–45), and they will be able to dedicate gifts to him at a functioning sanctuary in their own land (Lev 27). Legislation concerning offerings in Num 15, after Num 14 bars the adult generation from entering Canaan, has a similar effect (Milgrom, *Numbers*, 117).

23. Roy E. Gane, *Leviticus, Numbers,* NIVAC (Grand Rapids: Zondervan, 2004), 132. As in burnt and well-being offerings (Lev 1:5, 11; 3:2, 8, 13), reparation-offering blood is tossed around on the outer altar (7:2). Naphtali S. Meshel makes a convincing case that in these sacrifices the blood goes on the upper surface of the altar rather than on its sides, as is commonly understood ("The Form and Function of a Biblical Blood Ritual," *VT* 63 [2013]: 1–14).

B. In the conclusion to the prescriptions for sacrifices in Lev 1–7, the summary list of types of sacrifices in 7:37 links all of the previous sacrificial legislation, including the ordination offering (מלואים) prescribed in Exod 29 (named there in 29:22, 26, 27, 31, 34).[24] The list in Lev 7:37 further contributes to the cohesion of Leviticus by linking Lev 1–7 to and setting the stage for the consecration and inaugural ritual complexes described in Lev 8–10, which involve combinations of the various kinds of sacrifices (except for the reparation offering, which never appears as a public sacrifice).

C. In 10:18, Moses explicitly refers to the fact that the rule in 6:23 forbidding priests to eat purification offerings from which the blood has been taken inside the tabernacle does not apply in this case because the blood was not taken inside.

D. Leviticus 10 emphasizes requirements for holy priests to distinguish between impure and pure categories (10:10) and to eat their portions of sacrifices (10:12–18). Leviticus 11 continues and combines the two topics—distinctions between categories and food—by calling for all Israelites to differentiate between pure and impure meats because they are a holy people (11:44–47). Following chapter 10, which concerns priests, the thematic synthesis in chapter 11 implicitly reminds the hearer/reader of YHWH's ideal for his chosen people: that they will constitute "a kingdom of priests and a holy nation" (Exod 19:6 NJPS).

E. Leviticus 17 serves as a transition between the two major parts of Leviticus, sharing some cultic themes with earlier chapters and its style of exhortation with later Holiness chapters. While Lev 16 prescribes a unique ritual (but not sacrificial) dispatch of a male goat (שעיר) to the wilderness (16:10, 21–22), Lev 17 makes it clear that the Israelites have no right to offer sacrifices in the open country (17:5) or to שעירם, "male goats" or "goat-demons" (17:7).

F. As is well known, Lev 18–26 are punctuated and interconnected by the refrain "I am YHWH" (18:2, 4–6, 21, 30; 19:3–4, etc.). This refrain identifies and emphasizes the divine authority behind the overarching theme that unites these chapters: YHWH instructs and motivates all Israelites to live holy lives in accordance with his holy character and will.

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24. The ordination offering is related to the well-being offering, the next sacrifice in the list, because the offerers of the ordination offering (in this case Aaron and his sons) eat from it (Exod 29:31–32; cf. Lev 7:11–18) and the officiant (in this case Moses) receives the breast as his prebend (Lev 8:29; cf. 7:31).

G. Prohibition of Molech worship (18:21) is incorporated among laws concerning sexual offenses in chapter 18 through terminological parallels with the preceding law against adultery: just as you shall not give (נתן) your penis for seed (זרע = sperm) to your neighbor's wife (18:20), you shall not give (נתן) of your seed (זרע = offspring) to be presented to Molech (18:21).[25] Such inclusion of Molech worship implicitly calls for comparison between it and sexual immorality, reinforcing the perspective that one who practices idolatry is spiritually promiscuous (זנה; 20:5; cf. 17:7).

H. The sabbatical theme (weekly Sabbath, festival sabbaths, Sabbatical Years for the land) connects Lev 23–26 (23:3, 11, 15, 16, 24, 32, 38–39; 24:8; 25:2, 4–6, 8; 26:2, 6, 34, 35, 43; cf. 25:11–12).

2.3. Comparing and Contrasting

As pointed out above, linking units of information can set up implicit comparisons. Leviticus also contains more direct comparisons that clarify or simplify items of instruction by referring to similar information already provided elsewhere or encourage compliance by contrasting negative consequences of failure to observe YHWH's requirements with positive outcomes of obedience.

A. Leviticus 4:10, 31, 35 explicitly compare suet portions removed from purification offerings to the same portions removed from well-being offerings of similar victims, as already known from Lev 3. By pointing out that the suet burned on the altar to YHWH is the same (כאשר, "as") in both kinds of sacrifices,[26] these verses in Lev 4 "cut through the fat" to simplify the task of learning the ritual prescriptions.

B. Leviticus 4:20, 21 state that the purification offering on behalf of the entire community (4:13–21) is to be treated just as (כאשר) the purification offering on behalf of the high priest (previously detailed in 4:3–12) would be handled.

C. The meat of the reparation offering, like that of the purification offering, belongs to the officiating priest (7:7).

D. Postpartum and abnormally prolonged female genital discharges make a woman impure as (preposition כ) she would be at the time of her normal menstrual period (12:2; 15:25).

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25. Gane, *Leviticus, Numbers*, 321.
26. Cf. 4:26, using the preposition כ, "like."

E. On the Day of Atonement, purgation of the outer sanctum by application of purification offering blood is to be performed the same way (כֵּן, "thus, so"), that is, following the same pattern (1x + 7x blood applications, moving away from the ark), as in the inner sanctum (16:16b, referring to 16:14–15).[27]

F. In ritual narrative, notices of compliance compare description with prescription, affirming that procedures are done just as (כַּאֲשֶׁר) YHWH commanded (8:4, 9, 13, etc.). By contrast, however, Nadab and Abihu made the fatal mistake of freelancing by offering incense with unauthorized fire that YHWH had not commanded them to use (10:1).

G. Leviticus 18 and 20 contrast the morally pure and holy lifestyle that YHWH requires of his people with the abominable behavior of other nations, especially the Canaanites. If the Israelites commit such sins, the land will "vomit" them out as (כַּאֲשֶׁר) it "vomited out" its previous inhabitants (18:28).

2.4. Introducing Concepts for Later Development

A concept can be introduced relatively briefly in one context and later picked up in another unit where further development expands its significance. This "seed and germination" approach arouses and then fulfills curiosity and contributes to a sense of rhetorical "crescendo," with movement toward a climax that grips attention as concepts grow. It also has the didactic advantage of rooting the later development in the earlier context, which provides some familiarity and thereby enhances (but is not essential for) comprehension of the new material.[28]

A. In 11:43–45, the call for Israel to be holy because YHWH is holy and the divine self-identification ("I am YHWH") supply motivation for observance of dietary distinctions. These verses preview the literary style and content of later chapters of the book, which extensively develop the

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27. Roy E. Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005), 225–26.

28. This could be regarded as a special use of strategy 2, Linking Units of Information (see above). It is also related to strategy 1, Providing Necessary Background, but in this case the later development is basically understandable on its own, without the prior introduction.

theme of Israel's holiness (esp. Lev 18–26; cf. emulation of divine holiness in 19:2; 20:26).[29]

B. The idea in 14:53 that a dwelling could be ritually purged (from impurity resulting from צרעת, "surface disease") and the warning in 15:31 against defiling the sanctuary (concluding legislation regarding impure genital discharges) point ahead to Lev 16 and prepare the hearer/reader to comprehend the need for ritually purging YHWH's residence on the Day of Atonement.

C. By warning that the promised land will "vomit out" the Israelites if they commit abominations like those practiced by the Canaanites, 18:28 and 20:22 raise the possibility of exile that is developed later into the climax of the covenant curses (26:33–39).

2.5. Organizing Items of Information in Recognizable Progressions[30]

Arranging items of information in recognizable progressions makes didactic presentation flow in way that could be expected, thereby facilitating comprehension and memorization.

A. Leviticus 1, 4, and 5:1–13 present units of instruction for the burnt offering and purification offering in descending order according to the cost of sacrificial material: Lev 1—herd animal, flock animal, bird; Lev 4—herd animal, flock animal; 5:1–13—flock animal, bird, grain.

B. The progression of instructions for voluntary sacrifices (Lev 1–3) moves from exclusive utilization by YHWH (Lev 1: burnt offering) to increasing consumption by human beings (Lev 2: grain offering eaten by priest [cf. 7:9–10]; Lev 3: well-being offering eaten by priest and offerer [cf. 7:15–16, 31–36]).

C. There is a logical progression from animal meats and distinctions between impure and pure in Lev 10–11 (see above) to impurities from

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29. Cf. Knohl, *Sanctuary of Silence,* 69, 182–84. Knohl regards 11:43–45 as an editorial addition of HS (Holiness school) to PT (Priestly Torah). In any case, I see 11:43–45 as exemplifying a literary strategy that is also observable elsewhere in the final form of Leviticus.

30. For proposals regarding progressions of topics in the overall structure of Leviticus, see, e.g., William Shea, "Literary Form and Theological Function in Leviticus," in *The Seventy Weeks, Leviticus, and the Nature of Prophecy,* ed. Frank Holbrook, Daniel and Revelation Committee 3 (Washington, DC: Biblical Research Institute, 1986), 131–68, esp. 149; Douglas, "Poetic Structure in Leviticus," 247–55, esp. 253; Walton, "Equilibrium and the Sacred Compass," 299–304, esp. 304.

human sources in Lev 12–15, which begins with impurity that follows childbirth (Lev 12) and then moves to other impurities (Lev 13–15). The priority of childbirth here and the fact that corpse impurity is treated last, outside Leviticus in Num 19, correlates with the view that the range of physical impurities emphasizes the birth-to-death cycle of mortality.[31]

2.6. Providing Perspective through Logical Hierarchy

Leviticus facilitates comprehension and memory by enabling the hearer or reader to place details within the contexts of overall topics. The legal genre that dominates the book plays a key role in facilitating this, but the strategy can also appear in ritual narrative.

A. The casuistic legislation that prescribes the procedures for the burnt offering of quadruped animals in Lev 1 is structured as a main case followed by subcases. The main case, introduced by כִּי, "when" (1:2), provides an overview of the topic: offerings of livestock from the herd or flock. This is followed by subcases, each introduced by אִם, "if," that supply details when the sacrificial victim is a bovine from the herd as a burnt offering (1:3–9) or a flock animal (sheep or goat) as a burnt offering (1:10–13).[32] Later chapters also contain hierarchical legal structures with a variety of specific formulations.[33]

B. Several summaries that begin with the words "This is the instruction of/for" (תֹּורָה + זֹאת) close portions of legislation with reminders of main topics. Thus, 7:37–38 concludes instructions for individual kinds of sacrifices by listing them in the order of their treatment in 6:8–7:36. There are similar summaries regarding creatures that may or may not be eaten (11:46–47), scale/surface disease (13:59; 14:54–57), and genital discharges (15:32–33).

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31. Hyam Maccoby, *Ritual and Morality: The Ritual Purity System and Its Place in Judaism* (Cambridge: Cambridge University Press, 1999), 49; cf. 31–32, 48, 50, 207–8. However, in Lev 12 it is the mother, not the infant, who is impure.

32. Lev 3 concerning the well-being offering (with its own hierarchy of subcases) commences with אִם (3:1) because its topic as a whole logically constitutes a further subcase of 1:2, after the intervening pericopes regarding the burnt offering of birds (1:14–17) and the grain offering (Lev 2).

33. For example, an introduction to purification offering remedies for inadvertent sin in 4:2 is followed by subcases regarding purification offerings on behalf of different kinds of sinners in 4:3–12, 13–21, 22–26, 27–35 (subdivided between a goat victim in 4:28–31 and a sheep victim in 4:32–35).

C. In the narrative genre concerning ritual, the introduction to the consecration service in 8:1–5 provides an overview by listing in 8:2–3 the human parties and nonhuman items to be assembled at the sanctuary. Then the rest of the chapter describes in detail what is done with them. In Lev 9, the introduction to the inaugural service officiated by Aaron and his sons contains a similar list (9:2–4). This time Moses presents a summary of the service to Aaron (9:7) before the new high priest commences to perform the rather complicated sequence of sacrifices (9:8–22). Brief and incomplete as it is, the summary could be construed as a reminder that is undoubtedly more instructive for the hearer/reader of Leviticus than for Aaron.

2.7. Reinforcing by Repetition[34]

Repetition of ideas reinforces understanding, provides coherence by inter-linking blocks of material (related to strategy 2, Linking Units of Information, above, which employs some repetition), and contributes to rhetorical persuasion by emphasizing important requirements that should be observed.

A. Outlines of similar ritual processes naturally generate redundancy that aids the hearer/reader in learning these procedures. Compare 1:3–9 with 1:10–13 (burnt offering); 3:1–5 with 3:6–11 and 3:12–16 (well-being offering); 4:3–12 with 4:13–21 (purification offering); and 4:22–26 with 4:27–31 and 4:32–35 (purification offering).

B. Leviticus 17 reiterates and warns against violation of earlier instructions regarding the authorized location of sacrificial slaughter (17:1–9; cf. 1:3; 3:2, etc.), the ban on eating meat from which the blood was not drained at the time of slaughter (17:10–14; cf. 3:17; 7:26–27),[35] and the requirement for personal purification after eating meat of a pure animal that died without being slaughtered by a human being (17:15–16; cf. 11:39–40).

C. Leviticus 20 recapitulates several elements from earlier chapters. For example, 20:1–5, 10–21 repeat prohibitions against Molech worship and sexual offenses given earlier in Lev 18, adding penalties to each of

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34. On literary patterns in Leviticus that involve repetition, see Warning, *Literary Artistry in Leviticus*; Michael Hildenbrand, *Structure and Theology in the Holiness Code,* Bibal Dissertation Series 10 (North Richland Hills, TX: Bibal, 2004).

35. The unique explanation of the function of sacrificial blood in 17:11 serves to motivate compliance with the prohibition.

them, while 20:6 reiterates the ban against consulting spiritualist mediums (19:31) and adds the divine penalty of excision (כרת) for violation. In 20:7–9, the command to be holy is followed by the capital prohibition against cursing one's parents, echoing the call for holiness and reverence for parents in 19:2–3. The concluding exhortation of 20:22–26 draws on 11:43–47 and 18:24–30.

D. Leviticus 23:26–32 repeats the commands to practice self-denial and cessation of all work on the Day of Atonement, adding penalties for violation and specifying the precise time when the great day begins (cf. 16:29–31).[36]

2.8. Simplifying by Separating Elements of Legislation

Coherent teaching naturally tends to group related materials together. For example, impurities from animal sources in Lev 11 immediately precede impurities from human sources in Lev 12–15, even though 11:43–45 thematically connects Lev 11 to the later Holiness chapters (see above). However, a complex topic can be easier to grasp if the teacher delays explanation of some aspects rather than attempting to cover all aspects at once.

A. After the basic manual for the major kinds of sacrifices in Lev 1–5, Lev 6–7 (mainly for priests) provide a supplement that builds on the earlier information. In this way, Leviticus avoids excessive complexity by separating elements of regulations for sacrificial procedures and their functions, treating them sequentially rather than all together.

B. The procedure for the reparation offering is delayed until 7:1–7, as part of the supplement rather than of the initial manual. This delay simplifies the initial introduction of the reparation offering in 5:14–26 (ET 6:7), where the circumstances for which it is mandatory and the obligation for prior reparation require considerable explanation. The delay also allows the procedural prescription in 7:1–5 to lead naturally into a list of rules regarding priestly perquisites from this and then the other kinds of sacrifices (7:6–10).

C. Pericopes regarding purification offerings in Lev 4–5 state that they remedy moral faults but do not complicate matters by introducing their role in treating physical ritual impurities. Expression of the latter function

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36. Cf. the chiastic repetition of 16:29 (self-denial, Sabbath) in 16:31 (Sabbath, self-denial), as observed by David P. Wright (cited in Milgrom, *Leviticus 1–16*, 1057).

is reserved for the logical context in which it is best understood: systematic exposition of impurities in Lev 12–15.

2.9. Simplifying by Abbreviating

Some ritual descriptions or prescriptions simplify their presentations and avoid excessive redundancy that could lead to counterproductive boredom, by using abbreviations with reference to similar items or procedures.

A. Leviticus 4:26, 31, 35 abbreviate the list of suet portions removed from purification offering goats and sheep by specifying that they are the same as those of equivalent well-being offerings (referring to 3:9–10, 14–15). Also, 16:16b abbreviates the prescription for purgation of the outer sanctum by the high priest on the Day of Atonement by instructing that he shall do the same there as he did in the inner sanctum (16:14–15; cf. above under strategy 3, Comparing and Contrasting).

B. In 5:10 and 9:16, a burnt offering is to be performed "according to regulation" (כמשפט), that is, the prescriptive paradigm in Lev 1 relevant to the kind of victim.

C. Once the basic types of sacrifice have been thoroughly introduced, Leviticus abbreviates specification of their performance by simply referring to their labels: "burnt offering," "grain offering," "well-being offering," "purification offering," or "reparation offering" (e.g., 12:6, 8; 14:19–20; 16:24; 19:22; 23:18–19).

D. Leviticus 23:5–6 refers to "Passover" and "the Festival of Unleavened Bread," which are detailed in Exod 12, in order to place them within the festival calendar.

2.10. Illustrating

A legal illustration can show how a general rule operates in a specific context. In such a case, illustration is employed within and follows the contours of a given literary genre (the legal genre).[37] However, an illustration and that which it illustrates can also belong to different genres. Narrative descriptions can enhance understanding and persuasion by illustrating how legislation can successfully be carried out in real life or how failure to comply can result in negative consequences.

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37. Cf. strategy 6, Providing Perspective (above).

A. Leviticus 2:11–13 states two regulations regarding grain offerings that apply elsewhere: exclusion of leaven and honey from the altar, and salting of sacrifices. Presentation of these general rules in this specific context exemplifies their application in other contexts.

B. Following the sacrificial prescriptions in Lev 1–7, the narrative of the unique consecration and inauguration ritual complexes (Lev 8–10) illustrates how such sacrifices could be performed on a particular occasion.[38] Consumption of the inaugural sacrifices by divine fire (9:24), indicating divine acceptance of the new cult as a whole, demonstrates a positive outcome of adherence to YHWH's instructions.

C. The sudden demise of Nadab and Abihu by divine fire when they offered YHWH incense that they had lit with unauthorized fire illustrates the danger of deviating from YHWH's ritual instructions and the need for priests to carefully distinguish between categories such as the sacred and the profane (10:1–11). Not only does the recounting of this disaster illustrate failure to stay within the bounds of existing divine direction ("which he had not commanded them"; 10:1); the event becomes the context for an additional rule (prohibition of priestly intoxication inside the tabernacle) to prevent such problems from occurring in the future (10:8–11). Thus the narrative event is presented in such a way that it economically provides an illustration relating both to prior and subsequent divine instruction.

D. Stoning of the blasphemer to carry out YHWH's sentence (24:13–14, 23) illustrates the gravity of his sin against the divine name, and his crimes of violence and blasphemy (24:10–11) elicit further legislation (24:15–22). Again, the narrative illustration relates to prior (Exod 22:27 [ET 28]) and subsequent legislation.

3. Didactic Intention in Leviticus

There is plenty of evidence that Leviticus employs a variety of logical didactic strategies, of which we have identified the following:

1. Providing necessary background to new information.
2. Linking units of information through shared terminology or concepts.

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38. Lev 8 also fulfills the prescriptions for the consecration in Exod 29; 30:26–30.

3. Comparing and contrasting.
4. Introducing concepts for later development.
5. Organizing items of information in recognizable progressions.
6. Providing perspective through logical hierarchy.
7. Reinforcing by repetition.
8. Simplifying by separating elements of legislation.
9. Simplifying by abbreviating.
10. Illustrating.

These strategies, some of which overlap or are closely related to each other and several of which involve various kinds of repetition,[39] contribute to the pedagogical and persuasive thrust of the book by clarifying, developing, and reinforcing its instructions and themes so that its procedural and ethical rules can be understood, remembered, valued, and observed.

If there were only a few examples of what appear to be didactic strategies in Leviticus, it could be argued that they may accidentally have arisen from literary factors that did not result from intentional pedagogical concern. However, the number, variety, strategic placement, and impact of the strategies identified here, some of which are manifested in quite sophisticated ways (including across literary genres), combined with the book's pervasive implicit and often explicit rhetorical presentation of itself as teaching, leave no reasonable doubt that a calculated didactic orientation played a key role in shaping the final form of the book.

Particularly strong evidence for such orientation is found where a didactic strategy can explain placement of a passage where it may not otherwise be expected (e.g., Lev 8–10, 16, 27; see under §2.1). In fact, placement of 11:43–45 appears to result from a combination of strategies. Although the language of these verses manifests strong affinities to the later Holiness chapters, their location in Lev 11 makes sense in light of the fact that they concern animal sources of impurity, and grouping topically similar materials together facilitates comprehension. So why not put all of the legislation in Lev 11 regarding animal impurities later in the book, where the emphasis is on holy lifestyle? We can recognize several didactic

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39. Examples of strategies that are rather closely related to each other are: 2.2. Linking Units of Information; 2.3. Comparing and Contrasting; and 2.4. Introducing Concepts. Notice different uses of repetition among these strategies and others, such as 2.1. Providing Necessary Background; 2.6. Providing Perspective; and, of course, 2.7. Reinforcing by Repetition.

reasons for the present placement. First, Leviticus needs to explain physical ritual impurities before prescribing removal of this category from the sanctuary on the Day of Atonement (Lev 16; see under §2.1), and grouping the various kinds of impurities together provides coherence. Second, the present location of animal impurities (Lev 11) provides a bridge from distinctions between pure and impure categories and eating meat (Lev 10, continued into Lev 11; see under §2.2) to human impurities (Lev 12–15; see under §2.5). Once the placement of 11:43–45 in the book is determined, these verses briefly introduce the concept of Israel's holiness that is elaborated later in the book (see under §2.4).

The analysis of logical relationships involving 11:43–45 just presented is not intended as a diachronic reconstruction of sequential steps in authorial or editorial activity or deliberation, although these relationships theoretically could reflect such steps. Rather, this analysis serves to illustrate factors that plausibly could explain the preserved text's pedagogical effectiveness, the sophistication (involving complexity) of which appears to preclude mere coincidence.

Just as the strategy of introducing a concept for later development may be a secondary result of other factors in the case of 11:43–45, it is possible that some other examples of strategies included in this essay may be logically secondary to other didactic or nondidactic literary considerations. For instance, if Lev 17 was constructed or inserted as a bridge to connect the Holiness chapters 18–26 to chapters 1–16, the didactic functions of chapter 17 in Linking Units of Information (§2.2) and Reinforcing by Repetition (§2.7) would be a secondary result of its origin or use as a literary splice and therefore may not reflect direct didactic intention.

By their nature, some strategies are more likely to be secondary than others because they involve literary relationships that are more implicit (e.g., §§2.2, 2.4, and 2.7; see 11:43–45 and Lev 17 examples above). However, some strategies require direct intention. These include explicit cases of Comparing and Contrasting (§2.3), Providing Perspective (§2.6), Simplifying by Abbreviating (§2.9), and Illustrating (§2.10), in which strategies affect wording rather than leaving literary relationships merely implied. It is theoretically possible that a simple example of Organizing Items of Information (§2.5) could be secondary, but the longer a progression of such items, the less likely that such order just happened unintentionally.

4. Didactic Background versus Foreground in Leviticus

Thus far we have found that a number of literary relationships through-
out Leviticus could effectively serve a didactic purpose. This prompts the
question: "Who was trying to teach what to whom by writing this book?"[40]
A monograph would be required to adequately address this question,
but here we can make some preliminary observations, beginning with
an obvious description of the didactic process: a teacher who possesses
knowledge, wisdom, or skills seeks to impart these to other persons who
lack them at least to some degree.

By observing what is taught, we can learn something about the teacher
and the student. If the teaching assumes and builds on some necessary
concepts or just mentions them in the background, it is likely that the stu-
dents already knows about them. On the other hand, detailed information
and concepts explained or emphasized through didactic strategies likely
focus on new or supplementary instruction in the foreground, which the
students needs to gain from the teacher. Therefore, with regard to the
teaching of Leviticus, it is appropriate to ask what pertains to the didactic
background and what belongs to the foreground. The lists below suggest a
few examples of items in these categories.

4.1. Didactic Background: Assumed or Just Mentioned

Leviticus assumes or briefly refers to and builds on, but does not elaborate
on, several concepts that the hearer/reader should already know about.

A. Leviticus refers to the sanctuary (1:1, 3, etc.) and its furnishings
(especially the outer altar: 1:5, 7, 8–9, 11–13, etc.),[41] areas within its sacred
precincts (6:9, 19 [ET 16, 26]; 16:2, 16–18, 20, 33), and priestly garments
(8:2, 7–9, 13), assuming the details regarding these items that are provided
by Exod 25–28, 30–31, and 35–40.

B. Leviticus assumes basic functions of independent voluntary sac-
rifices—burnt, grain, and well-being offerings (Lev 1–3)—although the
book specifies that all or part of each of these sacrifices serves as a "food

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40. Echoing Watts's question regarding rhetoric (*Ritual and Rhetoric*, xv).
41. Also the basin (8:11), lampstand (24:4), table (24:6), incense altar (4:7, 18),
veil (4:6, 17; 16:2), and the ark with its lid (16:2, 13–15).

gift" (אשה) of pleasing aroma to YHWH (e.g., 1:9; 2:2; 3:3) and that the burnt offering is expiatory (*piel* of כפר; 1:4; 16:24).[42]

C. Leviticus assumes a basic acquaintance with the concept of physical ritual impurity, which it regulates and applies (esp. Lev 11–15; cf. 5:2–3; 7:19–21, etc.) but does not introduce or explain as a new idea.[43]

D. Leviticus assumes that the Israelite economy in the land of Canaan would predominantly be based on agriculture (Lev 25; cf. 1:2; 2:14; 19:9–10, 19, 23–25; 23:10, 22, etc.).

4.2. Didactic Foreground: Detailed or Emphasized

Topics that are subject to elaboration, highlighted by didactic strategies, and presented as innovations in Leviticus can be recognized as constituting the special new contribution of the book to the understanding of its hearers/readers.

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42. Burnt and well-being offerings appear to have been known previously (Gen 22:13; 31:54; 46:1; Exod 10:25; 18:12; 24:5; see Milgrom, *Leviticus 1–16*, 176), but outlining their procedures in Leviticus shows their adaptation to the new sanctuary cult, especially to specify priestly roles. Also, Lev 7:11–16 differentiates between three subcategories of well-being offerings with separate functions: a special thanksgiving offering and votive and spontaneous offerings.

43. Similarly, Exodus prescribes and describes priestly ablutions without explaining their function (29:4; 30:18–21; 40:12, 30–32). Some earlier narrative passages (Gen 7:2, 8; 8:20; 31:35; 35:2; Exod 19:14–15), which critics attribute to various pentateuchal sources (see, e.g., Richard E. Friedman, *The Bible with Sources Revealed: A New View into the Five Books of Moses* [New York: HarperOne, 2003], 43–44, 46, 83, 89, 152), touch on purity versus impurity. In the ancient Near East, the concept of ritual purification was known from early times. For example, in the Sumerian Cylinder A, Gudea bathes before dressing in preparation to offer a sacrifice (Cyl. A. xviii.3; "The Cylinders of Gudea," trans. Richard E. Averbeck [*COS* 2.155:427]). The Hittite "Instructions to Priests and Temple Officials" forbid cultic functionaries to approach sacrificial loaves and libation vessels after sexual intercourse unless they have bathed (§14; trans. Gregory McMahon [*COS* 1.83:220]). According to a Hittite birth ritual text, a male infant becomes pure at the age of three months, but purity of a female is delayed until the fourth month (Gary Beckman, *Hittite Birth Rituals*, 2nd ed., Studien zu den Boğazköy-Texten 29 [Wiesbaden: Harrassowitz, 1983], 135, 137, 143, 219). For analysis of a rich collection of comparative materials, see David P. Wright, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature*, SBLDS 101 (Atlanta: Scholars Press, 1987).

A. Much of Leviticus is concerned with the process of making a new sanctuary cult of YHWH operational. This requires a one-time consecration and inauguration of the newly constructed sanctuary and its priestly personnel (Lev 8–10), delineation of priestly roles and perquisites (Lev 1–7), and other ongoing procedures and regulations relating to the sacred sphere, such as rules for treatment of physical ritual impurities (Lev 11–15) and provision of olive oil for the sacred lamp and bread to be placed on the golden table in the outer sanctum (24:1–9). The facts that the priests are to change the bread only once per week and the deity is not regarded as consuming the bread in any sense show ritual innovation by contrast with daily presentation offerings to feed gods in other ancient Near Eastern religious cultures.[44] Ritual innovation is also prominent in the system of expiatory sacrifices, which introduces mandatory purification and reparation offerings (Lev 4–5, etc.) and purgation of the sanctuary on the Day of Atonement (Lev 16).

B. Leviticus emphasizes and further reveals the holy and beneficent character of YHWH, which calls for a corresponding human response. Thus the book contains strong reminders of the facts that YHWH has already delivered the Israelites from Egypt to be their God (11:45; 19:36; 22:33; 23:43; 25:38; cf. Exod 12–20), dwells among his faulty people (Lev 15:31; 16:16; 26:11–12; cf. Exod 25:8; 40:34–35), and appoints sacred times for them to celebrate their relationship with him (Lev 23; cf. Exod 12; 13:3–10; 23:14–17; 34:18, 22, 23). Such explicit reminders of past events or existing circumstances bring concepts to the foreground, often as motivating factors, that would otherwise remain in the background. Leviticus also introduces new concepts relevant to YHWH's character, such as the way he justly extends mercy to sinners through the expiatory system of sacrifices (Lev 4–5, 16)[45] or even apart from sacrifice, if the Israelites repent while they are in exile (26:39–45).

C. According to Leviticus, YHWH seeks to bring his people (especially including priests) into harmony with himself, commanding them to live holy lives in terms of their diet, ethical behavior, and religious practices because he is holy and makes them holy (11:43–45; 19:2; 20:7–8, 26; 21:8).

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44. Roy E. Gane, "'Bread of the Presence' and Creator-in-Residence," *VT* 42 (1992): 179–203.

45. On theodicy in the ancient Israelite expiatory system, see Gane, *Cult and Character*.

D. Leviticus warns against and condemns contemporary idolatry, spiritualism, and sexual perversion (Lev 17–20, 26).

E. Leviticus institutes the Jubilee, whereby ancestral real-estate periodically reverts to its original owner (Lev 25).

F. Leviticus presents a highly motivational litany of covenant blessings for loyal obedience to YHWH versus curses (including exile) for persistent rebellion (Lev 26).

5. Conclusion: Implications for the Authorship of Leviticus

In the final form of Leviticus, all Israelites (priests and laity) are responsible for knowing and following YHWH's authoritative teachings, which mandate much more than cultic domination by a priestly dynasty. The exclusive right of the Aaronides to perform potentially hazardous officiation (Lev 8–9; 10:1–2; 16:1–2; cf. Num 18:1–3), for which they receive "agents' commissions" as support for their service (Lev 6:9, 11, 19, 22; 7:6–10, 31–36; 10:17–18),[46] is not primarily to benefit the Aaronides themselves (*contra* Watts). Rather, the priestly role is part of a tightly controlled ritual system that makes it possible for holy YHWH to reside among and be accessible to his faulty and often impure people for their benefit without harming them (e.g., 9:5–6, 22–24; 10:3, 10–11; 15:31; 16:16b; cf. Num 18:4–5). The latter Holiness part of Leviticus emphasizes a larger context: if the Israelites are loyal to YHWH, as demonstrated by their observance of all his instructions (both ritual and ethical), they will enjoy his covenant blessings in the promised land of Canaan, rather than suffering curses that could culminate in exile (see esp. Lev 18:28; 20:22–24; 26).

As Watts recognizes, his hypothesis that Aaronide priests wrote Lev 1–16 with the primary purpose of persuading others to accept their cultic monopoly requires interpretation of the explicit overall rhetorical framework of the book—teaching by YHWH through Moses—as a priestly disguise.[47] However, the examples of didactic strategies identified in this essay support the explicit rhetorical framework by clarifying and highlighting a wide variety of divine teachings, without betraying a literary disguise through disproportionate pedagogical emphasis on priestly rights.

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46. In Num 18:8–20, prebends for priests are in lieu of tribal territory on which the Aaronides could otherwise support themselves by farming.

47. Watts, *Ritual and Rhetoric*, 150.

Regarding the question, "Who was trying to teach what to whom?" preliminary consideration of the didactic background and foreground of Leviticus indicates that the book was authored when the Israelites were already familiar with voluntary sacrifices and the basic concept of physical ritual impurity but needed instructions to adapt their ritual practices to the environment of a new sanctuary and to learn additional procedures and rules relating to this cultic institution. Indications of ritual meaning in Leviticus are sparse and brief, which could be taken to suggest that the book was composed when the original audience would have had access to a corresponding system of performance. Watts observes that symbolic interpretations "seem to multiply around *unperformed* rituals, at least those not performed by the interpreter.…Our own rituals are 'obvious' and as a result receive little if any interpretation."[48]

When Leviticus was written, the Israelites needed to understand better the character of their holy God and how to live in harmony with him and his system of values in a wide variety of ways. As Milgrom put it, "Values are what Leviticus is all about."[49] The Israelites needed stern warnings against disloyally engaging in pagan and immoral practices, with which they were acquainted. An important issue for them was how to regain their land and freedom to pursue an independent agrarian livelihood if they would lose these by falling into economic hardship (Lev 25). Much more serious would be the problem of how to reclaim their freedom and land if they spurned YHWH's values and ended up in exile (Lev 26).

If the checkered religious experience of the Israelites reflected in biblical historiography provides any indication, the teachings and warnings of Leviticus regarding cultic practice and holy lifestyle could have been relevant during a long period of time. However, the fact that the foreground of Lev 17–26 counters contemporary threats to holiness from evils such as idolatry (especially Molech worship) most naturally identifies it with the preexilic phase of Israelite history.[50]

There is no question that Leviticus can be regarded as "priestly" in the sense that much of its teaching concerns matters that involve priests.

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48. Ibid., 183; cf. 180–82.

49. Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics*, CC (Minneapolis: Fortress, 2004), 1.

50. Against the assumption that the conditional curse of exile in Lev 26 must date to the era after the Babylonians conquered Judah, see Sommer, "Dating Pentateuchal Texts," 91–94.

However, it is less certain that the author(s) belonged to the priestly profession, or at least primarily wrote in a priestly capacity. It is true that in Leviticus the priests are responsible for teaching laws to the other Israelites, but the priests receive these laws from Moses, whose reception of them from YHWH is what makes them authoritative (e.g., 10:11). In the didactic rhetoric of Leviticus, it is Moses, not a priest, who is the paramount human authority and teacher. Moses consecrates the sanctuary and its priests through his ritual officiation (Lev 8; cf. Exod 29, 40),[51] conveys divine commands to the priests (e.g., Lev 6:1–2; 8:31, 35, 36; 9:2, 5–7), and holds them accountable (10:16–18). The priests never issue any commands to Moses. If "priestly writers/tradents" invented Leviticus (esp. Lev 1–16), why would they make their role subordinate to that of a nonpriest and render themselves vulnerable by demystifying their cultic activities through providing the lay community with so much information about them?[52] The present exploration of didactic logic in Leviticus points away from the idea that the composition of the book took place within a strictly priestly scribal matrix during or originally directed toward the postexilic period.[53]

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51. Cf. Exod 40, where Moses sets up the sanctuary.

52. It appears that while prophecy lasted, Israelite priests who invented cultic rules for their own benefit would have been subject to prophetic condemnation, as the sons of Eli were (1 Sam 2:12–17, 27–36; 3:10–14). Classical prophets had no qualms about critiquing priests (Isa 28:7; Jer 2:8; 5:31; 6:13; 23:11; Ezek 22:26; Mic 3:11; Zeph 3:4; Mal 1:6) or exposing prophets who falsely claimed to speak in God's name (e.g., Jer 14:14–15; 23:16–32), but they did not mention priests claiming divine authority for any cultic rule of their own devising, let alone an entire system of such rules.

53. Consideration of implications for "priestly" writings beyond Leviticus must await further investigation.

Structure Is Theology:
The Composition of Leviticus

Moshe Kline

By use of repeated words and inner chiasms, and, above all, by the choice of the center or fulcrum around which the introversion is structured, the ideological thrust of each author is revealed. In a word, structure is theology.[1]

1. Introduction

This essay is about the formal structure of Leviticus in the form of the book that we have today. While it does not directly address historical issues related to documents that preceded its composition, it does present a new direction for approaching many textual problems. The work is based on a project that was mentored by Jacob Milgrom during the latter years of his life, for which I am deeply indebted.[2] The goal of the project was to determine the principles of organization that were employed in the construction of the Torah. A singular discovery led to identification of the structures of each of the five books.

The discovery was that all five books are made up of well-defined literary units that share certain characteristics. Specifically, each unit was built

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1. Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B (New York: Doubleday, 2001), 2129–30.

2. This essay represents, to the best of my knowledge, the last research project that Jacob Milgrom closely supervised. While this version differs substantially from an earlier version (Moshe Kline, "The Literary Structure of Leviticus," *The Biblical Historian: Journal of the Biblical Colloquium West* 2 [2005]: 12–29; republished at: http://chaver.com/Torah-New/English/Articles/The_Literary_Structure_of_Leviticus_(TBH).pdf), the structure of Leviticus presented here is the same as that which Milgrom accepted.

as a table or weave, a two-dimensional, nonlinear construct. This discovery made it possible to identify all eighty-six units of the Torah. They produce a very clear picture of the formal structure of each of the five books. Since the same formatting technique was used throughout the Torah, both on the level of individual literary units and on the level of whole books, it was apparently constructed by a single hand or school, which I will refer to as the "author." The use of the tabular/woven formatting technique was previously identified in the structure of the chapters of the Mishnah, showing that this specific literary form was known and employed until at least the third century CE.[3]

The present essay is divided into nine parts. Following this introduction, the second part begins with an explanation of the characteristics of the literary units and how their discovery led to the discovery of the structure of Leviticus. The third part discusses two sample units from Leviticus, which consist of chapters 1–3 and chapter 27. The fourth section presents a catalogue of all twenty-two units of Leviticus in outline. The fifth part is a close reading of the overall structure of Leviticus. This is followed by the sixth part, which demonstrates how a structural paradigm defined by the six days of creation can be applied to the structure of Leviticus. The seventh section presents an analogical reading of Leviticus that is offered as an alternative to the one developed by Mary Douglas. The eighth part demonstrates how the discovery of the nonlinear literary units of the Torah has revealed the structure of the books of Genesis and Numbers. This section is intended to indicate directions that future research might follow. The concluding (ninth) section summarizes the findings reported in this essay.

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3. See Moshe Kline, "The Literary Structure of the Mishnah: *Erubin* Chapter X," *Alei Sefer* 14 (1987): 5–28. For a full edition of the Mishnah in which each chapter is arranged according to its nonlinear structure, see my "The Structured Mishnah," http://chaver.com/Mishnah-New/Hebrew/Text/Shishah%20Sidrei%20Mishnah.htm. For an introduction to the structuring of chapters of the Mishnah, see Kline, "An Introduction to the Structured Mishnah," http://www.chaver.com/Mishnah-New/English/Articles/Introduction%20to%20the%20Structured%20Mishnah.htm. Much of what is described there regarding chapters of the Mishnah can be applied to the literary units of the Torah as well. The fact that both the Torah and the Mishnah use the same special formatting of units would seem to imply that the author of the Mishnah was in possession of a tradition regarding the literary format of the Torah that he applied to the composition of the Mishnah. *Deo volente*, this hypothesis will be explored in a future study.

2. The Literary Units of Leviticus

Leviticus contains twenty-two well-defined literary units, whereas printed Bibles divide the book into twenty-seven chapters.[4] To avoid confusion, I will refer to my units as "Units" (capitalized) and mark them with Roman numerals. Nearly all of the discrepancies between Unit and chapter divisions in Leviticus are found in the first ten chapters, which reduce to four Units. Unit I includes chapters 1–3, II includes chapters 4–5, III spans chapters 6–7, and IV covers chapters 8–10. The first three Units describe various aspects of the sacrificial system. The fourth contains an extended narrative described by Milgrom as "the inauguration of the cult."[5]

Another place where the division by chapters must be modified is chapter 22. I read this chapter as two Units, consisting of verses 1–25 and 26–33, respectively. This division is based on the subject matter of the two Units. Once we have identified 22:26–33 as a separate Unit, its similarity to chapter 12 becomes apparent. Both consist of just eight verses containing birth, seven days after birth, the eighth day, and sacrifice. The similarity between these two Units will play a significant role in identifying the overall structure. A minor adjustment must be made between chapters 13 and 14. While they remain two literary Units, verses 47–59 at the end of chapter 13 are properly part of the Unit on purification from צרעת (so-called "leprosy") of fabrics (13:47–59), persons (14:1–32), and buildings (14:33–57).

Mary Douglas stated a ground rule for structural analysis: "Everything depends on how clearly the units of structure are identified."[6] She explained the importance of clearly defined units thus: "If the analyst can manage not to take responsibility either for selecting the units of structure, or for the principles of relationship between the units of the text, the analysis of the structure will be more secure. The safeguard is to have some principle of selection that makes the interpretation a work of discovery, not of

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4. For a color-coded edition of the Torah divided into structured literary units, see Moshe Kline, "The Structured Torah," http://www.chaver.com/Torah-New/Hebrew/Text/The%20Five%20Books%20of%20the %20Torah.htm.

5. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 491.

6. Mary Douglas, *In The Wilderness: The Doctrine of Defilement in the Book of Numbers*, rev. ed., JSOTSup 158 (Oxford: Oxford University Press, 2001), preface to the paperback edition, xxiii.

creation."[7] The principle of selection that I have employed to identify the
Units is itself a discovery. Leviticus displays level upon level of organiza-
tion in a "powerfully contrived structure."[8] It is not composed of a single
set of units but rather a set of sets. Each level of organization is based upon
its own set of units. In order to speak about "the structure of Leviticus," we
must have an understanding of several levels of order and the set of units
associated with each level. Once we have established the levels of organiza-
tion, we can apply a form of "literary calculus" to define the most useful set
of parameters for describing the overall structure of Leviticus.

As I have mentioned, on one level Leviticus divides into twenty-two
structurally similar Units. I will refer to the internal organization of these
Units as the microstructures of Leviticus and the arrangement of the Units
together as the macrostructure. The way to apply Douglas's "discovery"
method to Leviticus appeared when I discovered that the macrostructure
employs the same rules of organization as the microstructures. The devel-
opment of a common set of rules for these two levels of structure is the
result of an analytic process that I have playfully termed "literary calculus."
The similarity to mathematical calculus is found in the need to postulate
a smallest quantum, or in textual terms, "the prime pericope." This is the
smallest block of text that is structurally significant. Like a prime number,
it cannot be divided into factors. I will explain now in basic outline just
how these prime pericopes are organized in six levels of ascending com-
plexity. For consistency with later sections of this essay, I refer to some

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7. Ibid., 94; Wilfred Warning attempted to identify a structure based on the pat-
tern of divine speeches. By his own admission, his analysis did not go beyond attempt-
ing to find linguistic patterns: "In making intensive use of one aspect of rhetorical
criticism this dissertation focuses on terminological patterns and is therefore not con-
cerned with conceptual structures" (*Literary Artistry in Leviticus* [Leiden: Brill, 1998],
168). Because of the limits he placed upon his study, he never actually attempted to
identify an overall plan and the function of each separate divine speech within it. For
a discussion of other approaches, see Christophe Nihan, *From Priestly Torah to Penta-
teuch: A Study in the Composition of the Book of Leviticus,* FAT 2/25 (Tübingen: Mohr
Siebeck, 2007), 76–89.

8. "Another possibility again [for explaining the source of Leviticus] is suggested
by the studied elegance and powerfully contrived structure. A literary composition
that is so impressive could suggest that writing a theological treatise was the full
achievement. The skeptical likelihood that the book is a beautiful fantasy, a vision of a
life that never was, hangs heavily over the interpretation" (Mary Douglas, *Leviticus as
Literature* [Oxford: Oxford University Press, 1999], 7).

groups of textual elements as "rows" and "tables." I explain the significance of these terms after I present all six levels of order (figs. 1–3).

Figure 1. Levels of Order

a. Prime Pericope

1

b. Row of Prime Pericopes (dyads or triads)

1	2

or

1	2	3

c. Table of Prime Pericopes: Unit

1	2	3		
4	5	6	=	Unit
7	8	9		
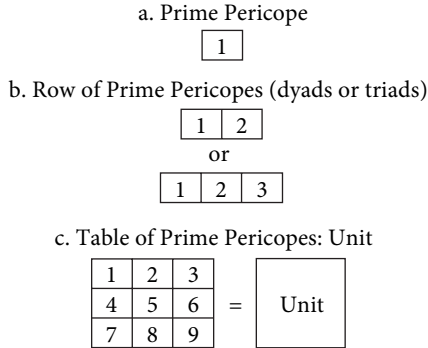
The first three levels of order are illustrated above, beginning with the prime pericope (a). The second level of organization (b) connects two or three prime pericopes in a set, or row. All of the prime pericopes combine with one or two other consecutive pericopes to form either a dyad or a triad. The next level of order (c) combines consecutive rows of pericopes in tables. This is the level that I have termed Units. Each Unit is made up of dyad rows or triad rows. Of the twenty-two Units, only two combine both dyads and triads within the same Unit. The other twenty are all homogenous, eleven containing only triads and nine only dyads. The arrangement of the different types of Units is one of the objective criteria for defining the structure of the book. For example, the first three Units all consist exclusively of triads, while the next three consist exclusively of dyads. This grouping by inner structure is one of the discoveries that made the identification of the overall structure possible. We will now see how the macrostructure, the arrangement of Units, reflects the microstructure, the structure of a single Unit (see fig. 2 on p. 230).

The Units are to the macrostructure as the "prime pericopes" are to the microstructure. Just as the prime pericopes (a) of the microstructure form rows (b), so also do the Units (c) combine to form rows of Units (d) in the macrostructure. One difference between the rows of consecutive prime pericopes (b) and the rows of consecutive Units (d) is that the Unit rows are all triads, while the pericope rows are divided between triads and dyads. For clarity, I will refer to the Unit rows as Unit-triads. The Unit-

Figure 2. Macrostructure Reflects Microstructure

c. Unit

Unit

d. Row of Units

U1	U2	U3

e. Table of Units

U1	U2	U3
U4	U5	U6
U7	U8	U9
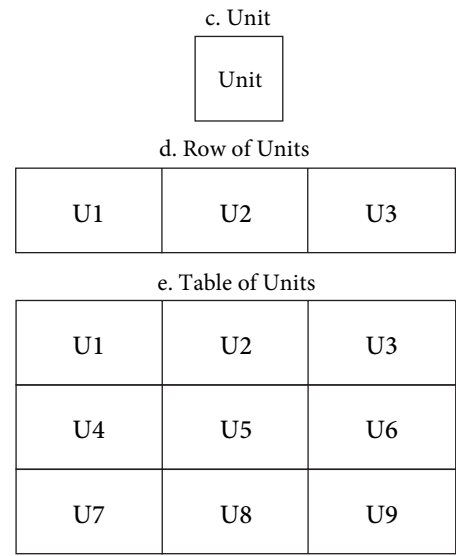
triad (d) combines with two more Unit-triads to create a table of Unit-triads containing three Unit-triads (e).

We can now see that the organization of the macrostructure in levels c–e precisely reflects the organization of the microstructure in levels a–c. There is one more level of order (f) to take into account in order to grasp the overall plan of Leviticus. The largest structure in the book is based on two tables of nine Units each. The two tables form an introversion around chapter 19, as the following diagram (fig. 3) illustrates:

Figure 3. Leviticus's Structure: Introversion around Leviticus 19

f. The Nineteen-Unit Introversion

	U1	U2	U3
Table 1	U4	U5	U6
	U7	U8	U9
	Chapter 19		
	$U9_1$	$U8_1$	$U7_1$
Table 2	$U6_1$	$U5_1$	$U4_1$
	$U3_1$	$U2_1$	$U1_1$
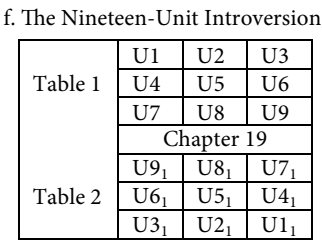
This structure accounts for nineteen of the twenty-two Units in Leviticus. The three remaining Units are not part of the introversion. Interest-

ingly, the three "superfluous" Units all deal exclusively with impurities. It is as if the author is saying that the symmetrical structure is pure and that the asymmetry created by the addition of the Units on impurities makes the structure itself impure. The reader, like the priest, must remove the impure from the camp (structure) in order to maintain its purity. I develop this point below when discussing my analogical reading of Leviticus.

We have now completed the preliminary survey of the six levels of order that were utilized to create the structure of Leviticus. Each prime pericope combines with other prime pericopes to form five additional levels of order (b–f). Each level of order creates a new context within which a given prime pericope must be understood. It follows that the author formulated and honed each prime pericope to function within multiple structural contexts. Any given term within the prime pericope can serve to connect it with other prime pericopes on any of the levels of order. Multiple levels of organization create multiple contexts. Douglas was quite accurate in describing Leviticus as having a "powerfully contrived structure."[9]

There are two more structural contexts in the tables of levels (c) and (e). The Units of the microstructure (c) and the tables of the macrostructure (e) share a formal similarity; they can both be read as tables (fig. 4).

Figure 4. Tables in Microstructure and Macrostructure

	L ↓	M ↓	R ↓
A →	A L (1)	A M (2)	A R (3)
B →	B L (4)	B M (5)	B R (6)
C →	C L (7)	C M (8)	C R (9)

The rows of the above table represent consecutive blocks of text (as indicated by the numbers in parentheses) and are marked by consecutive letters, A–C. The columns are marked as L(eft) M(iddle) and R(ight). When the text is arranged in this format, consistencies appear in the columns as well as in the rows. The content of each prime pericope in a Unit (c), as well as the content of each Unit in a table of Units (e), is a function of the intersection of two planning lines, its row and column. The compound labels, such as AL, indicate that the specific element, prime peri-

9. Douglas, *Leviticus as Literature*, 7.

cope or Unit, is a compound composed of the "A" concept, which includes AL, AM and AR, and the "L" concept, which includes AL, BL and CL. In this manner, the tables can be seen as "conceptual space," Cartesian coordinate systems in which each point (element of a table) is a function of the intersection of two concepts, its column and row.

The columns of the Units (c) and the columns of the tables of Units (e) create two more structural contexts. This brings the total number of structural contexts to seven: levels (b)–(f) plus the columns of the two levels of tables. Note that the rows of the Units and the rows of the tables have been previously identified as levels (b) and (d). A full analysis of the structure of Leviticus should include a reading of each of the twenty-two Units as a table. However, due to constraints of space, I discuss in detail only the inversion of level (f). I show that it can be read as three concentric chiasms or rings, focused on chapter 19. Each ring is associated with an area of the tabernacle: the outer ring with the court, the middle ring with the sanctum, and the inner ring with the inner sanctum. Chapter 19, at the center, is associated with the ark of the covenant, thereby explaining the appearance of elements of the Decalogue within it. Before that discussion, I demonstrate in the next section the tabular characteristics of two Units, followed by a catalogue of all twenty-two Units, in which the structure of each is outlined.

3. Structures of Sample Units in Leviticus

> Bible students have to choose between accepting the muddle made by imposing a Western linear reading upon an archaic text, or trying to read the book through its own literary conventions. [10]

The two sample Units discussed here are I (Lev 1–3) and XXII (Lev 27), which begin and end the book of Leviticus. The first has been identified as a tabular construct by Didier Luciani.[11] Milgrom points out that several scholars have noted that these two Units are complementary:

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10. Ibid., 51.

11. Didier Luciani, "Structure et Théologie en Lv 1,1–3,17," in *The Books of Leviticus and Numbers,* ed. Thomas Römer, BETL 215 (Leuven: Peeters, 2008), 319–27. He notes that the three classes of offerings are ordered according to decreasing degrees of holiness.

"The Book of Leviticus concludes, as it opened, with a chapter of Sanctuary regulations—voluntary contributions to the upkeep of the sanctuary" (Hertz 1941: 2.547). Chapter 27 is "the latch.… (it) locks on to the beginning by speaking both of things consecrated and things belonging to YHWH" (Douglas 1993a: 10).[12]

3.1. Unit I (Lev 1–3)

Unit I consists of Lev 1–3. All three chapters prescribe spontaneously motivated private offerings: burnt, cereal, and well-being. Each is represented by a row in figure 5 (below), and each row is subdivided into three parts shown in three columns.

Figure 5. The Structure of Unit I (Lev 1–3)

Value

	L Most Valuable	M Middle	R Least Valuable
1 The burnt offering (entirely for the altar)	1L 1:1–9 From the herd	1M 1:10–13 From the flock	1R 1:14–17 Birds
2 The cereal offering (primarily for the priest)	2L 2:1–3 Pure semolina flour	2M 2:4–13 Cooked	2R 2:14–16 Raw grain
3 The well-being offering (primarily for the devotee)	3L 3:1–5 From the herd	3M 3:6–11 From the flock	3R 3:12–17 Goat

Holiness

All Units contain two levels of subdivision, which were noted in figure 1 as prime pericope (a) and row (b). Here in figure 5, the rows are labeled

_____

12. Jacob Milgrom, *Leviticus 23–27*, 2409.

1–3.[13] Each row contains a single category of offering: 1, burnt; 2, cereal; and 3, well-being. Each of these categories is divided into three components, prime pericopes, which are ordered according to their value from the most valuable to the least. This last point is what leads to the coherence of the columns: L contains the most valuable offerings, R the least, and M the middle value. The rows are also ordered. The top row contains the burnt offering that is entirely for the altar, that is, for God. The bottom row contains the well-being offering that is primarily for the offerer/devotee. In the middle is the cereal offering that is primarily for the priest.

The result of arranging the offerings in this manner is the creation of a visual presentation. The "heavenly" is above, the "earthly" is below, and the priest is in the middle mediating between them. The well-known "hook" connecting 3:1 (ואם זבח שלמים קרבנו, "If his offering is a sacrifice of well-being") to 1:2 (אדם כי יקריב מכם מהבהמה, "When any person among you presents an offering of livestock"), thus skipping chapter 2, is explained by this visualization.[14] The role of the priest in Lev 2 is merely to mediate between the two substantial (meaty!) realms: the heavenly above and the earthly below. This hierarchical arrangement from heavenly to earthly establishes a paradigm that is extensively employed in Leviticus.[15]

Unit I reflects two independent principles of organization: value (in the columns) and a hierarchy of holiness (in the rows). These are the axes of the previously mentioned coordinate system that determines the contents of each prime pericope in this Unit. They give us insight into the concepts with which the author was working when constructing the Unit. They also present a methodology for interpreting Units as authored compositions. In order to "understand" a Unit, the reader must reconstruct the superstructure, like that which I have suggested surrounding the outlined text within the double border of the table above.

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13. By coincidence, each of the three rows of Unit I is a whole chapter, and its chapter number coincides with the row number.

14. In this essay, all translations of verses in Leviticus are from Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1268–1315.

15. Below I will demonstrate that the Unit-triads can be deciphered using this paradigm. The extreme Units can be described as "God-oriented" and "people-oriented." The middle Unit connects these poles.

3.2. Unit XXII (Lev 27)

The overall content of XXII (Lev 27) is similar to that of I (Lev 1–3); both contain offerings. The link between the Units is amplified by the use of the term "for (or to) YHWH" over thirty times in the two Units. Yet another similarity comes to light when XXII (Lev 27) is arranged in tabular/woven format according to its structure (see fig. 6 on p. 236).

Unit XXII, like Unit I, is organized according to valuation (in the columns) and degrees of sanctity (in the rows). In order to clarify this point, let us note how the author has indicated the proper alignment of the parts of the Unit. It begins with three offerings that mention priestly assessment: 1L, 1M and 1R. These three cases are then matched with three double cases: 2LA and 2LB; 2MA and 2MB; 2RA and 2RB. Each of the doublets is identified as such by the opening words of its two parts. In 2L they both begin "If a man consecrates a field"; in 2M both begin with אך ("but") and in 2R with וכל מעשר ("and all tithe"). Once they are aligned according to the nonlinear format of the table/weave, other aspects of composition appear. All three cases in column L refer to the shekel. Its significance as a fixed value is emphasized by its definition at the end of the column: "being twenty gerahs." In column M, all cases include quadrupeds. In column R, all three contain קדש ליהוה ("holy to YHWH"). Furthermore, there is a fixed distinction between the A and B parts of row 2. All the cases in A allow for redemption, while none of those in B do.

Once the structure of the Unit has been identified, its two axes, the organizing principles embedded in the columns and rows, become accessible. The columns, as in Unit I (Lev 1–3), are ordered according to value. However, it is not simply relative value, as in Unit I, but types of value. Column L is concerned with the set shekel value of the object. In all the cases presented in column R, the value of the object, the house, or the tithe is a function of the wealth of the owner. Column M deals with quadrupeds that have inherent value as potential sacrifices unless they are impure. So the valuation criteria of XXII (Lev 27) are: fixed (L), inherent (M), and relative (R).

The other axis, that which is found in the rows, appears to be based on the manner by which an object may be redeemed or desanctified, as opposed to the rows of Unit I (Lev 1–3), which are organized by degrees of sanctity. In row 1, the desanctification may require a professional evaluation. In row 2, there is no such evaluation, although there may be a simple calculation, as in 27:23. There is a fixed distinction between 2A and 2B.

Figure 6. The Structure of Unit XXII (Lev 27)

	Value		
	Fixed Value **Sanctuary Weights**	**Intrinsic Value** **Animals**	**Relative Value** **Personal Wealth**
Priest Shall Assess	**1L** [1]YHWH spoke to Moses, saying: [2]Speak to the Israelites and say to them: When a person makes an extraordinary vow to YHWH concerning the (fixed) valuation of a human being, [3]these shall be the valuations: If it is a male from twenty to sixty years of age, the valuation is fifty *shekels* of silver by the sanctuary weight… [8]But if he is too poor (to pay) an valuation, he shall be presented before the priest, and **the priest shall assess him**; the priest shall assess him according to what the vower can afford.	**1M** [9]If [the vow concerns] any quadruped that may be brought as an offering to YHWH, any such that may be dedicated to YHWH shall be holy. [10]One may not exchange it or substitute it ….[11]If [the vow concerns] any impure quadruped which may not be brought as an offering to YHWH, the quadruped shall be presented before the priest, [12]and **the priest shall assess it**…	**1R** [14]If a man consecrates his house to YHWH, **the priest shall assess it**. …
Redeemable	**2LA** [16]**If a man consecrates to YHWH any part of his tenured field**; its valuation shall be according to its seed requirement: fifty *shekels* of silver to a homer of barley seed… [19]and if he who consecrated the field wishes to redeem it, he must add one-fifth to the sum at which it was assessed, and it shall pass to him . . .	**2MA** [26]**However**, a firstling of quadrupeds—designated as a firstling to YHWH—cannot be consecrated by anyone; whether bovine or ovine, it is YHWH's. [27]But if it is of impure quadrupeds, it may be ransomed at its valuation, with one-fifth added; if it is not redeemed, it may be sold at its valuation.	**2RA** [30]**All tithes** from the land, whether seed from the ground or fruit from the tree, are YHWH's; they are holy to YHWH. [31]If a man wishes to redeem any of his tithes, he must add one-fifth to them.
Nonredeemable	**2LB** [22]**If he consecrates to YHWH a field that he purchased**, which is not of his tenured field, [23]the priest shall compute for him the proportionate valuation up to the jubilee year, and he shall pay the valuation as of that day, a sacred donation to YHWH. [24]In the jubilee year the field shall revert to him from whom it was bought, to whom the tenured land belongs. [25]All valuations shall be by sanctuary weight, the *shekel* being twenty gerahs.	**2MB** [28]**However**, anything a man proscribes to YHWH of what he owns, be it persons, quadrupeds, or his tenured land, may not be sold or redeemed; every proscribed thing is totally consecrated to YHWH. [29]No human being who has been proscribed can be ransomed: He must be put to death.	**2RB** [32]**All tithes** of the herd or flock—of all that passes under the shepherd's staff, every tenth one—shall be holy to YHWH. [33]He must not seek out the healthy as against the emaciated and substitute (the latter) for it (the former). If he does provide a substitute for it, then it and its substitute shall be holy: they cannot be redeemed…

Left margin labels: Desanctification

In 2A the redemption requires the payment of a 25 percent fine, while redemption is not possible at all in 2B. So the A and B components of row 2 indicate that the author actually organized the rows according to three criteria: assessment, redemption by fine, and nonredemption.

The vertical format of Unit XXII (Lev 27) can be described as "two rows that are read as three." This format, like the rows of Unit I (Lev 1–3), also serves as a pattern for interpreting the structure of Leviticus. Its appropriateness can be clarified by noting its similarity to the structure of the tabernacle compound. On the one hand, the compound is divided into two parts: the court and the tent. On the other hand, the tent is divided into two parts, sanctum and inner sanctum. Therefore we can speak of the tabernacle compound as having three functional parts and thus fitting the pattern of "two that are three." This pattern, like the three-part holiness paradigm in Unit I (Lev 1–3), plays a part in deciphering the overall structure of the book.

4. The Twenty-Two Units in Leviticus

Figure 7. The Complete Structure of Leviticus

A	B	C	D	E	F	G	H
I 1–3	IV 8–10	VII 13:1–46	X 16		XIV 20	XVII 22:26–33	XX 25
II 4–5	V 11	VII 13:47–14:57	XI 17	XIII 19	XV 21	XVIII 23	XXI 26
III 6–7	VI 12	IX 15	XII 18		XVI 22:1–25	XIX 24	XXII 27

The table above (fig. 7) shows the complete structure of Leviticus, which is formed by eight structural elements, A–H, of which seven are Unit-triads (sets of three connected Units) and the eighth (E = Lev 19) is a single Unit. This table can be used as a reference for the following catalogue of Units. We will turn to the structural connections between the Units after first cataloguing in outline all twenty-two of them. The catalogue consists of a structural outline of each of the twenty-two Units, indicating the verses of each prime pericope, a brief heading to each Unit, and with short descrip-

tions of each pericope row. I have tried to follow Milgrom's section head-ings as they appear in his translation as far as possible.

For consistency with the subsequent sections, the Units are arranged in the catalogue marked according to structural elements A–H. I will explain in detail in the next section how the Unit-triads are identified but have also provided headings for them in the catalogue. The headings reflect the fact that the Unit-triads are identified in two different ways. Unit-triads A, C, and H are identified by the similarity of the contents of the Units within each of them. Unit-triads B, D, F and G are identified as two pairs of Unit-triads. Unit-triads B and D are paired as well as E and F. The reason for identifying these Unit-triads in pairs is that their Units contain similar or complementary material, as indicated in the following table (fig. 8). These similarities will be explored in detail in the discussion following the catalogue.

Figure 8. The Paired Unit-Triads

B	IV (8–10) Death in Tabernacle	V (11) Edible Animals	VI (12) Birth
D	X (16) Potential Death in Tabernacle	XI (17) Slaughter for Meat	XII (18) Intercourse

E	XIV (20) Intercourse	XV (21)	XVI (22:1–25) Potential Death for Desecration
	XVII (22:26–33) Birth	XVIII (23)	XIX (24) Death for Blasphemy
F			

In paired Unit-triads B and D, Units IV and X have in common death in the tabernacle; V and XI deal with edible meat; VI and XII relate to intercourse and birth. Paired Unit-triads E and F have intercourse and birth in XIV and XVII, as well as death for desecration and blasphemy in XVI and XIX. The repetition of the themes of birth and death, which con-nect Units in both pairs of Unit-triads—B and D, as well as E and F—indi-cate that an extensive chiasm connects all four Unit-triads. This chiastic relationship between Unit-triads will be extensively explored following the catalogue (fig. 9).

Figure 9. Catalogue of the Twenty-Two Units in Leviticus

Unit-Triad A: The Sacrificial System (all pericope rows triads)

I (1–3) Three Spontaneously Motivated Private Sacrifices

1:1–9	1:10–13	1:14–17	burnt offering, entirely for the altar
2:1–3	2:4–13	2:14–16	cereal offering, primarily for the priest
3:1–5	3:6–11	3:12–17	well-being offering, primarily for the devotee

II (4–5) Sacrifices Required for Expiation

4:1–21	4:22–26	4:27–35	purification offering, classified by sinners
5:1–6	5:7–10	5:11–13	graduated purification offering, classified by object offered
5:14–16	5:17–19	5:20–26	reparation offering, classified by sins

III (6–7) Administrative Order

6:1–6	6:7–11	6:12–16	priestly offerings
6:17–23	7:1–6	7:7–10	offerings of expiation
7:11–21	7:22–27	7:28–38	well-being offering

Unit-Triad B: Pairs with Unit-Triad D (all pericope rows dyads)

IV (8–10) Inauguration of the Cult and Aftermath

8:1–36	9:1–24	consecration and inaugural service
10:1–11	10:12–20	aftermath

V (11) Diet Laws

11:1–23	11:24–40	animals
11:41–42	11:43–47	[insects]

VI (12) Childbirth

12:1–4	12:5	length of impurity
12:6–7	12:8	purification

Unit-Triad C: Impurities and Purification

VII (13:1–46) [Impurity from] Scale Disease

13:1–8	13:9–17	"When a person has … it shall be reported"
13:18–23	13:24–28	"The skin of one's body"
13:29–37	13:38–39	"If a man or a woman"
13:40–44	13:45–46	"person stricken with scale disease"

VIII (13:47–14:57) Purification

13:47–50	13:51–55	13:56–59	fabrics
14:1–9	14:10–20	14:21–32	people
14:33–38	14:39–47	14:48–57	buildings

IX (15) Genital Discharges

15:1–15	15:16–18	male
15:19–24	15:25–33	female

Unit-Triad D: Pairs with Unit-Triad B (all pericope rows triads)

X (16) Day of Purgation

16:1–2	16:3–22	16:23–28	the ritual
16:29–32	16:32–33	16:34	the date

XI (17) The Slaughter and Consumption of Meat

17:1–7	17:8–9	17:10–12	sacrificial
17:13–14a	17:14b	17:15–16	nonsacrificial

XII (18) Illicit Sexual Practices

18:1–2	18:3–4	18:5	opening exhortation
18:6–16	18:17–21	18:22–23	the prohibitions
18:24–25	18:26–29	18:30	closing exhortation

Focal Unit E[16]

XIII (19) Holiness

19:1–2 19: 3 19:4 19:5–10	19:11–12 19:13–14 19:15–16 19:17–19a	
19:19b	19:20–22	19:23–25
19:26–27 19:28–30 19:31	19:32 19:33–34 19:35–37	

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16. For an extensive analysis of this Unit, see Moshe Kline, "'The Editor Was Nodding': A Reading of Leviticus 19 in Memory of Mary Douglas," *Journal of Hebrew Scriptures* 8 (2008): article 17: http://www.jhsonline.org/Articles/article_94.

This Unit has a unique structure that mirrors the structure of the whole book. It is divided into two blocks of four pairs and three pairs, respectively, by a unique triad (19:19b–25). This mirrors the division of the book into seven Unit-triads, divided into blocks of four Unit-triads (A–D) and three Unit-triads (E–G) by the unique Unit XIII.

Unit-Triad F: Pairs with Unit-Triad G (all pericope rows triads)

XIV (20) Penalties for Molech Worship, Necromancy, and Sexual Offenses

20:1–5	20:6–8	20:9	opening exhortation including penalties for Molech worship and necromancy
20:10–12	20:13–16	20:17–21	penalties for sexual offenses
20:22–24	20:25–26	20:27	closing exhortation

XV (21) Instructions for the Priests

21:1–6	21:7–8	21:9	all priests
21:10–12	21:13–15	21:16–24	the high priest

XVI (22:1–25) Sanctified Objects

22:1–2	22:3	22:4–8	people sanctify
22:9	22:10–16	22:17–25	God sanctifies

Unit-Triad G: Pairs with Unit-Triad F (all pericope rows dyads)

XVII (22:26–33) Animal Birth

22:26–27	22:28–30	animal birth
22:31	22:32–33	closing exhortation

XVIII (23) The Holiday Calendar

23:1–3	23:4–8	seven days
23:9–14	23:15–22	first barley and wheat offerings
23:23–25	23:26–32	alarm blasts and purgation
23:33–38	23:39–44	the Festival of Booths

XIX (24) Tabernacle Oil and Bread; The Case of Blasphemy

24:1–4	24:5–9	oil and bread: the permanent display in the tent of meeting
24:10–12	24:13–23	the case of the blasphemer and talion laws

Unit-Triad H: Redemption

XX (25) Jubilee

25:1–7	25:8–17	25:18–24	the land
25:25–28		25:29–34	property
25:35–38	25:39–46	25:47–55	persons

XXI (26) Blessings, Curses, and the Recall of the Covenant

26:1	26:2	Israel's commitment to God
26:3–13	26:14–41	interaction between God and Israel, blessings and curses
26:42–44	26:45–46	God's commitment to redeem Israel

XXII (27) Consecrations and their Redemption

27:1–8	27:9–13	27:14–15	requiring priestly judgment
27:16–25	27:26–29	27:30–34	not requiring priestly judgment

The sizes of pericope rows (b) used in the Unit-triads create a recurring pattern. Unit-triad A contains only triads in its pericope rows, Unit-triad B contains only dyad pericope rows, and Unit-triad C contains both dyad and triad pericope rows. This pattern is repeated in Unit-triads F–H: F contains only triads, G only dyads, and H both types of pericope rows.

5. The Overall Structure of Leviticus

> PLANS without number of the various books both of the Old and New Testament are already before the public. Had they seemed to answer the purpose of developing any thing like regularity in the Sacred Writings, it is possible that the present work would never have appeared. But it is one thing to make a plan for parts of the Scriptures, and another to point out the plan which actually prevails in them. Plans and analyses may be regular in themselves, but little is gained by this. The Sacred Writings, I believe, with all the plans that have been published, are still regarded and read by many as irregular compositions; while those readers, even, who view them in a different light, would find it no easy task to point out wherein their regularity consists.[17]

Mary Douglas maintained that the structure of Leviticus reflects the structure of the desert tabernacle. She saw the book divided into three

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17. Thomas Boys, *Tactica Sacra*, 1824

consecutive parts analogous to the court, the sanctum, and the inner sanctum.[18]

I agree that the structure of Leviticus is related to the structure of the tabernacle but do not agree with Douglas's divisions. I will show that Leviticus contains three concentric "rings" of Units centered on Lev 19. It is possible to see the rings as parallel to the court, the sanctum, and the inner sanctum. The reading of Leviticus would then be analogous to the movements of the high priest on the Day of Atonement, progressing from the court to the sanctum and inner sanctum, then returning to the court by way of the sanctum. According to this reading, Lev 19, with its command to be godlike in holiness, is analogous to the ark, explaining the multiple references to the Decalogue in this chapter. Furthermore, the sixteen first-person revelations, "I am the Lord," mark the parallel to God's revelation to Moses from between the cherubim on the ark (Exod 25:22).

5.1. The Components

As shown above in figure 9, Leviticus contains twenty-two Units, all but one of which combine into seven Unit-triads. If one removes Unit-triad C, for reasons explained below, then each of the first three Unit-triads will pair with one of the last three Unit-triads to create a concentric structure, as displayed in the following table (fig. 10). Here the remaining six Unit-triads form three concentric pairs that have been marked O(uter), M(iddle) and I(nner), with subscripts used to note their Unit-triads.

Figure 10: The Concentric Structure of Leviticus

A	B	D	E	F	G	H
O_1	M_1	I_1	Fulcrum	I_2	M_2	O_2
I	IV	X		XIV	XVII	XX
1–3	8–10	16		20	22:26–33	25
II	V	XI	XIII	XV	XVIII	XXI
4–5	11	17	19	21	23	26
III	VI	XII		XVI	XIX	XXII
6–7	12	18		22:1–25	24	27

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18. Douglas, *Leviticus as Literature*, esp. chs. 10–12.

With reference to these chiastic pairs of triads, I will adapt the term "ring" as used by Douglas and, following her, Milgrom.[19] While they could also be described as concentric chiastic structures, it would be cumbersome to repeatedly use this phrase when "ring" can serve the same end. Also, the fact that the rings are concentric indicates that we are dealing with a phenomenon that has a visual component, which is more aptly described by "rings" than "concentric chiasms." I will first describe the characteristics of the symmetrical structure achieved by (temporarily) removing Unit-triad C and later will address the function of C within the book.

5.2. Identifying Rings

Each of the three rings is composed of two Unit-triads. The Outer ring consists of A and H, the middle ring B and G, and the inner ring D and F. Each ring has a common characteristic that appears in five of its six Units. The Units lacking the common element of each ring (II [Lev 4–5], V [Lev 11] and XI [Lev 17]) are found in the identical position within each ring, the middle of the first Unit-triad. Each ring has a different way of indicating its common characteristic. In the outer ring, it is the mention of a place where God spoke to Moses: the tent of meeting (I [Lev 1–3]) or Mount Sinai (III [Lev 6–7], XX [Lev 25], XXI [Lev 26] and XXII [Lev 27]). All five mentions of such a place are at the "outside" of their respective Units, either at the beginning (I [Lev 1–3] and XX [Lev 25]) or at the end (III [Lev 6–7], XXI [Lev 26] and XXII [Lev 27]) and can be read as prologues or epilogues to the Units.

Figure 11: Places of Revelation in Ring O

O_1	O_2
I 1–3 YHWH summoned Moses and spoke to him from the tent of meeting (1:1)	XX 25 YHWH spoke to Moses on Mount Sinai (25:1)
II 4–5 Anomalous—No mention of a place where God speaks to Moses	XXI 26 These are the laws … on Mount Sinai through Moses (26:46)
III 6–7 This is the ritual … that YHWH commanded Moses on Mount Sinai (7:37 –38)	XXII 27 These are the commandments that YHWH commanded Moses … on Mount Sinai (27:34)

19. Douglas, *Leviticus as Literature*, 50; Milgrom, *Leviticus 17–22,* 1364.

5.3. The Conceptual Middle

Before identifying the common characteristic of the middle ring, I will address the inner ring. The reason for this is didactic and in keeping with the Torah's own rhetoric or logic. We saw that Unit I (Lev 1–3) was organized according to a visual key, with the conceptual middle, the priest, in the textual middle. While this may not seem remarkable at first glance, it runs counter to our normal oral/aural patterns of thought. When expressing a triad containing two poles and a middle, we generally enunciate them in the order "thesis, antithesis and synthesis" because we need to grasp the poles in order to understand the synthesis. The Torah, however, is organized visually, with the middle in the middle: thesis, synthesis, and antithesis. This is true of all the Unit-triads, as well as in triads within Units. It is also true of the three rings of Leviticus.

The middle ring is, in some respects, a conceptual middle between the outer and inner rings. This is expressed through the rhetorical devices used to identify the rings, as well as in the order of the anomalous Units. Logically, therefore, it is desirable to see rings O and I as opposites before seeing how M integrates the opposites.

Ring I does not contain an obvious rhetorical device like that of O. The common characteristic found in five of its Units is based on laws dependent on, or referring to, relatives mentioned in them. These many and varied relations are summarized in the following table (fig. 12):

Figure 12. Familial Terms Mentioned in Ring I

I_1	I_2
X 16 sons, brother, household (3x), father	XIV 20 sons, progeny (3x), family, father (6x), mother (5x), wife (2x), daughter-in-law, half-sister (2x), aunt (3x), uncle, sister-in-law
XI 17 anomalous	XV 21 sons (3x), mother (2x), father (3x), daughter (2x), sister (2x), brother, husband, wife, widow, divorcee, progeny (3x)

XII	XVI
18	22:1–25
relative, father (9x), mother (5x), sister (4x), wife (4x), granddaughter, son (2x), half-sister, paternal aunt, maternal aunt, uncle, daughter-in-law, sister-in-law	sons (2x), progeny (3x), child, daughter (2x), father (2x)

The number of familial terms in the five Units of ring I that contain them range from six in X (Lev 16) to over thirty in XII (Lev 18)! The whole gamut of family relations is covered and is part and parcel of these Units, contributing to the theme that identifies the ring, family, or person. In other words, the ring is identified by the substance of the Units, rather than by a rhetorical device appearing as a prologue or epilogue, as in ring O.

It is now possible to understand the character of ring M as a conceptual middle (fig. 13):

Figure 13. Seven and Eight Days in Ring M

M₁	M₂
IV	XVII
8–10	22:26–33
your ordination will require seven days. … On the eighth day (8:33–9:1)	it shall remain seven days with its mother, and from the eighth day (22:27)
V	XVIII
11	23
anomalous	celebrate the pilgrimage festival of YHWH seven days.… on the eighth day (23:39)
VI	XIX
12	24
she shall be impure for seven days.… On the eighth day (12:2–3)	Every Sabbath day it shall be set up…, and they shall eat it (on the eighth day) (24:8–9)

Units IV (Lev 8–10), VI (Lev 12), XVII (22:26–33), and XVIII (Lev 23) all contain the phrase "seven days … and the eighth day." Unit XIX (Lev 24) does not have this expression but describes the bread on the table in the tabernacle that is displayed for seven days and is eaten on the eighth

day. So the middle ring is like the outer ring in that four of its Units contain a repeating expression, and a fifth Unit fits the pattern established by the other four. However, ring M is also like ring I because the identifying characteristic is part of the substance of the laws and not merely a rhetorical device. The subjects established by the identifiers of each ring are: place (O), time (M), and person (I).[20]

It appears that the author constructed rings O, M, and I in a manner that reflects their relative positions by means of the characteristic chosen to identify each ring. The outer ring uses a rhetorical device "outside" the body of the Units in prologues and epilogues. The inner ring is identified by the plethora of familial terms within it. The middle ring is identified by a single repeating phrase, like O, that is part of its content, like I.

The observation that the rings were constructed concentrically and ordered from outside to inside is reinforced by the pattern that appears across the three anomalous Units. All three Units contain animals. Unit II (Lev 4–5) in the outer ring presents animals as the means for expiation from sin. In the middle ring, Unit V (Lev 11) has two subjects: animals as food and as sources of ritual impurity. Unit XI (Lev 17), the inner ring, focuses on blood as the life force (נפש) of animals. The Unit of the outer ring connects animals to something extrinsic to them: expiation. The Unit of the inner ring is concerned with what is intrinsic to an animal: its blood. The Unit of the middle ring combines aspects of both adjacent rings. Like the outer ring, it connects animals with something extrinsic to them: ritual purity. Like the inner ring, it is concerned with the animal per se: whether it splits its hoof and so on. So the subjects are appropriate to the locations of the Units: outside, middle, and inside.

The rings are related to the pattern of the tabernacle, but not just by relative positioning: court, outside, and the like. The author has associated each ring with its parallel part of the tabernacle by means of the first Unit of each ring: I (Lev 1–3), IV (Lev 8–10), and X (Lev 16). Unit I (Lev 1–3), prescribing freewill offerings, is associated with the altar in the court, outside the tent. In Unit IV (Lev 8–10), the first Unit of M, Aaron and Moses

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20. Interestingly, these three subjects are foundational organizing principles in later Jewish thought. The six orders of the Mishnah are divided into two related to time (מועד and זרעים), two to persons (נשים and נזיקין), and two related to a holy place, the temple (קדשים and טהרות). Similarly, ספר יצירה (Sefer Yetzirah) presents them as the primary "dimensions" in terms of שנה ("year" for time), נפש ("person"), and עולם ("world" for space). Both of these works are based on ancient oral traditions.

enter the sanctum, in the middle, for the first time. Unit X (Lev 16), the first Unit of I, details the high priest's entrance into the inner sanctum on the Day of Atonement. Thus the rings are marked as being connected to the parts of the tabernacle according to their order: O the court; M the sanctum; and I the inner sanctum. This last point will help in the construction of an analogical reading of Leviticus. First, however, we will examine details of the construction of each ring.

Three major points have been established thus far about the structure of Leviticus: (1) the book contains three concentric rings of text; (2) the position of each ring is verified by two devices: the use of different types of repeating phrases to identify the rings and the different uses of animals in the three anomalous Units; and (3) each ring is associated with a specific part of the tabernacle, appropriate to its position.

Three more principles of order will be demonstrated in the following paragraphs. First, the six Units of each ring display a pattern identifiable in the six days of creation. Second each of the six Unit-triads is ordered according to the holiness hierarchy noted in Unit I (Lev 1–3). Third, the two Unit-triads of each ring are chiastic.

6. Creation Paradigm in Leviticus

The days of creation in Gen 1 form a pattern that is similar to a pattern observable in each of the three rings of Leviticus. The six days can be divided into two consecutive groups of three days each, which differ from each other in several ways. The distinctions between these two sets of three days shed light on the relationships between the two Unit-triads in each ring of Leviticus. In Gen 1, the first group consists of singular, named, immobile creations: light, sky, and earth. Each of these is associated with separation: light from darkness, above from below, and water from dry land. The second group consists of classes of moving objects that were not named by God, as were "day," "sky," and "earth," in the first three days: day four—sun, moon, and stars; day five—fish, birds and amphibians; day six—terrestrial life. So these two triads of days embody fundamental pairs of concepts: one and many, immobile and mobile, named and unnamed.[21]

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21. Leo Strauss, "On the Interpretation of Genesis," in *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought*, ed. Kenneth Hart Green (Albany, NY: State University of New York Press, 1997), 359–75; repr. from *L'homme: Revue française d'anthropologie* 21 (1981): 5–36.

Commentators in all periods have noted that the creative activities of days 1–3 are paralleled by the creations of days 4–6: the lights of day 4 parallel the light of day 1; the fish and birds of day 5 parallel the sky and water of day 2; the terrestrial creations of day 6 live on the earth and feed on the plants created on day 3.[22] The full import of these parallels becomes clearer when the days are arranged in a table (fig. 14).

Figure 14. The Six Days of Creation

	L(eft) separation divinely named singular entities immobile	R(ight) connection unnamed classes mobile
A Celestial – Transcendent	1-LA light 1:3–5	4-RA lights 1:14–19
B Middle – Between Separating/Con- necting	2-LB sky (separating waters above from waters below) 1:6–8	5-RB sky/air and water creatures and amphibians (connectors) 1:20–23
C Terrestrial – Immanent	3-LC land plants 1:9–13	6-RC land creatures that feed on plants 1:24–31

The six days of creation are numbered 1–6 in the table. Column L contains days 1–3 and column R contains days 4–6. When these two groups are placed side by side, a picture emerges in the rows (A–C). It is a picture of a three-tiered reality. The upper luminescent level (A), consisting of days 1 and 4, can be considered transcendent, since it is beyond reach. The lower level (C), consisting of days 3 and 6, is literally mundane and imma-nent. The middle level (B), containing days 2 and 5, demonstrates two dif-ferent middles, a separator and a connector. Day 2 is described by the text as a separator between above and below, while the creative activities of day 5 connect above and below. The rows weave a philosophical picture of

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22. See, for example, Midrash Genesis Rabbah 11:9; Umberto Cassuto, *A Com-mentary on the Book of Genesis* (Jerusalem: Magnes, 1996), 7.

reality based on three visual levels: above, middle, and below, which can be interpreted as transcendent, immanent, and what is "between," which both separates and connects. The vertical visual orientation with reference to what is above versus below verifies the proper arrangement of the days in the table. This visualization is directly parallel to the three-tiered holiness visualization of Unit I in Leviticus (see §3.1).

Each six-Unit ring of Leviticus can be read as an iteration of the six-day creation paradigm shown in figure 14. The two Unit-triads of each ring are like the columns of the creation paradigm, distinguished by a dyad similar to "one and many." The three Units of the first Unit-triad in the ring are paired with the three Units of the second Unit-triad of the ring in a structure similar to the three-tiered hierarchy of the creation paradigm and Unit I (Lev 1–3). However, there is a significant difference. The two triads of the creation paradigm are direct parallels, following the same order, while the parallels in the rings are inverted, or chiastic. The hierarchy in the rings can be seen in the focus, or orientation, of the Units. In each Unit-triad, one Unit is God-oriented, one people-oriented, and one "between" God and people. The following tables (figs. 15–17) will help to clarify these points vis-à-vis each ring.

Figure 15. The Creation Paradigm in the Outer Ring of Leviticus

Orientation of Paired Units	O_1 Particular The Sacrificial System at the Tent of Meeting	O_2 General Redemption In all of Canaan
God	I 1–3 "for the Lord" (21x) Freewill Offerings	XXII 27 "for the Lord" (16x) Monetizing Offerings and Obligations
Between God and People	II 4–5 Individual Guilt	XXI 26 National Guilt
People	III 6–7 Priestly Prebends Divine Gifts to Individuals "I have assigned it as their portion from my food gifts" (6:10)	XX 25 Jubilee Divine Gifts to the Nation "for the land is mine" (25:23) "For they are my slaves" (25:42)

The order of the Units in O_2 in the above table has been reversed in order to clarify the chiastic parallels with O_1. The hierarchy of the creation paradigm can be seen reflected in the orientation of the Units. Units I and XXII are God-oriented; "for the Lord" appears over thirty times in them. Units III and XX are people-oriented, containing the Lord's gifts to people. The middles, II and XXI, indicate interaction between people and God through the theme of guilt and expiation. The "one and many" dyad of the creation paradigm columns finds expression in several ways. Units II and XXI are distinguished by the audience addressed in each: II speaks to individuals concerning personal guilt, and XXI addresses the whole nation concerning national guilt. The distinction between individual and communal concerns holds for the other pairs as well. Unit III contains God's gifts to individuals, the officiating priests, while XX contains his gifts to the whole people. Unit I deals with an individual's freewill offering at the altar, while XXII is concerned with all the types of offerings that can be monetized and are not localized at the altar.

The creation paradigm helps to explain the inner arrangements of rings M and I as well. These two rings also have additional characteristics that link them together. The God-oriented Units in M and I all contain deaths or warnings of death. The people-oriented Units all contain generation of life: intercourse or birth. These points are illustrated in the following tables (figs. 16 and 17).

Figure 16. The Creation Paradigm in the Middle Ring of Leviticus

Orientation of Paired Units	M_1 Individual/Unique	M_2 Communal/Cyclical
God	IV 8–10 Inauguration of the Cult and Death by Divine Initiative	XIX 24 Rituals of the Menorah and the Table Bread and Death by Divine Initiative
Between God and People	V 11 Diet Laws/Ritual Impurity from Animals	XVIII 23 The Holiday Calendar
People	VI 12 Childbirth	XVII 22:26–33 Animal Birth

The God-oriented Units of M reflect the "one and many" dyad by means of the rituals described in them. Unit IV describes a one-time event, and XIX prescribes a daily and a weekly ritual. Both Units contain narratives that tell of death by divine initiative. The people-oriented Units refer to births: childbirth in VI and animal birth in XVII. Unit VI addresses individuals, and XVII addresses the whole community. The poles of "birth" and "death" contribute to a "transitions" theme in M, which is appropriate for its placement between the outside and the inside.

Figure 17. The Creation Paradigm in the Inner Ring of Leviticus

Orientation of Paired Units	I_1 Individuals	I_2 Group
God	X 16 Day of Purgation "… lest he die" (16:2)	XVI 22:1–25 Sanctified Objects "… and they die thereby" (22:9)
Between God and People	XI 17 Private Slaughtering for Offering or Food "that person shall be cut off from his kinspeople" (17:9)	XV 21 The Priestly Family
People	XII 18 Illicit Sexual Practices	XIV 20 Penalties Enforced for Illicit Sexual Practices

The death theme of the God-oriented Units in M continues in the parallel Units of ring I with death warnings in X and XVI. These two Units reflect the "one and many" dyad because X is addressed to a single priest, Aaron, and XVI is addressed to all priests. Units XII and XIV are people-oriented, listing various sexual relations, and can be viewed as parallel to the birth Units of ring M. Unit XII lists prohibited practices from the perspective of individuals; XIV lists penalties to be enforced by the community.

To summarize the connection between Leviticus and the creation paradigm: all the Unit-triads in all three rings contain a God-oriented Unit, a people-oriented Unit, and a middle Unit, thus fulfilling the hierarchical aspect of the creation paradigm and Unit I (Lev 1–3). The "one and many" aspect of the paradigm is fulfilled through the distinctions between the

first Unit-triad of each ring focusing on the "one" and the second Unit-triad focusing on the "many." Finally, the anomalous Unit in each ring is parallel to an anomalous day in creation. The anomalous Unit is the second one in each ring. Similarly, the creation of the second day, the divider, is the only one not seen by God as "good" or "very good."

7. Significance of the Structure of Leviticus

7.1. The Multidimensional Plan

We have found that each Unit in Leviticus is a function of at least three organizing principles: (1) one and many, like the creation dyad; (2) hierarchical orientation, also like the creation; and (3) the ring identifier. The following table (fig. 18) illustrates this point.

Figure 18. The Three Dimensions of the Units in Leviticus

1. Creation Dyad		One		Fulcrum	Many		
2. Ring Identifier	Place O_1	Time M_1	Person I_1		Person I_2	Time M_2	Place O_2
God	I 1–3	IV 8–10	X 16		XVI 22:1–25	XIX 24	XXII 27
God and People	II 4–5	V 11	XI 17	XIII 19	XV 21	XVIII 23	XXI 26
People	III 6–7	VI 12	XII 18		XIV 20	XVII 22:26–33	XX 25

(Left margin: 3. Hierarchical Orientation)

The table above can be viewed as the general outline of how Leviticus was composed as a book, the loom upon which it was woven. It graphically demonstrates that each individual Unit is the unique combination of three planning "dimensions." For example, Unit IV combines (1) "one" from the "one/many" dyad; (2) "time" from the ring identifier (see §5.3); and (3) "God-oriented" from the hierarchical orientation. No other Unit has exactly this combination of planning characteristics. For greater clarity, I have left out some of the characteristics of the text, such as I, IV, and X being associated with parts of the tabernacle and II, V and X being anomalous vis-à-vis the ring identifiers. It is clear that the author was required to juggle many variables when constructing the Units. It is equally clear that completion of such a complex plan cannot be attributed to a process of redaction or accretion.

In order to see how many variables are involved, it is also necessary to take into account the inner structure of each Unit. The Units of Leviticus, like all the Units of the Torah, were constructed as tables. So, any given "prime pericope" within a Unit has at least five contextual "dimensions" determining its content: (1) its row within the Unit, (2) its column within the Unit, (3–5) the three dimensions of the Unit itself within the book as they appear in figure 18. The other side of this observation is that each dimension creates a context. Therefore, a reader must understand that any given element of text may "make sense" within any one of at least five different levels of context employed in the book.

7.2. An Analogical Reading

Returning to the connection between the rings and the parts of the tabernacle, it is now possible to add another bit of evidence that the form of the book reflects the structure of the tabernacle. Rings M and I are closely connected by the generation/death theme. The parts of the tabernacle with which they are associated by the first Unit of each ring, the sanctum and the inner sanctum, are chambers within the tent. The outer ring, O, representing the court, does not have as close a connection to M as M does with I. So it is virtually certain that the structure of Leviticus is related to the structure of the tabernacle, as well as to the creation paradigm. Before attempting to construct a theoretical model to explain why Leviticus has been constructed in this manner, it is still necessary to address the function of Unit-triad C, consisting of Units VII–IX (Lev 13–15), and also the function of Unit XIII (Lev 19).

If ring I is associated with the inner sanctum, then Unit XIII (Lev 19), which is enclosed by I, could represent the ark of the covenant. God revealed himself to Moses between the cherubim on the ark, and XIII contains sixteen first-person revelations in the form of "I am YHWH" (e.g., 19:2, 3, 4, 10). It also contains both direct and oblique references to the Decalogue within it (e.g., 19:3, 11). In addition, as I have demonstrated, it contains a structural decalogue in two columns, perhaps representing the two tablets of the Decalogue.[23] The two-column, five-pair structure of XIII should be understood as two "tablets," one "personal" and the other "communal." This is a perfect fit with the reading of the book, according to

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23. Kline, "The Editor Was Nodding," 22–28.

which the chapters before this point (Lev 1–18) are oriented to individuals and the chapters following it (Lev 20–27) are oriented toward the community. Unit XIII is the meeting point of these two themes, containing both of them in two columns that are analogous to the two tablets of the covenant between the "One" and the "many."

The opening command of Unit XIII calls for *imitatio Dei*, "You shall be holy for I the Lord your God am holy" (19:2). It is not addressed to the high priest or the priests in general but rather to "all the community of Israelites." This provides a key to the model that can explain the structure of Leviticus: the book is not figurative, as Douglas proposed, but rather experiential. The reader is invited to share the experience of the high priest. The two halves of the book, before XIII (Lev 19) and after it, represent two paths, inner and outer. The inner path is a process of individualization. The high priest/reader leaves the community in the court in order to turn inward and follow the path that leads to standing alone before God in the inner sanctum and ultimately to experience the *imitatio*. The result of this experience is that the high priest/reader turns around and returns to the community, following the outer path of socialization. This is why the focus changes from "one" to "many" after XIII. It seems that the essence of the *imitatio* experience is to turn the individual toward the community left behind in the court.[24]

If the analysis is correct up to this point, then one of the author's purposes in composing the book can be understood as creating an experience for the reader that bears a resemblance to the experience of the high priest on the Day of Atonement. This would imply that the author was in possession of a way to re-create the highest order of religious experience and that this was somehow embedded in the book. Leviticus could then be viewed as a manual for arriving at this experience. While the tabernacle experi-

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24. The return to the community is intriguingly similar to the enlightened philosopher's return to the cave in Plato's allegory in his *Republic* (514a–520a). The philosopher who has ascended from the cave to see the "good," the perfection of the individual, returns to the cave for the benefit of those left in the dark and becomes a leader. The high priest/reader who reaches the level of *imitatio* in the holy of holies turns from the path focused on the individual "good" in the first half of Leviticus to identify with the good of the community in the second half. The similarities and dissimilarities between Plato's philosopher, who must go *out* for enlightenment, and the high priest/reader of Leviticus, who goes *in* for *imitatio Dei*, warrant further exploration.

ence of entering the inner sanctum was limited to one person on one day in the year, Leviticus offers a similar experience to all, at any time.

7.3. The Function of Unit-Triad C: Units VII–IX (Lev 13–15)

The interpretation of Leviticus just expressed is supported by the reintroduction of the Units that I removed in order to clarify the symmetry of the rings. In order to enter the inner sanctum, the high priest/reader must move aside the screen that hides it (cf. Lev 16:2, 12), represented by Unit-triad C, VII–IX (Lev 13–15). This unit deals with impurities that are forbidden in the holy precincts. Not only do these impurities disguise the symmetry of Leviticus; they also demand that the reader recognize the literary device and remove the screen, Units VII–IX, in order to experience the reading of Leviticus as a replication of the experience of the high priest. The activation of the reader to interact with the text is evidently correlative with entry into the mystery of the inner sanctum. According to this reading, the function of the structure of Leviticus is to transform the reader by turning him or her from personal concerns to social concerns, such as from the personal guilt of Unit II to the national guilt of Unit XXI.

8. Leviticus in Relation to Other Books of the Torah

As noted at the beginning of this essay, the discovery of the two-dimensional Units of the Torah has made it possible to identify the structures of all five books. Therefore, the analysis of the structure of Leviticus presented here is only the beginning of a much larger project that must deal with the whole of the Torah and perhaps other parts of the Bible, as well as other ancient Near Eastern literary works, in light of the findings presented here. This section is intended to indicate directions that future research might follow.

8.1. The Structure of Genesis in Relation to that of Leviticus

While Gary A. Rendsburg attempted to define the full literary structure of Genesis, the deficiencies of his analysis were amply detailed by Mark Brettler.[25] From the perspective of the research reported in this essay, Rends-

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25. See Gary A. Rendsburg, *The Redaction of Genesis* (Winona Lake, IN: Eisen-

burg's reading suffered from an incorrect identification of the literary units employed in creating the structure. The literary units of Genesis, as well as the other books of the Torah, are similar to those of Leviticus in that they are nonlinear, two-dimensional constructs. Once they are identified, it becomes apparent that the structure of Genesis, like that of Leviticus, is based on Unit-triads, as indicated in figure 19 below (p. 258).

Genesis contains nineteen Units divided into four large blocks, marked A–D, and a single Unit, IV (11:1–9). Block A, the creation narratives, contains three Units, each of which has the root ברא ("create") in its opening verse. The remaining three blocks, B–D are the patriarchal narratives: Abraham (B), Isaac–Jacob (C), and Joseph (D). All three share certain characteristics that mark them as planned blocks. Each begins with two "generations of": Shem and Terah (B), Ishmael and Isaac (C), and Esau and Jacob (D). Each block also ends with two deaths and burials in Hebron: Unit X—23:19; 25:9; Unit XVI—35:19, 29; Unit XIX—50:13, 26. However, they do differ in size. The Joseph narrative (D) has three Units, while the other two (B and C) have six Units each. This creates an almost symmetrical structure consisting of three Units in the opening and closing blocks (A and D) and six Units in each of the two middle blocks (B and C).

The two six-Unit blocks have been constructed in a similar manner. Each of them consists of two alternating threads of material. One thread is concerned with family members and the other with covenants and altars. These two themes have been separated in B as B_1 (covenants) and B_2 (family) and in C as C_1 (family) and C_2 (covenants). Regarding these themes, the blocks are mirror images. The family thread is second in B and first in C. The effect of this reversal is to place the family at the center of the book. Leviticus was also designed to have family material in two central blocks of three Units each, the inner ring (see §5.3). The distinction between family material and covenantal material also holds for Unit-triads A and D in Genesis. D, the Joseph narrative, is quintessential family material, while A contains altars and a covenant.

There are thus two strong indications that Genesis and Leviticus have been constructed according to the same, or at least similar, schematic plan. The structure of both books consists of six Unit-triads. While the

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brauns, 1986); Mark Brettler, "Rendsburg's *The Redaction of Genesis*," *JQR* 78 (1987): 113–19.

Figure 19: The Structure of Genesis

	A Creation Narratives	IV	B Abraham Narrative B₁	B₂	C Isaac-Jacob Narrative C₁	C₂	D Joseph Narrative
	Creation, Altars and Covenant		Covenants (With God and Abimelech) and Altars	Brothers' Children (Lot and Rebekah)	Brothers (Jacob and Esau)	Covenants (With God and Abimelech) and Altars	Brothers (Jacob's Sons)
1	I 1:1–2:3 "God **created**" (1:1 NRSV)		V 11:10–13:4	VI 13:5–14:24	XI 25:12–34 *Generations of Ishmael and Isaac*	XII 26:1–33	XVII 36:1–41:45 *Generations of Esau and Jacob*
2	II 2:4–4:26 "… when they were **created**" (2:4 NRSV)	IV 11:1–9 **The Tower of Babel**	VII 15:1–17:27	VIII 18:1–19:38	XIII 26:34–28:9	XIV 28:10–32:3	XVIII 41:46–47:26
3	III 5:1–10:32 "on the day God **created** humankind" (5:1 NRSV)		IX 20:1–22:19	X 22:20–25:11 Deaths of Sarah and Abraham	XV 32:4–33:16	XVI 33:17–35:29 Deaths of Rachel and Isaac	XIX 47:27–50:26 Deaths of Jacob and Joseph

two inner rings of Leviticus are closely tied together by the intercourse/birth and death-warning/death pairings between the rings, Genesis intertwines two subject threads—covenants and family—to achieve the same structural effect. Both books have two interlocking six-Unit rings that are bookended by a pair of triads. Both books have family-related material in the middle.

Reading Genesis according to its structure, in light of the above analysis of Leviticus, may offer solutions to some of the thornier problems of Genesis, such as the differences between the creation narratives and the uses of different divine names. Genesis, like Leviticus, is constructed from Unit-triads. Rather than two types of creation, the text actually presents three types in Units I–III (see fig. 19). Each begins with a verse that includes ברא ("create"), indicating that the author considered them to be linked creation narratives. The first, Unit I, is based entirely on divine action. The third, Unit III, which includes an introduction to the Noah narrative, is a form of "creation by elimination" and is predicated on human actions. It begins with the heading, "This is a book of human accounts." The second creation narrative, Unit II, includes both divine initiation, as in the first narrative, as well as divine response to human actions, as in the third narrative. The heading, "These are accounts of heaven and earth," points to the fact that it mixes divine and human initiatives. The same tripartite paradigm that explained the form of the Unit-triads in Leviticus can be applied to the three creation narratives. One is God oriented (I); one is people oriented—ספר תולדות אדם, "a book of human accounts" (III); and one contains interaction between God and people—תולדות השמים והארץ, "accounts of heaven and earth" (II).

Regarding the divine names, it is necessary to consider the division of figure 19 into rows 1–3. All of the Units in row 1 contain a single divine name. In Unit I, it is אלהים. In the five other Units of row 1—V, VI, XI, XII, XVII—only the name YHWH is used. Since the Babel story and Jacob's vision place YHWH "above," as in these five Units, it would appear that the visual component of the table reflects embedded meaning. YHWH alone is above in V, VI, XI, XII and XVII in the upper row. Similarly, the three creation narratives reflect a visual component according to the arrangement of the rows. The purely divine, "heavenly" (I) is above in row 1, the human-based, earthly (III) is below in row 3, and the narrative that combines "accounts of heaven and earth" (II) is in the middle in row 2.

8.2. The Context of Leviticus in the Torah

Hendrik Koorevaar has argued that the books of Exodus, Leviticus, and Numbers should be viewed as a single composition.[26] The three-ring structure of Leviticus supports this view. Exodus and Numbers can be seen as forming two additional rings surrounding Leviticus, as shown in figure 20 (p. 261).

This table shows that Leviticus is surrounded by two concentric narratives: (1) the forty-year historical narrative, and (2) the tabernacle narrative. The historical narrative, from the redemption in Egypt to the border of Canaan, begins in Exod 1 and is suspended at the end of Exod 27. It is taken up again at Num 10:11. The tabernacle narrative is placed within the historical narrative, starting with Exod 28 and ending with Num 10:10. Leviticus continues the concentric arrangement with its three rings focused on Lev 19. Thus, it appears that the structure of Leviticus is part of a larger plan that includes Exodus and Numbers.

Let us consider the possibility that the author has planned the format of the three central books of the Torah to simulate the structure of the camp described in the first chapters of Numbers: the Israelite camp surrounds the Levitical camp that surrounds the tabernacle (Num 1:43; 2:2). The historical narrative of Exodus and Numbers can be considered parallel to the outer Israelite camp and the tabernacle narrative parallel to the Levitical camp within the Israelite camp. Identifying the ring describing the construction and maintenance of the tabernacle with the Levites would be appropriate, since they assembled and maintained the tabernacle (Num 4:1–33). So the three central books of the Torah, organized as five concentric rings, reflect the structure of the Israelite camp during the forty-year journey described in these three books. Exodus, Leviticus, and Numbers contain the central "story" of the Torah: the redemption from Egypt that leads to an independent Israelite nation in Canaan. It is a forty-year educational process that takes a group of slaves and turns them into an organized society. The large picture shows creation of a nation from individuals. This theme is consistent with the experiential reading of Leviticus, which involves creating social consciousness. Just as the forty-year trek in the desert served to transform the group of slaves into a social and politi-

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26. Hendrik Koorevaar, "The Books of Exodus–Leviticus–Numbers and the Macro-structural Problem of the Pentateuch," in *The Books of Leviticus and Numbers,* ed. Thomas Römer, BETL 215 (Leuven: Peeters, 2008), 423–53.

Figure 20. The Five Concentric Rings of Exodus, Leviticus, and Numbers

Characteristic of Ring					
1. History	Exod 1–24				Num 10:11–36
2. Tabernacle		Exod 25–40			Num 1–10:10
3. Place			O_1		O_2
4. Time			M_1		M_2
5. Person				I_1	I_2
Fulcrum/*initiatio Dei*				Lev 19	

cal body, so, too, can the reading of these books transform the reader from self-concerned to community-oriented.

8.3. The Structure of Numbers in Relation to that of Leviticus

The educational process spread across the three central books of the Torah crystallizes in the structure of Leviticus with the shift from laws addressed to individuals to those addressed to a community. The pivot point in Leviticus is Unit XIII (Lev 19). The demands of *imitatio Dei* coalesce the individuals who left Egypt into a political body capable of displacing the residents of Canaan. This theme is captured in the structure of Numbers, which is modeled on the structure of the Israelite camp in the wilderness.

Figure 21. The Structure of Numbers
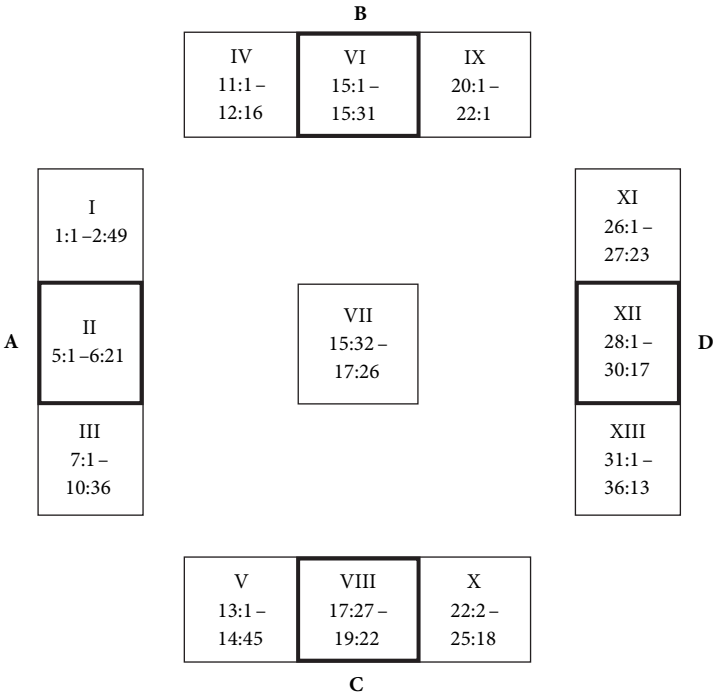
The format of Numbers is the most ambitious of all the five books in its complexity. It seems that the author wanted to create an image of the twelve tribes camped in the desert around the Levitical camp, represented by Unit VII. The challenge was to create a four-sided literary figure that

would reflect the four sides of the camp, A–D in the illustration above. The solution to this problem was the employment of "flags." In the description of the camp in Numbers, each side contains three tribes (2:1–31). Here the central tribe of the three is described as the "flag" tribe, which is flanked by the other two. The four "flag tribes" in the table are II, VI, VIII, and XII. Each of these Units consists entirely of laws without narrative, while none of the others Units do. The purely legal Units are the "flags." The way the author solved the problem of how to flag the sides of the camp created a problem of comprehension for readers who read the book linearly, without an understanding of the underlying structure. For them, it reads like a haphazard arrangement of narrative and laws.[27]

At the center of the "camp," Unit VII contains the Korah narrative, a dispute over divine election to serve in the sanctuary. Korah disputed the election of Aaron and his sons from among the Levites to preside over the tabernacle and its services. In other words, the dispute was about who would stand at the focal point of the camp. Ultimately, God signals Aaron's election with the sprouting of his staff inside the tabernacle before the ark of testimony. This places the sanctuary, and with it the divine presence, at the center of the structure of Numbers.[28] The Korah narrative is preceded by a law that seems out of place: the requirement to place colored fringes on the four sides of garments (15:37–41). I see this law as reflecting the structure of the book. The four flags placed on the sides of the camp with the flag tribes are parallel to the fringes placed on the four sides of garments. This analogy is supported by the reason given for wearing the colored fringe: "So that you will be mindful of my commandments, and you shall be holy to your God" (15:40). The laws of Numbers, of which they are to be mindful, are found in the "flag" Units analogous to the fringes. According to this analogy, the Israelite camp is to be viewed as God's garment. Thus, wearing the fringes is another instance of *imitatio Dei*; here also, as in Leviticus, it is associated with the requirement to be holy. Structure *is* theology.

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27. "Julius Wellhausen regarded the book of Numbers as a kind of attic used for storing biblical materials that did not fit into other books" (Mary Douglas, *Thinking in Circles: An Essay on Ring Composition*, Terry Lectures Series [New Haven: Yale, 2007], 43).

28. "And the Lord's glory appeared to all the community" (16:19).

9. Conclusion

The Torah is composed of nonlinear, two-dimensional literary Units that can be viewed as tabular, or woven. The identification of these building blocks has made it possible to identify the compositional structure of Leviticus. I have presented examples of Units, a detailed reading of Leviticus according to its three-concentric-ring structure, and a comparison between this structure and that of Genesis. Thematically, I have suggested that the structure of Leviticus leads to an experiential reading that consists of a two-step process of individualization and socialization pivoting on a core experience of *imitatio Dei*. The structural context of Leviticus, within two concentric rings created by Exodus and Numbers, indicates that the three central books of the Torah were constructed as five concentric rings, as shown in figure 20, reflecting the structure of the Israelite encampment in the desert. The historical narrative in the first half of Exodus, which is resumed in Num 10:11, parallels the Israelite camp; the second half of Exodus and Num 1:1–10:10 represent the Levitical camp; and the three concentric rings of Leviticus represent the court, the sanctum, and the inner sanctum. This structure is reinforced by the structure of the book of Numbers, which itself is formatted to reflect the structure of the camp.

In his discussion of R. Norman Whybray's *The Making of the Pentateuch*,[29] Gordon J. Wenham observed, "though I think this model for the composition of the Pentateuch is essentially correct, *i.e.* that of one major author using a variety of sources, he has not demonstrated this by giving detailed attention to the texts."[30] In the present essay, the detailed analysis of Leviticus (and also of Genesis and Numbers, to some extent) gives credence to the view that the Torah was composed by "one major author." This essay also resoundingly affirms Milgrom's assertion that "structure is theology."[31]

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29. R. Norman Whybray, *The Making of the Pentateuch: A Methodological Study*, JSOTSup 53 (Sheffield: JSOT Press, 1987).

30. Gordon J. Wenham, "Pentateuchal Studies Today," *Themelios* 22 (1996): 8.

31. Milgrom, *Leviticus 23–27*, 2129–30.

Fundamental Structure as Methodological Control for Evaluating Introverted Literary Structures in Leviticus

Deborah L. Ellens

1. Introduction

Jacob Milgrom's power to build a variety of syntheses from meticulous exegetical results over broad expanses of text is the source of a significant contribution to biblical scholarship. He has theorized regarding an array of issues, including the extent and nature of P (Priestly) and H (Holiness) texts, the impurity system, the structure of the cult, and the sacrificial system. His work, in two compendious commentaries (on Leviticus and Numbers), countless articles, monographs, published responses to colleagues, and book reviews, reaches a prodigious standard. Nowhere is that standard more apparent than in his three-volume Anchor Bible commentary on Leviticus, where depth of exegesis, breadth of synthesis, and collocation of secondary materials create a lasting resource for general readers and scholars across religious boundaries.

In the introduction to the first volume of his Leviticus commentary, Milgrom presents the rhetorical figure chiasm as one tool among many for distinguishing P from H.[1] In the scope of his total project, it is perhaps a minor tool for distinguishing between those two sources. Nevertheless, its import for reading the discrete pericopes where he finds it cannot be

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1. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 39, 848. According to Milgrom, P always uses the simple, "straightforward introversion" ABXBA. H, on the other hand, is capable of simple as well as artful and varying patterns. As a result, P's introversions have a greater tendency to level detail, whereas H's introversions account for bits of information arranged in intricate patterns.

underestimated. For this reason, anyone who takes his commentaries seriously must engage the subject of chiasm and his use of it.

For two of the four P texts in Lev 1–16 that he lists in his introduction as having chiastic structures,[2] Milgrom offers two structures each.[3] These two texts, Lev 8 and 15, present interesting structural problems. A brief essay such as this disallows a thorough treatment of these problems. However, some observations concerning Milgrom's discovery of chiasm in Lev 8 suggest a refinement of his application of chiasm as an exegetical tool and also a line of future research based on his work.

2. Chiasm and Introversion

2.1. Nexus as Key to Meaning

Both within and outside biblical studies, chiasm has been conceived in a variety of ways.[4] Rhetoricians have ascribed to chiasm a number of func-

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2. Ibid., 39. The four texts are Lev 8; 14:11–20, 21–32; 15.

3. Ibid., 39, 542–44, 904–5.

4. For various definitions of "chiasm," see the following works: John Breck, *The Shape of Biblical Language* (Crestwood, NY: St. Vladimier's Seminary Press, 1994), 33–37; David A. Dorsey, *The Literary Structure of the Old Testament: A Commentary on Genesis-Malachi* (Grand Rapids: Baker Books, 1999), 30–32; Jeanne Fahnestock, *Rhetorical Figures in Science* (New York: Oxford University Press, 1999), 123–31; Michael Hildenbrand, *Structure and Theology in the Holiness Code* (North Richland Hills, TX: Bibal, 2004), 4; Isaac M. Kikawada, "The Shape of Genesis 11:1–9," in *Rhetorical Criticism: Essays in Honor of James Muilenburg*, ed. Jared J. Jackson and Martin Kessler, PTMS 1 (Pittsburgh: Pickwick, 1974), 23–24; Heinrich Lausberg, David E. Orton, and R. Dean Anderson, *Handbook of Literary Rhetoric: A Foundation for Literary Study,* trans. Matthew T. Bliss, Annemiek Jansen, and David E. Orton (Leiden: Brill, 1998), 354–57; Joyce O. Lowrie, *Sightings: Mirrors in Texts—Texts in Mirrors* (New York: Rodopi, 2008), 2; Nils W. Lund, "The Presence of Chiasmus in the Old Testament," *AJSL* 46 (1930): 104; Lund, *Chiasmus in the New Testament: A Study in Formgeschichte* (Chapel Hill: University of North Carolina Press, 1942), 31; Sean E. McEvenue, *The Narrative Style of the Priestly Writer*, AnBib 50 (Rome: Biblical Institute, 1971), 29 n. 18, 157–59; Jacob Milgrom, *Numbers: The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1990), xxii; Meir Paran, *Forms of the Priestly Style in the Pentateuch: Patterns, Linguistic Usages, Syntactic Structures* [Hebrew] (Jerusalem: Magnes, 1989), vii–x; John W. Welch, "Introduction," in *Chiasmus in Antiquity: Structures, Analyses, Exegesis,* ed. John W. Welch (Hildesheim: Gerstenberg, 1981), 9.

tions, including framing a literary unit, providing rhetorical emphasis, serving as a mnemonic, and supplying an aesthetic component beyond any of these.[5] Within biblical studies, chiasm's function also has been understood to include demarcation of a pericope, construction of the unity of a text, and resolution of antithesis. In addition, chiasm has been viewed as functioning, through its central component, as the key to the meaning of a text.[6]

The structure of chiasm is defined within the broad discipline of rhetorical studies as a mirroring cross-arrangement, the essence of which is reversal. For example, the *Handbook of Literary Rhetoric* states that "chiasm" refers to the "cross arrangement" of two opposing cola within an isocolon.[7] Joyce O. Lowrie states: "χιασμός begins with the letter *chi* (X). Inversion, or reversal, is graphically inscribed into the visual as well as linguistic make-up of the syntagm. The term denotes, primarily, a two-part sequence, the second part of which repeats the two main elements of the first in inverted order: *a-b—b-a.*"[8] Thus, chiasm's essence is simply a reversal of parallel literary units. Sean McEvenue is at least one biblical scholar who insists upon this broad definition. He states that the "figure is not a technique of framing a unit by 'including' it, nor does it necessarily concentrate on a 'centre.'"[9]

Many biblical scholars think otherwise. They understand the extremities of chiasm as defining textual limits and the center of the chiasm as encapsulating meaning. For example, New Testament scholar Augustin Stock notes that "the two main elements of chiasm, inversion and balance, produce a third, climactic centrality."[10] This climactic centrality, in many chiasms, constitutes a central unit, which has been called the nexus, the pivot, or the center.[11] Nils Lund noted in 1930 that the central unit may

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5. Breck, *Shape of Biblical Language*, 21.

6. For a detailed history of the investigation of inverted structures in biblical studies, see Hildenbrand, *Structure and Theology*, 8–60.

7. Lausberg, Orton, and Anderson, *Handbook of Literary Rhetoric*, 322.

8. Lowrie, *Sightings*, 2.

9. McEvenue, *Narrative Style*, 29 n. 18.

10. Augustine Stock, "Chiastic Awareness and Education in Antiquity," *BTB* 14 (1984): 23.

11. Wilfred G. E. Watson cites Judg 5:25aβ–b and Isa 54:2 as examples of climactic centrality ("Chiastic Patterns in Biblical Hebrew Poetry," in Welch, *Chiasmus in Antiquity*, 122, 159) and Breck cites Jer 2:27c–28 as another example (*Shape of Biblical Language*, 37).

be a "couplet" or a "single line."[12] According to John Welch in 1981, the matching elements that rub together at the center (a couplet, for example), particularly in structures with an expanded number of elements, acquire an emphatic force that elevates a central concept or dramatizes a turning point.[13] John Breck explains that this "pivotal center" will normally be "the 'conceptual center,' the focus of meaning for the entire strophe" or unit[14] that provides "a hermeneutic key that is indispensable for a proper interpretation of the biblical writings."[15] To understand this central unit is to understand the entire unit to which it belongs.[16]

While the broad definition of rhetorical studies is utilized in biblical studies, many biblical scholars make additional structural distinctions, the most influential of which pertain to this climactic central unit. The delivery of the "key to meaning" by the central unit becomes *the* defining feature of chiasm for many biblical scholars, who distinguish subtropes on its basis. These distinctions typically separate structures with a nexus from those without a nexus. For example, David Noel Freedman distinguishes "simple types" from "more complex forms."[17] Yehuda T. Radday uses the term "perfect chiasm" (for ABC—D—C´B´A´), admitting that such perfection "will not emerge everywhere."[18] Isaac Kikawada already noted such categorical distinctions in 1974. He applied the term *chiasm* to a unit consisting of four elements (ABBA) and the term "introversion" to a unit consisting of five or more elements (ABCBA or ABCCBA).[19]

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12. Lund, "Presence of Chiasmus," 108.

13. Welch, "Introduction*,*" 10.

14. Breck, *Shape of Biblical Language*, 33. He states: "it may also function as a mere turning point or hinge, linking two parallel lines or parallel passages" (see also 336).

15. Ibid., 2.

16. Ibid.*,* 335.

17. David Noel Freedman, "Preface," in Welch, *Chiasmus in Antiquity*, 7. He states: "This more complex form of chiasm is not merely grammatical but structural or intentional; it systematically serves to concentrate the reader's or hearer's interest on the central expression."

18. Yehuda T. Radday, "Chiasmus in Hebrew Biblical Narrative," in Welch, *Chiasmus in Antiquity*, 51–52. He adds that by means of this structure, "biblical authors and/or editors placed the main idea, the thesis, or the turning point of each literary unit, at its center."

19. Kikawada, "The Shape of Genesis 11:1–9," 23; cf. Hildenbrand, *Structure and Theology*, 17, citing an earlier occurrence of the term "introverted parallelism" in a nineteenth-century work: John Jebb, *Sacred Literature* (London: T. Cardell & W. Davies, 1820).

By 1994, John Breck, in consonance with Kikawada's refinement, distinguished "simple inverted parallelism" (ABBA), in which the central couplet lacks a single focus, from "concentric parallelism" (ABCDCBA or ABCCBA), in which the central unit provides the focus.[20] Breck seems to suggest that, when the central couplet BB of an ABBA structure provides thematic focus, presumably through close association of the two members BB of the couplet, it functions as a virtual single unit like the "C" of the ABCBA structure.[21] On the other hand, in instances where the two members of the central couplet lack the close affinity that creates centralizing emphatic force, the central couplet does not function as a virtual single unit.[22] This means that the ABBA structure may function as either "simple inverted parallelism" or as "concentric parallelism," depending upon the relationship between the two members of the central couplet. For Breck, only a structure with a central focus—a couplet that provides emphatic centralizing force—is "authentic chiasmus."[23]

The definitional refinement of these biblical scholars represents Milgrom's understanding, as exemplified in his Leviticus and Numbers commentaries.[24] Milgrom follows Kikawada's nomenclature by stating that chiasm is "a pair of items that reverses itself" (ABBA). Introversion, on the other hand, is a reversing series of "more than two members" (ABXBA or ABCCBA).[25] Introversion has the nexus, and chiasm does not.[26] This distinction between chiasm and introversion is functionally significant for Milgrom because he believes that, whereas introversions can have didactic implications, chiasms are merely aesthetic.[27]

Although their terminology differs, these biblical scholars—from Nils Lund in the early 1930s to Milgrom in the early 1990s—all make the distinction between a mirroring cross-arrangement with a nexus and a mir-

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20. Breck, *Shape of Biblical Language*, 19, 333–34.

21. Ibid., 28–29.

22. Ibid., 333–34. See Breck on this topic.

23. Ibid., 18.

24. Milgrom, *Numbers*, xxii–xxiii.

25. Ibid., xxii.

26. See Hildenbrand, *Structure and Theology*, 3–4, for a more detailed typology than I employ in this essay. He states: "mainstream structural studies are now recognizing such structures that arise from *within* the text itself. These include chiasmus, inclusio, inversion and parallel line structures, all of which are related to one another and are used within the same literatures and cross literary boundaries."

27. Milgrom, *Numbers*, xxii.

roring cross-arrangement without a nexus, and they value the nexus as the key to meaning. Milgrom states: "The central member frequently contains the main point of the author, climaxing what precedes and anticipating what follows."[28] Moreover, he ascribes this function to the central unit of the preferred structures that he offers for both Lev 8 and Lev 15.

2.2. Authorial and Literary Intention

Several scholars offer comparative evidence to boost the plausibility of the power of the center to deliver meaning by reviewing the disciplines of ancient Greek and Roman rhetoric and education. Breck, for example, observes that an ancient Greek or Roman reader would have been endowed by his education with the skill of "reading chiastically." The reader would have been an adept at the concentric rhetorical pattern called *hysteron-proteron*, which would have enabled him or her to read easily "from the center outward and from the extremities towards the center."[29]

> under the ancient Greek educational system, carried over intact into Latin culture, children learned the alphabet forwards, then backwards, then from the extremities towards the middle: alpha–omega, beta–psi … mu–nu. They proceeded to analyze texts in the same manner, in order to detect and understand their inverted parallelism and chiastic structure.… Reading "chiastically," then, was natural for them as reading according to narrative development is for us.[30]

Common sense argues that, where such statements accurately describe ancient Greek and Roman texts and practice, *hysteron-proteron* or chiasm/introversion was constructed intentionally. Moreover, if the central component of an introversion represents the main idea, the thematic focus, or the "essential meaning" of the unit to which it belongs, then the introversion signifies the intent of its literary unit. Intentional construction by the author and the signification of the intent of a literary unit through the nexus implicate one another.

For some biblical scholars, intentionality is an essential feature of both chiasm and introversion. John Breck, who calls the nexus the "hermeneu-

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28. Ibid., xxii.
29. Breck, *Shape of Biblical Language*, 29–30.
30. Ibid.

tic key," unapologetically states that "biblical interpretation must have as its primary goal elucidation of the literal meaning of the text"[31] and that "in general usage, the expression 'literal sense' refers to 'the intention of the author.' "[32] For David P. Wright, who rightly critiques the discovery and use of chiasm/introversion, authorial intention is a necessary parameter for verifying its status as a "real" structure in the text.[33] Wright is not interested in structures that are not "real," structures that the reader finds but that the author did not intend.[34] Thus, for advocates and critics alike, each for their own reasons, intent—authorial or textual—becomes an unavoidable factor when reading chiasm/introversion. The nexus of an introversion plays a special part in this notion of intentionality.

The premise that the nexus of an introversion reveals the intent of a text rests on at least two assumptions. The first is that a text has intent.[35] The second is that textual intent can be discerned. Reader-response criticism has problematized both assumptions (see below). Therefore, introversion stands at the heart of a controversy between those who read for intention and those who believe that such readings are naïve.

Scholars who assume that intention is an essential feature of chiasm/introversion assume a kind of one-to-one correspondence between text and meaning: only one correct meaning derives (is available to the reader) from any text, and any text delivers (is intended by the author or encoded by the text) only one meaning; or only one meaning counts, however many may be derived. The alternative to this one-to-one correspondence is, according to Breck, an "unrelieved relativism."[36] For Wright, the alternative is something outside his historical and exegetical interests.

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31. Ibid., 15.

32. Ibid., 11.

33. David P. Wright, "The Fallacies of Chiasmus: A Critique of Structures Proposed for the Covenant Collection (Exodus 20:23–23:19)," *ZABR* 10 (2004): 143 n. 2; Wright, "Chiasmus in the Covenant Code Reconsidered: The Final Apodictic Laws," in "*Gerechtigkeit und Recht zu üben*" *(Gen 18,9): Studien zur altorientalischen und biblischen Rechtsgeschichte, zur Religionsgeschichte Israels und zur Religionssoziologie; Festschrift für Eckart Otto zum 65. Geburtstag*, ed. Reinhard Achenbach and Martin Arneth, BZABR 13 (Wiesbaden: Harrassowitz, 2009), 171.

34. Wright, "The Fallacies of Chiasmus," 161–62. Wright demonstrates that chiastic structures "may be identified even though unintended."

35. Because we have only the text before us, I refer to textual intent rather than authorial intent.

36. Breck, *Shape of Biblical Language*, 14.

To summarize, the split of the overarching category "chiasm" within biblical studies into subtropes according to whether a structure has a nexus ("introversion") or lacks such a center ("chiasm" proper) signals a subtle shift in the understanding of the function and purpose of literary, mirroring cross-arrangements. Chiasm is no longer Sean McEvenue's simple return. Nor is it the mere reversal of parallel literary units, which constitutes the typical definition of chiasm within the broader discipline of rhetorical studies. Its essential feature is the central idea, touted by many biblical scholars, including Milgrom, as delivering nothing less than the intended semantic load of the text to which it belongs.

Although I consider introversion to be a subcategory of chiasm, for the sake of clarity, from the following paragraph onward my essay will reflect this subtle shift in the scholarly discussion. I will use the term "introversion" to refer to mirroring structures with a nexus, and I will use the term "chiasm" for mirroring structures that lack a nexus. Where this division causes confusion because of inconsistent use of terms in scholarly discussion, I will use the expression "chiasm/introversion." This latter terminology signals that the scholarly work under discussion uses "chiasm" as an overarching term but also understands the division implied by the use of the term "introversion."

3. Fundamental Structure

3.1. Introduction to Fundamental Structure

Any serious consideration of introversion, conceived as the key to meaning through its nexus, must struggle with the notion of intention. Textual intention is the target at which the nexus of chiasm aims as the "hermeneutic key." Milgrom understands the nexuses of Lev 8 and 15 as conveying this key to meaning. Therefore, any assessment of his structures for these two texts must face the question of intention.

Perhaps the most challenging aspect of the problem of intention is the fact that the assessed intent of a text moves with the times in accordance with the readers who plumb it.[37] Regardless of this fact, many of us read

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37. Marvin A. Sweeney, "Form Criticism," in *To Each Its Own Meaning: An Introduction to Biblical Criticisms and Their Application,* ed. Steven L. McKenzie and Stephen R. Haynes, rev. ed. (Louisville: Westminster John Knox, 1999), 83. Sweeney states: "the interpretation of a text represents an interaction between the text and its

texts, particularly biblical texts, for something like authorial or textual intention. We seek the inherent and unique structure of a text as a reflection of that intent. This is our interest. Our justification for this interest is the undeniable fact that one or more authors/redactors sat in a place and at a time to create the text with intent. On the one hand, the expectation by both advocates and critics of chiasm for correspondence between nexus and intended meaning and, on the other hand, the more fluid allowances of reader-response criticism are at opposing ends of a scale calibrating levels of belief in the reader's ability to grasp textual intention. Nevertheless, each interpreter at some level, if only implicitly, validates claims from both ends of the scale.

Milgrom's offering of two structures each for Lev 8 and 15 seems to be precisely such validation. In each case, one structure has a nexus and one does not. If the claim is that two different structures deliver the intent of the same text, then we must engage Wright's critique concerning the discovery of multiple structures.[38] For this reason, the careful reader of Milgrom's commentary should take notice of what he has done.

Several methodological assumptions are implied by Milgrom's proposal of two structures for a single text, with a preference for one. First, communication—written or oral—that conveys meaning has implicit within it an organization of parts, a structure. Second, within a text we may discern more than one structure. Third, we may marshal criteria to prefer one structure over another as *the* structure of a text. When a reader decides upon the meaning of a text, he or she discerns an organizational set, and when a reader prefers one structure/organizational set over another, he or she selects one meaning and discards others.

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interpreter, one that raises questions concerning the validity of attempts to reconstruct the intention or meaning of a text in relation to its sociohistorical setting or settings. Nevertheless, the form critic must keep in mind that, whatever the perspectives or biases of the reader, readings are based on a text that was written by an author or authors who wrote with well-defined intentions in specific sets of sociohistorical circumstances. Modern readers may have to identify their own perspectives and biases and those of earlier readers, and it may not be entirely possible to do so with full certainty, but attempting to do so is simply a necessary aspect of textual interpretation. The logical alternative is to give up the enterprise of textual interpretation altogether or to accept any interpretative assertion as valid regardless of the criteria, or lack thereof, employed to produce it."

38. Wright, "The Fallacies of Chiasmus," 146.

When such discernments and preferences are exercised with an interest in textual intent, a construct that I will call the "fundamental structure" of the text is necessarily engaged. Implicit within the concept of fundamental structure is the assumption that textual intent is in some way accessible and that it may be signified through structure. From the direction of the author, the fundamental structure is a skeletal representation of the mass of information that the author selected and organized from his or her own "world" to convey meaning. From the direction of the reader, the fundamental structure schematically embodies the limits, coherence, cohesion, and logic that the reader perceives in the text. To encapsulate the meaning of a text by means of a nexus is not the same as representing the meaning of a text through something like the fundamental structure. But nexuses and their introversions are often presented by those who discover them in the text as if they are doing just that.

A multitude of scholarly readers who approach the same biblical text will employ a variety of methods to pursue what I am calling the fundamental structure. Understanding this construct, therefore, requires familiarity with the methodological possibilities for discovering the intent of a text. This topic belongs to the more general subject of the relationship between structure and meaning, which extends far beyond the scope of this essay.[39] Here I am able only to briefly describe my own approach to structure in a biblical text.

My approach is informed by the work of Rolf P. Knierim, who presupposes the inseparability of form and content.[40] The task of the exegete pursuing the structure of a text is to discover, through signals within the text, the underlying conceptualities that generated the text. This task involves discernment of the textual elements that are constitutive for structure in

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39. The extensive discourses of structural analysis and form criticism are entry points for the history and substance of the subject, to which a paper of this size and focus cannot possibly do justice. For the relationship between structural analysis and form criticism, see Rolf P. Knierim, "Criticism of Literary Features, Form, Tradition, and Redaction," in *The Hebrew Bible and Its Modern Interpreters* (ed. Douglas A. Knight and Gene M. Tucker; Chico, Calif.: Scholars Press, 1985), 137. See also the FOTL series of commentaries, which is an excellent resource for understanding form in the biblical text.

40. Sweeney, "Form Criticism," 67–68. Sweeney situates Knierim's work within the spectrum of historical exegesis.

any particular text.[41] The structure of a text is not equivalent to a simple compositional outline suggested by surface signals, although such signals may indicate or even constitute the structure of a text. Knierim states:

> As long as exegesis focuses only on the surface expressions of the texts, it may be able to describe the obvious, but it will not achieve what is ultimately necessary: to explain *why* the obvious is said, so that we may *understand*. It will not be able to define the meaning of a text. Difficult as it is, exegesis must not only describe what a text says; it must also attempt to reconstruct the presuppositions on which it rests. Such reconstruction must start from and be controlled by the signals provided by the text itself.[42]

These textual signals may come from any level of the text, but the conceptuality underlying these signals is what drives the structure. That conceptuality is not equivalent to theme, although theme may signal it. It is not equivalent to rhetorical factors, although rhetorical factors may point to it. It is also not equivalent to a sequence of events, although such a sequence may coincide with it. In short, the conceptuality that drives the structure is the thought-form or presupposition that generates the text and determines its vocabulary, grammar, syntax, rhetoric, content, and style and that is discovered by the reader through those very elements of the text.

Reiterating Knierim's words, it should be emphasized that access to the underlying conceptuality is opened and signaled by the text itself, not by imposing an idea upon the text. Knierim called his resulting methodology "conceptual analysis."[43] This is the approach I take to a text.

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41. Those elements are various. See Rolf P. Knierim, "Old Testament Form Criticism Reconsidered," *Int* 27 (1973): 460–61.

42. Rolf P. Knierim, *The Task of Old Testament Theology: Method and Cases* (Grand Rapids: Eerdmans, 1995), 61.

43. The best explanation of this method that I have seen is in David B. Palmer, "Text and Concept in Exodus 1:1–2:25: A Case Study in Exegetical Method" (PhD diss., Claremont Graduate University, 1998). Palmer's work is a good entry point for Knierim's method. For a showcase example of the use and power of the method, see Rolf P. Knierim, *Text and Concept in Leviticus 1:1–9: A Case in Exegetical Method*, FAT 2 (Tübingen: Mohr Siebeck, 1992). For Milgrom's assessment of the exegetical results attained by conceptual analysis in Knierim's volume, see Jacob Milgrom, review of Rolf P. Knierim, *Text and Concept in Leviticus 1:1–9: A Case in Exegetical Method*, *HS* 35 (1994): 169–71. Milgrom states: "It is an important work. It teaches, to put it bluntly, how to read a text. Having written a commentary on Leviticus where I tried

3.2. Guidelines for Discerning Fundamental Structure

A reader's discernment of any structure, including the fundamental struc-
ture, is an exercise in grappling with three basic questions concerning the
conceptuality that the constituents of a text signal. First, what is alike?
Second, what is different? Third, what are the functional parts?[44] These
three questions cannot be simplistically applied to "parts that make up the
whole" because the parts that are constitutive of any structure may occur
at a number of levels in the text.[45] Moreover, the structural principles that
may govern a text are myriad.[46]

   A structure that reflects the intent of the text, namely, a fundamen-
tal structure, must meet at least three criteria in its exemplification of the
answers to these three questions. First, such a structure will account for
the organizational participation of all grammatical and syntactical ele-
ments. It will gloss over nothing.

   Second, the elements of a text that are constitutive of the fundamental
structure will exhibit consistency. An example of what I mean by "consis-
tency" is implied under the first fallacy listed in David P. Wright's article
on "The Fallacies of Chiasmus."[47] He calls this first fallacy: "inconsistency
of pairing criteria." Such inconsistency results when elements are paired
on the basis of differing criteria. He critiques an example in which one pair
of chiastic/introversion elements are matched on the basis of structure
and the other two pairs are matched on the basis of theme. The elements
matched for structure are thematically variegated and cannot be matched
according to theme.[48] Wright calls such a chiasm/introversion "artificial."

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to do the same (it's nearly 1200 pages long), I now wish I could do these nine verses
over again so that I might add some of Knierim's finely honed insights. The reader
will encounter some difficulties because of his Germanized English and overblown
paragraphs. But reading it will prove eminently rewarding. In many ways, it can and
should be used as a model for the exegesis of every biblical text." For a list of sources
that utilize and explicate Knierim's method, see Deborah L. Ellens, *Women in the Sex
Texts of Leviticus and Deuteronomy: A Comparative Conceptual Analysis* (New York:
T&T Clark, 2008), 38 nn. 124–27.

   44. These questions are prior to and inform the first two of Dorsey's three steps in
discernment of a composition's structure (Dorsey, *Literary Structure*, 16).

   45. Knierim, *Text and Concept*, 1–4.

   46. Knierim, "Old Testament Form Criticism," 460–61.

   47. Wright, "The Fallacies of Chiasmus," 144.

   48. Ibid.

This kind of critique may be applied beyond examination of proposed chiastic and concentric parallelisms to the discernment of what is alike and what is different in any structure.

For example, in both of Milgrom's proposed structures for Lev 8, his first major division A.1. is itself divided into two parts: "Command" and "Fulfillment."[49] In Scheme I,[50] 8:1–3 are "Command" and 8:4a is "Fulfillment." However, in Scheme II,[51] whereas 8:1–3 are "Command," 8:4–5 constitute "Fulfillment." These schemes fail the test of consistency concerning the initial major division that is made after 8:4a in Scheme I but after 8:5 in Scheme II. In both schemes, Milgrom places the text immediately following the initial major division at the same level as the first unit-as-a-whole, which is 8:1–4a in Scheme I and 8:1–5 in Scheme II. However, if we consider the conceptual relationship between the "Fulfillment" unit (8:4a in Scheme I or 8:4–5 in Scheme II) and what follows it, we see that what follows is also "Fulfillment" and therefore should be grouped with the subdivision of "Fulfillment" rather than placed at the same level as the entire unit A.1. In other words, in both schemes, "Fulfillment" should apply to the entire unit of 8:4a–36. Verses 4b–36 are the specifics of "Fulfillment" that unpack the general statement of "Fulfillment" in 8:4a. Together they are the outcome of the "Command" in 8:1–3. This kind of discernment is an ascertainment of "what is alike" in the conceptuality of the organizational set. Failure to reflect these kinds of conceptual relationships is an example of inconsistency in discernment of signals constitutive of the fundamental structure.

The third criterion for a structure that reflects the intent of the text is the coherence of its organizational parts. If the reader discovers incoherence, then a plausible theory (e.g., redactional activity) or an exegetical, interpretive construal must resolve the incoherence. If the incoherence cannot be resolved, the structure should be abandoned. For example, Milgrom's transition from Scheme I to Scheme II in his commentary on Lev 8 is a discussion of incoherence in the structure of Scheme I, which the structure of Scheme II seems to resolve.[52] However, Milgrom never entirely

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49. Milgrom, *Leviticus 1–16,* 542–44.

50. Ibid., 542–43.

51. Ibid., 544.

52. Ibid., 543. Milgrom states: "In Scheme I, two bulging units disturb the structural symmetry. Verses 10–11, the anointing of the sanctuary, clearly form a discrete unit, which does not conclude with the formula. Moreover, as shown in the Notes on

abandons Scheme I. Even though Scheme II solves problems of incoherence in Scheme I, Milgrom includes both schemes in his commentary. This decision is intriguing. It provides a useful object lesson concerning methodology for discerning fundamental structures. Milgrom is interested in the history or the origins of the text. Wright, who shares Milgrom's interest, describes that interest as having to do with "authorial techniques, goals, abilities, education and cultural background."[53] Milgrom's commentaries exhibit interest in these and other authorial matters. In fact, Milgrom seeks textual meaning in the context of such interests. We can assume, therefore, that his exploration of structure takes place in the territory of intent. In other words, Milgrom does not offer his structures as two viable schematics highlighting different sets of textual features. Nor is he pursuing a reader-response strategy, under which both schematics might be viable. But he also gives no explicit indication that his two structures for both Lev 8 and 15 compete to represent the intent of the text or that one structure embodies the intent and the other does not. Milgrom could have presented only the preferred structures. Their nexuses are instances of confirmation for the overriding theory by which he distinguishes P from H.

Since Milgrom prefers the structure with a nexus, we know that he understands Scheme II, in both cases, as delivering intended meaning. But in preferring the second scheme, he makes statements such as: "the advantage of this scheme is…,"[54] "the main difference between this scheme and the prior one is…,"[55] and "a more meaningful division … is.…"[56] Even

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this unit, it disrupts the flow of the narrative, is logically incongruous with its context, and is better regarded as a subsequent interpolation. The other protruding unit is v 30, which is also discrete and bereft of the formula and, furthermore, at variance with its position in Exod 29. Yet it should by no means be regarded as a displaced verse. Its extrusion outside the last formula unit (vv 22–29) corresponds to Exod 40:33a, which similarly lies outside the formula scheme (ibid., vv 30–32). Thus the writer/editor divided each of these two chapters (Exod 40 and Lev 8) into eight units, but being committed to a septenary scheme, he had no choice but to leave the last unit (Exod 40:33a; Lev 8:30) outside the scheme. Moreover, v 30 in its present position forms an inclusio with vv 6–9, 12–13 (minus the sanctuary anointing), thereby highlighting the intervening sacrificial section. This new datum alters the structural scheme in the following way." This is the point at which Milgrom presents Scheme II.

53. Wright, "The Fallacies of Chiasmus," 143 n. 2.
54. Milgrom, *Leviticus 1–16,* 544.
55. Ibid., 905.
56. Ibid., 904.

while preferring one scheme over another, Milgrom seems to want to allow both schemes to live as if he is not pursuing something like the fundamental structure. He prefers the introversions, but they do not fully supersede the initial structures that he proposes. Both schematics make it into his commentary. Moreover, he does not present Scheme I as a mere foil for the viability of the preferred structure, Scheme II.

In both cases, the first structure, Scheme I, is a two-paneled ABBA chiasm.[57] These two Scheme I structures capture certain features that Milgrom discerns as prominent in the text. Scheme II happens to fit Milgrom's theory that P utilizes simple introversions of the type ABXBA. Nevertheless, the preferred introversions (ABXBA) cannot account for all the features of the text that Milgrom notices and refuses to hide. Part of his genius is his allowance of the imprint of the ambiguities that confront him. We must conclude, therefore, that Milgrom presents two structures because he is not fully satisfied with the structures that deliver meaning through the "hermeneutic key."

3.3. Problems with Discerning Fundamental Structure

At least three related problems accompany discovery of structures that purportedly target a single correct meaning claiming to embody *the* intent of a text. These three problems seem to remove textual intent so far from the reader's grasp that pursuing it may be called naïve.

The first of the three problems is the impossibility of bridging the distance to a venue long gone, including the author. The second problem is the multitude of signals that might be assessed as constitutive for the structure in any single text. If the text has intent and a structure represents that intent—or, as Wright puts it, the structure is "real"[58]—then one set among the total perceptual set of possibilities schematically represents that intent. But "unrelieved relativism" or, alternatively, infinite regress in proof seems unavoidable. The third problem, closely related to the second, is that a multitude of perceptual apparatuses (readers) read texts variously. Furthermore, over a span of years a single reader will invariably discover different fundamental structures. That is to say, the reader will change

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57. Ibid., 39.

58. Wright, "The Fallacies of Chiasmus," 143 n. 2; Wright, "Chiasmus in the Covenant Code," 171. "Real structure" is equivalent to "fundamental structure" throughout this essay.

his or her mind about "what constitutes the fundamental structure," or about "which structure is the fundamental structure." Even if we agree that one or more authors sat down and wrote the text with a particular intent, which the text now embodies, discovery of the "real" structure, namely, the fundamental structure, seems hopelessly beyond us.

The presence of rhetorical signals or other "obvious" surface signals—seemingly fail-safe, "physical" indicators in the text—do not solve the problem because the meaning assigned to such signals, even when the signals are obvious and even under the exercise of a single method, may vary with the reader, the "times," and the circumstances. When we read a text, put it down for several years, then read it again and suddenly discover meaning in it that we did not apprehend in the initial reading, we are experiencing this very phenomenon. It may happen not because we failed to take note of textual signals in our initial readings and not because we improperly applied a valid method or because we used the wrong method; rather, this phenomenon may transpire because the meaning we assigned to the signals, the relationships of meanings we perceived in the text, and the significance of the parts that we discerned with respect to the "whole" varied over the course of time. This variation may occur even while we steadfastly hold to a single method

Each scholar searching for textual intent believes his or her structure to be the fundamental structure. But even structures discovered through readings that meet standards for fundamental structures[59] may be overturned. I doubt that any scholar interested in textual intent, who looks for the real structure and finds a structure, believes that the overturn of that structure is impossible in future years. Such a scenario is always possible because our understanding of a text—the patterns we notice in it; our discernment of constitutive signals, their significance, and their relationships; our grasp of its underlying conceptualities—are always contextualized by our current frame of mind, the development of our intellect, our interests, and our circumstances.

Nevertheless, texts cannot mean just anything. Common sense tells us that Lev 1, for example, intends to convey something entirely different from Gen 1. If the text does not somehow control the meaning, we would not know this. John Breck states that "a serious reader-response approach"

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59. Wright's list of fallacies ("The Fallacies of Chiasmus," 166–68) to be avoided and the three questions and three criteria outlined above in this essay are examples of the types of standards that apply to fundamental structures.

will balance intent of the composer and perception of the interpreter.[60] But this balance presents a challenge. To exercise it, two competing factors must coexist in tension with each other: (1) the text controls the meaning; and (2) a pool of readers will always produce myriad meanings, never the single reading that forever validates the unique structure of the text. The first assertion invokes a singularity, a strict correspondence between text and exegetical results; the second assertion" invokes a proverbial infinity.

3.4. Transfinite Singularity

The two coexisting, competing factors are, thus, a singularity and an infinity. The problem for an exegete seeking the intent of the text, the fundamental structure, is that he or she aims to represent the singularity, but the structures arrived at by any group of exegetes seeking the fundamental structure will differ. No method can guarantee eradication of the differences that inevitably arise. No single structure arrived at can command absolute authority. How, then, is the attempt to represent the "real" structure—the singularity—not naïve? Why are we unwilling, under these circumstances, to say that anything goes?

A simple analogy drawn from modern science may help to answer the question. Let us say that the "real" structure of a text, namely, the fundamental structure, is like an electron particle, which circles the nucleus of an atom. The electron particle is discrete. But science no longer models the electron as a single measurable entity circling the nucleus. Rather, it represents the electron particle as a "cloud" of possibilities, a statistical probability, a wave function.[61] The "cloud," which is the wave function, represents

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60. Breck, *Shape of Biblical Language*, 14.

61. Briane Greene writes: "According to Born and more than half a century of subsequent experiments, the wave nature of matter implies that matter itself must be described fundamentally in a probabilistic manner. For macroscopic objects like a coffee cup or the roulette wheel, de Broglie's rule shows that the wave-like character is virtually unnoticeable and for most ordinary purposes the associated quantum-mechanical probability can be completely ignored. But at a microscopic level we learn that the best we can ever do is say that an electron has a particular probability of being found at any given location" (*The Elegant Universe: Superstrings, Hidden Dimensions, and the Quest for the Ultimate Theory* [New York: Norton, 2003], 106). Concerning electron orbitals, Kerson Huang writes, "There are no orbits, only quantum states that are solutions to the Schrödinger equation. An electron in the hydrogen atom is represented by a stationary cloud of charge distribution" (*Fundamental Forces of Nature: The*

an infinite set. This does not mean that the electron particle does not exist or that investigating it is naïve. It means only that the perceptual problem of locating the electron particle or of determining its velocity requires that we represent it as a set of possibilities. The "measure" of the electron is a statistical probability. That statistical probability, by analogy, corresponds to the proverbial infinity of readings that aim at discovering the intent of a text. The idea of the electron particle corresponds to the fundamental structure—the "real" structure—of a text.

I have called the electron particle a singularity. But the astonishing fact is that the wave function, the infinite set, is also a singularity because it also is discrete. It has boundaries even while representing an infinite set of possibilities. Its infinity is governed by the electron particle. Because it is both infinite and bounded or discrete, it may be called a "transfinite singularity."[62] As the electron governs the wave function, so also the fundamental structure governs the infinity of readings that seek the intent of the text. That infinity is bounded. An entirely different text with a different fundamental structure will be associated with a different infinite set of readings, a different transfinite singularity.[63] This means that aiming for discernment of the intent of a text matters.

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Story of Gauge Fields [New Jersey: World Scientific, 2007], 57). Eric R. Scerri observes: "The interpretation of quantum mechanics calls for a statistical view in which one can know only the probability of an electron residing in a certain region of space" (*The Periodic Table: Its Story and Its Significance* [Oxford: Oxford University Press, 2007], 231). James S. Trefil writes: "He [Niels Bohr] reasoned that there was too much evidence for the particle-like properties of the electron to allow it to be smeared out in a classical wave. The electron, he said, should still be thought of as a localized object, but the displacement of Schrödinger's electron wave at a particular point is related mathematically to the *probability* that a measurement would show the electron to be located at that point. In this interpretation the Schrödinger equation predicts the properties of a *probability wave*, and with it we can predict the probability that an electron will be at a certain point if we know the wave function" (*From Atoms to Quarks: An Introduction to the Strange World of Particle Physics* [New York: Scribner, 1980], 39).

62. Victor J. Katz, *A History of Mathematics*, 2nd ed. (Reading, MA: Addison-Wesley, 1998), 734; Harry Henderson, *Modern Mathematicians* (New York: Facts on File, 1996), 30, 32.

63. Henderson, *Modern Mathematicians*, 30–32. The notion that different infinities exist is essential to this idea. Henderson describes how George Cantor (1845–1918) discovered that not all infinities are the same. Some infinities are more infinite than others. The set of real numbers is more infinite than the set of whole numbers or rational numbers. These infinities can be distinguished from one another.

A reading falls within the "set of all possible readings" belonging to a "real" structure, a fundamental structure, if two conditions obtain. The first condition is that the exegete seeks to discover the intent of the text, namely, the "real" structure. When I ask myself, What does this text intend to say? I discover a different organizational set from those sets discovered by asking questions such as: What does the text mean to me? What are all the possible meaning(s) I can find in this text? What does the text mean in context Y? How does the text relate to ideology X, Y, or Z? What is the rhetorical beauty of this text? All of these questions may be legitimate queries to bring to a text, but they will arrive at different exegetical results than those that are discovered through the question, What is the intent of this text? That question dictates a unique infinite set of readings, a unique transfinite singularity.

The second condition that must obtain, for a reading to fall within the "set of all possible readings" that seek the intent of a text, is that the exegete's efforts are not frivolous. That is to say, the exegete follows certain basic guidelines like those that Wright has detailed, for example, and like those listed above—the three questions and the three criteria.[64] Readings that fail to follow such guidelines while aiming at the "real" structure will render mistaken readings. Those readings will fall outside the "wave function," so to speak, of the "real" structure. A structure that ignores elements of the text is likely to render a mistaken reading. Readings that posit chiasm and commit one of Wright's fallacies are also likely to render mistaken readings.[65] These readings, by definition, do not belong to the infinite set of all possible readings for the "real" structure, namely, the fundamental structure. [66]

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64. As stated above, the full outworking of such guidelines is a complex topic that extends far beyond the scope of this paper. The reader of this essay should not be led to think that by citing Wright and by listing the three above questions and criteria I have thereby established the guidelines for seeking the structure that embodies the intent of the text.

65. Wright, "The Fallacies of Chiasmus," 144–45.

66. Sometimes a scholar may overturn his or her own results, even when abiding by well-established parameters, such as those offered by Wright (ibid., 143–69) or those minimal standards listed above for the fundamental structure. Such changes of mind concerning structure do not invalidate the search for the real structure. When a scholar switches structures because of new evidence or new insights, both structures—the first and its replacement—remain within the discrete infinite set *of all possible readings* resulting from a search for the intent of a text. The governing interest

in the intent of the text and abiding by standards that aim at discovery of the "real" structure (the fundamental structure) place the two structures in that set. Wright's work on the Covenant Code (CC) is an example of this type of scenario. Wright, after more extensive study, changed his mind about the extent of chiasm in the CC. On the basis of his fuller study—completed in the interval between publication of his study on fallacies of chiasm (ibid., 143–69) and his study on chiasm in the CC—Wright states the following ("Chiasmus in the Covenant Code," 171): "This study has led me now to temper my skepticism about chiasmus as a real, i.e., intended, feature in CC and in biblical texts in general. I am not backing away from advising that care must be taken in the identification of such structures and the conclusion that many proposed structures are the invention of analysts rather than the product of original literary craft. But it turns out that we now have empirical evidence that chiastic structuring was a significant concern in the creation of CC, particularly in its final apodictic laws (22:20–23:19)." If, however, the factor that causes a scholar to change his or her mind is the discovery of a mistake with *respect to standards*—which is most certainly not the case for Wright—then the first structure is thrown out of the infinite set of all possible readings that belong to the fundamental structure. Even if a scholar exercises the greatest objectivity possible and arrives at the "real" structure (fundamental structure)—that is to say, his or her structure happens to be coterminous with the "real" structure—that structure will be underproven. The exegete cannot prove beyond a shadow of a doubt that his or her structure is in fact coterminous with the fundamental structure, the structure of intent that the author laid down as text. Furthermore, the exegete cannot guarantee that in future years his or her perceptions will not be pushed in new directions that cause him or her to see the text differently and to discern a new structure, which will not be coterminous with the fundamental structure, the structure that the author "intended." In other words, the exegete goes from being right to being wrong. Moreover, the exegete may not be able to persuade others that his or her structure is *the* structure. This sort of reader problematic does not mean that the "real" structure does not exist. Precisely the opposite is true. The "real" structure governs the entire set of readings that seek it, as long as basic guidelines are followed by the exegete. If the number of exegetes in the group is infinite, the set of readings will also be infinite. The fact that many readers will produce many readings because they understand the intent of a text in myriad ways is inconsequential. That a single reader will give a variety of meanings for the same text over a number of years is also inconsequential. That *the* structure the author intended seems hopelessly unreachable is also of no consequence. What does matter is that a single reader will get a reading that is different by asking one question—What is the intent of the text?—as opposed to other questions at a single reader-sitting. A reader may be confident that, if his or her structure cannot be absolutely known to be the fundamental structure, it nevertheless stands within the set, the transfinite singularity. Therefore, it is worth pursuing. Just as different infinities or wave functions exist for different electrons, texts may be thought of as sites for the production, in conjunction with the reader, of discrete infinities of readings. The set of all possible readings attempting to answer the question, What is the intent of the text? will differ from the set of all possible readings obtained when other kinds of questions are asked of the text. This is what matters.

Moreover, pursuing the analogy a bit further, we might add that as the electron controls the wave function, so also the nucleus of the atom controls one or more electrons and their orbits about the nucleus. The different electrons correspond to different sets of readings, which differ according to the differing aims of the readers who plumb the text seeking different objectives. Only one electron represents the fundamental structure or the intent of the text. I like to think of that electron as having the orbit most tightly bound to the atom because the exegetes who seek the fundamental structure think of the structures they discover as the "closest readings" of the text.

The reason this analogy works is because locating the electron and discerning the "real" structure (the fundamental structure) share the same perceptual problem. We know the electron/fundamental structure exists; we seek it, we use it, we carry out activities on its basis, but we cannot establish it through direct perception. This perceptual problem is at the heart of the conundrum produced by the conjunction of the idea of a singularity and the fact that only an actual infinity presents itself as absolutely certain. The idea of the electron as a discrete object that humans can locate and measure is a kind of fiction. This fiction, however, is a highly useful heuristic for understanding and investigating the parts of an atom. We cannot observe the electron particle, except obliquely. We cannot measure its velocity and position, but the electron most certainly exists. We use statistical probabilities (the infinite set) to manage our discoveries and investigations of the electron (the "real" structure). Our method is proven. We have built nuclear power plants, constructed nuclear bombs, and changed the face of our planet by means of it. Similarly, a collective search for the fundamental structure of a text may produce an infinity of readings, but this does not mean that the "real" structure does not exist to govern the set of readings that any group of exegetes will produce. Therefore our search is not naïve.

4. Functions of Introversions in Relation to Fundamental Structure

4.1. Multistructure Possibility

I have argued elsewhere that the nexus proposed for Lev 15:2b–30 misleads with respect to the "real" structure of the text.[67] I maintain that Lev 15:2b–

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67. Ellens, *Women in the Sex Texts*, 47–72. I did not use the terminology "real

30 is a two-paneled chiasm and not a chiasm of the introversion form that Milgrom prefers.[68] In the introversion form, 15:18 is at the center of the structure and belongs to neither the male nor the female sections. As such, the male nonanomalous section lacks a verse corresponding to 15:24 in the female section. Leviticus 15, then, appears structurally and thematically biased, protecting the man against the impurity of the woman.[69] The two-paneled chiasm, ABBA, on the other hand, demonstrates powerful gender symmetry in the legislation for purification from genital discharge. That symmetry, which is part of the essential message of the text as a formative conceptuality, is lost if 15:18 is understood as a nexus.

Can patterns occur in a text, perhaps including chiastic patterns, that need not account for every element of the text because they are signifying overlays on the fundamental structure or signifying ciphers within the text? As syntagmatic overlay, chiasm in the form of introversion may perform a defamiliarizing, foregrounding,[70] or even counterpointing role that feeds off the fundamental structure as a kind of commentary on the meaning that the fundamental structure reflects, rather than as a focus on the essential meaning of the literary unit. In such a case, the nexus of such a chiasm is a signifier in the text that functions beyond grammar and syntax and focuses meaning for the introversion alone. For example, readers who discern an introversion in Lev 15 are picking up on a variety of actual signals in the text. Verse 18 bears a different relationship to its immediate context than verse 24 does.[71] Moreover, a hinge construction

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structure" and "fundamental structure" in that study. A construct of this type, however, is implicitly operative in that exegetical study.

68. Milgrom, *Leviticus 1–16*, 904–5.

69. Ellens, *Women in the Sex Texts*, 56.

70. Stefano Cotrozzi, *Expect the Unexpected: Aspects of Pragmatic Foregrounding in Old Testament Narratives*, LHBOTS 510 (New York: T&T Clark, 2010), 1, 7–8. Here Cotrozzi defines "foregrounding" generally as "emphasizing, focusing on or highlighting." He distinguishes between structural foregrounding and pragmatic foregrounding and applies the former term to material located on the storyline of a narrative. Pragmatic foregrounding refers to the concept of deviation from a standard or defamiliarization.

71. See Ellens, *Women in the Sex Texts*, 58: "The law on sexual intercourse concluding the men's non-anomalous section is a separate case, whereas in the women's non-anomalous section that concluding law is a subcase of the case which begins the section. In fact, this construction, two separate but related cases, in the men's section is unique in the chapter."

can be found within the syntax and grammar of 15:18.[72] Additionally, the Masoretes have placed a *parashah* mark in front of 15:18, apparently separating it from the unit 15:16–18.[73]

Even if such signals do not constitute grounds for an introversion (as I have concluded), together they may constitute a defamiliarizing syntagm that may be read against the fundamental structure. Can Milgrom's offering of two structures for a single text, one an introversion and the other something else, be understood as a struggle with such a scenario?

4.2. Fundamental Structure of Leviticus 8[74]

The fundamental structure of Lev 8 (see appendix A for a detailed outline) consists of three nested "action/outcome" units. The first basic division of the 8:1–36 pericope is after 8:3. The Lord speaks, and everything that follows the speech is an outcome or fulfillment of it. As stated, this command-and-fulfillment structure is a reflection of a fundamental conceptuality in the text that has to do with the interrelationship of "ritual elements" in the text. When the Lord speaks, all ritual elements—character ritual elements and inert instrument ritual elements—are subject to the directives of that speech. This dynamic is rhetorically emphasized by צוה יהוה, "The Lord commanded." This subjection of ritual elements to the speech of the Lord is reflected in the fundamental structure as "Command/Fulfillment."[75] Moreover, that structure is repeated in the text and continues to drive the structure at subsequent division points. Moses (8:4a) speaks, and everyone else, except the Lord, is subject to that speech. Moses's command and the subsequent fulfillment are themselves a fulfill-

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72. Ibid., 56–57: "One of the major syntactic puzzles of v. 18 is the initial placement of אשה, which emphasizes the woman where one would expect emphasis with the man. Milgom's solution to this puzzle suggests that v. 18 is an inverted hinge, an independent connecting unit between two texts.… That v. 18 contains reverse echoes of preceding and following text is undeniable. However, as a hinge it is asymmetrically placed, embedded in one side of the structure. Call it an 'inverted hanging hinge': Aba/B."

73. Ibid., 56–60.

74. The discussion in this section may be facilitated if the fundamental structure offered at the conclusion of this essay in appendix A and Milgrom's two structures (*Leviticus 1–16*, 542–45) are in front of the reader.

75. In my structure, appended at the conclusion of this essay in appendix A, I have called these units: "X acts" and "Outcome."

ment of the Lord's command. Structurally they are "nested" within that first and basic command-fulfillment structure. The last command-fulfillment iteration in Lev 8 occurs in 8:31–36. The fundamental structure is thus driven by a most basic conceptuality that intends to document the interrelationship of ritual elements. This conceptuality aims at establishing the ground or authority of the ritual, and ultimately at the establishment of the authority of the result of that ritual. This is the conceptuality driving the structure of the text. It is the reason why, in the search for the fundamental structure, paying attention to the extent of "Fulfillment" is so important and why glossing that extent leads astray.

The linearity of the fundamental structure follows the process described in Lev 8. The structure consists of three paradigmatic acts, each a consequence of the prior act. The initiating act is the direct discourse of the Lord. Everything that follows is an outcome of that. Next is the statement that "Moses did as the Lord commanded him." Everything following Moses's compliance is an outcome of his compliant action. The last act is direct discourse by Moses. What follows, namely, Aaron's compliance and his sons' compliance, is an outcome of Moses's action. In the fundamental structure, the ordination of Aaron is the focus, so the sacrificial service loses emphasis. According to this progressive structure, in 8:7–13 Aaron is only an instrument; in 8:14–29 he is a mere instrument in transition;[76] and in 8:31–36 he, including his sons, is now an agent among instruments. As Moses is the agent who fulfills the Lord's commands, Aaron becomes the agent who fulfills Moses's commands.

In Lev 8, self-evident, plain, and therefore important distinctions are apparent between participant and actor, participant and acted-upon, subordinate/primary participant and actors/acted-upon, and participant and witness. The fact that these distinctions are obvious does not detract from their significance for the conceptuality that drives the structure of the text. To notice these distinctions is to discern in the information set of the text what is alike, what is different, and what are the functional parts. The conceptuality that determines structure is not the theme of priestly ordination, nor is it the subthemes of the offerings. The structure is not determined by the rhetorical phrase צוה יהוה, "the Lord commanded,"[77] although that clause supports the constitutive conceptuality. Rather,

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76. Verse 30 is the liminal boundary between transition and transformation. It completes the transition and begins the transformation.

77. Lev 8:4a, 5b, 9b, 13b, 17b, 21b, 29b, 34b, 36b; see also 31b, 35b.

the structure is driven by a conceptuality signaled by the enumeration of "elements of a ritual" that are "hung" on three command-fulfillment divisions, which demonstrate the relationships of those elements to one another.

The conceptuality just described indicates a fundamental structure of Lev 8 in which 8:6a, 6b–30, and 31–36 are subsections comprising a list of actions that constitute the ritual of ordination, which is carried out in fulfillment of divine command. As such, these three subsections are on an equal level with one another within the unit of 8:6–36. Verses 6–36, as a group, are on the same level as verses 4b–5. Verses 6–36 pertain to Moses, Aaron, and Aaron's sons. Verses 4b–5 pertain to the congregation and Moses.

Leviticus 8:6b–13, 14–29, and 30 are also on an equal level with one another. They comprise a list of "applications" of the Lord's instructions—detailed in 8:2—as to the time, space, and ritual elements essential to one part of the process of the ritual of ordination. The "applications" comprise three units pertaining to (1) preparatory actions, (2) sacrificial service, and (3) "aspersing"/"anointing"[78] Aaron and his sons. These three units are not on the same level conceptually—and therefore structurally—with the units 8:6a, 6b–30, and 31–36.

The divisions just outlined, their juxtapositions, and their levels emphasize that, in addition to Moses and the Lord, three parties are involved in the ritual: congregation, Aaron, and Aaron's sons. The congregation is essential to the ritual process. It is present but separate. Initially it must be present as witness, but it is not acted upon through the ritual of ordination in Lev 8, as are Aaron and his sons, nor does it belong to the category of actor that encompasses Moses and the Lord. The congregation is not dismissed at the conclusion of the ritual that stands at the beginning of the seven-day vigil, nor is it required to sit for seven days in vigil. The active participation of the congregation transpires only on the eighth day, as described in Lev 9. Taking note of the presence of the congregation structurally is important, even in Lev 8, although the conceptual significance of this group becomes apparent in Lev 9, where it moves from witness to participant-actor and participant-acted-upon.

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78. For the use of these terms in connection with this verse, see Milgrom, *Leviticus 1–16*, 532–33.

4.3. Problems Caused by Overlooking Fundamental Structure

Milgrom's proposed structures for Lev 8—both the two-paneled chiasm (Scheme I) and the introversion (Scheme II)—gloss over details.[79] First, neither of these structures demonstrates the relationship between the introductory unit's "Fulfillment" and what follows, despite the fact that everything done by Moses, Aaron, Aaron's sons, and the congregation is "Fulfillment." Milgrom notices the command-fulfillment structure, but his chiasms do not reflect its actual extent in the text. Through glossing of detail, the conceptual significance of the extent is lost.

Second, the congregation is lost from both of Milgrom's structures. Either they are subsumed within the category of "Washing the priests, dressing Aaron" or they are subsumed vis-à-vis all actions pertaining to Aaron and his sons within the category of "Fulfillment."

A third example of glossing over details occurs with regard to 8:12–13. In both of Milgrom's structures, these verses are grouped as a unit called "Anointing Aaron, dressing his sons." This grouping has collapsed two independent categories (anointing and dressing) into a single unit. Both the chiasm and the introversion level the distinction between these two categories without making clear what conceptuality they hold in common vis-à-vis the surrounding elements of the text. Separation of the two categories—"anointing" and "dressing"—which is required conceptually, changes the structure and thereby undoes Milgrom's chiasm and introversion.

Milgrom's unit consisting of 8:4b–9 (in Scheme I) and his unit 8:6–9 (in Scheme II) have the same problem as his unit 8:12–13. He labels them, "Washing the priests, dressing Aaron." Again, two categories placed in a single unit gloss over important distinctions. "Washing" (8:6b) is prior to both "Dressing Aaron" (8:7–9) and "Dressing His Sons" (8:13) and structurally stands vis-à-vis both 8:7–9 and 13. If 8:6b is collapsed with 8:7–9, this detail is lost. The Masoretic Text considers important the washing of both Aaron and his sons prior to the dressing of anyone.[80]

We have found that both of Milgrom's structural schemes emphasize certain elements and leave aside others by paying particular attention to those signals in the text that iterate and shape the trope. The Command/

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79. Ibid., 542–44.
80. See ibid., 513–15, for Milgrom's comments on this sequence.

Fulfillment conceptuality, so basic to the text, shapes an overarching structure, the internal details of which reveal important distinctions, and, as required by a search for the intent of the text, accounts for all grammatical and syntactical parts. By contrast, Milgrom's structures, which miss important distinctions, cannot qualify as fundamental structures.

4.4. Conceptual Counterpoint in Leviticus 8

Despite the critique of Milgrom's approach just presented, his preferred structure for Lev 8 (Scheme II—introversion) should not be summarily dismissed. If it cannot accurately deliver the basic intent of the text because it glosses over details, then perhaps it bears another relationship to meaning in the text.[81] In fact, four theoretical scenarios are possible. The first scenario has been described already: the nexus of the introversion misleads regarding the main message of the text. In a second scenario, introversion's nexus encapsulates the meaning of the text, while the introversion structure is not coterminous with the fundamental structure (see further below). Third, the introversion structure may be coterminous with the fundamental structure. This scenario has been determined not to

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81. In 1985, Knierim stated that structures identifiable through a variety of exegetical methods might be fruitfully correlated: "The acrostic or any prosodic structure of a psalm, e.g., is very different from, and in principle independent of, the generic structure of the psalm. Evidently, each of these structures is intrinsic to the textual phenomenon, and it makes no sense for us to carry out a methodological warfare among these different approaches. Instead, a methodology is necessary that enables us to correlate these approaches in such a way that the interrelationship of the rhetorical, literary, and generic structures in the same texts can be determined, i.e., the place and function of each of them in the hierarchy of semantic-linguistic units" (Knierim, "Criticism of Literary Features," 144–45). See also Hyun Chul Paul Kim, "Form Criticism in Dialogue with Other Criticisms: Building the Multidimensional Structures of Texts and Concepts," in *The Changing Face of Form Criticism for the Twenty-First Century,* ed. Marvin A. Sweeney and Ehud Ben Zvi (Grand Rapids: Eerdmans, 2003), 88–89. In fact, I would argue that this question of multiple structures is embedded within chiasm itself. A chiastic structure, including any *hysteron-proteron* pattern, works because it plays upon a linear substrate. It needs the linear substrate "beginning-middle-end" to work. If Greeks and Romans learned the alphabet "forwards, then backwards, then from the extremities towards the middle: alpha-omega, beta-psi … mu-nu" (Breck, *Shape of Biblical Language*, 29–30), their alphabetic gymnastics presupposed the linearity of "alpha, beta, gamma, delta, epsilon … omega." That linearity facilitated the variety of ways in which the alphabet was exercised.

be the case for Lev 8. Fourth, an introversion, not coterminous with the fundamental structure, may be stamped on the text with a defamiliarizing or foregrounding function[82] that constructs a counterpoint to the essential message of the text that is reflected in the fundamental structure.

Under the last scenario, in which the nexus is a counterpoint to the fundamental structure, that nexus and its introversion may function as a kind of syntagm beyond the level of grammar and syntax in conjunction with the fundamental structure. Together, the trope and the fundamental structure constitute the syntagm. The fundamental structure conveys a message and the trope comments upon it, perhaps even dissembling or reversing it. Linguist Ferdinand de Saussure defines syntagm as "always composed of two or more consecutive units."[83] If the fundamental structure is always more constitutive than the tropes that occur within its text—since it is the most fastidious accounting of conceptual signals (unless the trope is coterminous with it)—then the trope becomes a commentary on or an unpacking of the fundamental structure, rather than the other way around. This relationship may be understood as a kind of sequence constituting a syntagm. For example, we will find below that if the nexus of Lev 8 functions as an emphatic, focusing, or capping device, then it may defamiliarize the fundamental structure and construct a counterpoint to its aim or intent. In other words, it deviates from "the expected" as suggested by the "internal structure"[84] of the text. It provides a counterpoint to the emphasis set up by the fundamental structure.

Milgrom's introverted structure of Lev 8 is formed by repetition of the thematics of anointing, the verbal forms of קדש ("to consecrate"), and the clause ויקח משה ("And Moses took"), followed by the phrase שמן המשחה ("oil of anointing"), which first occurs with the direct object marker (8:10a) and then with the preposition מן ("from," 8:30a). These repetitions, according to Scheme II, build an *inclusio* around the "Sacrificial Service." This *inclusio* is encircled, in turn, by direct discourse, first from the Lord and then from Moses. The nexus is the "Sacrificial Service"

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82. Cotrozzi, *Expect the Unexpected*, 1, 7–8. See n. 70, above.

83. Ferdinand de Saussure, *Course in General Linguistics* (New York: Philosophical Library, 1959), 123.

84. Cotrozzi, *Expect the Unexpected*, 7–8. "Internal structure" is Cotrozzi's term utilized to refer to a deeper level of the text, in this case the fundamental structure. The programmatic foregrounding (the introversion) occurs as a superimposition on the deep-level structure.

(8:14–29). It consists of the purification offering, the burnt offering, and the ordination offering.[85] Despite the fact that the sacrificial service culminates in the ordination offering, the emphasis in the introversion is on the sacrificial service and not on the ordination of Aaron and his sons. If the introversion functions as scholars have said it does,[86] then the ordination itself recedes because the nexus is focused upon the sacrificial service rather than upon the ordination. The emphasis is on the turning point (8:14–29) in a process begun by the Lord's command introduced in 8:1. That turning point signals transition. Ultimately it leads to transformation that is effected by the culminating process described in 8:31–36. But transformation is not the aim or emphasis of the verses that constitute the nexus, not even as a cap of the meaning of the text. Transition is the aim of the nexus.

The point just made is subtle but significant. It is underscored by another introversion that occurs in 8:7–13. This introversion is formed by the thematics of dressing Aaron and his sons.[87] Verses 7–9 and 13 encircle verses 10–12, which describe the anointing and consecration of three sets of ritual elements on the same conceptual level: (1) the tabernacle with all that is in it, (2) the altar and all its vessels, and (3) Aaron. If the nexus of an introversion provides the key to the meaning of the unit in which it stands, then the reader of 8:7–13 must pay particular attention to 8:10–12, the nexus of that introversion, its interpolated status notwithstanding.[88] One ritual element is not subject to another in the enumeration. In this respect, the three ritual elements are conceptually, that is, functionally, equivalent. Therefore, the exegete may pose the question: What do the three ritual elements—the tabernacle and all that is in it, altar and vessels, and Aaron—have in common that warrants such treatment? All three are the "equip-

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85. Milgrom, *Leviticus 1–16*, 544. Milgrom explains why he prefers Scheme II over Scheme I: "The advantage of this scheme is that it points to the actual consecration rites (X) as the center and the pivot of the chapter and that whereas the beginning and conclusion (AAʹ) continue to maintain the identical structure as in Scheme I, the middle sections (BBʹ) now possess the same content—the anointing of the priests."

86. Breck, *Shape of Biblical Language*, 33; Freedman, "Preface," 7; Lund, "Presence of Chiasmus," 108; Milgrom, *Numbers*, xxii; Radday, "Chiasmus in Hebrew Biblical Narrative," 51–52; Stock, "Chiastic Awareness," 23; Welch, "Introduction," 10.

87. This particular introversion was not noted by Milgrom in his comments on Lev 8.

88. Milgrom, *Leviticus 1–16*, 513–19. See Milgrom's comments here on the redactional nature of 8:10–12 and on their relationship to Exod 40:9–13.

ment" or "elements" necessary for proper operations of the sacred space defined by the tent of meeting. This means that Aaron is in the same class as the tabernacle and the altar and their implements. He is a mere instrument.[89]

We have found that Milgrom's introversion (Scheme II) constructs a counterpoint to the fundamental structure. If the introversion is truly present, it is a syntagm that may be read in conjunction with that structure. On the one hand, Aaron, including his lineage, is of paramount importance. He is moved by means of sacrificial service from the status of mere instrument into a transforming process that culminates in his agency. On the other hand, the sacrificial service is of paramount importance, and Aaron is a simple constituent of that service, which ultimately leads to the final process that effects transformation.

If the fundamental structure emphasizes that Aaron, who is a mere instrument, is imbued with agency, the defamiliarization of that structure by introversion conveys the message that the instruments and rites themselves are the agents. As the turning point of the entire process, they are the iconic signature for that process. It is as if the text wants to say, on the one hand, that the rites will always operate so long as Aaron and his lineage are in place and, on the other hand, that the loss of Aaron and his lineage will not constitute the loss of the rites performed through and upon instruments that have the power to catapult a mere human instrument into the culminating process for ordination. No loss can occur that usurps the Lord's command. If the syntagm—namely, Milgrom's introversion—truly exists, the conjunction in a single text of these two opposing significations concerning Aaron and the ritual of ordination indicates an intriguing trajectory for future exegetical exploration that could turn this suggestion into a compelling conclusion.

To summarize, Aaron's ordination is the point in the fundamental structure. His agency is produced. His agency iterates the pattern of Moses's agency. As Moses answers to the Lord, Aaron answers to Moses. If the other instruments and the rites of ordination and consecration are also imbued with a kind of agency, they cannot be affirmed in the same nested structure as both Moses's and Aaron's agencies are affirmed and articu-

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89. If the exegete also poses the question, What is different among the three ritual elements listed in 8:10–12? then Milgrom's comment on the altar as "'most holy' in contrast to the tabernacle and its other sancta" suggests an intriguing gradation of increasing sanctity among these three sets of "ritual elements." See ibid., 515.

lated. How does one narrate that a set of rites or inert instruments did as "so-and-so" commanded? Moreover, perhaps the "agency" of these rites is not subservient to Aaron, or even Moses, but rather only to the Lord himself. A counterposing overlay-introversion may convey that message.

5. Conclusion

As a signifier, an introverted literary pattern may function in a variety of ways. Whether or not an introversion, through its nexus, delivers the key to meaning for the unit to which it belongs must be determined. Application of a theoretical construct such as fundamental structure can measure the function of a nexus. An introversion may be coterminous with the fundamental structure. If it is not coterminous, but it supports the fundamental structure's agenda, its nexus may "cap" the intended meaning of the text in a deictic fashion. However, if it is an overlay signifier that provides counterpoint to the agenda of the fundamental structure, its central component will provide thematic focus only for the chiasm itself.

If the approach just described has merit, it suggests an interesting line of research and refinement stimulated by Milgrom's Leviticus commentary. Introversions that he and others have discovered both in P and H may be profitably studied in relation to the fundamental structure of the texts in which they appear. If those introversions are identical to the fundamental structure, they may be utilized as the keys to the texts, as they have been for years in biblical studies. On the other hand, if the introversions defamiliarize the fundamental structure, they may be read as syntagms contiguous with it, alternatively confirming or dissembling it. In any case, the fundamental structure serves as a crucial methodological control. Two questions that might be posed with respect to Milgrom's work in particular are whether or not the relationships between the introverted structures that he has found and the fundamental structures are consistent within P and within H and whether or not the relationships between introversions and the fundamental structures differ between P and H.

Appendix A: Fundamental Structure of Leviticus 8 (partially collapsed)

בתורת יהוה חפצו ובתורתו יהגה יומם ולילה (Psalm 1:2)

Leviticus 19 as Mini-Torah*

David Tabb Stewart

1. Introduction

Jacob Milgrom asked regarding Lev 19: "Does this chapter have an organizing principle?"[1] Though he rehearsed the scholarly consensus that the chapter contains a core comprising a reformulation of the Sinaitic Decalogue (Exod 20) or an independent decalogue,[2] he ultimately answered no: Lev 19 "comprises a miscellany of laws" that has "no common theme."[3] These notions are echoed to one degree or another in Jonathan Magonet's sense of the chapter as materials illustrating the requirement to be holy[4] and Gordon J. Wenham's remarks on the randomness of its contents reflecting life's diversity.[5]

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1. Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1600.

2. Ibid.

3. Milgrom, *Leviticus 17–22*, 1596. For examples of the late twentieth-century scholarly consensus, see Ben-Zion Segal, ed., *The Ten Commandments in History and Tradition* (Jerusalem: Magnes, 1990), esp. Moshe Weinfeld, "The Uniqueness of the Decalogue and Its Place in Jewish Tradition," 1; Moshe Greenberg, "The Decalogue Tradition Critically Examined," 116; and David Flusser, "The Ten Commandments and the New Testament," 232.

4. Jonathan Magonet, "The Structure and Meaning of Leviticus 19," *HAR* 7 (1983): 151–67, esp. 151.

5. Gordon J. Wenham, *The Book of Leviticus,* NICOT (Grand Rapids: Eerdmans, 1979), 264. Michael Hildenbrand, a former Milgrom student, reiterates this notion of

Indeed, Milgrom specifically rejected the view that Lev 19 could be a second decalogue, an independent Priestly one, as proposed by form-critical scholars at the mid-twentieth century. Among these scholars, Rudolf Kilian found an older decalogue based on apodictic laws that use second-person plural forms,[6] and Karl Elliger identified a dodecalogue.[7] Nor would Milgrom agree with Alfred Cholewiński's theory regarding a reuse of the Deuteronomic (Dtn) Decalogue (Deut 5) that assigns Lev 19:11a, 12 to an H_2 redactional layer[8] and 19:3a and 4a to the later H_G, the basic Holiness Code (H) redaction.[9] According to this view, verses in Lev 19 that resonate with the Dtn Decalogue are split between two redactional layers.[10] Mil-

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miscellany when he writes, "there is no clear succession of ideas, such as in the chapter on the leper (Lev 14)" (*Structure and Theology of the Holiness Code*, BIBAL Dissertation Series 10 [North Richland Hills, TX: BIBAL, 2004], 113). He expresses this assessment most plainly when he observes: "There is no logical or topical progression" in the components of the chapter (145). Marcus Moritz Kalisch anticipates this despair for order when he writes about Lev 19:20–22: "If we were not prepared to find in our chapter a miscellaneous collection of laws, it would be difficult to account for … in this place … the provisions contained in these verses" (*Leviticus, Part II Containing Chapters XI to XXVII*, vol. 3 of *A Historical and Critical Commentary on the Old Testament with a New Translation* [London: Longmans, Green, Reader & Dyer, 1872], 422).

6. Rudolf Kilian identifies ten commands in Lev 19:11, 12a, 26, 27a, 28aα, β (*Literarkritische und formgeschichtliche Untersuchung des Heiligkeitsgesetzes,* BBB 19 [Bonn: Hanstein, 1963], 61, 65). Likewise, he finds a decalogue in 18:7–12, 14–16 based on repetition of the same phrase, לא תגלה (21). For another example, see Henning Graf Reventlow, *Das Heiligkeitsgesetz: Formgeschichtlich Untersucht,* WMANT 6 (Neukirchen-Vluyn: Neukirchener Verlag, 1961), 65–78. Despite the mention of "ten words" at Exod 34:28 with reference to the Sinai Decalogue, scholarly fascination with ten misses the fact that there are actually more than ten constituent elements in the Decalogues of Exod 20 and Deut 5 (twelve elements, which are divided into ten in three ways by the Masoretic accents; see Mordechai Breuer, "Dividing the Decalogue into Verses or Commandments," in *The Ten Commandments in History and Tradition,* ed. Ben-Zion Segal [Jerusalem: Magnes, 1990], 291–330).

7. Karl Elliger, *Leviticus,* HAT 1/4 (Tübingen: Mohr Siebeck, 1966), 254.

8. Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie*, AnBib 66 (Rome: Biblical Institute, 1976), 44–45. Attributed to H_2 because of the short identification formula אני יהוה after 19:12, and both second-person singular and plural verb forms, among other features.

9. Ibid., 47–51. Attributed to H_G because of the longer self-identification formula אני יהוה אלהיכם and the second-person plural verbs forms and suffixes, among other features.

10. In Cholewiński's view, H_1 (Lev 17:3–8) and H_2 (18:6–23; 19:11–18, 26–28 with some phrases excepted) first circulated as a pamphlet before they were combined

grom found all such interpretations to be marred by their preference for "anatomical dissection" and rearrangement.[11]

Milgrom also resisted the current of observations that Lev 19 reformulates the Sinaitic Decalogue—a current that began as early as the haggadic midrashist Rabbi Levi in Leviticus Rabbah 24:5 and the later Toviah ben Eliezer ha-Gadol (1036–1108 CE) in Midrash Leqaḥ Tov. Concerning this, he even resisted his favorite rabbinic commentator, Ibn Ezra, as well as his contemporary, Baruch Levine, with whom he has often agreed.[12]

Comparing the schemata of Rabbi Levi in Leviticus Rabbah, Ibn Ezra, Kalisch, Wenham, Weinfeld, and Hartley, who roughly agree on which elements of Lev 19 reflect the Sinaitic Decalogue, Milgrom found their results to be partly based on "exegetical quicksand."[13] According to his argument, they went beyond the obvious connections in 19:2b, 3–4, 30, and 36b (see table 1 below) that evoke the prologue to the Sinaitic and Dtn Decalogues and the commands concerning parents, Sabbath, idolatry, and images. In his view, these commentators were too quick (we could say "exuberant") to discover in Lev 19 commands about murder, adultery, and coveting, for which there are no plain-sense analogues. For example, Leviticus Rabbah pairs the murder command with Lev 19:16, which mentions "the blood of your fellow"; adultery with the command outside this chapter in Lev 20:10; and covetousness with a proposed inversion in Lev 19:18, "love your fellow as yourself." However, to his basic list of the "obvious," Milgrom acknowledged Baruch J. Schwartz's addition of 19:11–12, which cover stealing and false swearing, seeing only in 19:12 a limited version concerning misuse of the divine Name in false oaths.[14]

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with other material (H$_G$) by Deuteronomistic reforming priests in the exilic period (ibid., 31, 42–54, 253–96). Some of this last can be seen in parallels: Lev 19:11a parallels (||) Deut 5:19; Lev 19:12 || Deut 5:11; Lev 19:3aα || Deut 5:16; Lev 19:3aβ || Deut 5:12–15; Lev 19:4 || Deut 5:7–10. These are Cholewiński's topical parallels that do not address the specifics of words and phrases.

11. Milgrom, *Leviticus 17–22,* 1600.

12. Baruch A. Levine, *Leviticus: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 125 n. 3.

13. Milgrom, *Leviticus 17–22,* 1600. See Moshe Weinfeld, *Deuteronomy 1–11,* AB 5 (New York: Doubleday, 1991), 243, 251–52; John E. Hartley, *Leviticus,* WBC 4 (Dallas: Word, 1992).

14. Milgrom, *Leviticus 17–22,* 1601–2; following Baruch J. Schwartz, "Three Chapters from the Holiness Code—A Literary Study of Leviticus 17–19" (PhD diss.,

Table 1. Possible Quotative or Allusory Connections
with the Ten Commandments

Leviticus 19		Exodus 20, etc.	
Frame B*: C1, Lev 19:2aβ–b:	קדשים תהיו כי קדוש <u>אני יהוה אלהיכם</u>	Exod 20:2aα:	<u>אנכי יהוה אלהיך</u>
Frame B: C1, Lev 19:36b:	אני יהוה אלהיכם אשר־<u>הוצאתי אתכם מארץ</u> <u>מצרים</u>	Exod 20:2ab	<u>אנכי יהוה אלהיך אשר</u> <u>הוצאתיך מארץ מצרים</u> מבית עבדים
C5, Lev 19:3aα:	איש <u>אמו ואביו</u> תיראו	Exod 20:12a:	כבד <u>את־אביך ואת־אמך</u>
		Lev 20:9a–bα:	יקלל <u>את־אביו ואת־אמו</u>
		Ezek 22:7:	<u>אב ואם</u> הקלו <u>בך</u>
C4, Lev 19:3aβ: (Hook-and-eye† with Lev 19:30aα and Lev 26:2a)	<u>ואת־שבתתי תשמרו</u>	Exod 20:8:	זכור <u>את־יום השבת</u> לקדשו
		Ezek 22:8aβ and 22:26bα invert:	<u>ואת־שבתתי</u> חללת <u>ומשבתותי</u> העלימו עיניהם
		Lev 19:30aα:	<u>את־שבתתי תשמרו</u>
		Lev 26:2aα:	<u>את־שבתתי תשמרו</u>
C4, Lev 19:30aα: (Hook-and-eye with 19:3aβ and 26:2aα)	<u>את־שבתתי תשמרו</u>	Lev 26:2aα:	<u>את־שבתתי תשמרו</u>
		Lev 19:3aβ:	<u>ואת־שבתתי תשמרו</u>
		Ezek 22:8aβ:	<u>ואת־שבתתי</u> חללת
		Ezek 22:26bα: (inverts idea)	<u>ומשבתותי</u> העלימו עיניהם
		Exod 20:8:	זכור <u>את־יום השבת</u> לקדשו
C2, Lev 19:4aα:	<u>אל־תפנו אל־האלילים</u>	Exod 20:4a	<u>לא תעשה־לך</u> פסל
		Lev 26:1aα:	<u>לא־תעשו לכם אלילם</u> ופסל

Lev 19:4aβ:	<u>ואלהי מסכה לא תעשו</u> <u>לכם</u>	Exod 34:17: Lev 26:1aα:	<u>אלהי מסכה לא תעשה־</u> <u>לך</u> לא־תעשו לכם אליל ופסל
C8, Lev 19:11a:	<u>לא תגנבו</u>	Exod 20:15: Lev 19:35a	<u>לא תגנב</u> לא־תעשו עול במשפט
C3, Lev 19:12abα	<u>ולא־תשבעו בשמי</u> לשקר וחללת <u>את־שם</u> <u>אלהיך</u>	Exod 20:7a	<u>לא תשא את־שם־יהוה</u> <u>אלהיך</u> לשוא

* "Framing" and Frame B will be discussed below and are illustrated in figure 1. Frame B, which forms an "envelope" around the chapter, is referenced here for convenience. † The "hook-and-eye," a metaphorical description of a particular kind of connection between verses, is discussed below and referenced here for convenience.

Milgrom did find convincing evidence of innerbiblical allusion in the order reversals of Lev 19's commands, which show the operation of Seidel's rule (see table 1): Honoring parents comes before Sabbath keeping (Lev 19:3; inverting the order of Exod 20:8 and 12a), and both of these commands precede rejection of idolatry and images (Lev 19:4; Exod 20:4a).[15] Thus, although Milgrom was cautious about accepting the "fossil record" of reader reception as determinative, he was ready to accept as proof a literary-critical argument based on an indigenous biblical literary convention (i.e., the quotative trope of reversing order).

Reversal of order is not all that happens in these "quotations." On the one hand, the commands cited in table 1 are not quoted as we would expect in the twenty-first century: they alternate singular and plural possessive suffixes and swap out roughly synonymous verbs, particles, and pronouns. One might be tempted to focus on the dissimilarity of the swapped-out elements. On the other hand, Lev 19 is hyper-repetitive: the nominal clause (אלהיכם) אני יהוה ("I am YHWH [your God]") recurs not just twice but sixteen times in Lev 19 (including all of its abbrevi-

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15. Milgrom, *Leviticus 17–22*, 1602. See Moshe Seidel, *Hikre Mikra* (Jerusalem: Rabbi Kook Institute, 1978). Roy E. Gane, another erstwhile student of Milgrom, cautiously notes that Lev 19 reiterates several of the Ten Commandments (*Leviticus, Numbers*, NIVAC [Grand Rapids: Zondervan, 2004], 335).

ated and elaborated forms). Some belittle or dismiss this repetition as only "refrain." Thus, not only might one read connections between Lev 19 and the Sinaitic Decalogue "exuberantly" (finding complete decalogues in Lev 19) but also "deficiently."[16]

Lasserre, Nihan, Marx, and Kline have recently pointed out that Lev 19 has connections with legal and other biblical materials beyond the decalogues (e.g., with Ezekiel in table 1).[17] Even Schwartz, who rejects any specific link between Lev 19 and the Sinaitic, Deuteronomic, or Yahwistic (Exod 34) Decalogues admits that Lev 19 may have "drawn on legal materials belonging to the common stock."[18] Thus, a broad consensus has emerged that Lev 19 has visible connections of some sort with other biblical passages or prior texts in the biblical world.

But we are left with the question: What are the kinds, degrees, and significance of these connections, and do they help to reveal a logical coherence underlying Lev 19? The stakes involved here are raised by the importance of this chapter, which Milgrom acknowledged when he wrote: "I heartily agree with the majority of the rabbis that this chapter is important … 'because most of the Torah's essential laws can be derived from it.'"[19] Marcus Kalisch, whom Milgrom often cited, took the idea further: "[Lev 19 is] in some respects the most important section of Leviticus if not of the whole Pentateuch; it was … regarded as an *epitome* of the whole Law".[20]

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16. José Ortega y Gasset argues that every text is exuberant and deficient ("The Difficulty of Reading," *Diogenes* 28 [1959]: 1–17). I am reapplying his notion to reading.

17. Guy Lasserre, *Synopse des lois du Pentateuque,* VTSup 59 (Leiden: Brill, 1994); Christophe Nihan, "The Holiness Code between D and P: Some Comments on the Function and Significance of Leviticus 17–26 in the Composition of the Torah," in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk,* ed. Eckart Otto and Reinhard Achenbach, FRLANT 206 (Göttingen: Vandenhoeck & Ruprecht, 2004), 107–8, 115; Alfred Marx, "The Relationship between the Sacrificial Laws and the Other Laws in Leviticus 19," *Journal of Hebrew Scriptures* 8 (2008): article 9, 1–11: http://www.jhsonline.org/Articles/article_86.pdf; Moshe Kline, "'The Editor Was Nodding': A Reading of Leviticus 19 in Memory of Mary Douglas," *Journal of Hebrew Scriptures* 8 (2008): article 17, 1–59: http://www.jhsonline.org/Articles/article_94.pdf.

18. Baruch J. Schwartz, "Leviticus 19 and the Decalogue: A Reconsideration," *Society of Biblical Literature 1998 Seminar Papers*, SBLSP 37 (Atlanta: Scholars Press, 1998), 20.

19. Milgrom, *Leviticus 17–22*, 1601.

20. Kalisch, *Leviticus, Part II*, 257, emphasis added.

What follows considers the nature of traceable textual connections using Lev 19:3's "inverted quotation" as the lead example and test case in section 2. In section 3, Lev 19:2b serves as a second case: Versions of the nominal clause (אני יהוה (אלהיכם) function as the key interconnections between Lev 19 and the Decalogues as well as a structuring refrain. A third case in section 4 is Lev 19:4 as a pastiche or composite quotation, which demonstrates one way that "H" can efficiently reference resources from multiple legal materials. These kinds of literary connections "simultane-ously activate" multiple texts in a way that enhances meaning. Section 5 presents two further intertextual strategies that can work together: a con-vention of referring to materials from the centers of known sequences, such as the Decalogue or the days of creation, and the "hook-and-eye" technique that connects a pericope (the "hook") to a shorter, topically related tag verse or section and its larger context (the "eye"). A hook's catchwords or phrases connect to those of the eye and so invoke the larger body of related materials around it. These reverberations from contextual materials—known as metalepsis—are the faintest traceable connections. Leviticus 19 is full of "hooks" that reach many "eyes" elsewhere in biblical legal materials and so make it not just a collection of fifty or so laws but something more: a "mini-Torah."

2. The Theory and Method of Textual Connectedness

Oropeza suggests a scale of intertextual connectedness that runs from explicit quotation to allusion and then fades to echo and metalepsis.[21]

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21. B. J. Oropeza, "Intertextuality," in *Oxford Encyclopedia of Biblical Interpre-tation,* ed. Steven L. McKenzie, 2 vols. (New York: Oxford University Press, 2013), 1:456. Here Oropeza defines "allusion" as reflecting "authorial intention" when there are "obvious intertextual references"; the term "echo" refers to "subtler" references; and "metalepsis" is used for "reverberations from the larger context of the subtext referenced." Julia Kristeva ("Le mot, le dialogue, et le roman," in *Sēmeiōtikē: Recher-ches pour une sémanalyse (Extraits)* [Paris: Seuil, 1978], 82–92) takes this one step further in her theorizing of intertextuality. All texts and language are composed of the debris of other texts and language. Thus, every "text" is intertextual as a matter of semiotics, but the lineages of individual texts are untraceable. While the theory of intertextuality invites us to look for connections, Kristeva does not offer a method to trace possible specific connections. However, Gérard Genette's *Palimpsests: Literature in the Second Degree* (trans. Chana Newman and Claude Doubinsky [Lincoln: Univer-sity of Nebraska Press, 1997], 1–2) offers a way forward by looking at intertextuality

When Fishbane discusses allusion as inner-biblical exegesis,[22] he implies that there is directionality to allusion; that is, for one biblical text to exegete another, one must decide which is the prior text (genotext) and which is the alluding one (phenotext). This is a notoriously difficult problem for ancient texts, in which there is no external data for dating by archaeological stratum, paleographic differences, mention of historical events, and the like. Although different kinds and degrees of repetition between texts suggest interconnection and reuse between them, these do not readily make clear the trajectory of development.

As an example, take Seidel's rule, that inner-biblical quotation reverses word-pairs or a phrase or other structural elements. Recognition of this literary strategy for marking quotations only partially resolves the notorious crux concerning the reversal of the usual order father and mother (see references below) to mother and father in Lev 19:3aα: "You shall each revere his mother and father." This reversal clearly indicates a citation, but in which direction? Does the Holiness Code (H) here cite the Decalogue from Exodus or Deuteronomy or both? Or does one of the Decalogues cite H? We might feel that we know the answer to this because of the standard paradigm of the Documentary Hypothesis at the mid-twentieth century, namely, that J was the literary basis of the combined JE narrative, and P also offered a narrative and provided the literary framework for the entire Pentateuch.[23] Thus P's editorial project followed after JED in time. H, intermediate between JED and P, was drawn into P as a substratum. H might then borrow from JED, but not the reverse. However, as the consensus for the paradigm erodes, the paradigmatically framed answer becomes less certain.[24] Therefore, one must return to the primary data.

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writ small: Intertextuality is a "relationship of copresence between two texts or among several texts" and "the actual presence of one text within another."

22. Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985).

23. Following Martin Noth, *A History of Pentateuchal Traditions*, trans. Bernhard W. Anderson (Chico, CA: Scholars Press, 1981), v, 261–76.

24. Jacob Milgrom's *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 13–35, 63, drawing on Israel Knohl's 1988 PhD dissertation (later published as *The Sanctuary of Silence: The Priestly Torah and the Holiness School,* trans. Jackie Feldman and Peretz Rodman [Minneapolis: Fortress, 1995]), argued that H was the editor of P and that P and H were generally more ancient than D. See also Milgrom, *Leviticus 17–22*, 1349–52, 1356–61. This thesis has gained some acceptance, while other elements of the Documentary Hypothesis were

Aside from Lev 19:3aα, all other biblical legal materials concerning respect for parents mention the father first (the two Decalogues [Exod 20:12; Deut 5:16]; the Covenant Code [Exod 21:15, 17]; the Holiness Code elsewhere [Lev 20:9]; the Deuteronomic Code [Deut 21:18]; and the Deuteronomic cursing liturgy [Deut 27:16]). This accumulation of instances allows one to identify the exceptional Lev 19:3 as a citing text; it could hardly be the basis for so many reversed citations.

But what text does Lev 19:3 cite? Three of the other texts refer to קלל ("insult; curse"; Exod 21:17, Lev 20:9, Deut 27:16), a fourth uses the participle מכה ("he who strikes"; Exod 21:15), and a fifth has the phrase איננו שמע ב- ("he who does not heed"; Deut 21:18). We can set these five aside, as they all use negative particles and verbs for disrespect or violence, thereby inverting the idea of respect that appears in Lev 19:3. Despite this, one might still be tempted to suggest that Lev 19:3, with its single איש ("each person") to introduce an apodictic command, could be an echo of the gender-neutral phrase איש איש ("anyone") that introduces a casuistic command in Lev 20:9:

איש אמו ואביו תיראו (Lev 19:3aα):
Each of you shall revere [2nd pl.] his mother and father.

כי־איש איש אשר יקלל את־אביו ואת־אמו מות יומת אביו ואמו קלל דמיו בו (Lev 20:9)
If anyone curses his father and mother, he shall die; his father and mother he has cursed, his bloodguilt shall be on him.

However, the Decalogue commands of Exod 20:12a and Deut 5:16aα show stronger similarity to Lev 19:3aα in their positive apodictic formulation:

כבד את־אביך ואת־אמך (Exod 20:12a/Deut 5:16aα)
Honor your [sg.] father and mother.

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also challenged in the late twentieth and early twenty-first century. For example: Does E really exist? Could J be quite late? One effect of the Milgrom-Knohl hypothesis is to undermine the idea that H necessarily would have borrowed from D (contra Cholewiński's *Heiligkeitsgesetz und Deuteronomium* as discussed above). Instead, D might have read H. The net effect of speculations about the late dating of J or nonexistence of E casts doubt on whether H could have borrowed from or cited JE.

איש אמו ואביו תיראו (Lev 19:3aα)

Each of you shall revere [2nd pl.] his mother and father.

If Leviticus 19:3aα presents a citation from the Decalogues, it replaces כבד ("honor") in both Decalogues with ירא ("revere"), changes the number of this verb from singular to plural (תיראו), and reorders the verb (V), subject (S), and object (O) from SVO to SOV, with the plurality of the subject marked by the verbal suffix. In terms of Seidel's rule, there is a triple reversal—in terms of word-pair (mother-father), number (plural), and VO inversion—along with the verb swap. In spite of all the changes, this is still a recognizable allusion, evidence for which ultimately rests on the reversed word pair mother-father.

On the basis of the contextual reference to Horeb in Deut 5:2, we can eliminate Deut 5:16 as a text that Lev 19:3 cites. Several factors taken together suggest that Lev 19:3 would have Exod 20:12 in view. These factors include the strong preference of P materials for the use of "Sinai" with reference to a mountain; the use of "Sinai" by J and P materials in the immediate context of Exod 20:12 (see 19:1, 2, 11, 18, 20, 23); the relative absence of "Sinai" in Deuteronomy (only at Deut 33:2) and Dtn's preference for "Horeb"; and H's exclusive use of "Sinai" (Lev 25:1; 26:46; 27:34).[25] Thus, Exod 20:12 is left as the most likely candidate for the command cited by Lev 19:3. We do not have other texts available to test Schwartz's suggestion that Lev 19 could draw on "legal materials belonging to the common stock."[26]

Although the argument above suggests a probable allusion to Exod 20:12, Schwartz's idea remains a possibility, so we cannot identify the text cited by Lev 19:3 with absolute certainty. In assessing allusions, we are working in the realm of probabilities. However, Ziva Ben-Porat's method of identifying "markers of allusion"—words, phrases, or patterns that are repeated and how they are repeated—can strengthen a case.[27] "The iden-

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25. Within the framework of the narrative line from Lev 1:1 to 24:23, ch. 19 is given to Moses as an audition at the entrance to the wilderness tent of meeting. Sinai is not mentioned until 25:1. However, within the Holiness Code, when God also speaks to Moses at Mount Sinai (either in a flashback or anew), he promulgates commands concerning idols, Sabbaths, and the sanctuary (26:1–2). A Sabbath command appears at 19:3b and a command about idols at 19:4a. Lev 19:3–4 are intertexts with Lev 26:1–2.

26. See n. 24 above.

27. Ziva Ben-Porat, "The Poetics of Literary Allusion," *PTL: Journal for Descrip-*

tification [of a marker] does not depend on formal identity. A distorted
quotation or a unique noun in a new declension are examples of markers."[28]
Ben-Porat further suggests that multiple markers, what one might call
"marker pile-ups," can increase the likelihood of recognizing a literary
allusion. So now we turn to consideration of the sixteen repetitions of אני
יהוה (אלהיכם) as just that, a pile-up of markers of allusion.

3. Interconnections between Exodus 20/Deuteronomy 5 and Leviticus 19

The key intertextual link between the Decalogues and Lev 19 as a whole
(and as the second example of types of interconnection) is the repetition of
a version of the expression אני יהוה (אלהיכם). In the form found at Exod
20:2a and Deut 5:6a (אנכי יהוה אלהיך), the formula adds to the divine
name a reminder of the deliverance from Egypt:

<div dir="rtl">

אנכי יהוה אלהיך אשר הוצאתיך מארץ מצרים מבית עבדים
</div>

(Exod 20:2/Deut 5:6)
> I am YHWH your (sg.) God who brought you (sg.) out from Egypt's
> slave-house.

One does notice several differences in how Lev 19:3b and 36bα take up אנכי
יהוה אלהיך: the use of אני for the older אנכי; swapping the second-person
plural for the singular in the possessive suffix on אלהים; and placing the
nominal phrase at the very end of the verses (19:3b) or at the start of the
second "arm" (19:36bα) rather than at the beginning. Leviticus 19:36bβ
also echoes the reminder of deliverance from Egypt (see table 1). Verse
36bβ makes several formal changes, including adding the direct-object
marker with a second-person plural possessive suffix, uniting אשר with
הוצאתי by a *maqqep*, and omitting מבית עבדים ("from the slave-house"):

<div dir="rtl">

(Lev 19:36b) אני יהוה אלהיכם אשר־הוצאתי אתכם מארץ מצרים
</div>

> I am YHWH your (pl.) God who brought you (pl.) out from Egypt.

The small formal changes (possessive suffix number, swapping first-person
pronouns, adding *maqqep* and את, and omission of the final phrase) do not

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tive Poetics and Theory of Literature 1 (1976): 105–28. "The marker is always identifi-
able as an element or pattern belonging to another independent text" (108).
    28. Ibid., 110.

defeat recognition of the repeated pattern and are consistent with adapting the self-identification formula (אני יהוה (אלהיך/כם to a new context. The possessive pronominal suffix added to אלהים changes from singular (ך-) to plural (כם-) according to the addressee: at Exod 20:1–2, to Moses, whom God addresses in the presence of the Israelites (19:9 with 20:1, 19); at Deut 5:1–5, originally to Moses, who, in a sermon, recollects YHWH's prior speech to him (5:5); at Lev 19:2a, to the entire Israelite assembly, to whom YHWH instructs Moses to convey his words: אלהם, "to them" (19:2aβ).[29] Thus, the nominal clause אני יהוה אלהיכם represents a first marker of allusion to Exod 20:2/Deut 5:6, and, as noted above, the clause in Lev 19:36bβ—אשר־הוצאתי אתכם מארץ מצרים—represents a second marker.

The markers of allusion placed at the beginning and end of Lev 19 allow one to recognize a "frame" (see fig. 1 below): the *inclusio* or envelope structure formed by 19:2b and 36b. If Lev 19:36b represents a long form of "citation" of Exod 20:2/Deut 5:6, the first mention of אני יהוה אלהיכם in chapter 19 at verse 2b reduces the formulation by omitting אשר הוצאתיך מארץ מצרים מבית עבדים—that is, everything after the *athnach* in Exod 20:2a.[30] However, Lev 19:2b adds the adjective קדוש ("holy"), referring to the holiness theme of the chapter (and the entire Holiness Code).[31]

כי קדוש אני יהוה אלהיכם (Lev 19:2b)
For I YHWH your (pl.) God am holy.

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29. Indeed, Lev 21:24b reports that Moses spoke all that YHWH said to various audiences from 19:3–21:23, echoing the phrasing of 19:2—אל־כל־עדת בני־ישראל, "to the whole Israelite assembly"—by using the words ואל־כל־בני ישראל, "and to all Israelites" (21:24b). The two verses bookend the intervening chapters, framing them by an *inclusio*.

30. Exod 20:2a marks the stress on אלהיך with an *athnach,* while both Deut 5:6a and Lev 19:36bα mark אלהיך and אלהיכם, respectively, with a *zaqeph parvum*, a weaker disjunctive accent. While this last might provide slight evidence that Lev 19:36b has Deut 5:6 in view to the degree that the Masoretes recorded such a tradition, it does suggest that the Masoretes felt a stronger break in Exod 20:2 after the self-identification formula, indicating that it was a complete verse in itself (Breuer, "Dividing the Decalogues," 296). Twelve of sixteen instances in Lev 19 treat it the same way, punctuating (אלהיכם) אני יהוה between *athnach* and *silluq*.

31. Note that Exod 20:8 and Deut 5:12 (in the Decalogues) use *piel* infinitives from the root קדש (from which the adjective קדוש is derived) with respect to keeping the Sabbath holy.

Thus, a marker of allusion can be coupled with meaningful additions—in this case extending the divine self-identification.[32]

Further reductions of the nominal self-identification clause echo the *inclusio* bookends (19:2, 36) fourteen times in Lev 19:

אני יהוה אלהיכם (vv. 3b, 4b, 10b, 25b, 31b, 34b);
אני יהוה (vv. 12bβ, 14bβ, 16b, 18b, 28b, 30b, 32bβ, 37b).

These repeated instances mark off fourteen legal sections, as well as two other sections (19:1–2, 37), that frame the chapter (see fig. 1). They also function as markers of allusion. The sixteen instances are a very large pile-up of such markers. At every turn in Lev 19, the text reminds the reader/hearer of the divine self-identification formula from the beginning of the Sinaitic and Dtn Decalogues. Artfully, at the end of the chapter in 19:36bβ, this linkage is clinched by the second marker of allusion to the Decalogues' notice of deliverance from Egypt.

The "refrain" (אני יהוה (אלהיכם) provides Lev 19 with two more things: a visible structure and a thematic note that contributes cohesion to the whole.[33]   While Wenham also understands the shape of Lev 19 to be based on the phrase "I am YHWH (your God),"[34] four of Milgrom's and Schwartz's textual "units" in this chapter are *not* tagged with it.[35] The four

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32. Cf. Lev 11:44–15; 20:7. Lev 19:2b "hooks" to these, as discussed below.

33. Wilfred G. E. Watson, *Classical Hebrew Poetry: A Guide to the Techniques,* 2nd ed., JSOTSup 26 (Sheffield: JSOT Press, 1996), 295–97. "The refrain … is simply a form of repetition, but its distinguishing feature is its structuring function." In Watson's schema, "I am YHWH (your God)" would be a "variant refrain" because of its several forms. "It differs from an inclusio in occurring not only at the opening and close of a poem, but within it as well" (295). I do not argue here that Lev 19 is a poem, but "I am YHWH (your God)" could work nicely as an antiphon.

34. Wenham, *Book of Leviticus*, 263–64.

35. Milgrom accepts Schwartz's structural analysis that identifies twenty elements in Lev 19, eighteen of which are counted as "units" (beginning with 19:3), with versets 2aβ, b as a "heading" and 19:37 as the closing (Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics*, CC [Minneapolis: Fortress, 2004], 212–13); cf. Schwartz, *Holiness Legislation*, 269. Milgrom, in his 2000 commentary, *Leviticus 17–22* (1598), also cites Schwartz's 1987 dissertation, "Three Chapters," 115. Schwartz's analysis prefers eighteen units of discrete, themed pericopes. In his 1998 paper, "Leviticus 19 and the Decalogue," and in his 1999 work, *The Holiness Legislation* (241–49), Schwartz divides the pericopae into a main body (19:3–32; units 1–16) and an appendix (19:33–36; units 17–18).

units are 19:5–8, 19, 20–22, and 29. For Schwartz, these units are demarcated by changes in person, number (as in 19:5–8) and other grammatical differences, but primarily by topical changes. While these discontinuities probably reveal redactional activity, they are not automatically the same thing as the H author(s)'/redactor(s)' organizational skeleton.[36]

Figure 1 shows the result if one takes seriously the visible structures found in Lev 19. First, an outer frame, which we can label "Frame A," is composed of 19:1–2a and contains two elements: a narrative exoskeleton in verse 1 (and repeated forty times throughout Leviticus): "The Lord

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Arranging Schwartz's units according to formula size, we see the following groups.

- Units with the long formula אני יהוה אלהיכם: 1 (19:3), 2 (19:4), 4 (19:9–10), 11 (19:23–25), 15 (19:31), 17 (19:33–34).
- Units with the longest formula אני יהוה אלהיכם and additional material: 18 (19:35–36), plus the heading (19:2aβ–b)
- Units with the short formula אני יהוה: 5 (19:11–12), 6 (19:13–14), 7 (19:15–16), 8 (19:17–18); 12 (19:26–28), 14 (19:30), 16 (19:32), plus the closing (19:37)

The four units not tagged with a version of אני יהוה are 3 (19:5–8), 9 (19:19), 10 (19:20–22), and 13 (19:29). The Masoretic פ (petuhah, a paragraph marker) follows 19:19 (unit 9) and 19:22 (unit 10)—two of the units not marked with the nominal clause אני יהוה (אלהיכם)—as well as 19:32 (unit 16) and 19:37 (closing), which are doubly marked with פ and the nominal clause. The point here is that Schwartz's unit analysis is too exuberant, going beyond both the visible skeleton of Lev 19 and the Masoretes' analysis.

Another recent commentator, Didier Luciani, also accepts Schwartz's textual units but amalgamates them into a larger chiastic structure with 19:19–22 as the focus (*Sainteté et pardon,* 2 vols., BETL 185A–B [Leuven: Leuven University Press, 2005], 104, 392–93), refining Magonet's earlier identification of 19:19–29 as the center ("Structure and Meaning," 152). Luciani's analysis casts into relief the effect of Milgrom's use of Schwartz's unitized structure. Milgrom and Schwartz deny a "center" to Lev 19 by placing all units on the same plane. This deemphasizes 19:19aα as any sort of pivot (cf. fig. 1). For two examples of "pivots" in H, see David Tabb Stewart, "Ancient Sexual Laws" (PhD diss.; Berkeley: University of California, Berkeley, 2000), 234–35; Stewart, "Does the Priestly Purity Code Domesticate Women?" in *Perspectives on Purity and Purification in the Bible*, ed. Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel, LHBOTS 474 (New York: T&T Clark, 2008), 65–73, esp. 71.

36. Kline and Douglas also frequently rely on topic changes to mark out their compositional units or sections. Organizing the units or sections of Lev 19 into "inverted parallels" and "flows" as Kline does seems unsustainable without relying on such topic divisions and stray catchwords (Kline, "Editor Was Nodding," esp. 4–5, 11, 14, 21–22). Perception of topic is notoriously subjective, as one may not be able to recover the mental linkages of apparently disparate ideas made by ancient authors, whereas an explicit skeletal structure has the virtue of visibility, as argued above.

Figure 1. The Structure of Leviticus 19

Lev 19 Narrative Frame A: v. 1: The Lord spoke to Moses saying
v. 2a: "Speak to the Israelite community and say to them:"
Frame B: v. 2b—*inclusio* with v. 37b   קדשים תהיו כי קדוש אני יהוה אלהיכם
First Tablet: 19:3–18
I. v. 3aα Revere mother/father (see 18:7–8, 12–13; 20:9);   v. 3aβ Keep Sabbaths (see 26:2)   אני יהוה אלהיכם   v. 3b
II. v. 4a No idols; no molten gods (see 18:21; 20:2 –5; 26:1)   אני יהוה אלהיכם   v. 4b
III. vv. 5–8 Well-being offering; vv. 6 –10a gleanings from *peah* and *leqet*   אני יהוה אלהיכם   v. 10b
IV. vv. 11–12;   v. 11 "You shall not steal; you shall not deal deceitfully or falsely.…"   v.12ab "You shall not swear falsely by my name, profaning the name.…" (19:21b; 20:3)   אני יהוה   v. 12c
V. vv. 13–14   אני יהוה   v. 14c
VI. vv. 15–16   אני יהוה   v. 16b
VII. vv. 17–18 love neighbor (see 19:33–34)   אני יהוה   v. 18b
Frame C: 19:19a Mid-turn   את־חקתי תשמרו
Second Tablet: 19:19b–36
VIII. vv. 19b–25; v.23 "and plant any tree for food…"   אני יהוה אלהיכם   v. 25b
IX. vv. 26–28   אני יהוה   v. 28b
X. vv. 29–30   v. 30a "You shall keep my Sabbaths and venerate my sanctuary" (19:3aβ; 26:2)   אני יהוה   v. 30b
XI. v. 31 Do not turn to ghosts . . . (see 20:6, 27)   אני יהוה אלהיכם   v. 31b
XII. v. 32   אני יהוה   v. 32b
XIII. v. 33–34 love resident alien (see 19:17 –18)   אני יהוה אלהיכם   v. 34b
XIV. v v. 35–36   אני יהוה אלהיכם אשר־הוצאתי אתכם מארץ מצרים   v. 36b
Frame C: v. 37a ושמרתם את־כל־חקתי ואת־כל־משפטי ועשיתם אתם
Frame B: v. 37b   אני יהוה

spoke to X saying." This functions as the starting point for Lev 19, signaling the end of Lev 18. Similarly, repetition of this formula in 20:1 demarcates the end of Lev 19 and the beginning of a new unit in Lev 20. A second element of Frame A follows, naming the audience in 19:2a: "Speak to [the designated audience] and say to them."

An *inclusio* just inside Frame A uses "I YHWH am your God" or "I am YHWH" (19:2b; 37b) to frame fourteen sections (I–XIV). I call this *inclusio* "Frame B." A second *inclusio*, "Frame C," is inside Frame B around the second half of the chapter, thereby effectively dividing sections VIII–XIV from sections I–VII at 19:19a with the injunction, "You shall observe my laws," which recurs in 19:37a with "You shall faithfully observe all my laws and all my rules." Verse 19a also appears to function as the "midturn" in Mary Douglas's understanding of a ring or *inclusio* structure.[37]

As a corollary to arguing for twenty units, Schwartz does not see "I am YHWH" as "an explicit substantive parallel to the Decalogue of E ([and] D)",[38] and Milgrom, for his eighteen units, argues that they "*only* serve a structural function: to fuse the disparate laws of this chapter into an aesthetic unity";[39] Breuer, however, reads the phrase thematically "as the basis … for all the commandments."[40]

The visible structure of recollection in Lev 19 does more than collect disparate units into a weakly perceived aesthetic unity. It links the entire chapter and its components to the Decalogue in an attention-getting way. Allusion functions as a device for the "*simultaneous activation of two texts*,"[41] not the substitution of one text for the other. Like a holographic image, Lev 19 and Exod 20 hover together so that the listener/reader thinks of both texts at once or one's mind alternates back and forth between them as if they were in tension. The alluding text does not replace the evoked text. "The simultaneous activation of the two texts … results in … intertextual patterns whose nature cannot be predetermined"[42] through linking all the associations of each of the two textual worlds (i.e., by metalepsis). We can see this possible "simultaneous activation" in 19:2b

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37. Mary Douglas, *Thinking in Circles: An Essay on Ring Composition* (New Haven: Yale University Press, 2007), 34, 109–111.

38. Schwartz, "Leviticus 19 and the Decalogue," 15, 27 n. 40.

39. Milgrom, *Leviticus 17–22,* 1607, emphasis added.

40. Breuer, "Dividing the Decalogue," 307.

41. Ben-Porat, "Poetics," 107, emphasis added.

42. Ibid., 108.

with the addition of "holy" to the divine self-identification "I am YHWH your God." The double image formed of the deity—revealed lawgiver and holy—flashes back and forth in one's mind, as might the evocation of the parallel "golden apples in silver showpieces" in Prov 25:11. The sixteen uses of (אלהיכם) אני יהוה are the best, and *sufficient*, evidence to glue the entire chapter together *and* to the Decalogues.

4. Simultaneous Interconnections with Multiple Texts

The first example of intertextuality, above, shows how an inverted "quotation" can not only "activate" the citing text's evoked text but also hint at the direction of citation. The second example finds repetition of clauses (and not just words or phrases) functioning as markers of allusion and that marker pile-ups raise the probability of allusion. A third example of intertextuality below shows how pastiche or composite quotations can mark allusion to several texts at once.

Leviticus 19:4 resonates with Exod 34:17 suggesting that Lev 19:4 could link not only to the Decalogue but also to the Minor Code of the Covenant (the so-called Yahwist Decalogue, Exod 34:17–26). Exodus 34:17 introduces the plural phrase אלהי מסכה ("molten/molded gods") in place of the singular פסל ("sculptured image"), which appears in the Sinaitic and Dtn Decalogues (Exod 20:4; Deut 5:8). The narrative placement of the Exod 34 passage after the עגל מסכה, that is, the "molded calf," episode (32:4) probably motivates the change. Leviticus 19:4aβ departs from the Decalogues by adjusting the number of the verb and the object from singular to plural:

לא תעשה-לך פסל (Exod 20:4a; Deut 5:8a)
Do not make for yourself a sculptured image.

אלהי מסכה לא תעשה-לך (Exod 34:17)
ואלהי מסכה לא תעשו לכם (Lev 19:4aβ)
(And) molded gods do not make for yourself/selves.

The molded image command at verse 4aβ follows the sentence below:

אל-תפנו אל-האלילים (Lev 19:4aα)
Do not turn to idols.

which roughly parallels:

לא יהיה־לך אלהים אחרים על־פני (Exod 20:3; Deut 5:7)
There will not be for you other gods before me.

Notice that "idols," אלילים, and the negation אל in Lev 19:4aα parallel "other gods," אלהים אחרים, and the negation לא in Exod 20:3; Deut 5:7.

The placement of the idols command (Lev 19:4aα) after the veneration of parents and Sabbath commands (19:3a) and אני יהוה אלהיכם (19:3b evoking Exod 20:2a), and before the molded-gods command (19:4aβ–b formally parallel to Exod 20:4a), contextually reinforces the evocation of Exod 20:3. Thus Lev 19:4 with its loose association with Exod 20:3/Deut 5:7, its stronger parallel to Exod 20:4a/Deut 5:8a, and its reuse of אלהי מסכה from Exod 34:17 forms a composite, or pastiche, "quotation." This is an efficient way of bringing to mind multiple laws at once.

Thus, the three examples above—the quotative inversion of mother/father in Lev 19:3a; the marker of allusion pile-up of אני יהוה אלהיכם; and the composite quote in Lev 19:3–4a—demonstrate traceable forms of allusion. What follows discusses two conventions that help signal metalepsis, a less visible but potentially traceable form of intertextuality.

5. Drawing from the Middles of Texts

Leviticus 19 appears to sample commandments (C1, etc.) from the middle of the Decalogue (see table 2 below; see also table 1):

Table 2. References to Decalogue Commands in Leviticus 19

19:2bβ	"I am YHWH your (pl.) God"	C1 Exod 20:2*
19:3aα	Honor parents	C5 Exod 20:12
19:3aβ	Sabbath	C4 Exod 20:8
19:3b	"I am YHWH your (pl.) God"	C1 Exod 20:2
19:4aα	Not turn to idols	C2 Exod 20:3
19:4b	"I am YHWH"	C1 Exod 20:2
19:10bβ	"I am YHWH your (pl.) God"	C1 Exod 20:2
19:11a	No stealing	C8 Exod 20:13c
19:12abα	No false swearing	C3 Exod 20:7

19:12bβ	"I am YHWH"	C1 Exod 20:2

> * My numbering of the commandments in the Decalogue here follows the Masoretic "oral emphasis system" indicated by superior accents. This system collapses "no other gods" and "no images" into the second command, leaving the declaration "I am YHWH" as the first command. The Masoretes' "paragraphing system" (marked by the פ [petuhah] and ס [setumah]) would collapse all three of these elements into the first command, making "false oaths" the second commandment, etc., and forcing a division of coveting into two commandments. The Masoretic verse system (based on lower accents) lumps "no other gods" with "I am YHWH" and leaves "no images" as the second command. Except for altering the traditional numbering of the commandments, none of these different possibilities affect my point. Taken together, the Masoretic notes recognize twelve elements in the Decalogue (see Breuer, "Dividing the Decalogue," 304–5, 313)

The order in which the beginning of Lev 19 references the Decalogue commandments posed a crux to Milgrom.[43] On the one hand, why are these references out of order? On the other hand, why should they be cited in order?

One can understand that the reverse order of the fifth and fourth commandments in verse 3 could be another instance of Seidel's rule. But why quote from the middle two commandments of the Decalogue (C4 and C5), one directed to duties toward God and the other to duties toward people?[44] Similarly, a few verses later (19:11–12), why juxtapose two more commandments (C8 and C3) drawn from the centers of each of the two tables of the Decalogue? Lastly, why should repetition of an element of the first commandment (or prologue to the commandments) frame the two sequences, as we have two runs in descending order of Decalogue laws:

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43. Milgrom, *Leviticus 17–22*, 1600–1602, relying on the Masoretic verse numbering system to identify the commandments (see above note), understood the 5-4-1-2 sequence (parents-Sabbath-idolatry-images) as a near inverse order of reference to the Decalogue commands and so an instance of Seidel's rule. For him, the puzzle of the missing third command was resolved by its limited appearance in 19:12. Milgrom's solution does not explain the *several* intrusions of the prologue of the first command ("I am YHWH") and the appearance of the eighth command (stealing) in the second sequence. His view that the first sequence reappears in 19:30–32 as 4-5-2/1 (1600) is hard to maintain because it looks more like 4-1-2/1-1-5-1 (Sabbath-YHWH-ghosts-YHWH-parents-YHWH).

44. Of course, the fact that both the Sabbath and parent commandments have motive clauses places them formally together, but their contents have two distinct foci.

(1)-5-4-1-2-1 and then (1)-8-3-1? The repetition of "I am YHWH (your God)" that follows the apodictic commands in 19:3–4, 11–12 also appears immediately before the sequences consisting of 19:3–4, 11–12 (19:2b; 10b). When the two sequences are treated together with the proleptic appearances of "I am YHWH (your God)," the self-identification formula envelopes each sequence as well as each Decalogue-echoing law like a chain of interlocking rings. The two sequences also surround the intervening casuistic legal material in 19:5–10bα and so set it apart (see Frame B and Units I–IV in fig. 1). Thus the structure of allusion in sections I–II and IV seems to visually reinforce the notion of a two-tablet Decalogue, drawing from the center of the full Decalogue and both its tablets in sections I–II and from the center of the second tablet in section IV.

On a formal basis, this is not the only place in the Hebrew Bible where allusions to "centers" or reordering of well-known sequences occur. In the YHWH speeches addressed to Job (Job 38–41), an extended recitation of natural phenomena act as a commentary on Job's curse of his birthday and night of conception. YHWH adduces examples from each of the creation days, but not in their usual order. After preliminaries in Job 38, YHWH's speech begins by referring to representative geological and astronomical phenomena from creation days three and four (38:4–14). The evocative scheme looks like this:

> 38:4–7   Land (third day)
> 38:8–11   Sea (third day)
> 38:12–15   Dawn implying sun (fourth day)
> 38:16–18   Sea (third day)
> 38:19–21   Light (first + fourth days).[45]

The days drawn from the middle of the Genesis creation scheme straddle a boundary between the first three and the second three days, which form two "tablets" or "panels."[46] The Yahweh speeches in Job also invert the

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45. The rest of the YHWH chapters may be analyzed as follows: Job 38:22–30, water cycle and sky (second day); 38:31–33, stars (fourth day); 38:34–38, water cycle and sky explicitly mentioned in 38:37 (second day); 38:39–40, land animals (sixth day); 38:41, sky animals (fifth day); 39:1–12, land animals (sixth day); 39:13–18, sky animals (fifth day); 39:19–25, land (sixth day); 39:26–30, sky (fifth day): 40:15–24, land animal (sixth day); 41:1–34, marine animal (fifth day).

46. When organized into two panels, days one and four involve light and light

order of creation days, for example, where 38:39–41 refers to land animals (sixth day) before sky creatures (fifth day). This pattern of reversed order recurs three more times throughout Job 39–41.[47]

We can call such reuse of a central passage from a larger genotext by the citing text a "hook-and-eye technique," on analogy with garment fasteners and gate latches. One text "hooks into" a topically related text and its larger context (the "eye"). The point of a hook-and-eye is not just to connect the hardware but also the garment or gate. The hook does this by catching the center of the eye. When speaking of intertexts, one text catches at the center of another and functions as a "textual marker" of metalepsis.[48]

Focusing on the middles of things appears to be a broad biblical literary convention, not only as discussed above. For instance, the Holiness Code makes use of chiasm as a focusing structure from the verse level to longer sections. Leviticus 24:13–23 exemplifies a chiastic structure at the level of a pericope.[49]

At the micro-level, we find two examples from H in the immediate context of Lev 19 that draw on central verses of a pericope and reuse the material. First, the short passage about passing seed to Molech (18:21a), near the center of the pericope about prohibited sexual behaviors (18:19–23), stands out because of its apparent shift in the sense of "seed": זרע, used in a metaphoric sense for "semen" in 18:20, stands as a metonym for "offspring" in 18:21a.[50] Leviticus 20 takes up the theme of Molech and amplifies it with significantly more detail (20:2–5), drawing from the con-

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sources, days two and five parallel sky and water with air and marine animals, and days three and six introduce dry land and land animals.

47. See note 45 above.

48. John Pier, "Metalepsis," in *The Living Handbook of Narratology* (Hamburg: Hamburg University Press, 2013), sections 30–31, http://www.lhn.uni-hamburg.de/article/metalepsis-revised-version-uploaded-12-may-2014.

49. The central focus is on the talion law at 24:20a. See Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B (New York: Doubleday, 2001), 2128–29.

50. The entire verse, Lev 18:21, contains a staircase structure that moves through three divine names: Molech, Elohim, and YHWH. The first divine name, Molech, appears at 18:21aβ. The second, Elohim (18:21bα), stands at the center of a little poem (18:19–23) that contains seven divine commands. The third divine name, YHWH, appears in the phrase אני יהוה (18:21bβ), which echoes the other twenty-four uses of this expression in Lev 18–20 and so the larger theme.

text of 18:19–23. Second, 20:10 draws on the topic of adultery found at
18:20. Indeed, chapter 20 by metalepsis takes up all the sexual topics of
chapter 18 at 20:10–21 but starts by "hooking" to a central verse in the Lev
18:19–23 pericope of seven commands.

The "hook-and-eye" connections between chapters 18, 19, and 20
of Leviticus represent a significant concentration of "textual markers"
of metalepsis—an attention-getting spike in amplitude and frequency.[51]
Hooks-and-eyes connect the eight small pericopes of contiguous materials
in these chapters: 18:6–16, 19–23; 19:3–18 (fig. 1), 19a–36 (fig. 1); 20:2–
6, 9–21, 22–25. For example, Lev 20:6, 27 connect to the topic of ghosts
as other gods in 19:31, thereby linking with section XI at the center of
the second tablet of the legal provisions in chapter 19 (see fig. 1). Indeed,
the theme of other gods also connects 18:21 and 20:2–6 to 19:4 and 31 as
well and so connects four different pericopes: 18:19–23; 19:3–18 (fig. 1);
19:19b–36 (fig. 1); and 20:2–6, along with the framing verse 20:27.[52]

Drawing on Mary Douglas's notion of a pedimental structure, bor-
rowed from Myres's analysis of Herodotus, Lev 19 is placed at the center
of three panels, one each for chapters 18, 19, and 20.[53] The contents of the

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51. Pier, "Metalepsis," sec. 28.

52. If hooks-and-eyes can be understood as a way of characterizing markers of
metaleptic allusion ("hooks") to larger passages ("eyes"), then, under the theme of
parents, Lev 18:7–8; 19:3a; and 20:9 represent "hooks," and their associated material,
18:6–16; 19:3–18 (see fig. 1); and 20:9–21, are "eyes." Thus 18:7–8 fastens to 19:3–18
and 20:9–21; 19:3a to 18:6–16 and 20:9–21; and 20:9 to 18:6–16 and 19:3–18, helping
to interlock the three chapters. Under the theme of holiness, 19:2b and 20:7–8, 26 are
"hooks" (20:7–8 and 20:26 forming an *inclusio* around 20:9–25); and 19:2b–37b (see
fig. 1) and 20:7–26 are "eyes." Lev 20:7–8, 26 hooks to 19:2b–37b, and 19:2b hooks to
20:7–26. For that matter, the two panels of 19:3–18 and 19:19b–36 as "eyes" are mutu-
ally hooked together by 19:3–4 with 19:30–32 and by 19:17–18 with 19:33–34 (fig. 1).
There are even interconnections between the two paranaeses, 18:24–30 and 20:22–25
(the "eyes"), made by 18:24b–25 with 20:23 (the "hooks"), that refer to the expulsion of
defiled nations from the land. Further wordplays and cross-connections in Lev 18–20
are discussed in Stewart, "Ancient Sexual Laws," 88–89.

53. A "pedimental structure" is the literary equivalent of the sculptured frieze
on a triangular part—resembling a gable and called the "pediment"—that crowns the
entrance of a Greek temple. The frieze's three or more panels focus on the central
scene. See Mary Douglas, *Leviticus as Literature* (New York: Oxford University Press,
2000), 58–60. She writes further: "[both chapters] 19 and 26 dominate the reading
by the power of their pedimental framing." Cf. Moshe Kline, "The Literary Structure
of Leviticus," *The Biblical Historian: Journal of the Biblical Colloquium West* 2 (2005):

two outer chapters parallel each other to a significant degree, and in this sense they face each other and thereby focus attention on chapter 19, the central panel of the triptych.

The literary phenomenon that Douglas labels as a pedimental structure appears to be indigenous to biblical narrative. For example, the story of Abigail and David in 1 Sam 25 comes between two encounters that David has with Saul in the wilderness. These are described in 1 Sam 23:19–24:23 and 26:1–25. In 1 Sam 23, the Ziphites tip off Saul as to David's whereabouts, and Saul and his men chase David around in the wilderness. When Saul relieves himself in a cave (1 Sam 24), David takes a piece of his cloak. When Saul sleeps in 1 Sam 26, David takes the water jug near his head and his spear. Discoveries of both incidents lead to Saul partially reconciling with David and calling him "son." Between these encounters, in the focalized 1 Sam 25, Abigail prevents David from assassinating her husband in a moment of frustrated anger and so preserves his reputation. Focalizing structures like this flag matters of special importance, marking a textual landscape so that readers or listeners pay attention.

That this pedimental feature of ancient storytelling could find traction in Leviticus should occasion no surprise. Leviticus is part of a narrative, Ruwe recently reminded us, so the interpretation of Leviticus should start from the "*factors that structure* [its] 'narrated world.'"[54] Thus, the implication of the structuring elements in and around Lev 19 lead to the conclusion that the chapter is an important focus and cannot be fully understood alone, without considering all of its interconnections, whether they are near or far.

From the brief evidence presented here for H's literary setting, the Holiness Code writers who authored Lev 18–20 knew a set of conventions about central texts that allowed them to write artfully. Indeed, H uses this "centrality" convention to connect H materials with each other, provide focus, and reference materials beyond H. That the writer/editor of Lev 19

12–29; republished at http://chaver.com/Torah-New/English/Articles/The%20Literary%20Structure%20of%20Leviticus.htm, where Kline follows Mary Douglas in seeing Lev 19 as the focus of Leviticus (table 5).

54. Andreas Ruwe, "The Structure of the Book of Leviticus in the Narrative Outline of the Priestly Sinai Story (Exod 19:1–Num 10:10*)," in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003), 57, emphasis added. I argue elsewhere that the legal material is "nested in the narrative" (Stewart, "Ancient Sexual Laws," 34).

found it useful to draw on texts from the middle of the Decalogue for the
collection of forty-eight or seventy-plus laws found in this chapter should
not in itself be a surprise.[55] It is sufficient for Lev 19 to evoke a few com-
mands from the Decalogue to alert us to all of them. As Baruch Schwartz
convincingly argues, the Holiness writers were not writing a decalogue[56]
or even two decalogues or a dodecalogue. Neither were they writing so
obscurely and haphazardly that we must fix their text for them. Labori-
ously full citation is dull, but H is an artist.

6. Conclusion: The Possibilities of Leviticus 19 and Its Evocations

Leviticus 19 makes use of a set of apparently indigenous literary conven-
tions to structure itself in ways that we as twenty-first-century readers
might not expect. Some of these conventions, such as inverted quotation
(§2) and pastiche or composite quotation (§4), have been noted before, but
they have not been applied to understanding Lev 19:3–4. There is evidence
that the inverted quotation in 19:3 cites the Sinaitic Decalogue alone at
Exod 20:12a, rather than any of its other six parallels.[57] If this evidence
holds, it would indicate the probable direction of citation by this particu-
lar verse. The composite quotation in Lev 19:4a draws from Exod 34:17
and Exod 20:3–4a/Deut 5:7–8a, efficiently evoking both text complexes at
once. A key element from the Decalogue that can be read as its first com-
mandment, אנכי יהוה אלהיך, appears as (אלהיכם) אני יהוה sixteen times
in Lev 19. This accumulation of markers of allusion—in a refrain—forms
the exoskeleton of this chapter (§3).

     "Centering" mechanisms, such as chiasm and pediment, also have
been identified in Leviticus before. The present essay identifies and labels
another structural device that involves centering: the marker of metalep-

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55. Forty-eight laws by traditional count, as in the Shulhan Arukh; or sixty by
Rabbi Yochai or seventy by Rabbi Levi, both in Lev. Rab. 24:5; or "more than seventy"
by Schwartz's count ("Leviticus 19 and the Decalogue," 15).

56. Schwartz, "Leviticus 19 and the Decalogue," 18.

57. In sum, five parallels are eliminated because they are grammatically distant
from the positive apodictic command of Lev 19:3aα in terms of their casuistic struc-
ture (if/then statements, use of active participles), negation, inversion (e.g., "curse"),
or use of a passive participle. The remaining parallel, Deut 5:16aα, identical with Exod
20:12a except for context, belongs to a pericope that speaks of Mount Horeb at 5:2.
The context of Exod 20:12a refers to Mount Sinai. "Sinai" alone is used by H, and
particularly in Lev 26:1–2, a passage that has an intertextual relationship with 19:3–4.

sis, which is newly described here as the "hook-and-eye" technique (§5). The hook-and-eye offers a new understanding of how Lev 19 "piles up" metaleptic evocations from inside and outside its immediate context. These several mechanisms of allusion make Lev 19 what one might name a "call center." The chapter "calls" attention to multiple parts of the Torah and not just to itself.

The fact that Lev 19 is itself at the center of a focusing structure within the Holiness Code implies the importance that H ascribes to it—something already sensed by Milgrom and many others.[58] Indigenous literary features allow us to step away from the theological position that all biblical laws are of equal importance (according to Schwartz). The text is not a plain but a varied landscape with hills and wadis. With Ibn Ezra, we need not necessarily impute "distinct legislative import"[59] to each similar instantiation. Different contexts are sufficient to allow different nuances of meaning. Thus I would suggest, *contra* Nihan, that allusion to or citation of other biblical laws in Lev 19's compendium is not to harmonize them. It is also more, I think, than a simple memory aid. Literary allusion in Lev 19 is an aid to recollection that "simultaneously activates" two or more texts and holds them in dialectical tension.

To say that Lev 19 is a "mini-Torah" is to assert more than the existence of fifty-plus laws here. It is to say that the structure of the chapter embodies its own pedagogy of reading. Here one must not just read linearly, as one would if the text were read aloud. The structure pushes the reader to move back and forth to its associations. This perturbs the reader, who must recollect past reading in order repeatedly to grapple with meaning, just as citing texts wrestle with prior texts. Thus it is to say, the structure of Lev 19 contains "directions" for reading from its redactor/rabbi. Might not this spur one to meditate with delight on the Torah day and night?

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58. For example, Yehuda T. Radday calls Lev 19 a "little Torah" ("Chiasmus in Hebrew Biblical Narrative," in *Chiasmus in Antiquity,* ed. John W. Welch [Hildesheim: Gerstenberg, 1981], 89). Douglas suggests that Lev 18–20 represents the screen between the court and the holy place in Leviticus's projection of the tent of meeting (*Leviticus as Literature,* 195, 223; *Thinking in Circles,* 132–34). Moshe Kline, in his essay in the present volume titled "Structure Is Theology: The Composition of Leviticus," views Lev 19 as the curtain between the holy place and the holiest, as if Leviticus were spatially organized as a kind of walking tour of the tent of meeting as seen through the eyes of the high priest.

59. Schwartz, "Leviticus 19 and the Decalogue," 7.

The End of Korah and Others: Closural Conventions in Priestly Narratives of Numbers

Susan Zeelander

1. Introduction: The End of Korah

Literary devices signifying that a biblical narrative is coming to a conclusion are found in the priestly Korah story (Num 16:1a, 2–11, 15–23, 27aa, 32b, 35; 17:1–5 [ET 16:36–40]), in other Priestly narratives in Numbers, in narratives from other documentary sources, and in other books of the Bible. They belong to a common core of closural devices situated in definable "end sections" of biblical narratives. In the account concerning Korah, the closural devices include references to death and devastating fire, a linguistic frame (the words "two hundred fifty men"), a positive twist, a look to the future, and the resolution of the issue that had upset the status quo at the beginning of the story.

Closural devices are thematic, structural, and linguistic. In addition to those noted above regarding Korah, they include rituals, etiologies, summaries, changes in verbal or phrasal patterns, puns, and change of narrative focus. Such devices signal to a reader that the end of a narrative is at hand, and they illuminate the internal and contextual significance of a story. They do this by slowing down the narrative, emphasizing or clarifying points that are important to the writer/editor(s), and entertaining the reader. They reestablish stability, make the end seem final, and reinforce the integrity of the narrative by supporting the story's coherence and values. Some of the devices are not inherently closural but serve a closural function in the context of an end section when, for example, they reflect changes that have occurred in the narrative[1] or emphatically make final points.

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1. The scouts in Num 13–14 are first admiringly identified as "men, every one a prince," but at the conclusion of the story they are merely "men" (13:2; 14:28).

In an earlier study of Genesis, I identified a large number of closural devices used at the ends of narratives in that book.[2] In the present essay, I will examine the closural devices in the Korah narrative and in other Priestly narratives in Numbers, which have been drawn from a common repertoire.[3] Using methods of narratology and close reading of the biblical text, together with an approach that combines aspects of form criticism with literary criticism, I will investigate these patterns of narrative endings by identifying them and showing how they function in the stories. This research will demonstrate that the Priestly writers in Numbers used closural devices to support concepts that were important and unique to the Priestly writers. The question of whether they used these devices more or less consciously will be addressed at the end of this paper.

2. The Value of Studying Literary Endings

The first known expression of the importance of literary endings was by Aristotle,[4] but modern academic interest in the design and purpose of lit-

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2. Susan Zeelander, *Closure in Biblical Narrative*, BibInt 111 (Leiden: Brill, 2012). I investigated thirty-eight relatively short narratives in Genesis from the J, E, and P sources. The six Priestly narratives included were: creation (1:1–2:4a, 2:3); the flood (6:9–22; 7:6, 8–9, 11, 13–16b, 21, 24; 8:1–5, 7, 13–19; 9:1–17); the covenant with Abraham (17:1–27); Abraham's purchase of a burial site (23:1–20); Jacob's departure for the east (27:46–28:9); and Jacob/Israel at Bethel (35:9–15).

3. Jacob Milgrom's *Numbers: The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1990), xiv, places the Korah account within a larger section that Milgrom thematically titled "Encroachment on the Tabernacle" (Num 16:1–18:32). The commentary provides a wealth of historical, legal, literary, linguistic, rabbinic, and other insights while also highlighting "thematic and verbal links" between laws and narratives. Milgrom closely examined Num 16, which includes the story of Korah and the embedded episode of Dathan and Abiram, to reveal conceptual and literary clues to what he viewed as the chapter's multiple recensions (ibid., 414–23). My limited analysis in the present essay stays within the confines of narratives in Numbers that are generally attributed to the Priestly documentary source, following the guidelines of Richard E. Friedman, *The Bible with Sources Revealed* (New York: HarperOne, 2003). Within this scope, I focus on the ends of narratives to demonstrate the presence of closural devices and to see how the Priestly writers adjusted these endings to suit their own purposes.

4. Aristotle, *Poetics*, rearranged, abridged, and trans. N. G. L. Hammond (Copenhagen: University of Copenhagen Museum, 2001), 20. Aristotle indicated that a plot should not end "casually."

erary endings was sparked in the 1960s. Frank Kermode, in *The Sense of an Ending*, dealt with psychological and metaphysical issues.[5] He asked why we consider the end of a literary composition so important. His answer was that, just as we attempt to make coherent patterns of events in our lives by attributing to them identifiable beginnings and endings, we structure our literature in like manner.[6] We do this even when faced with arbitrary events, because we want to experience "the concordance of beginning, middle, end."[7]

Barbara Herrnstein Smith, in *Poetic Closure*, identified specific literary patterns that emerge at the end of a poem. She showed how a reader who reaches the conclusion of a poem retrospectively becomes aware of structural and linguistic elements that contribute to closure and therefore to satisfaction.[8] Although Smith's book focused on poetry, her approach is also helpful in understanding endings in other genres of literature.

Scholars have continued to investigate closure in different kinds of literature: Greek and Roman classical writings, the works of Shakespeare and other playwrights, modern novels and short stories, and even detective fiction.[9] Studies in biblical literature have discovered patterns of change in final units of various literary texts and even, to some extent, in whole

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5. Frank Kermode, *The Sense of an Ending* (New York: Oxford University Press, 1967).

6. Ibid., 28–31.

7. Ibid., 35–36.

8. Barbara Herrnstein Smith, *Poetic Closure: A Study of How Poems End* (Chicago: University of Chicago Press, 1968), 14.

9. Some examples include Francis M. Dunn, *Tragedy's End: Closure and Innovation in Euripidean Drama* (Oxford: Oxford University Press, 1996); Don Fowler, *Roman Constructions: Readings in Postmodern Latin* (Oxford: Oxford University Press, 2000), ch. 11 (repr. of *Materiale e discussione per l'analisis dei testi classici* 22 [1989]: 75–122); John Gerlach, *Toward the End: Closure and Structure in the American Short Story* (University: University of Alabama Press, 1985); Elizabeth J. MacArthur, *Extravagant Narrative: Closure and Dynamics in the Epistolary Form* (Princeton: Princeton University Press, 1990); Thomas C. Kennedy, "Lear: Plot and Theme," *Studia Neophilologica: A Journal of Germanic and Romance Languages and Literature* 71 (1999): 51–61; Deborah Roberts, Francis M. Dunn, and Don Fowler, eds., *Classical Closure: Reading the End in Greek and Latin Literature* (Princeton: Princeton University Press, 1997); Eyal Segal, "Closure in Detective Fiction," *Poetics Today* 31 (2010): 153–215; and Marianna Torgovnick, *Closure in the Novel* (Princeton: Princeton University Press, 1981).

books of the Bible.[10] In *Closure in Biblical Narrative*, the present author demonstrated a common core of specific closural devices that repeatedly appear in narratives of Genesis.[11]

The present essay views the Korah story and other Priestly narratives from the perspective of seeking identifiable "end sections," which first requires determination of the beginning and end of each narrative. These parameters are not always clear in a text containing narrative that may be strategically placed among nonnarrative but similarly themed materials.

Once the parameters of a narrative have been discerned, the next step is to delineate elements of its internal structure through narratology, a methodology that studies the nature, form, and function of a narrative.[12]

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10. Aharon Mirsky (*Semitics* 5 [1977]: 9–23) offers examples of modified syntax that indicate conclusion in some psalms and prophetic passages, Num 3:23–28, the Talmud, and Pirqe Abot. Isaac Gottlieb has shown that conclusions of some whole books of the Bible use words that mean "end," "conclusion," or "return" ("Sof Davar," *Prooftexts* 11 [1991]: 213–24). Studies by Gary Rendsburg and Shamir Yonah have built on the works mentioned above, as well as on Meir Paran's *Forms of the Priestly Style in the Pentateuch: Patterns, Linguistic Usages, Syntactic Structures* [Hebrew] (Jerusalem: Magnes, 1989). For Rendsburg, see "Literary Devices in the Story of the Shipwrecked Sailor," *JAOS* 120 (2000): 13–23; and "Marking Closure" (paper presented at the International Meeting of the Society of Biblical Literature, Amsterdam, 24 July 2012). Shamir Yonah has made relevant presentations in "Emphasis of the Last Component of the Unit in Biblical Hebrew Poetry" (paper presented at the Annual Meeting of the Society of Biblical Literature, Atlanta, 22 November 2010); and "Emphasizing the End of an Aphorism in the Book of Proverbs and the Proverbs of Ahiqar" (paper presented at the International Meeting of the Society of Biblical Literature, London, 6 July 2011). Shimon Bar Ephrat identified ending formulas related to departure (*Narrative Art in the Bible* [Sheffield: Almond, 1989], 130), based on earlier research by I. L. Seeligmann, "Hebraishe Erzaehlung und biblische Geschichtsschreibung," *TZ* 18 (1962): 305–25.

In music, slight changes in repetitive patterns presage the end of a piece. Pam Belluck quotes the popular writer and composer Paul Simon: "The stopping of sounds and rhythms [is] really important because you know, how can I miss you unless you're gone? If you just keep the thing going like a loop, eventually it loses its power" (*New York Times* [18 April 2011], D1). Yo-Yo Ma, in the same article, discusses how a melodic pattern in Schubert's E-Flat Trio for piano, violin, and cello changes in its final repetition.

11. Zeelander, *Closure in Biblical Narrative.* See n. 2 above.

12. Gerald Prince defines narratology in *A Dictionary of Narratology,* rev. ed. (Lincoln: University of Nebraska Press, 2003), 66. It is "a (structuralist-inspired) theory of narrative. Narratology studies the nature, form, and functioning of narrative (regardless of medium of representation).… More particularly it examines what all

Narratology examines what various narratives have in common, what distinguishes them from each other, and what differentiates them from other genres, such as poetry, prophetic oracles, instructions, or lists. To be considered a narrative, a text must recount at least two events or one state and then one event that alters it.[13]

After discerning the structural elements of a narrative through narratology, I employ close reading to identify and analyze closural devices in the end section. Aspects of close reading include recognition of syntax, rhyme, paronomasia, analogies, chiasm, contrasts, images, repetitions, and changes in pace and focus of narration.

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and only narratives have in common (at the level of story, narrating, and their relations) as well as what enables them to be different from one another, and it attempts to account for the ability to produce and understand them." Meir Sternberg explains that "[narrative] theory has shown relatively little concern and nothing like consensus" because the study of narratives "is still in its infancy," and there are many issues still to be identified and resolved, despite the fact that "nowadays, more than ever, scholars [who are not narratologists] legitimately bring to narrative texts (or to a miscellany of texts) problems and interests other than narrative" ("How Narrativity Makes a Difference," *Narrative* 9 [2001]: 115–22, here 116). However, Sternberg emphasizes that the "narrative factor always makes a difference to the work and its working." Of particular interest for the present essay is Sternberg's understanding of the role of theme in narratology, which is an important factor in Milgrom's analysis (see Milgrom, *Numbers*, xiv). Sternberg points out that theme was excluded by Aristotle as a "nonevent." While Sternberg maintains that thematic developments in a story should be taken into account in analysis of it, he warns against allowing "theme" to control analysis. In Sternberg's discussion of the David story in 1 Kgs 1:1–6 and 2:13–25, he shows how three elements—suspense (rival scenarios about the future), curiosity (the reader's having some knowledge but not all), and surprise (disclosure to the reader)—define the force of the narrative. Dependence on theme, rather than these elements of narrativity, would erase some meaning. For discussion of some of the different interests that concern contemporary narratologists, see Gerald Prince, "A Commentary: Constants and Variables of Narratology," *Narrative* 9 (2001): 230–33.

Robert Alter and Yairah Amit suggest impressionistic approaches to identification of a narrative. In *The Art of Biblical Narrative* (New York: Basic Books, 1981), 80–87, Alter suggests that the beginning of an "event"—he does not use the term *narrative* here—can be discerned by a slowing of the narrative tempo that allows details to come into focus, the exposition of characters and information, and then action and dialogue. The end is sometimes marked by the return of characters to a place of origin. Amit allows the reader to help define the boundaries of a narrative based on how the reader defines the subject of the unit (*Reading Biblical Narratives: Literary Criticism and the Hebrew Bible* [Minneapolis: Fortress, 2001], 14–18).

13. Prince, *A Dictionary of Narratology*, 58.

3. Structure of a Narrative and Identifying Its End Section

The beginnings and ends of narratives in Numbers (and most biblical narratives) are not explicitly defined. Unlike psalms, for example, there are no titles to mark their beginnings. However, there is a literary marker that implicitly helps to identify the parameters of a story. That marker is equilibrium, which is found at the beginning and end of a narrative.[14] The equilibrium that characterizes the beginning becomes noticeable when something upsets it. Then the narrative moves through conflict toward its resolution, which establishes a new equilibrium. The end section begins with the resolution and continues through related verses that follow. In aesthetic terms, it functions like a "coda" (Italian for "tail") in musical sonata form. A coda is a concluding section that follows return to the main key in the recapitulation section.[15]

For example, in Num 16 the Korah narrative begins: "Korah took … and they arose before Moses" (16:1–2).[16] By 16:3 it becomes clear that Korah is challenging the priestly cultic system.[17] He and 250 men "combine against Moses and Aaron" and demand an equal share in the Aaronide priesthood. Their action causes further action and reaction. When the final, violent repudiation of the demand of Korah and company occurs in 16:35, the situation is resolved, establishing a new equilibrium or stasis, and the narrative can end. However, the Korah story does not end at 16:35. Instead, an elongated process of closing finally ends the narrative five verses later. Numbers 17:1–5 (ET 16:36–40) describe how the fire pans used by Korah and his men were reused as plating for the outer altar of the sanctuary. These verses form an epilogue that completes the intention

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14. "The minimal complete plot can be seen as the shift from one equilibrium to another. The two moments of equilibrium are separated by a period of imbalance, which is composed of a process of degeneration and a process of improvement" (Tzvetan Todorov, "Structural Analysis of Narrative," *NOVEL: A Forum on Fiction* 3 [1969]: 75).

15. Roy E. Gane, personal communication.

16. Num 16:1 begins: ויקח קרח, lit., "Korah took." Because of the embedded E verses, the text as it reads appears not to have an object. Milgrom lists more than ten solutions to the canonical text issue (*Numbers*, 312). However, the P source provides the object in 16:3: אנשים מבני-ישראל חמשים ומאתים, "250 men from among the Israelites." Joel Baden (personal communication) explains that by removing the E material in 16:1–2, the translation "Korah took" contextually makes sense.

17. As stated in Lev 8:1–31; Num 4:16.

of the author without changing the outcome of the narrative.[18] Epilogues such as this one also redirect the reader's focus away from the events at hand to the future and may add a sense of hopefulness.[19] Most narratives have just one or two verses that follow the resolution, but whether the end section is brief or extended, it is the place in a narrative where closural devices are found.

4. Causality and Steps in a Narrative

The Korah story and the other Priestly narratives in Numbers are relatively simple in that each has a linear plot and deals with a single problem.[20] A method for analyzing the main incidents in Russian folk tales, which also have linear plots and single problems, has been developed by Vladimir Propp.[21] A recent refinement of that approach by Emma Kafalenos pro-

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18. Prince, *A Dictionary of Narratology*, 27. For a discussion of how epilogues function in vernacular narratives, see William Labov, *Language in the Inner City: Studies in the Black English Vernacular* (Philadelphia: University of Pennsylvania Press, 1972), 365–68. Labov uses the term "coda" rather than epilogue.

19. In addition to the Korah epilogue, the epilogues in Num 17:6–15 and 25:6–18 are discussed in this paper. Regarding modern literature, literary scholars have noted that it is not uncommon, especially in novels, to find epilogues that function similarly. Boris M. Eichenbaum, in "O. Henry and the Theory of the Short Story," contrasts modern short stories with modern novels. In a novel, "an enormous role is played … by the techniques of retardation and of linking and welding disparate materials … and creating diverse centers … [so that] the culmination of the main line of action must come somewhere *before* the ending. Typical of the novel are 'epilogues'—false endings, summations setting perspective or informing the reader of the *Nachgeschichte* of the main characters" ("O. Henry and the Theory of the Short Story," in *Readings in Russian Poetics: Formalist and Structuralist Views*, ed. Ladislav Matejka and Krystyna Pomorska, trans. I. R. Titunik [Cambridge: MIT Press, 1971], 227–72, here 232, emphasis added; first published 1925 in Russian).

20. The Priestly Korah story has the Dathan and Abiram narrative embedded within it (Num 16:1b–2a, 12–14, 25–26, 28b–32a, 33–34). That story is from the J source or, as Milgrom suggests, from an "epic" source (*Numbers*, iv). Its end section, 16:31–34, also draws from the common stock of closural devices.

21. Vladimir Propp, in *Morphology of the Folktale*, ed. Svatava Pirkova-Jakobson (Bloomington: Indiana University Press, 1958), demonstrated that the main incidents of simple narratives follow a prescribed series of functions. He found that all of the folk tales could be described abstractly by referring to thirty-one functions, and although each tale does not include all of the functions, the order of the functions remains the

vides a simplified system for identifying the structure of a narrative.[22] Her paradigm posits ten causal steps in the unfolding of a story.[23] Not all of the steps occur in any one narrative, but those that do are always in the same sequence. A key element of Kafalenos's approach is its focus on the causal relationship between events, as a narrative progresses from destabilization to resumption of stability. This approach is valuable for assisting an analyst in identifying the beginning and end of a narrative. The steps (or "functions") are:

Eq	Initial equilibrium
A or a	Destabilizing event (A) or reevaluation that reveals instability (a)
B	Request that someone alleviate A or a
C	Decision by C-actant to attempt to alleviate A or a [the C-actant is the character who performs function C]
C1	C-actant's initial act to alleviate A or a
D	C-actant is "tested" [God, the C-actant in these stories, is always empowered, but sometimes people try his patience or request something]
E	C-actant responds to test
F	C-actant acquires empowerment
G	C-actant arrives at the place or time for H
H	C-actant's primary action to alleviate A or a, which brings about the key transformation
I	Success (or failure) of H
Eq	New equilibrium

Most of the biblical narratives are relatively brief and reflect only some of Kafalenos's steps, or they may repeat a sequence of steps. The Kafalenos paradigm can be applied to the Korah story in the following way. An assumed "initial equilibrium" that was established in the wilderness of Sinai is destabilized [A] when Korah and his associates demand that Moses and Aaron not elevate themselves because, they contend, all the people

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same. Some of these functions are: a hero is introduced; an interdiction is addressed to the hero; a villain causes harm or injury; and a victim is taken in by deception.

22. Emma Kafalenos, *Narrative Causalities* (Columbus: Ohio State University Press, 2006).

23. Ibid., 7.

are holy (Num 16:1a, 2b–3).[24] Moses requests God's involvement [B]. He inquires of God (16:4), who is the "actant" and has the ability to alleviate (or try to alleviate) the instability.[25] God responds to Moses, who reports back to Korah (16:5–11, repeated in 16:16–17). This is the beginning of God's attempt to alleviate the instability [C]. God arrives at the place or time for the primary action [G] when his presence appears at the tent of meeting before Korah and those assembled (16:19), and he reaffirms his decision to destroy Korah by telling the others to remove themselves from around Korah's tent (16:24). Finally, the event that causes the transformation occurs [H]: fire goes out from the Lord, consuming the 250 men who offered incense (16:35). The action is successful [I]: the rebellious ones are destroyed. The tension caused by their challenge has been released, and in its place there is a sense of stable conclusiveness; there is a new equilibrium.[26] The cultic system has been tested and successfully defended.

5. Finality, Stability, Integrity: Closural Devices as Korah, and His Story, Comes to an End

Resolution of the instability instigated by Korah was brought about by God, with Moses as his spokesman. The deity's involvement makes the end feel stable and final. The narrative also achieves a sense of integrity because the destruction of Korah and his followers reaffirms the values and boundaries of the Priestly cultic system and its personnel. The laws that have defined the respective roles of priests and Levites are upheld, and God destroys those who would undermine his cultic system, even if the challengers are important people among the Israelites. Yet, as we will see in the last five verses, which constitute an epilogue, God offers a plan to help his people observe the system he has put in place in order to prevent further harm to them.

The main part of the Korah narrative in Num 16 is bound together by a literary frame formed by the occurrence of the phrase "two hundred fifty men" in 16:2, 35, suggesting to the reader that these verses, with those

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24. See Lev 8:1–31; Num 4:16.

25. As noted in the Kafalenos paradigm, in §4, above, the C-actant is the character who performs function C: the C-actant attempts to alleviate the problem that caused the instability in the narrative.

26. Smith contrasts "stable conclusiveness" with "stopping or ceasing" (*Poetic Closure,* 2).

between them, belong to the same unit (which also includes 16:1). This awareness allows the reader's mind to visualize a whole object, that is, a whole event, within its borders. Gestalt psychology supports this understanding of the reader perceiving the wholeness of what is enclosed. Although Gestalt psychology refers to spatial and visual relations, by extension the reader's thinking applies to temporal systems, such as events in narratives that unfold over time.[27]

Wordplay is common in much of biblical writing.[28] When it occurs at the end of a narrative, it can emphasize a central point that the writer wants to leave with the reader; it may entertain or even flatter the reader. These possibilities can be seen in the Korah story, where verbal forms of הקריב (hiphil of the root קרב), to "bring" or "offer," appear seven times. At the end of the primary part of the story, the phrase מקריבי הקטרת, "the bringers of incense" (Num 16:35), is a unique plural construct participle form of the verb הקריב. The phrase summarizes the destabilizing problem in this narrative: those people did bring the incense, but, as Milgrom explains, they were not entitled to do so.[29] מקריבי הקטרת may even be a sarcastic condemnation.[30] It taunts those who had brought the incense and died. If they had understood the Priestly cultic rules, they would have known that, although they were physically able to bring the incense, they were not eligible to do so. They should have known, and now, 250 Israelites will never do *that* again. Here at the end, the reader who "gets" the unique language and the possible sarcasm feels good and is flattered that he or she understands the subtleties of the wordplay.

Following the action in the main part of the Korah story (Num 16:1–35), the narrator directs the reader's focus from the concluding events to a future time. This suggests that the description of the narrated events are over. In the epilogue (17:1–5 [ET 16:36–40]), Eleazar, the son of Aaron

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27. Tanya Reinhart, "Principles of Gestalt Perception in the Temporal Organization of Narrative Text," *Linguistics* 22 (1984): 779–809, esp. 805.

28. Immanuel M. Casanowicz, *Paronomasia in the Old Testament* (Boston: Norwood, 1894).

29. Jacob Milgrom, *Studies in Levitical Terminology, I: The Encroacher and the Levite; The Term ʿAboda*, University of California Publications, Near Eastern Studies 14 (Berkeley: University of California Press, 1970), 19. The sin of these men was not in "approaching" the tabernacle but in their attempt to usurp the rights and functions of priests.

30. Roy E. Gane and Jacob Milgrom point out that הקריב has sarcastic overtones in 2 Kgs 16:14 ("קָרַב qārab," *TDOT* 13:141).

the high priest, is given the task of entering the tabernacle so that the now sacred fire pans of the 250 incinerated men[31] can be hammered into plating to cover the altar and thereby become a protective sign (אות) and reminder (זכרון)[32] for the Israelites in the future. Thus, remnants of the disaster are turned into a teaching tool so that henceforth the people will be reminded, be wiser, and never again make the mistake that Korah and his associates made. The epilogue completes the intention of the author without changing the outcome of the story.[33]

6. Other Priestly Narratives in Numbers: Closural Conventions

Other Priestly narratives in Numbers share closural characteristics found in the Korah story (16:1a, 2–11, 15–23, 27aα, 32b, 35; 17:1–5 [ET 16:36–40]). These narratives are: delayed Passover observance by those who are impure (9:1–14); the scouts (13:1–16, 25–26, 32; 14:1–10, 26–38); the wood gatherer on Sabbath (15:32–36); rebellion and plague (17:6–15); Aaron's sprouting staff (17:16–28); Moses striking a rock at the Waters of Meribah (20:1–13); the death of Aaron (20:22–29); Phinehas halts a plague (25:6–18); the daughters of Zelophehad (27:1–11; 36:1–12); the appointment of Joshua (27:12–24); and request for Transjordanian land by Gad and Reuben (32:2, 4, 5b, 6, 13–24, 28–32). Some of these stories in their entirety seem to serve an etiological function: the delayed Passover observance, the wood gatherer on Sabbath, and the daughters of Zelophehad explain the origins of new laws. The request for land by Gad and Reuben explains why these tribes settled east of the Jordan River. All are narratives as defined in this essay: Each tells of at least two events or one state altered by one event.

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31. The fire pans were sacred because they were used in the sacred precincts or because they were touched by the divine fire (Milgrom, *Numbers*, 138). Baruch A. Levine makes the point that the fire pans were a gift to God, and although he did not accept them, they were his to dispose of (*Numbers 1–20: A New Translation with Introduction and Commentary*, AB 4 [New York: Doubleday, 1993], 419).

32. A זכרון functions as a reminder or commemoration of something in the following Priestly texts: Exod 17:14; 39:7; Lev 23:24; Num 5:15; 31:54. The language and motif of the epilogue to the Korah story is strikingly similar to those of the epilogue in the P-source flood story in Gen 9:8–18, in which God creates a "sign" (אות) to "remember" (זכר) his covenant with Noah. There the rainbow is the sign to remind God; it is not a warning for the people, as it is here.

33. For additional discussion of epilogues, see Zeelander, *Closure in Biblical Narrative*, 36–37, 84–85.

The end of each Priestly story in Numbers shows resolution of an issue that destabilized an initial status quo. Since the actant is God (or with Moses speaking for God) in every instance, divine power contributes to the sense that the ending is final and stable. Death is often the resolving factor, as in the case of Korah, but reasoned compromise or the establishment of new laws or leaders can also bring stability to the end of a narrative. For example, when Gad and Reuben announce that they wish to remain in the Transjordan, rather than joining their fellow Israelites in Canaan, this upsets God's plan and Moses's understanding of it. The unsettled situation is resolved when God offers a compromise that the Gadites and Reubenites accept: they may have the Transjordanian land, and their families can remain there if they assist the other tribes in conquering Canaan.

For narratives in which the absence of an appropriate law causes instability, God's promulgation of a new law resolves the problem, as in the cases of Passover observance, the wood gatherer, and the two stories about the daughters of Zelophehad. From a narrative standpoint, the second daughters of Zelophehad story in Num 36 is independent of the first in Num 27: it opens with its own destabilizing factor and ends with a new resolution.[34] The end of this second story does not detract from the narrative closure at the end of the first daughters of Zelophehad story.

Themes such as death, destruction, and departure are closural by their nature because they cause the end of activity. Therefore, they often signal the end of a narrative. In many of the Numbers narratives, including the one concerning Korah, death in the end section eliminates the characters that have precipitated disruption in the first place. When they are gone, the reader accepts that the story's end is at hand. In the account of the scouts, those who give a negative report are killed in a plague (Num 14:37). Termination of their existence is underlined by contrast with the verse that follows: "But … Joshua son of Nun and Caleb son of Jephunneh lived" (14:38). A few verses earlier, the word "death" is compounded by paronomasia, a form of wordplay based on repetition of sounds. God announces

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34. Katherine Doob Sakenfeld points out that from a strictly narrative point of view the delay of the second narrative until after the conquest and apportionment of Transjordan "heightens the reader's retrospective surprise that the relatives had accepted the chapter 27 ruling uncontested" ("Zelophehad's Daughters" *PRSt* 15 [1988]: 38). This delay also allows the issue of the apportionment of land to become the climax of the first four books of the Bible.

the verdict: "In this wilderness the people shall be consumed (יתמו), and there they shall die (ימתו)" (14:35). His words that the people will be "consumed" and "die" reinforce one another because they share the consonants *y, t, m*, and the final vowel *u*. Similarly, the death of the wood gatherer (15:36) ends his story, and the death of 14,700 people from a plague puts a definitive stop to their rebellion (17:14). Phinehas's execution of an Israelite man and Midianite woman abruptly halts their offense (25:8), but another 24,000 Israelites die from a plague on that occasion (25:9).

Sometimes just the specter of death contributes to the sense of ending. In the sprouting staff narrative (Num 17:16–28), the fear of death traumatizes the people. The Lord has tried to calm them and end their complaints against him by having Moses again place Aaron's staff before the ark of the covenant (17:25–26). The people's response in 17:27–28 is a signal that this narrative is ending. They say:

<div dir="rtl">

הן גוענו אבדנו כלנו אבדנו

כל הקרב הקרב אל-משכן יהוה ימות האם תמנו לגוע

</div>

> Look, we perish, we are lost, all of us are lost.
> Everyone who so much as ventures near the Lord's tabernacle must die.
> Are we doomed to perish?"

Their first word and their final words, from the root גוע, "perish," are part of an a-b-b-a chiastic structure. Twice they say אבדנו, "we are lost." They focus on the end of life, "death" (verb from root מות), and the idea that they will be finished off (verb from root תמם).[35]

Departure suggests separation from the time and place where the action has been taking place. In Num 15, the people move away from the camp to a space outside it, where they stone the wood gatherer (15:36).[36] In the Korah narrative, those who are not involved with him scurry away

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35. The sprouting staff incident described in Num 17:16–28 is resolved in 17:23–27 when Aaron's staff blooms in the sacred tent. Using the Kafalenos terminology and schema (see above), God's action in 17:23 is the "primary action to alleviate" his "reevaluation that reveals instability." God's "reevaluation" (a) is that the people do not accept his choice of Aaron and still mutter against Moses. The intense response of the people follows the resolution of the narrative.

36. Milgrom (*Numbers*, 126), points out that executions took place only outside the camp to avoid corpse ritual contamination or to avoid the shedding of blood and subsequent bloodguilt (see Lev 24:14, 23). When viewed from a narrative standpoint, the final act occurs in a new location.

when they are warned (16:23, 27). Their departure, combined with the destruction of the Korah group and their possessions, leaves an empty space where the action had been carried out. The opposite of departure is "return." In the narrative in which Aaron stops the plague by running through the community with a fire pan and incense, he returns to the tent of meeting (17:15). This indicates that he has completed his task and the narrative can end.[37] His mission is accomplished; he has saved many Israelites.

Related to death and departure is the word עצר, "stop, halt." Although this word does not necessarily signify the end, it has this function in the context of Num 25. When Phinehas spears an Israelite man and a Midianite woman, he "halts" the plague (ותעצר המגפה; 25:8).

Literary frames, such as the phrase "250 men" that encloses the Korah story (see above), signal the beginnings and ends of other narratives as well. In the scouts story, the first part of the frame is in Num 13:2, where the Lord says to Moses: "Send men and let them scout the land of Canaan." The closural part, 14:36, echoes these words in a different order: "As for the men whom Moses had sent to scout the land.…"

14:2   שלח-לך אנשים ויתרו את-ארץ כנען
14:36   והאנשים אשר-שלח משה לתור את-הארץ

When Moses strikes the rock to bring forth water in the narrative of Num 20:2–13, a linguistic frame based on the verbal root ריב, "to quarrel," is used once at the beginning of the frame in 20:3 and twice in the close in 20:13. There is only one word in 20:13—מים, "water"—that does not have a parallel in 20:3, and this word connects to 20:2. It was the lack of water that precipitated the people's complaints to Moses and Aaron in the first place. The parallels in the frame are ריב ("quarrel") and עם ("people") in 20:3 and בני ישראל ("children of Israel") in 20:13.

20:3   וירב העם עם-משה
20:13   המה מי מריבה אשר-רבו בני-ישראל את-יהוה

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37. Zeelander, *Closure in Biblical Narrative,* 98–100, identifies seventeen instances of שוב, "return," or ישב, "dwell," which repeats the key consonants שׁ and ב in the same order, in end sections of J, E, and P narratives in Genesis. Both verbs can suggest that the end has been reached.

We saw an example of wordplay at the end of the Korah narrative, where the unique participial form of הקריב (i.e., מקריבי הקטרת, "the bringers of incense") pokes fun at those foolish people while condemning them. Another example was in the scouts' narrative, where the sound and meaning of "they will die" is compounded by the verb that precedes it: "they will be consumed." There is also linguistic playfulness at the end of the narrative in which Moses strikes the rock (Num 20:2–13). First, the verbal form of the root ריב is replaced with a nominal form: מי מריבה, "Waters of Quarreling." Then, as if that is not enough, the verbal form is reused to again describe the Israelites' behavior (20:13).

Summaries within a narrative suggest that events of the story are over. God summarizes his decision to bring death to the Israelites in the desert (Num 14:35). The tally of people who died of plague reiterates the idea that the plague is over in the stories of Aaron stopping the plague and Phinehas stabbing an Israelite man and Midianite woman (17:14; 25:9). The second of the daughter of Zelophehad narratives summarizes the intent of the new law: "that no inheritance shall pass over from one tribe to another, but the Israelite tribes shall remain bound each to its portion" (36:9).

When the narrator ends his account of an incident and instead focuses on a future time, this is another signal to the reader that the story is coming to an end. In the end section of the Korah story, the narrator expresses his hope that in the future no outsider will attempt to burn incense before the Lord and die as Korah did (Num 17:5). The narrative that supplements Passover observance laws first focuses on those making the request and then on future generations (9:10–13). Here the Lord's response even adds a condition that would occur only in the future, when the Israelites would be settled in their land and an individual who was away and could not observe Passover at the appointed time would be able to keep it a month later. After Moses strikes the rock in 20:12, the reader learns that, when the Israelites move into the promised land in the future, neither Moses nor Aaron will join them. In the first part of the epilogue in the Baal-Peor account (25:10–13), God rewards loyal Phinehas, the grandson of Aaron, with a covenant of eternal priesthood.[38] Both stories of the daughters of Zelophehad lead to new laws that affect future generations of their clan (27:1–11; 36:1–12). When Moses lays his hands on Joshua (27:23), he

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38. The rest of the epilogue (25:14–18) has other narrative functions, including establishing the relative importance of the individuals who sinned.

establishes future leadership of the Israelites. The concluding words of the
Gadites and Reubenites in 32:32 speak to their future actions: they prom-
ise to assist their fellow Israelites in their conquest of Canaan.

Some of the Priestly stories in Numbers end with optimism as they
look to the future. The Korah story, mentioned above, ends with the hope
that the brass plating on the altar would remind Israelites in the future and
therefore avoid further deaths (Num 17:3–5). Caleb and Joshua, the scouts
who gave a positive report of the land, will live and enter Canaan (14:38).
The daughters of Zelophehad show that a logical argument before God can
be successful (Num 27; 36).

An etiology, another of the relatively common closural devices, estab-
lishes the truthfulness of something—a name, a law, a condition, or a
tradition—by providing a logical and authoritative (and therefore hope-
fully convincing) explanation for its existence.[39] The etiology refers back
to events that have been completed in the narrative. At the same time, it
points to the future by providing an explanation for something that the
reader will or could experience in his or her own time. Within the epilogue
of the Korah narrative, there is an explanation of why the altar is coated
with brass.[40] The brass comes from the fire pans of Korah and his men who
inappropriately tried to offer incense, and the brass coating didactically
serves as a reminder into the future of the events that occurred there.[41] In
Num 20:2–13, the narrative in which Moses strikes the rock twice, the
very last verse is an etiology that names the geographic location and com-
memorates the events there. The name "Waters of Quarreling" (מי מריבה)
will remain attached to it if, for example, people visit that place or just hear
or read about it. As the writer repeats the verbal root ריב, "quarrel," the
reader is twice reminded of the errors committed there by Israel, Moses,
and Aaron. Sometimes a whole narrative seems directed to provide an
explanation of a fact or condition. The Gad and Reuben story explains why
certain Israelites settled in the Transjordan rather than in Canaan (Num

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39. Zeelander, *Closure in Biblical Narrative,* 103–16.

40. Exod 38:30, 39.

41. Although it is possible to read this whole story as an etiology for the fact
that the altar is coated with brass, the primary didactic purpose of the story appears
to focus on differentiating between who is allowed and who is not allowed to make
offerings. Similarly in Num 20:2–12, the main thrust of the narrative is to demonstrate
that Moses and Aaron did not trust the Lord and therefore will not lead the people
into Canaan.

32). The two narratives about the daughters of Zelophehad (Num 27; 36) establish the legality of land inheritance by women in certain situations.

7. Closural Characteristics Not in the Korah Story but in Other Priestly Narratives in Numbers

Other markers of narrative endings in Numbers Priestly narratives include logic, legal formulation, and ritual. Two narratives use the word לכן, "therefore," to conclude a logical argument in the end section.[42] An explicit statement of logic appeals to a thinking reader and suggests that what follows is the inevitable conclusion. לכן also introduces a formulation that conveys a vow that will be carried out in the future. After Moses and Aaron have struck the rock at Meribah, God presents his argument as to why the two of them should be punished. He concludes: "Therefore, (לכן) you shall not lead them into the land" (Num 20:12).[43] Similarly in 25:12, God concludes his explanation of Phinehas's good deeds with לכן: "Therefore (לכן) say, 'Behold I grant him my pact of well-being.'"

Another common closural device in biblical narratives is ritual description. In the Priestly narratives of Numbers, there are four rituals in end sections, where they bring stability, especially when God is involved, and also establish a change of pace.[44] The four rituals are: Aaron offering incense to halt a plague (17:6–25); the investiture of Eleazar as high priest and mourning over the death of Aaron (20:22–29; with two rituals in the same narrative); and the appointment of Joshua (27:12–23).

Rituals in these narratives differ from those in the laws and instructions in Numbers, where ritual texts are prescriptive and may lack personal details (see, e.g., ritual instructions for the nazirite in 6:21). The term *ritual*, however, is appropriate for activities described within narrative genres.[45] As defined by Catherine Bell, a ritual is an activity, a process, that assumes realities beyond human means and is not logical in how it

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42. Frederic J. Goldbaum, "Two Hebrew Quasi-Adverbs: לכן and אכן," *JNES* 23 (1964): 132–35.

43. לכן "introduces an oath made by God" (Milgrom, *Numbers,* 166).

44. Zeelander, *Closure in Biblical Narrative,* 129–66. In Genesis, eighteen of the thirty-four narratives studied have one or more rituals in their end sections.

45. See David P. Wright, *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat* (Winona Lake, IN: Eisenbrauns, 2001).

accomplishes its goals.[46] It is "designed to do what it does without bringing what it is doing across the threshold of discourse or systematic thinking."[47] A ritual is culturally specific and appropriate within its culture, as can be seen in each of the narrative contexts in Numbers. It may involve interaction between or among people or between a human and the deity. For the individuals involved, the ritual activity is set apart from their ordinary, everyday lives; they do it in a special place and at a prescribed time. Thus, the ritual itself and the individuals involved are distinguished from the normal or quotidian. A ritual, because it is so special, changes the focus and rhythm of a narrative.

When Aaron saves Israelites from the plague by running through the camp with a fire pan and incense from God's altar[48] (17:12–13), he accomplishes the goal of saving the community from destruction. As Bell indicates, he accomplishes that without the narrator bringing Aaron's action to a level of systematic thinking in terms of cause and effect. The narrative about the death of Aaron includes two rituals. The first returns stability to the narrative by giving the priesthood its new leader, since Aaron will not be entering Canaan with the Israelites. The ritual activities here also reflect Bell's understanding of what ritual is. Moses's act is physically set apart from his normal activities and from the community. He physically moves up to Mount Hor, the special place where this ritual will occur. His actions evoke "value-laden distinctions" as he removes Aaron's garments, the sign of his leadership, and transfers them to his son Eleazar (20:28).[49] The process is culturally specific and accomplishes what it is designed to do as a new leader of the priesthood is appointed. Then Aaron dies. The second ritual, a life-cycle ritual, follows Aaron's death: the people mourn him for thirty days (20:29).[50] This process is distinguished from normal behavior. From a

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46. Catherine Bell, *Ritual Theory, Ritual Practice* (New York: Oxford University Press, 1992). Cf. Roy Gane's definition: "A ritual is a privileged activity system that is believed to carry out a transformation process involving interaction with a reality ordinarily inaccessible to the material domain" (*Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* [Winona Lake, IN: Eisenbrauns, 2005], 15).

47. Bell, *Ritual Theory, Ritual Practice*, 54; see also 19, 20, 93.

48. Milgrom compares Aaron's action to David's sacrifice in 2 Sam 24:16, 25 that halts a plague (*Numbers*, 314 n. 20).

49. Bell, *Ritual Theory, Ritual Practice,* 74, 91.

50. Saul Olyan, *Biblical Mourning, Ritual and Social Dimensions* (Oxford: Oxford University Press, 2004). The Israelites also mourned for Moses for thirty days (Deut 34:8). One way to understand the extended mourning period for Aaron is that it was

narrative standpoint, mention of the mourning process slows the tempo of the story and provides it with a quiet and settling close. The ritual of Moses laying his hands upon Joshua follows God's specific instructions (27:18–23) and creates stability of leadership for the Israelites into the future.

8. Summary and Conclusion

When we review the closural conventions in the Priestly narratives of Numbers, we see that the writers used many devices that would signify to a reader that the end of a story was at hand. An important element that is evident in each of these narratives is the satisfaction of the destabilizing issue that initiated the narrative. Themes of death, departure, completion, and language related to these themes, are naturally closural (15:36; 16:35; 17:13b, 27–28; 20:28; 25:8–9). Other changes that alert a reader to the end involve tempo (17:1–5; 20:22–29), tone or positive outlook (14:38; 16:35), and a view to the future[51] (9:13; 14:38; 17:3, 5; 20:12; 25:12–13; 27:8–11, 23 in light of 15–21; 32:32–42; 36:6–12). Sometimes a verse summarizes aspects of what has transpired in the story, suggesting that no more needs to be said about the events (14:35; 17:14; 25:9; 36:9). Etiologies and logic appeal to a thinking reader and lead to the reader's acceptance of the inevitability of the result (17:1–4; 20:2–13; 27; 32; 36). Wordplay, such as puns, paronomasia, and unique formulations of words, entertain a reader or reinforce the power of events, even when the subject is very serious (14:35; 16:35). Rituals in end sections complete the restabilization of narrative events, emphasize God's role in creating a stable conclusion to the events, or slow down the action of the story (17:6–25; 20:22–29; 27:12–23). Structural forms of closure are common as well. These include final elements of linguistic frames, as well as epilogues, which further the designs of the

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a way to thank Aaron for what he had done for them through the years in the desert, an "account" that was still "unsettled" when he died. Among other things, Aaron had saved many Israelites from destruction when he ran through the camp with incense in Num 17:6–15. See Ivan Boszormeny-Nagy and Geraldine M. Spark, *Invisible Loyalties* (Levittown, PA: Brunner, 1984), 75–76. In this study of the family relational system, Boszormeny-Nagy and Spark discuss the role of rituals in the context of relational justice in contemporary society. They suggest that "in ancient times rituals were a means to balance unsettled accounts through sacrifice and through thanksgiving offerings."

51. Adele Berlin uses the term "time bridge" when an etiology brings the narrative to the present (*Poetics and Interpretation of Biblical Narrative* [Sheffield: Almond, 1983; repr., Winona Lake, IN: Eisenbrauns, 1994], 108–9).

author (14:36 [cf. beginning in 13:2]; 16:35 [cf. 16:3]; 20:13 [cf. 20:3], and 17:1–5; 25:10–19).

The devices reveal theological concepts of the priestly cult at the same time that they bring the narratives to a close, thus leaving the reader with the concepts in mind as the stories end. The exclusive role of the Aaronide priests at the sanctuary receives reinforced sanction from God in the Korah story, and this is reinforced in its epilogue: only priests are allowed to burn incense before God (Num 17:1–5 [ET 16:36–40]).[52] The priesthood and its powerful role in Israel's future is given God's blessing into the future through Phinehas, the son of Eleazar, the son of Aaron (25:11–13), who receives God's blessing of eternal priesthood (ברית כהנת עולם; 25:13). As Milgrom explains, the priests will be "a ruling dynasty" and the exclusive officiants at the sanctuary.[53] Leadership of the Israelite people in the future also reflects priestly concepts. Unlike Moses, Joshua is commissioned by the priest Eleazar (27:23), and his actions will be circumscribed by Eleazar's instructions, based on the decisions of the Urim (27:21).

Priestly ability to interact with God and to provide leadership in the community of Israel is demonstrated by the ability of Aaron and his grandson Phinehas to halt plagues. Aaron stops a disastrous plague by running into the camp with incense from the altar (Num 17:12–13). At Baal-Peor, Phinehas spears an Israelite man and Midianite woman, and this halts the plague that had already killed 24,000 people (25:9–11). The priests save Israelites.

The Priestly writers also express a sense of the Israelites as a community that functions as one. This is made clear in the Passover observance story (Num 9:1–14). Individuals who would otherwise be unable to celebrate the festival because of their physical ritual impurity approach Moses and God to find a way to remain within the nation of Israel.[54] When the wood gatherer is to be punished (15:36), the community acts in unison

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52. In return for their cultic privileges, the priests bear the heavy responsibility of guarding the altar and other sancta, as Milgrom explains in his discussion of Num 18 in *Numbers*, 145. Ephraim A. Speiser concludes that priesthood is looked upon as a "taxing duty that demands utmost devotion.… anyone who is not duly qualified shall be put to death" ("Unrecognized Dedication," *IEJ* 13 [1963]: 73).

53. Milgrom, *Numbers,* 216–17.

54. Gilad J. Gevaryahu points out that this was crucial because "the Passover experience was the formative event that transformed individual Israelites into a nation" ("The Root G-R-A in the Bible: The Case of the Daughters of Zelophehad and Beyond," *JBQ* 41 [2013]: 111).

(כל העדה) to maintain the holiness of the community, as God commanded Moses. The whole community mourns when Aaron dies (20:29). When Joshua is commissioned, the people stand together as witnesses (27:22–23). Even the request by the tribes of Gad and Reuben to remain in the Transjordan requires an agreement from them first to work together with the other tribes to achieve control of Canaan (32:28–32).

The Priestly concept that the generation of the exodus must die in the desert (Num 14) is reflected by the large numbers of people who die at the ends of these stories. Although the concept of death is a common closural device in many biblical stories, in Numbers hundreds and thousands die at a time. Except for loyal Joshua and Caleb, the entire adult generation that left Egypt will die in the wilderness (14:28–35). When Korah dies, 250 leaders go with him (16:19–35). Thousands more die in plagues (14:37; 17:14; 25:9).

The narratives in Numbers look ahead to the time when Israel will be in Canaan, and some stories deal with land holdings, including the large tracts of land that whole tribes will need. Gad and Reuben are given provisional approval to settle east of the Jordan (Num 32:32). The daughters of Zelophehad successfully argue that the land allotted to their father should remain as a holding for their clan (27:6–11; 36:6–9).

From these examples, we see that the Priestly writers of narratives in Numbers followed the unspoken rules of how a narrative should close. They drew from the common core of closural devices in biblical narratives, and they appear to have manipulated those resources to reflect ideas important to the priestly cult.

The question remains: Were the Priestly authors and editors aware of what they were doing at the end, that is, that they were using the repertoire of closural devices found elsewhere in biblical narratives? Stephen A. Geller, in his 1984 review of Robert Alter's *The Art of Biblical Narrative*, differentiates between two aspects of biblical narrative that may provide some answers. The first aspect he terms "narrative logic," which he attributes to a "psychological level, i.e., of the unconscious." In the Numbers Priestly narratives, this aspect is evident when the reader realizes that the disruptive event that precipitated the story has been resolved and the narrative is returning to relative stability. Geller attributed a second aspect of narrative writing to a "more or less conscious level of artistic manipulation."[55]

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55. Stephen A. Geller, "Some Pitfalls in the Literary Approach to Biblical Nar-

Most of the devices identified in this essay—including linguistic frames, rituals, etiologies, summaries, changes in verbal or phrasal patterns, change of narrative focus, and so on—fit into Geller's second category. I would suggest, then, that for the Priestly writers and editors, it appears that there was at least some awareness of how one would, or should, end a story, and the writers shaped these ends to reflect the world that they espoused.

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rative" (review of Robert Alter, *The Art of Biblical Narrative*), *JQR* 74 (1984): 413; cf. Kermode, *The Sense of an Ending*, 17 and elsewhere; Todorov, "Structural Analysis of Narrative"; Smith, *Poetic Closure*.

Part 4
Relationships between Priestly, Holiness, and Deuteronomic Texts

Leviticus 17, Where P, H, and D Meet: Priorities and Presuppositions of Jacob Milgrom and Eckart Otto[*]

Esias E. Meyer

1. Introduction

Since the appearance of Karl Elliger's commentary on Leviticus and Alfred Cholewiński's *Heiligkeitsgesetz und Deuteronomium*, there is an emerging group of scholars who argue that the Holiness Code (H; Lev 17–26) is later than most of the Priestly (P) text.[1] Before Elliger, most scholars understood the Holiness Code to be an older independent corpus that was later incorporated into P.[2] Some scholars continue to advocate this

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[*] An earlier version of this essay was published in a South African academic journal: Esias E. Meyer, "Lev 17 as a Bridge between P and H, with a Twist of D?" *Journal for Semitics* 21 (2012): 106–24.

1. Karl Elliger, *Leviticus,* HAT 1/4 (Tübingen: Mohr Siebeck, 1966); Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie*, AnBib 66 (Rome: Biblical Institute, 1976). Elliger and Cholewiński work with slightly different models. In Elliger's supplementary model, H developed in four phases. Cholewiński argues for a more fragmentary model, in which five smaller collections were later combined. See overviews by Hans-Winfried Jüngling, "Das Buch Levitikus in der Forschung seit Karl Elligers Kommentar aus dem Jahre 1966," in *Levitikus als Buch*, ed. H.-J. Fabry and H.-W. Jüngling, BBB 119 (Bonn: Philo, 1999), 23–36; and Eckart Otto, "Innerbiblische Exegese im Heiligkeitsgesetz Levitikus 17–26," in Fabry and Jüngling, *Levitikus als Buch*, 134–35.

2. See Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus,* FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 4; and the more detailed overview by Klaus Grünwaldt, *Das Heiligkeitsgesetz Leviticus 17–26: Ursprungliche Gestalt, Tradition und Theologie*, BZAW 271 (Berlin: de Gruyter, 1999), 5–22.

older view.[3] Others, such as Erhard Blum, Andreas Ruwe, and Frank Crüsemann, differ with the new view that H is later than P because they maintain that Lev 17–26 is too integrated into the rest of Leviticus to be regarded as an independent code.[4]

Scholars who regard H as later than P can be divided into two groups. On the one hand are European scholars such as Eckart Otto, Klaus Grün- waldt, and Christophe Nihan, who follow Wellhausen's hypothesis that P is an exilic/postexilic creation.[5] On the other hand are Jewish scholars such as Jacob Milgrom and Israel Knohl, who follow Yehezkel Kaufmann in maintaining that P is preexilic, a position that few European scholars would support.[6]

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3. An example of a recent scholar who still holds the older view that H is earlier than the rest of P is Jill Middlemas, *The Templeless Age: An Introduction to the His- tory, Literature, and Theology of the "Exile"* (London: Westminster John Knox, 2007), 125–34. See also Baruch A. Levine, who takes H to be the "primary stratum" of Leviti- cus ("Leviticus: Its Literary History and Location in Biblical Literature," in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 [Leiden: Brill, 2003], 21).

4. In response to Milgrom and Israel Knohl (see references in n. 7), Erhard Blum argues that "the much-discussed characteristics of Lev 17–26 are neither exclusive to this corpus nor do they demand diachronic solutions" ("Issues and Problems in the Contemporary Debate Regarding the Priestly Writings," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions,* ed. Sarah Shectman and Joel Baden, ATANT 95 [Zürich: Theologischer Verlag Zürich, 2009], 39). Andreas Ruwe regards H as "integraler Teilkomplex, der priesterlichen Sinaitexte" (*"Heiligkeitsgesetz" und "Priesterschrift": Literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1–26,2*, FAT 26 [Tübingen: Mohr Siebeck, 1999], 33). See also Frank Crüsemann, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes,* 2nd ed. (Gütersloh: Kaiser, 1997), 325.

5. Otto, "Innerbiblische Exegese," 125–96; Grünwaldt, *Das Heiligkeitsgesetz Leviticus*; Nihan, *From Priestly Torah*. Otto, Nihan, and Grünwaldt agree only in a very broad sense. For Grünwaldt, H is closer to an independent code composed slightly later than P^G (*Das Heiligkeitsgesetz Leviticus*, 379–85). For Otto, as we will see further, H was never conceived as an independent code but is closely related to the formation of the Pentateuch. Nihan (*From Priestly Torah*, 616–19) understands H as a supplement to P that was never intended to be independent. Nihan's view is thus much closer to Otto's. For the hypothesis of Julius Wellhausen, see esp. his *Prolegomena zur Geschichte Israels,* 3rd ed. (Berlin: Reimer, 1886), 1–14 (where he sets out his general position), 54–84 (where he discusses the development of the sacrificial cult in Israel).

6. Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1319–67. See also Milgrom, *Levit-*

This essay probes the reason(s) for the differences between Jacob Milgrom and Eckart Otto (who exemplify the two groups mentioned above) with regard to Lev 17, which is the opening chapter of the Holiness Code. They both agree that Lev 17–26[7] is later than P, but they differ on the dating of these texts. Following comparison between the opposing views of Milgrom and Otto on Lev 17, I will turn to other issues that are relevant to this debate: the relationship between Lev 17 and Lev 16, and the direction of dependence between Lev 17 and Deut 12, on which Milgrom and Otto strongly disagree. Since the present volume is dedicated to the memory of Jacob Milgrom and his immense contribution to the study of the book of Leviticus, I will start with his view and then contrast it with that of Otto.[8]

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icus 1–16: A New Translation with Introduction and Commentary, AB 3 (New York: Doubleday, 1991), 3–12; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995), 111–64; see the debate between Joseph Blenkinsopp ("An Assessment of the Alleged Pre-exilic Date of the Priestly Material in the Pentateuch," *ZAW* 108 [1996]: 495–518) and Jacob Milgrom ("The Antiquity of the Priestly Source: A Reply to Joseph Blenkinsopp," *ZAW* 111 [1999]: 10–22). See also Esias E. Meyer, "Dating the Priestly Text in the Pre-exilic Period: Some Remarks about Anachronistic Slips and Other Obstacles," *Verbum et Ecclesia* 31 (2010): 1–6, http://www.ve.org.za/index.php/VE/article/view/423). For the view of Yehezkel Kaufmann, see his *The Religion of Israel: From Its Beginnings to the Babylonian Exile*, trans. and ed. Moshe Greenberg (London: Allen & Unwin, 1960 [orig. Heb. 1937–1956]), 153–211, where he offers his critique of Wellhausen and argues for the antiquity of the Priestly Code.

The only European exceptions I can think of are Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, VTSup 67 (Leiden: Brill, 1996), 203–7; Thomas M. Krapf, *Die Priesterschrift und die vorexilische Zeit: Yehezkel Kaufmanns vernachlässigter Beitrag zur Geschichte der biblische Religion*, OBO 119 (Göttingen: Vandenhoeck & Ruprecht, 1992).

7. Otto consistently speaks of Lev 17–26 ("Innerbiblische Exegese," 125–96) without referring to these chapters as H. For the sake of brevity in this essay, I use H for Lev 17–26. I am not using H as a synonym for the Holiness school (HS), which has been proposed by Knohl (*Sanctuary of Silence*, 104–10) and Milgrom (*Leviticus 17–22*, 1332–44), and generally supported by Nihan (*From Priestly Torah*, 654–69), although Nihan takes a more minimalist approach. According to these scholars, other texts in the Pentateuch, including some in Lev 1–16, are also attributed to the HS authors of the Holiness Code. See, e.g., discussion in n. 67. See also Thomas Hieke, *Levitikus: Erster Teilband: 1–15*, HThKAT (Freiburg: Herder, 2014), 62–73, who closely follows Nihan.

8. The two works that I will be primarily contrasting were only published one

2. Milgrom on Leviticus 17

Milgrom describes his own approach as "redaction criticism," by which he means "synchronic rather than diachronic analysis."[9] He does not deny that the text developed over time but argues that "variations must be supplemented by jarring and irreconcilable inconsistencies and contradictions" before he is willing to talk of different layers.[10] Thus, for Milgrom, "source criticism is the last resort."[11] At times he would argue that a verse here or a verse there might have been added later, but this usually only happens when a text does not fit into his preexilic dating of P and H.[12] Milgrom is also interested in rabbinic literature and how later rabbis interpreted Leviticus, which could be described as a kind of interpretation history of Leviticus in later Judaism.

For Milgrom, Lev 17 consists of five laws:

> The first law (vv. 3–7) mandates that permitted domesticated quadrupeds must be sacrificed at a legitimate sanctuary. The second law (vv. 8–9) prohibits both the Israelite and the resident alien from sacrificing to other gods. The third law (vv. 10–12) lays down the absolute prohibition against ingesting blood, incumbent on Israelite and resident alien alike. The fourth law (vv. 13–14) prescribes that the blood of game killed by the Israelite and resident alien must be buried, and the fifth law (vv. 15–16) states that the Israelite or resident alien who eats of an animal that has died must purify himself.[13]

It is important to note (in preparation for my following discussion of Otto) that Milgrom understands 17:8–9 as prohibiting Israelites from sacrificing

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year apart, 1999 for Otto ("Innerbiblische Exegese") and 2000 for Milgrom (*Leviticus 17–22*). Since Milgrom does not refer to this specific essay by Otto, I assume that it was not available when he was completing this second volume of his commentary on Leviticus.

9. Milgrom, *Leviticus 1–16*, 2.

10. Ibid., 3.

11. Ibid.

12. A good example would be Lev 4:13, where we find the terms עדה, "community," and קהל, "congregation." For Milgrom, קהל is postexilic and עדה preexilic, but in 4:13 we have both terms in a text that Milgrom says is early. He concludes that the presence of קהל here is due to later "editorial activity" (*Leviticus 1–16*, 242–43). See Meyer, "Dating the Priestly Text," 4–5, for a critical discussion.

13. Milgrom, *Leviticus 17–22*, 1448–49.

to other gods and not as a law for centralization of the cult. Also, Milgrom agrees with Baruch J. Schwartz that 17:10–12 form an axis within the chapter "upon which the chapter revolves."[14]

Milgrom agrees with scholars who hold that Lev 17 forms the beginning of the Holiness Code. He provides four reasons why he believes this, despite some earlier arguments to the contrary.[15] His first reason is that if Lev 17 is viewed as part of the Holiness Code, then it means that all three legal codes in the Pentateuch (Covenant Code, Holiness Code, and Deuteronomic Code)[16] commence with laws on sacrifices and conclude with curses.[17] Still, Milgrom acknowledges that Lev 17 has much in common with preceding chapters. He eventually settles on the following position: "the possibility exists, for the reasons mentioned above, that ch. 17 was intentionally positioned by H to form a link with the preceding chapters, thereby indicating that H was a continuation and elaboration of P."[18] Thus, one could describe Lev 17 as a kind of "hinge" between P and H that maintains continuity but also signals a new beginning.

With regard to the first law in Lev 17 (vv. 3–7), Milgrom points out that this was the subject of an old debate between Rabbis Akiva and Ish-

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14. Ibid., 1449; Baruch J. Schwartz, "The Prohibitions Concerning the 'Eating' of Blood in Leviticus 17," in *Priesthood and Cult in Ancient Israel*, ed. Gary A. Anderson and Saul M. Olyan, JSOTSup 125 (Sheffield: JSOT Press, 1991), 42–43.

15. See also Nihan, *From Priestly Torah*, 417.

16. See Exod 20:22–26 and Deut 12. Other scholars are not convinced that Lev 17 is the start of H. See, e.g., Edwin Firmage, "Genesis 1 and the Priestly Agenda," *JSOT* 82 (1999): 97–114. Whereas many scholars have attributed Lev 11:43–45 to H, Firmage argues that the whole of Lev 11 belongs to H. For Firmage, right eating fits best into the ideal of holiness for ordinary people advocated by H. Firmage also wants to include Gen 1 in H, which would mean that we no longer know where P starts. He argues that the holiness ideal of H would not have been possible without the concept in Gen 1 that humanity was created in the image of God. See the critical discussion by Nihan, *From Priestly Torah*, 299 n. 139, 303, who shows that earlier scholars such as Driver and Horst already presented this view regarding the whole of Lev 11. The main problem with this view (now promoted by Firmage) is, as Nihan puts it, "that H's terminology and characteristic motifs are limited to 11:43–45 and are simply missing from the remainder of the chapter" (ibid., 303). Furthermore, despite many thought-provoking ideas presented by Firmage, he overlooks the issue discussed above, namely, that Lev 17 as a start to the Holiness Code is similar to the opening chapters of the two other legal codes in the Pentateuch.

17. Lev 26; Exod 23:20–23; Deut 28.

18. Milgrom, *Leviticus 17–22*, 1451.

mael.[19] The former argued that 17:3 is only about animals intended for sacrifice and that the command requires all *sacrifices* to be brought to YHWH. Thus, the Hebrew verb שחט here only refers to the act of sacrificing, not to slitting the throat in general.[20] Milgrom mostly rejects Akiva's position, although he thinks it is true of P before H. In the context of Lev 17, Milgrom eventually sides with Ishmael, who held that all animals must be brought to YHWH as sacrifices before they could be eaten, and therefore the law could be described as a prohibition of profane slaughter.[21]

As mentioned above, Milgrom and Otto both argue that H is later than the Priestly text, but for Milgrom both are preexilic, and this is where the main difference between him and Otto emerges. According to Milgrom, H is pre-Deuteronomic, and Deuteronomy is mostly correcting H:

> Eventually, a law is decreed that all slaughter in Israel is required to be a sacrifice, but it stems from the innovative mind of H, and to judge by D's subsequent reversion to nonsacrificial slaughter, H's law—if enacted at all—could not have lasted very long.[22]

So H prohibits profane slaughter, but Deuteronomy allows it, thereby correcting H. Deuteronomy had to allow profane slaughter because it "was mandated by centralization."[23]

In his comments on Lev 17:10–12, Milgrom compares the taboo on blood use with the conclusion of the flood narrative, where it is conceded that Noah is allowed to eat meat, whereas Gen 1:29 prohibited the eating of meat.[24] He compares this tale of vegetarians turned carnivores with that of Enkidu in the Gilgamesh Epic. For Milgrom, the blood taboo is a very important part of the Priestly worldview and is even more important than

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19. Ibid., 1452–53.

20. Another Jewish scholar, Baruch A. Levine, agrees with Akiva that both Lev 17 and Deut 12 allow profane slaughter (*Leviticus: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1989], 113).

21. See also arguments offered by Nihan, *From Priestly Torah*, 408–11, which support Milgrom's view.

22. Milgrom, *Leviticus 17–22*, 1453.

23. Ibid., 1454.

24. Ibid., 1502–3.

the Decalogue. The latter was given to the Israelites, but the blood taboo is "enjoined on all humankind."[25]

One of the cornerstones of Milgrom's overall argument is his understanding that H does not know of the centralization of the cult. This is intertwined with his preexilic and pre-Deuteronomic dating of H. For him, "P presumes both multiple sanctuaries and nonsacrificial slaughter."[26] H also assumes that there are multiple sanctuaries but corrects P when it later bans nonsacrificial slaughter. Milgrom lists ten reasons in favor of his position that H does not support centralization.[27] Many of these arguments assume that H is preexilic, as Milgrom engages with other members of the Kaufmann school, such as Haran and Knohl, who date H to the time of Hezekiah.[28] Here I will only summarize reasons one and six.

Milgrom's first reason takes us to the end of the Holiness Code, where Lev 26:31 refers to "your sanctuaries" and "your cities," both of which will be destroyed if the Israelites do not follow the commands of YHWH.[29] For Milgrom, this reflects reality at the time of H and indicates that in H's understanding YHWH sanctioned these multiple sanctuaries. There is a bit of irony in the fact that Milgrom employs a verse from Lev 26 to argue against the idea of centralization, and by implication also for a pre-Deuteronomic dating, since some of the verses following 17:31 toward the end of the chapter are otherwise very difficult to fit into the preexilic period.[30] Milgrom actually regards 17:33b–35 and 43–44 as a second layer probably

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25. Ibid., 1470.

26. Ibid., 1504.

27. Ibid., 1504–10.

28. See, e.g., Milgrom's fourth reason, where he interacts with Haran, Weinfeld, Schwartz, and Joosten, who have looked for a "realistic setting for H's absolute ban on nonsacrificial slaughter." They all believe that H was centralizing the cult, so they need to find some historical context in the preexilic period where this could make sense. Milgrom argues that it would be easier to say that H was not for centralization (ibid., 1507–8. In reasons five and nine (1509–10), Milgrom engages with the work of Knohl. For a critical discussion of the mistakes that Pentateuch scholars sometimes make in dating specific texts to specific historical contexts, see Benjamin D. Sommer, "Dating Pentateuchal Texts and the Perils of Pseudo-Historicism," in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 85–108.

29. Milgrom, *Leviticus 17–22*, 1504.

30. Sommer, "Dating Pentateuchal Texts," 94, clearly disagrees with my interpretation of Lev 26.

added after the exile.[31] Be that as it may, it should be acknowledged that the santuaries referred to in 26:31 constitute a hurdle for those who do not agree with Milgrom on the question of multiple sanctuaries in H.[32]

Milgrom's first reason is probably his best. If one believes, as Otto does, that H is post-Deuteronomic and postexilic, the persuasive force of many of Milgrom's other reasons simply disappears. For instance, his sixth reason goes as follows: H does not mention where a single sanctuary should be located, not even to the extent of Deuteronomy's "place that YHWH will choose," which Milgrom calls a "subterfuge." If H assumed a single sanctuary, this would have been mentioned.[33] Yet if we side with Otto that H was postexilic, followed in the footsteps of D, and assumed a single sanctuary, Milgrom's whole argument simply evaporates: in postexilic Judah, there would have been no need to spell out a central sanctuary to potential readers, who simply would have identified the "tent of meeting" with the temple in Jerusalem.

3. Otto on Leviticus 17

Otto's reading of the Holiness Code in particular and the Pentateuch in general could be described as redactional-critical.[34] Although this sounds similar to what Milgrom called his own approach (see above), it is actually something else. Otto is interested in the sources or layers behind a text, so his approach is partly diachronic. However, he is also concerned with the ways in which textual layers were put together by redactors, so he often refers to his own readings as partly synchronic.[35]

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31. Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B (New York: Doubleday, 2001), 2363–65. This is another example where Milgrom rather unconvincingly resorts to a diachronic solution (cf. n. 12).

32. It is fascinating that, although the term מקדש, "sanctuary," occurs seven times in the Holiness Code, it is plural only in 26:31. In 19:30; 20:3; 21:12 (2x); 21:23; 26:2 it is singular. This makes one wonder whether 26:31 is not simply a scribal error. See also the text-critical notes in *BHS*.

33. Milgrom, *Leviticus 17–22*, 1509.

34. Jeffrey Stackert describes Otto's approach as part of the "redaktionsgeschichtliche Schule" ("The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement," in Shectman and Baden, *Strata of the Priestly Writings*, 195).

35. In Eckart Otto's recent commentary on Deuteronomy there is a clear pattern of "Synchrone Analyse: Aufbau des Textes" followed by "Diachrone Analyse: Entste-

Otto is probably best known for his work on the book of Deuteronomy. The recently published first two volumes of his Herder series commentary could be seen as the culmination of a lifetime of engagement with that book. This commentary may do for the study of Deuteronomy what Milgrom's commentary did for Leviticus.[36] In Otto's understanding of Deuteronomy, the earliest form of the book goes back to a reworking of the Covenant Code during the late preexilic period, more specifically at the time of Josianic rule in the seventh century BCE.[37] The structure of the Covenant Code was broadly retained in this reworked earlier version of Deuteronomy, which included large parts of Deut 12–28, starting with 12:13–27, which included the laws on cult centralization.[38]

Otto regards the laws on cult centralization in Deut 12:13–27 as a hermeneutical key that helps us to understand how the Deuteronomic Code reinterpreted the Covenant Code.[39] Deuteronomy 12:13–27 corrected Exod 20:24–26, and in the rest of Deut 14–26 many of the laws of the Covenant Code were rewritten in light of the new law of cult centralization. This interaction between different law codes involved a process of "inner-biblical exegesis." When it comes to the Holiness Code, Otto reasons along similar lines that, just as Deuteronomy corrected the Covenant Code by centralizing the cult, so the Holiness Code corrects Deuteronomy by banning so-called profane slaughter.[40]

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hung des Textes." See *Deuteronomium 1,1–4,43*, HThKAT (Freiburg: Herder, 2012); Otto, *Deuteronomium 4,44–11,32*, HThKAT (Freiburg: Herder, 2012).

36. Otto, *Deuteronomium 1,1–4,43*; Otto, *Deuteronomium 4,44–11,32.*

37. Otto, *Deuteronomium 1,1–4,43*, 231–38.

38. See ibid., 237, for a schematic presentation of what he believes was the extent of "das spätvorexilische Deuteronomium."

39. Ibid., 235.

40. One should also note that in Otto's understanding of inner-biblical exegesis the later legal codes did not supersede the earlier codes but supplemented them. This has led to a fascinating debate with Jeffrey Stackert, who argues for replacement in his published dissertation (*Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation,* FAT 52 [Tübingen: Mohr Siebeck, 2007]). See Otto's review of Stackert's work in Eckart Otto, *Die Tora Studien zum Pentateuch: Gesammelte Aufsätze*, BZABR 9 (Wiesbaden: Harrassowitz, 2009), 248–56. For Stackert's response, see "The Holiness legislation," 187–201. For Otto, the Holiness Code is also part of the redaction of the Pentateuch (Eckart Otto, "The Holiness Code in Diachrony and Synchrony in the Legal Hermeneutics of the Pentateuch," in Shectman and Baden, *Strata of the Priestly Writings*, 139–44).

With regard to Lev 17, Otto's argument boils down to the following. He argues that this chapter unites the legal topics (presented earlier in Deut 12) of cultic slaughter of animals (Lev 17:3–7) and the central sanctuary (17:8–9) with the prohibition on consuming blood (17:10–14).[41] However, Lev 17 changes the order of topics.[42] Deuteronomy 12 starts with legislation on the centralization of the cult (12:2–7), later followed by the so-called profane slaughter concession (12:15–16),[43] and finally the blood taboo (12:24–26). Thus, the order in Deut 12 is centralization, allowance of profane slaughter, and blood taboo, whereas in Lev 17, it is prohibition of profane slaughter, centralization and blood taboo.

Otto differs with Milgrom on the interpretation of Lev 17:9, which reads as follows:

ואל־פתח אהל מועד לא יביאנו לעשות אתו ליהוה ונכרת האיש ההוא מעמיו:

and does not bring it to the entrance of the tent of meeting, to sacrifice it to YHWH, shall be cut off from the people. (NRSV)

For Otto, the focal point of this verse is found in "to the entrance of the tent of meeting," and therefore the verse is about the one place where Israelites are permitted to sacrifice. So Otto understands H as presupposing centralization. For Milgrom, the central thrust of this verse is encapsulated in "to YHWH," the one deity that Israel is required to serve, although H accepts multiple sanctuaries.

As already mentioned, Lev 17 starts by forbidding profane slaughter (17:3–9), so every slaughter is supposed to be a cultic act. There is no room for those who live far from the sanctuary because all offerings must be presented to the priests. Otto interprets Lev 17 as starting with this legislation for the purpose of revising its Deuteronomic predecessor.[44] In Lev 17, the prohibition of profane slaughter is followed by two short verses (17:8–9) accentuating the centralization of the cult. Then the rest of the chapter (17:10–16) is basically about not consuming blood and about dead ani-

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41. Otto, "Innerbiblische Exegese," 141.

42. Ibid., 142–43. Only later does Otto discuss Lev 17:15–16, which reinterprets Deut 14:21 (144).

43. In Otto's understanding (agreeing with Milgrom on this point), the allowance of profane slaughter in Deuteronomy resulted from the centralization of the cult (ibid., 143; cf. Milgrom, *Leviticus 17–22*, 1454).

44. Otto, "Innerbiblische Exegese," 143.

mals that were not killed by humans. One could say that the prohibition of profane slaughter is the innovative contribution made by H, and therefore the chapter starts with that, whereas in Deut 12 centralization was the new thing, so the Deuteronomic law code started with that. Deuteronomy was correcting Exod 20:24–26, which referred to multiple places where YHWH causes his name to be honored.

Milgrom agrees with Otto that H prohibits profane slaughter and that every slaughter should be a sacrifice. However, for Milgrom H presumes multiple sanctuaries and is earlier than the centralization proclaimed in Deuteronomy.[45]

When it comes to the matter of blood, Otto argues that Deut 12:23 is taken up and (re)interpreted in Lev 17:11, 14.[46] By "reinterpretation" (*auslegen*) he apparently refers to the idea that Lev 17 takes up the Deuteronomic connection between blood and נפש, "life," but then makes a further connection between נפש, blood, and also the כפר function of the blood (Lev 17:11). Yet Otto argues that between Deut 12:23 and Lev 17:11, one should also read Gen 9:4 from the Noachide laws as a kind of hermeneutical key.

For Otto, Gen 9:4 is part of P[G],[47] and here he translates the nominal sentence, בנפשו דמו, as "mit seiner *npš* ist sein Blut."[48] Leviticus 17:11 takes over the identification of blood with נפש from Deut 12:23 and connects it to the Priestly formulation "with his *npš* is his blood" in Gen 9:4, which combines the preposition ב and the Hebrew word נפש.[49] Leviti-

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45. Milgrom, *Leviticus 17–22*, 1454.

46. Otto, "Innerbiblische Exegese," 142.

47. German scholarship often distinguishes between P[G] and P[S]. The former (P[Grundschrift]) is the older layer in the Priestly source, whereas the latter (P[Supplement]) comes later. Scholars sometimes differ on the extent of the two layers. For Eckart Otto's view on this matter, see "Forschungen zur Priesterschrift," *TRu* 62 (1997): 1–50. For our purposes, such distinctions are not really relevant because both precede the Holiness Code.

48. Otto, "Innerbiblische Exegese," 142.

49. Otto does not engage with the details of how the three different instances of ב function in Lev 17:11, 14, but Milgrom does (*Leviticus 17–22*, 1472–84). For Milgrom, the preposition ב in בדם (17:11a) should be translated "in" to indicate location, in בנפש (17:11b) it should be rendered "by" to express instrument, and in בנפשו (17:14a) it means "with" as a kind of *beth comitantiae*. This last usage is similar to that of ב in בנפשו in Gen 9:4.

cus 17 also adds the theological connection between blood, life, and כפר, which is not found in either Deut 12 or Gen 9.

Otto argues that Lev 17 provides some kind of correction to Deut 12, Lev 7:22–27, and Gen 9:3–4. Leviticus 17 corrects the allowance of so-called profane slaughter in Deut 12, and it also corrects Lev 7:22–27, which for Otto is part of P^S. In Lev 7:22, only the eating of the fat of cattle, sheep, and goats is prohibited, and in 7:26 the ingestion of blood is prohibited, but Otto understands these verses to imply that the kind of profane slaughter presented in Deut 12 is still allowed. Leviticus 17 does not leave this possibility open. The so-called correction of Gen 9:3–4 (for Otto, part of P^G) is probably more like a kind of supplement that adds the theological motivation for connecting the blood with the כפר function.[50]

According to Otto, Lev 17 implies that the blood of animals sacrificed at the sanctuary is all used on the altar.[51] Therefore, there is no instruction to pour the blood of these animals into the ground, as we have in Deut 12:16. For Lev 17 (vv. 10–14), this practice is allowed only for wild animals that may be eaten but are not allowed to be sacrificed.

With regard to the larger structure of the Holiness Code, Otto says that H is not only dependent on individual stipulations in P, Deuteronomy, and the Covenant Code; H is also informed by the Covenant Code and Deuteronomy in terms of its larger structure.[52] Both H and the Deuteronomic Code start with chapters on the cult, and both end with chapters on blessings and curses (Deut 28; Lev 26). Similarly, the Covenant Code also started with altar laws (Exod 20:24–26) and concluded with blessings and warnings (23:20–33). This point, with which Milgrom agrees,[53] is by no means unique to Otto.[54]

According to Otto, Lev 17 not only functions as an introduction to Lev 18–22 but is also (like Deut 12) the main legislation of the Holiness Code.[55] It is not so clear what he means by this, apart from the idea that there are many links in Lev 17 that point forward to what follows in the rest of the

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50. Otto, "Innerbiblische Exegese," 142.

51. Ibid., 143.

52. Ibid., 144.

53. Milgrom, *Leviticus 17–22*, 1450–51.

54. Other scholars use this point to argue that H must have been a kind of independent law code at some stage. See, e.g., Levine, *Leviticus*, 111; Middlemas, *Templeless Age*, 126; Joosten, *People and Land*, 6.

55. Otto, "Innerbiblische Exegese," 144.

Code. For example, another forward-pointing element in Lev 17 involves the way in which verse 15 omits mention of the people's holiness, thereby reinterpreting Exod 22:30 and Deut 14:21, where we find statements that the people are to be holy. Leviticus 17:15 does not repeat the statement, although, according to Otto, this verse corrects the two earlier verses. In fact, there is no reference to "being holy" in all of Lev 17, which is supposed to be part of the Holiness Code. For Otto, this leaves a kind of gap in the H text that points forward to the parenetic frame of the Holiness Code, which starts in Lev 18, although the actual command to be holy only begins to appear in Lev 19.[56]

Otto observes that Lev 17 does not provide a proper introduction or opening (*Eingang*) to the Holiness Code, since we do not find any reference to holiness.[57] This idea that Lev 17 is no proper introduction, even though it is located at the beginning of the Code and is the main law, is a rather puzzling part of Otto's argument.

Otto concludes his discussion of Lev 17 by stating that the direction of reception clearly runs from Deuteronomy to the Holiness Code.[58] The direction was not that clear to Milgrom, as we saw earlier. But before we engage the issue of textual dependency, we first need to take a look at the relationship between Lev 17 and what precedes it.

4. Leviticus 17 in Relation to Leviticus 16

Otto says a lot about Lev 17 pointing forward in the book, but it is problematic that he shows little recognition that this chapter also points back to Lev 1–16. He maintains that Lev 17 corrects older texts such as D and P, but he does not really acknowledge that it has a lot in common with the first part of Leviticus. Take, for instance, Otto's insight that Lev 17:11 combined the idea of Deuteronomy that blood and נפש go together with the כפר function of the blood as motivation. This root כפר does not often occur in the rest of H (only 19:22; 23:28) but is plentiful in Lev 1–16.[59] Thus we have elements in Lev 17 that point in both directions—forward and back—although Otto seems to be looking only in one direction. Mil-

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56. Ibid., 145.
57. Ibid.
58. Ibid., 146.
59. Lev 1:4; 4:20, 26, 31, 35; 5:6, 10, 13, 16, 18, 26; 6:23; 7:7; 8:15, 34; 9:7; 10:17; 12:7, 8; 14:18–21, 29, 31, 53; 15:15, 30; 16:6, 10, 11, 16–18, 20, 24, 27, 30, 32–34.

grom, on the other hand, acknowledged from the outset that Lev 17 also formed some kind of link to what preceded it.[60]

The argument recently put forward by Erich Zenger and Christian Frevel that one should read both Lev 16 and 17 as a kind of *Zentrum* seems fairly convincing.[61] They provide four reasons. First, both chapters share certain topographical indications. These include, for instance, the phrases "entrance of the tent of meeting" (Lev 16:7 and 17:4, 5, 6, and 9) and "outside the camp" (Lev 16:27 and 17:3). The first expression ("entrance of the tent of meeting") is found only once in the rest of H (Lev 19:21), but it occurs much more in the first half of Leviticus.[62] Second, the role of blood plays a prominent role in both Lev 16 and 17. Third, both chapters are connected by the phrase כפר על, "make atonement for" (Lev 16:10, 16, 34 and 17:11). Fourth, both chapters are also correlated by having similar introductions (Lev 16:1–2 and 17:1–2), and in these introductions the command דבר אל־אהרן, "speak to Aaron" (Lev 16:2 and 17:2), which is quite rare in the book of Leviticus. Due to these factors, Zenger and Frevel understand Lev 16 and 17 to be the center of the book of Leviticus, from which the rest of the book is laid out in two mirror images, one going backward and the other going forward.[63]

Earlier, one of Zenger's students, Benedict Jürgens, offered far more extensive arguments for regarding Lev 16 and 17 as the middle of the book of Leviticus.[64] He added the interesting insight that in Lev 16:29 the גר, "stranger," is mentioned for the first time.[65] This term is simply absent elsewhere in the first half of Leviticus, but it occurs in nearly every chap-

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60. Milgrom, *Leviticus 17–22*, 1451.

61. Erich Zenger and Christian Frevel, "Die Bücher Levitikus und Numeri als Teile der Pentateuchkomposition," in *The Books of Leviticus and Numbers,* ed. Thomas Römer, BETL 215 (Leuven: Peeters, 2008), 41 n. 22. These arguments were first presented in Erich Zenger, "Das Buch Levitikus als Teiltext der Tora/des Pentateuch," in *Levitikus als Buch*, ed. Heinz-Josef Fabry and Hans-Winfried Jüngling, BBB 119 (Berlin: Philo, 1999), 65–69.

62. See Lev 1:3, 5; 3:2; 4:4, 7, 18; 8:3, 4, 31, 33, 35; 10:7; 12:6; 14:11, 23, 38; 15:14, 29.

63. Zenger and Frevel, "Die Die Bücher Levitikus und Numeri," 41–45. Cf. criticism by Nihan, who shows that these mirror images are not always that symmetrical (*From Priestly Torah*, 86, esp. n. 81).

64. Benedict Jürgens, *Heiligkeit und Versöhnung: Levitikus 16 in seinem literarischen Kontext*, Herders Biblische Studien 28 (Freiburg: Herder, 2001), 126–86.

65. Ibid., 182–83.

ter of H.[66] This means that, whereas Lev 17 contains elements that point backward toward the first half of Leviticus, in 16:29 we have at least one important term pointing forward toward the Holiness Code.[67] So Jürgens has found that both texts have connections with both halves of the book.[68]

This observation by Jürgens is applicable when one reads the texts synchronically, which is what Zenger, Frevel, and Jürgens set out to do. Their synchronic insights do not undermine or question the broader diachronic argument that H is later than P, but they imply that the authors of H attempted to create a fairly smooth transition between Lev 1–16 and 17–26. Thus, one could regard both Lev 16 and 17 as hinges between the two halves of Leviticus, connecting the two parts.

This overview of Milgrom and Otto shows that Milgrom has understood the hinge function of Lev 16–17 much better than Otto. For Milgrom, Lev 17 points in both directions; for Otto, it only points to the rest of H. Nevertheless, they agreed on the diachronic relationship between H and P. What they disagreed on was the diachronic relationship between Lev 17 and Deut 12.

5. Direction of Dependence between Leviticus 17 and Deuteronomy 12?

The disagreement between Milgrom and Otto over H's attitude toward the centralization of the cult is intertwined with other arguments. For Otto, H was correcting P and D; for Milgrom, D was correcting H. In the rest of this essay I will show that their arguments for these positions, which involve the issue of chronological priority, are not primarily based on the texts of Lev 17 and Deut 12 as such but rather are based on the two authors' broader views of the development of the Pentateuch.

Is there any reliable way to compare two texts in order to determine their respective chronological priority? Recently Lyons has attempted to

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66. Lev 17:8, 10, 12, 13, 15; 18:26; 19:10, 33, 34; 20:2; 22:18; 23:22; 24:16, 22; 25:23, 35, 47.

67. There is a fair amount of consensus that 16:29–34a are a later addition to the chapter. For example, Nihan attributes these verses to the Holiness school (*From Priestly Torah*, 346–50, 669), an argument that is fairly close to that of Knohl (*Sanctuary of Silence*, 104) and Milgrom (*Leviticus 1–16*, 1065). However, Jürgens is not that interested in the diachronic debate. He discusses Milgrom's opinion on 16:29–34a and seems to agree with it (Jürgens, *Heiligkeit und Versöhnung*, 13), but eventually he sets out to describe the final form of the text, in which גר in 16:29 is pointing forward.

68. Jürgens, *Heiligkeit und Versöhnung*, 186.

develop some methodological tools for evaluating textual dependence in a study that compares Ezekiel with the Holiness Code.[69] Lyons is convinced that Ezekiel used the Holiness Code as a source—an interpretation that fairly closely accords with Milgrom's dating of H but that goes against the way that Otto understands the development of the Pentateuch.[70]

Lyons distinguishes between "Criteria for Determining Directionality"[71] and "Criteria for Determining Purposeful Use."[72] I am especially interested in the former set of criteria, some of which are more convincing than others. He identifies four criteria for determining directionality. The first is "modification."[73] By way of example, Lyons compares Lev 26:39 with Ezek 24:23, where we read in both verses of people who will "rot in their iniquities."[74] One important difference is that in the verse from Ezekiel we hear only that the addressees will rot for the sake of their own iniquities, whereas in Lev 26 the iniquities of their fathers are added as well. According to Lyons, Ezekiel is against this kind of vertical retribution, as can be seen in Ezek 18 and 33, and since Lyons can demonstrate "polemical intent" in Ezekiel but not in H, he concludes that Ezekiel must be engaging with and therefore later than H.

If one were to apply this criterion to Lev 17 and Deut 12, the results would not be that convincing. Both Milgrom and Otto agree that Deut 12 allows profane slaughter and Lev 17 forbids it. There appears to be some modification and "polemical intent" going on, with one text correcting another, but this does not really help us to determine which one is the older. Otto has argued that, because Lev 17 started with the prohibition of profane slaughter, it was thereby correcting or supplementing Deuteronomy, which started with centralization and the profane slaughter allowance following as a result of that. If, indeed, H were correcting D, then that would have made perfect sense.

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69. Michael A. Lyons, *From Law to Prophecy: Ezekiel's Use of the Holiness Code*, LHBOTS 507 (London: T&T Clark, 2009). On methodology for assessing textual dependence, see also William A. Tooman, *Gog of Magog: Reuse of Scripture and Compositional Technique in Ezekiel 38–39*, FAT 2/52 (Tübingen: Mohr Siebeck, 2011).

70. See Otto, "Innerblische Exegese," 181–82.

71. Lyons, *From Law to Prophecy*, 59–67. Tooman also attempts to formulate criteria for determining directionality (*Gog of Magog*, 31–35).

72. Lyons, *From Law to Prophecy*, 67–75.

73. Tooman also uses this criterion (*Gog of Magog*, 33).

74. Lyons, *From Law to Prophecy*, 61–62.

On the other hand, if Milgrom is correct that H allowed for multiple sanctuaries, then one might also argue that Deut 12 started with centralization because it was correcting H. The literary strategy would be the same, just the other way around. I simply do not see how the criterion of modification could help us to determine in this case which text is older.

Lyons labels his second and third criteria: "incongruity"[75] and "conceptual dependence."[76] The examples he provides for these are somewhat more convincing. However, it seems difficult to apply them to Lev 17 and Deut 12, where I cannot find examples of either of these two criteria.

Lyons's fourth criterion is "interpretive expansion," an old criterion that "implies that the shorter of two genetically related or parallel texts is the original."[77] Lyons is careful to note (by referring to the work of Carr)[78] the possibility that the borrowing text might be abbreviating, but then he adds: "However, if the non-parallel material in the longer text can be shown to be interpreting the parallel material, the shorter text is more likely to be the source."[79]

The question, of course, is what Lyons means by "interpreting." Later he describes this further by stating:

> What I am interested in is whether Ezekiel offers an interpretation of an earlier text in his own literary work; that is: Does he explicate the meaning of words, phrases, and clauses (often by the addition of syn-

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75. Lyons uses the example of Lev 26:3–31 and Ezek 6:4–7. In both we find reference to destruction of high places, corpses, desolate sanctuaries, etc. In Ezekiel, the prediction is addressed to the mountains of Israel (6:3), so use of the pronoun "your" in this context becomes somewhat inexplicable. For Lyons, this incoherence in the text of Ezekiel indicates that the language is borrowed from Lev 26, where one does not find this kind of incongruity (ibid., 62–64).

76. Both in Lev 25:25–28 and Ezek 7:12b–13a we find commercial words, such as sells, return, sold, and item, etc., but according to Lyons the "context of Ezekiel does not explain anything about the nature of the commercial transaction." The reader needs to have knowledge of Leviticus to understand Ezekiel, so Ezekiel is dependent on Leviticus (ibid., 64–65.).

77. Ibid., 65–66.

78. David Carr, "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exod 34,11–26 and Its Parallels," in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10*, ed. Matthias Köckert and Erhard Blum, Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 18 (Gütersloh: Kaiser, Gütersloher Verlagshaus, 2001), 119, 121.

79. Lyons, *From Law to Prophecy*, 66.

onyms or attached explanations), clarify logical relationships between propositions, or specify the referents to which he understands the text to be pointing (whether people, institutions, events, or temporal periods)?[80]

This sounds a lot like what Otto meant by "auslegen." Would it not be possible to apply this criterion to Lev 17:11 and Deut 12:23? As Otto pointed out, Deuteronomy already made the connection between blood and life as the motivation for the blood taboo. But in Lev 17:11 a further motivation is added, namely, that blood is given for כפר. The root כפר appears only three times in Deuteronomy (21:8 [2x]; 32:8), but, as we saw before, it is found often in the first half of Leviticus. Could this motivation in Lev 17:11 not pass as a kind of "attached explanation"[81] added by a later H that is characteristic of the first half of Leviticus (or P), where כפר plays a crucial role in the Priestly worldview?

Yet, to turn things around again, Otto also helped us to see another example where, if he is correct that H was later than D, H is clearly abbreviating. He compared Lev 17:15, where all persons are forbidden to eat נבלה and טרפה, with Deut 14:21 and Exod 22:30. Both of these texts, which Otto regards as earlier, refer to the fact that the people addressed are to be holy or consecrated (root קדש).[82] This term does not occur in Lev 17; it only appears two chapters later at the beginning of Lev 19. Why does the beginning of the Holiness Code not refer to the fact that people had to be holy, especially when the older texts that H was apparently correcting did mention this? If I understand Otto correctly, this might be another example of a literary device by which Lev 17 points forward to what comes later in the Holiness Code. However, one could also turn the chronology of the texts around and say that the authors of Deuteronomy were adding ideas about holiness to the specific H verse that they were quoting.

I simply do not think that the criteria devised by Lyons will help us much in choosing between the readings of Lev 17 and Deut 12 by Milgrom and Otto. Nor does it appear that we will find any better criteria.

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80. Ibid., 82.

81. Ibid.

82. Deut 14:21 uses the adjective קָדוֹשׁ, and Exod 22:30 has the noun קֹדֶשׁ.

6. Conclusion

Lyons commences his discussion on "criteria for determining directionality" with the following problem statement:

> Disagreements about the direction of literary dependence exist because of prior commitments to a particular theory of composition, different standards of evaluating evidence, and the inherent difficulty in working with texts that show evidence of a complex compositional process.[83]

The difference between Otto and Milgrom ultimately lies with "prior commitments to a particular theory of composition." Milgrom's reading of Lev 17 is so intermingled with his broader understanding of the development of P and H as preexilic documents that to adopt his reading would basically mean accepting Kaufmann. As I observed at the start of my discussion of Milgrom, very few European scholars would agree to that. On the other hand, to side with Otto, one must first broadly accept Wellhausen's understanding of P as a product of the exilic/postexilic period. One would also have to agree that P came after Deuteronomy, whether H is all that different from the rest of P or not.

The bottom line is that deciding on a specific chronological order of texts from D, P, and H not only depends on the details of these texts. Rather, this decision is also influenced by scholarly presuppositions regarding the broader development of the Pentateuch.

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83. Ibid., 59.

A Need for Hope? A Comparison between the Dynamics in Leviticus 26 and Deuteronomy 28–30*

Georg Fischer SJ

1. Introduction

After a series of threats of dire consequences if Israel does not listen to God, the end of Lev 26 (esp. 26:40–45) switches to a positive resolution in a fascinating way. This unexpected turn poses a number of questions: Are these verses a secondary addition, the work of a later redaction? What is the reason for this surprising change? Why could the text not end with "judgment"? Is there a need for hope?

Deuteronomy 28 similarly presents the contrast between the consequences of obedience (28:1–14) and disobedience (28:15–68) of the community. However, by contrast to Lev 26, Deut 28 ends on a somber note of disaster and disappearance in foreign countries. Nevertheless, as Jacob Milgrom has pointed out, its sequel in Deut 30 also gives reason to hope.[1]

This essay will investigate the relationship between Lev 26 and Deut 28–30. I will proceed in three steps: first I will analyze Lev 26:39–45, then compare this passage with Deut 28–30, then summarize and evaluate the results.

2. Analysis of Leviticus 26:39–45

2.1. Delimitation and Structure

Leviticus 25–26 belong together. They are framed by the narrator's remarks that these are God's commands to Moses on "Mount Sinai" in 25:1 and 26:46, and they have several motifs in common.[2] The fact that this is the last time God speaks on Mount Sinai underlines the significance of these chapters.

Leviticus 25 is set apart by its focus on stipulations regarding the Sabbatical and Jubilee Years. Leviticus 26, after the initial commands in verses 1–2, constitutes a unit in which God's promises (26:3–13) are in contrast to his threats (from 26:14 onwards). Within the threats, there is a clear progression indicated by the repeated conditional clauses referring to Israel's disobedience: 26:14, 18, 21, 23, 27, each of which is introduced by ואם "and/but if." The fivefold repetition coincides with increasingly severe punishments.

The dynamic is reversed in verse 34, with the first occurrence of אז, "then,"[3] signaling an important change. From this point onward, God's actions show effects within his people and achieve the intended results in a series of steps.

First, the land will receive its deserved rest for the Sabbaths (Sabbatical Years) that were not observed (26:34–35). Second, one group will perish in foreign countries (26:36–38). Third, another group will behave differently and ultimately enjoy a different fate, namely, God's renewed favor (26:39–45).

There is scholarly disagreement over the point at which the third step begins. Some take verse 40 as its start,[4] others are ambivalent,[5] while a

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2. Ibid., 2150–51, 2274; Hans-Ulrich Steymans, "Verheißung und Drohung: Lev 26," in *Levitikus als Buch*, ed. Heinz-Josef Fabry and Hans-Winfried Jüngling, BBB 119 (Berlin: Philo, 1999), 264–65.

3. It is repeated twice, which gives added weight to it, as also in 26:41.

4. See, e.g., the commentaries of John E. Hartley, *Leviticus*, WBC (Dallas: Word, 1992), 453, 458; Erhard S. Gerstenberger, *Das dritte Buch Mose: Leviticus*, ATD 6 (Göttingen: Vandenhoeck & Ruprecht, 1993), 393; Alfred Marx, *Lévitique 17–27*, Commentaire de l'Ancien Testament 3b (Geneva: Labor et Fides, 2011), 206–7, and with them the majority of exegetes.

5. Milgrom, *Leviticus 23–27*, 2329, introduces the new unit with "Vv. 40–45. Remorse and the Recall of the Covenant: Return from the Exile Implied," whereas on

few favor verse 39.[6] Several features favor the inclusion of verse 39 in this last part. To begin with, the first group of "those remaining among you" (26:36) will "perish among the nations," and "the country of your foes will devour you" (26:38). This gives the impression that no one remains from this group.

Second, the designation "those remaining among you" in 26:39 could be a deliberate repetition of the identical expression in 26:36, serving as a frame for the intervening verses. The verb describing the fate of this group in 26:39 is מקק, which is open to various translations. It is possible to render it "to moulder, rot."[7] However, if this is understood to describe the same group as in 26:36–38, it would be difficult to reconcile the meaning of 26:39 with that of 26:38, where this group already has been devoured. So it makes better sense for the expression "those remaining among you" in 26:39, identical to the wording in 26:36, to designate another group and to translate מקק as "pine away."[8] Thus 26:39 appears to envision a second group of Israel's remnant, which suffers a harsh fate but has a chance to survive.

2335 he writes: "this pericope (vv. 39–45)." Steymans, "Verheißung und Drohung," 272, leaves it open by using "39/40–45" for the delimitation of the section.

6. So Baruch A. Levine, *Leviticus: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 190; Thomas Staubli, *Die Bücher Levitikus, Numeri*, NSKAT 3 (Stuttgart: Katholisches Bibelwerk, 1996), 194; Walter Gross, "'Rezeption' in Ex 31,12–17 und Lev 26,39–45: Sprachliche Formen und theologisch-kompositionelle Leistung," in *Rezeption und Auslegung im Alten Testament und seinem Umfeld: Ein Symposion aus Anlaß des 60. Geburtstags von Odil Hannes Steck*, ed. Reinhard Gregor Kratz and Thomas Krüger, OBO 153 (Fribourg: Universitätsverlag, 1997), 45–64; Reinhard Müller, "A Prophetic View of the Exile in the Holiness Code: Literary Growth and Tradition History in Leviticus 26," in *The Concept of Exile in Ancient Israel and Its Historical Contexts*, ed. Ehud Ben Zvi and Christoph Levin, BZAW 404 (Berlin: de Gruyter, 2010), 207–28, esp. 222.

7. Milgrom, *Leviticus 23–27*, 2273, 2326.

8. So NRSV; similarly Steymans, "Verheißung und Drohung," 283: "dahinsiechen," explaining it with "Leid durch Mangel" ("suffering want, lacking"; see also Wilhelm Gesenius and Frants Buhl, *Handwörterbuch*, 17th ed. (Berlin: Springer, 1962), 457: "sich auflösen, dahinschwinden"; and *HAL*, 594 "zergehen"). Levine (*Leviticus*, 190) translates "shall be heartsick," but this seems too weak. Hartley (*Leviticus*, 453) renders "languish away" or "wasting away" and explains it as "slow but steady erosion" (468).

Third, the third-person plural "they" at the beginning of 26:40 presupposes a reference to a previously mentioned group.[9] The only likely referent is "those remaining among you" in 26:39. As a consequence of their misery, the people belonging to this second group will not die but will confess their guilt (26:40), thereby paving the way for God to remember the covenant. So there is already a shift in the dynamic of Lev 26 in verse 39, and in the end God remembers the covenant and reaches his goal: salvation.

Given the factors just mentioned, we can take 26:39–45 as a unit. It starts like the preceding unit with "those remaining among you" (cf. 26:36), but it refers to another group that escapes the fate of the first one, which completely passed away. The survivors in 26:39–45 show a markedly different attitude toward God.

It must be admitted that 26:39 is ambiguous at first glance. One is naturally inclined to connect the phrase "those remaining among you" with the same designation in 26:36. Only in 26:40 is it clear that this must refer to someone else. Ambiguity also arises from the uncertain meaning of the verb מקק in 26:39. Ambiguity continues throughout verses 39–45,[10] not just in connection with specific terms and syntax, but also with regard to the unit's content, which displays significant changes in the attitudes both of humans and of God. Overall, 26:39 has a transitional character, using familiar elements but already introducing the new situation that develops in 26:40–45.

2.2. Placement of Verses 39–45 in Leviticus 26

The positive outcome of God's dealings with his people in this final small unit of Lev 26 consisting of verses 39–45 stands in sharp contrast to the preceding verses of the chapter, especially those presenting threats. This contrast has led some scholars to regard 26:39–45 as an "appendix"[11] or

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9. Another argument may be seen in the observation of Hartley, *Leviticus*, 458, that the passage consisting of 26:40–45 "amazingly lacks a distinct introduction."

10. Ambiguity marks the use of the tenses in 26:41–42, the syntactical structure of 26:41 and the meaning of the root רצה in that verse, the term "first ones" in 26:45, and so on.

11. Milgrom, *Leviticus 23–27*, 2329. Markus Zehnder has called the various small parts of Lev 26 toward the end (26:34–35, 36–39, 40–41, 42–45) "a series of after-thoughts." However, for him this does not imply a secondary layer or a rupture

to separate them diachronically from the rest of Lev 26.[12] However, as Cholewiński has shown, these last verses give the impression of a "beab-sichtigte Blütenlese" ("intentional anthology")[13] of various expressions dispersed throughout the whole chapter and thus seem to be in conti-nuity with it. The expressions that show the closest connections are the following:[14]

- remaining people (26:39; cf. 26:36)
- in the countries[15] of the enemies (26:39; cf. 26:36)
- go with me in hostility (26:40; cf. 26:21, 23, 27)
- go with them in hostility (26:41; cf. 26:28)
- country of the enemies (26:41, 44; cf. 26:38; for plural "countries," see 26:39)
- the root רצה (26:41, 43; cf. 26:34 [2x])
- God's care for the home country (26:42; cf. 26:34)
- Sabbaths (26:43; cf. 26:2, 34–35)
- despise my rules (26:43; cf. 26:15)
- soul abhors my laws (26:43; cf. 26:15)[16]
- break the covenant (26:44; cf. 26:15)
- I am YHWH their God (26:44; cf. 26:1 ["your God"])
- I brought them out of the land of Egypt (26:45; cf. 26:13 ["brought you"])[17]

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between what lies before 26:34 and 26:34–45 ("Blessing and Curse in Lev 26:3–45: The Interplay of Structure and Meaning" [paper presented at the International Meeting of the Society of Biblical Literature, London, 5 July 2011]).

12. Erich Zenger, "Das Buch Levitikus als Teiltext der Tora/des Pentateuch," in Fabry and Jüngling, *Levitikus als Buch*, 47–83, esp. 75: "in diachroner Hinsicht eine weiterführende Synthese."

13. Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie*, AnBib 66 (Rome: Biblical Institute, 1976), 128.

14. The earlier occurrences in the chapter are given in parentheses.

15. Müller, "A Prophetic View," 221, interprets the plural as referring to an already "worldwide diaspora."

16. The expressions for the divine commandments in 26:43 are chiastically arranged with regard to 26:15, which may be, according to Seidel's law, a sign for a deliberate linking with it. "The soul abhors," with God as subject, also occurs in 26:30.

17. Steymans, "Verheißung und Drohung," 274, observes with Frank Crüsemann (*Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* [Munich: Kaiser, 1992], 354) the parallel endings of both major parts of Lev 26 (26:3–13 and 14–45) with references to the exodus from Egypt.

- to be God for them (26:45; cf. 26:12 ["for you"])
- I am YHWH (26:45; cf. 26:2)

As this short survey reveals, 26:39–45 are very closely tied to all parts of 26:1–38: the introduction (26:1–2), the unit with promises (26:3–13, esp. the end in 26:12–13), and especially the immediately preceding section of threats (26:14–38).

There are further reasons to understand 26:39–45 as an integral part of Lev 26. A major argument is the fact that already in 26:34–35 there is a kind of "healing" as the country receives its deserved rest. Is it conceivable that God grants restoration to the land but not to his people? A further issue regards the logic of the chapter. Several times God tries to change the people's behavior by punishing measures.[18] It seems unlikely that he would give up his endeavors without achieving an appropriate result. These observations indicate the high probability that all of Lev 26:3–45 should be regarded as a single intentional unit and that 26:39–45 cannot be regarded as "secondary" or "redactional."[19]

Following the internal dynamics of a progression of ever-widening disaster as a consequence of not obeying God's commands, there is an initial reversal in 26:34 that leads to a positive outcome.[20] On the one hand, this about-face is well founded in the overall movement of the chapter. On the other hand, this outcome is not "natural" in the sense that it follows automatically from the foregoing or that it is its logical conclusion or necessary sequel.[21]

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18. See the beginnings with וְאִם in 26:14, 18, 21, 23, 27. They always indicate a new stage of God's efforts to bring his people back on the right way.

19. Others share this opinion of a uniform text: Norbert Clemens Baumgart, "Überkommene Traditionen neu aufgearbeitet und angeeignet: Lev 26,3–45. Das Heiligkeitsgesetz in Exil und Diaspora," *BZ* 43 (1999): 7; Steymans, "Verheißung und Drohung," 273; and earlier Marjo C. A. Korpel, "The Epilogue to the Holiness Code," in *Verse in Ancient Near Eastern Prose*, ed. Johannes C. de Moor et al., AOAT 42 (Neukirchen-Vluyn: Neukirchener Verlag, 1993), 123–50, esp. 150 with reference to 26:40–45: "The regular structure of the whole Epilogue of Lev. 26 forbids us to regard this as a later addition."

20. It is announced by a double אָז, "then." The same particle will play a decisive role in 26:41, where it is also used twice.

21. As it is interpreted by Jože Krašovec, "The Distinctive Hebrew Testimony to Renewal Based on Forgiveness," *ZABR* 5 (1999): 235, stating that Lev 26 and Deut 28–30 "must point to the possibility of penitence and renewal."

Clearly, 26:36–38 and 26:39–41 present two alternatives. One group, obviously not inclined to be corrected, will perish. Another remaining group, under the influence of enormous suffering (מקק in 26:39), will turn to God. The alternatives prove that there is no compulsion to listen to God, but not to follow him means to encounter a series of disasters and, finally, death.

In Lev 26:39–45 there are moments of surprise in unexpected developments on the part of both partners to the covenant. The new behavior of the second group of people in 26:40, who confess their guilt and that of their ancestors, is one surprising development. The other is God's remembering (26:42, 45), followed by a change of attitude for which the contrast between 26:30 ("my soul abhors") and 26:44 (where the same emotion is negated) is significant.

2.3. Interpretation

As a follow-up to God's assiduous teaching, the last unit of Lev 26 (26:39–45) develops a resolution to the continued resistance and stubbornness of his people. At the beginning of the unit (26:39), some of the people suffer in exile: "But those remaining among you will pine away because of their fault in the countries of your foes, and even because of the faults of their forefathers they will pine away." This leads to their recognition and confession of their own guilt and that of the previous generations (26:40): "And they will confess their fault and the fault of their forefathers regarding their betrayal with which they betrayed me, and even, that they went with me in hostility."[22]

God, in turn, acknowledges that he has dealt with them in a hostile way. His aim has been to achieve a change of heart in them (26:41): "Even I, I went[23] with them in hostility and brought them into the country of their

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22. Steymans, "Verheißung und Drohung," 294, describes the changed people as "ein geläutertes Volk."

23. To some exegetes, the imperfect and perfect consecutive forms of 26:41a present a problem. For example, Gross dismisses 26:40b–41c, arguing: "weil ich ihn von seiner Zeitstruktur nicht mit dem Kontext vereinbaren kann" ("'Rezeption' in Ex 31,12–17," 57–58). The solution of Milgrom (*Leviticus 23–27*, 2274, 2332) and others is to understand 26:41a as referring to a past time and taking it as a kind of flash-back, reflecting on a previous stage of punishment already alluded to in 26:33. Milgrom translates: "—so that I, in turn, had to continue in opposition to them and to disperse them in the land of their enemies—" The dashes signify interruption in the sequence

foes (to see) whether[24] then their uncircumcised heart would be humbled, and then they would make up [or 'atone'] for their fault." If change of heart occurs among the people, God will recall his covenant with their forefathers and will look favorably on their country (26:42): "I will remember my covenant with Jacob, and my covenant with Isaac, and I will remember my covenant with Abraham, and I will remember the land."

In the scenario of Lev 26, the land had to be abandoned by the people in order to make up for its Sabbaths. For their part, the people had to make up for their sin because[25] "they despised my rules, and their soul abhorred my laws" (26:43). Nevertheless, God is mercifully disposed toward them even in their exile and will not exterminate them (26:44): "And even also this: When they will be in the country of their foes, I will[26] not despise them and not abhor them to annihilate them and to break my covenant with them, for I am YHWH their God." To the contrary, he will remember the covenant concluded at the exodus from Egypt and once again assume his role as their God (26:45): "And I will remember for them the covenant with (the) ancestors,[27] whom I have brought out of the country of Egypt before the eyes of the nations, to become God for them. I am YHWH."

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of thoughts. If one takes into account the context of the speech, i.e., God addressing Moses on Mount Sinai (Lev 25:1), a rendition with future perfect would be most appropriate, as given by Hartley: "—indeed, I will have defied them—" (*Leviticus*, 453). Müller rightly calls Lev 26 "a piece of prophecy" ("A Prophetic View," 228).

24. The Hebrew particle אוֹ, normally translated "or," can also introduce an indirect question (with Hartley, *Leviticus*, 453). In order to ease the rough transition and make explicit the underlying assumption, I have introduced "[to see]" into the translation. The use of particles in Lev 26 is conspicuous, esp. in 26:39–45: אִם is used for the alternative in 26:3 and 14 and continued four times in the threats until 26:27. אַף is connected with אֲנִי, "I," for God's reactions vis-à-vis false human behavior (26:16, 24, 28), and in a flashback (in 26:41); with וְ, "and even," for taking up something in addition (26:39–40 and twice in 26:42); and with גַּם in a unique combination (26:44). אָז, "then," serves to introduce consequences (26:34 and twice in 26:41) and only once is joined to אוֹ (26:41). The repeated יַעַן (26:43) is unique, too.

25. Milgrom (*Leviticus 23–27*, 2337) renders the emphatic construction in 26:43: "for the very reason." Hartley (*Leviticus*, 470) translates the unique doubling of the preposition here in יַעַן וּבְיַעַן as "because, even because."

26. The verbs translated "despise" and "abhor" here are in *qatal* forms, but because of the speech context (cf. n. 23) and the intended reference for a time to come, they must be translated by future tense.

27. Literally "first ones," without the definite article, meaning earlier generations.

Key elements in this sequence are the people's confession (26:40)[28] and God's renewed graceful inclination toward them (26:42, 44–45). Both covenant partners find a way out of the impasse and thus can reestablish their relationship. Here, as elsewhere, God's remembering often signals a decisive moment.[29]

Three elements are prominent in Lev 26: the land, the Sabbaths, and the covenant. Regarding the land, God changes its past fate (26:42) by remembering it (26:41).[30] Israel's home country is already conspicuously present in the preceding promises (26:4–6, 10) and threats (26:20, 22, 31–32, 34–35). Therefore, mention of the land in verse 41 fits well with the emphasis on it throughout the whole chapter.

The long-neglected Sabbaths will be made up for (26:34–35, 43; see also the command to observe them in 26:2). This topic is featured in the reversal that occurs in verse 34 with the first אז, "then," which introduces the necessary compensation for the people's transgressions. Furthermore, the reference to the Sabbath (26:2) brings to the fore one specific commandment, a decisive divine imperative.[31] The motifs of land and Sabbath are also connected with the previous chapter, Lev 25. There in verse 2 God demands that the Sabbath year be celebrated when Israel will enter the land. Furthermore, God states in 25:23 that the land belongs to him, and in Lev 26 he shows himself to be responsible for it, taking care of it and giving it its deserved rest.

Three verses in the Lev 26:39–45 unit deal with the covenant: 42, 44, 45. Within these verses, which are within a four-verse range (26:42–45), there are a total of five occurrences of the term ברית, "covenant." No other passage of the Hebrew Bible has a higher density of this expression.[32] The emphasis on this motif is enhanced by three further instances within this chapter (26:9, 15, 25), whereas in all the rest of the book of Leviticus it is found only in two other places (2:13; 24:8). Moreover, 26:42 is unique in

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28. Baumgart ("Überkommene Traditionen," 17) grasps its importance, calling it "Weichenstellung" ("setting the course"). He connects it with Lev 16:21 and understands confession as capable of replacing cultic activities (18–19).

29. E.g., Gen 8:1; 30:22; Jer 2:2.

30. This combination is unique, as Staubli (*Levitikus*, 194) and others notice.

31. For the importance of the Sabbath here in Lev 26, see Steymans, "Verheißung und Drohung," 299–301.

32. Gen 17:7–11 also has five occurrences, but within five verses, and there are three more in 17:13–14.

that it reverses the chronological sequence of the covenants, starting with that of Jacob and ending with that of Abraham. This produces the impression that God is looking backward from a time closer to the moment of speaking to a more remote period.

The most important point in the presentation of the covenant motif in 26:42–45 is the singular synthesis of the patriarchal covenants with the covenant at Mount Sinai after the exodus.[33] This means that Lev 26 has a comprehensive view of Israel's prehistory and bases its hopeful perspective on two main pillars of that history as laid out in the two previous books: Genesis and Exodus. God is portrayed here in Lev 26 as a most faithful covenant partner, upholding his relationship with his people despite their infidelity.[34]

If verses 39–45 form an integral part of Lev 26, this has consequences for the dating of the chapter. The clear references to the exile and its positive results, leading to a conversion of the people, point toward a later time. The majority of interpreters tend in this direction.[35] Jacob Milgrom opts for dating Lev 26 in "the Hezekian period,"[36] except that he assumes 26:43–44 to be "an exilic interpolation."[37] In any case, Lev 26 as a whole seems to have been composed with the experience of the exile in the background and most likely in postexilic times.

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33. Gross, "'Rezeption' in Ex 31,12–17," 61; Zenger, "Levitikus," 75; Ariel Álvarez Valdés, "Levítico 26: Una síntesis de alianzas como clave de lectura," *EstBib* 61 (2003): 155–81, esp. 170; and many others. Jacob Milgrom has convincingly shown that the word "covenant" in Lev 26 "nearly always refers to, or includes, the Sinaitic covenant," with the exception of 26:42 and possibly 26:9 ("Covenants: The Sinaitic and Patriarchal Covenants in the Holiness Code [Leviticus 17–27]," in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume*, ed. Chaim Cohen, Avi Hurvitz, and Shalom M. Paul [Winona Lake, IN: Eisenbrauns, 2004], 91–101, esp. 91, 99), thus refuting the view of those who deny such a reference of Lev 26 to the covenant concluded at Mount Sinai.

34. See the opposition between the people "breaking" the covenant in 26:15 and God not doing so in 26:44 but rather upholding (26:9) and remembering it (26:42, 45).

35. E.g., Valdés, "Levítico 26," 179; Werner E. Lemke, "Circumcision of the Heart: The Journey of a Biblical Metaphor," in *A God So Near: Essays on Old Testament Theology in Honor of Patrick D. Miller*, ed. Brent A. Strawn and Nancy R. Bowen (Winona Lake, IN: Eisenbrauns 2003), 307; Volker Wagner, "Zwei Beobachtungen im Buch Levitikus," *BN* 136 (2008): 5–16, esp. 14; Richard J. Bautch, "An Appraisal of Abraham's Role in Postexilic Covenants," *CBQ* 71 (2009): 43.

36. Milgrom, *Leviticus 23–27*, 2364. He argues that 26:39–45 "is projected into a *future* exile" (2335).

37. Ibid., 2365.

3. Comparison with Deuteronomy 28–30

In order to understand the peculiarity of Lev 26 better, it seems appropriate to look for similar texts. After identifying connections with Deut 28 (see below) and surveying other similar passages (e.g., Deut 11:26–31; 27:11–26), we can say that no other text in the Bible is closer to Lev 26 than Deut 28. Therefore, it is justifiable to single out these two chapters for comparison. I will first compare them, then proceed to the development after Deut 28, after which I will highlight some differences between the texts.

3.1. The Relationship Between Leviticus 26 and Deuteronomy 28

Leviticus 26 and Deut 28 are connected in various ways, including by sharing the following elements:

- Alternatives of obedience/disobedience to God, starting with the positive alternative expressed by "listen to my/YHWH's voice" and "be careful" (שמר, lit., "observe") and "do (= execute) my/his commandments," then moving to the negative alternative of failure to listen and do (Lev 26:3, 14; Deut 28:1, 15)
- Long series of consequences that build up strong oppositions (Lev 26:4–12 in contrast to 26:16–39, 41, 43; Deut 28:2–14 in contrast to 28:16–68)
- Proportions between positive and negative parts, with the latter being much longer
- Common expressions and motifs, such as, sicknesses (Lev 26:16; Deut 28:22, 65); heaven and earth in connection with iron and bronze (Lev 26:19; Deut 28:23); blows (Lev 26:21; Deut 28:59, 61); pestilence (Lev 26:25; Deut 28:21); eating one's own children (Lev 26:29; Deut 28:53); corpses (Lev 26:30; Deut 28:26); reactions of others (Lev 26:32; Deut 28:25, 37); being scattered among the nations (Lev 26:33; Deut 28:64)[38]

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38. Steymans interprets Lev 26 as shedding light ("Lichtkegel") on Deut 28 ("Verheißung und Drohung," 270–71). Deut 28 has the same function for the book of Jeremiah. On this, see Georg Fischer, *Der Prophet wie Mose: Studien zum Jeremiabuch*, BZABR 15 (Wiesbaden: Harrassowitz, 2011), 230–32; and more specifically Fischer, "Fulfilment and Reversal: The Curses of Deuteronomy 28 as a Foil for the Book of Jeremiah," *Semitica et Classica* 5 (2012): 43–49.

However, as Milgrom has rightly remarked, the many differences between Lev 26 and Deut 28 are more important,[39] and these offer clues to proper understanding. Differences include the following:

- Communication structure: Deut 28 is presented as speech of Moses, whereas in Lev 26, God himself speaks. God's speech is highlighted by the twice-doubled framework declarations "I am YHWH" in Lev 26:1–2 and 26:44–45, and also in 26:13, recalling God's liberation of the Israelites.
- Nature of consequences: Deut 28 repeatedly refers to blessings (28:2–8) and curses (28:15–19). Lev 26, however, consists of divine promises and threats.
- Intensification: In Deut 28, a single act of disobedience leads to an uninterrupted series of disasters. This is very different from Lev 26, where God continues to punish Israel only in the case of renewed resistance.
- "Deut 28 has no consolatory epilogue."[40] The unit ends in 28:68 on a completely negative tone without any glimmer of hope. There is nothing at the end of Deut 28 that corresponds to Lev 26:39–45.
- Different context: Deut 28 follows a series of curses (at the end of Deut 27) and concludes by referring to the covenant in the land of Moab (28:69; ET 29:1).[41] Lev 26 follows laws on the Sabbatical and Jubilee Years (Lev 25), begins with two verses that express the most essential commandments (regarding idolatry and Sabbath observance; 26:1–2), and ends by identifying the foregoing laws as divine instructions (26:46), thus authorizing them in the highest possible way.

The character of the book of Deuteronomy can account for the change of speaker to Moses and certain other alterations but not the intensification or negative ending. Whereas Lev 26 manifests a desire to give many

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39. Milgrom, *Leviticus 23–27*, 2346. Hartley also deals with the connections between the two texts, and concludes: "the interplay is very limited" (*Leviticus*, 459–60). However, this statement underestimates the extraordinary similarity between the two texts.

40. Milgrom, *Leviticus 23–27*, 2347.

41. See Dominik Markl, *Gottes Volk im Deuteronomium*, BZABR 18 (Wiesbaden: Harrassowitz, 2012), esp. 23, 90–91, on the role of Deut 28:69.

opportunities to repent of disobedience and to conclude with hope, Deut 28 presents an ever-increasing number of afflictions and damage resulting from one failure to obey God, with no positive outlook. Although the texts are very close to one another, they are in these respects really quite different.[42]

3.2. The Dynamics of Deuteronomy 28–30

In order to understand why Deut 28 can conclude on such a negative note, one must read on in the book. Recently Ernst Ehrenreich has carried out a thorough investigation of Deut 30, including detailed treatment of the previous chapters.[43] He shows that the curses of Deut 28 undergo a further progression and intensification in 29:15–28[44] by highlighting Israelite opposition to God's commandments (29:17–18 [ET 18–19]) and adding a reaction by other nations (29:23–27 [ET 24–28]).

Against this background, Deut 30 is a "Wegweiser aus der Krise" ("signpost out of the crisis").[45] Two key elements offer the solution to the crisis. The first is the people's turning (שוב) back to YHWH and listening to him anew (30:2). This leads to the second element: God's reversal (twice שוב; 30:3). The latter is broadly developed and includes the promises of renewed mercy/compassion (רחם), the gathering of the dispersed, and their return to the home country (30:3–5).

The high point of the new divine actions is the circumcision of the heart of the people by God (30:6), which for Ehrenreich is the central factor in Deut 30:1–10.[46] It resolves the weak point of the former covenant and deals with the root of Israel's continued disobedience. Through this means, God himself fulfills what he had asked the people to do in Deut 10:16. Furthermore, this motif in Deut 30:6 (see also Jer 4:4) provides a solution to the problem expressed in Lev 26:41, namely, the "uncircumcised heart" mentioned there. In the book of Leviticus, this motif appears

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42. There are still further distinctions between the two texts, such as the fact that Deut 28 is notably longer and much more varied in its curses than Lev 26.

43. Ernst Ehrenreich, *Wähle das Leben! Deuteronomium 30 als hermeneutischer Schlüssel zur Tora*, BZABR 14 (Wiesbaden: Harrassowitz, 2010), 71–104. He deals extensively with Deut 28–29.

44. Ibid., 89.

45. Ibid., 104.

46. Ibid., 156–88.

only at the end and remains an open question. Deuteronomy 30 seems to give an answer to it.

The section Deut 28–30 obviously envisages a development similar to that in Lev 26.[47] A period of disobedience will lead to exile, but then will come a change of attitude in the people and also on the part of God, leading to a new relationship between them. In its overall movement, Deut 28–30 also shows a desire for hope in the end.

3.3. Different Solutions

The Human Perspective. In Lev 26, God will achieve his goal by inflicting various punishments on his people if they remain hostile to him. On the human side, the experience of the exile will finally cause some to confess their sins and the sins of their ancestors (26:40). This can be connected with the "humbling of the uncircumcised heart" in the next verse. There the expression רצה, to "make up/atone for the fault" (or "amend the iniquity"; 26:41) can be understood as a theological interpretation of what happened as a result of the exile.[48]

Deuteronomy 28–30 also underlines the function of the exile as a catalyst, a concept that is present in 28:36, 63–67; 29:27; 30:1, 3–4 and is an important device for connecting these three chapters. The way to a solution, from the human perspective, is described differently in Deut 28–30 from the way it is in Lev 26. According to Deut 30:1–2, calling to mind Moses's words, especially those of Deut 28,[49] can start a process of turning (שוב) as a return to God and listening anew to his voice.[50] The wording recalls typical Deuteronomic language.[51]

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47. Milgrom, *Leviticus 23–27*, 2329. However, the final chapters of Deuteronomy are much more sophisticated than Lev 26. Deut 28–30 envision (projected back to the time of Moses) the possibility of Israel's future disobedience and subsequent exile. For the implied audience of these chapters, this has already become reality. In a further step, Deut 31–32 announce with highest authority (God is speaking in 31:16–21) that this will certainly happen, but the following "Song of Moses" will bring a solution through God mercifully judging/saving his people (32:36).

48. Isa 40:2, as the next parallel to this use of רצה, confirms this.

49. Deut 30:1 refers back to it by "the blessing and the curse."

50. Deut 30:2 with "and you will listen to his voice" precisely picks up the decisive point of distinction between salvation and woe (see the opposition between Deut 28:1 and 15).

51. E.g., "with all your heart and all your soul," already used in Deut 6:5; 10:12.

The Divine Side. God's reactions in Lev 26 and Deut 28–30 also differ. In Lev 26, the primary divine reaction is God's remembering former covenants, an idea that is mentioned four times in 26:42 and 45, where the covenants with the patriarchs are united with the covenant at Sinai (see above). The motif "to remember the covenant" in itself is quite traditional (already appearing in Gen 9:16), but combining the covenants is new and has the effect of strengthening the older, known concept.

Deuteronomy 30 coincides with Lev 26 in connecting alteration in divine action with a change in human behavior. However, whereas Lev 26 uses the key word "remember" for God's reactions, Deut 30 employs שוב, "revert, return."[52] Moved by compassion, God turns toward his people and starts a whole range of concrete actions that leads to their renewed existence in the promised land (Deut 30:5).

At the same time, God tackles the problem of Israel's infidelity at its roots in Deut 30:6. The heart, as the center of human planning, decision making, and feeling, has also been responsible for the repeated resistance to God. With circumcision of the heart, reminiscent of the sign of the covenant with Abraham (Gen 17), God enables his people and their descendants to remain forever faithful in their relationship with him. Deuteronomy 30 thus shows a more broadly developed solution than Lev 26.[53] What is shown as a problem in Lev 26:41, namely, the "uncircumcised heart," receives the promise of healing in Deut 30:6.

4. Conclusion: Results and Evaluation

In Lev 26 and Deut 28–30, toward the end[54] of two books of the Torah, we find a similar movement. These chapters begin with the opposition of positive consequences when Israel listens to God versus disaster when Israel

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52. Twice in 30:3, the same word as for the people in 30:2. For translation of the second occurrence in 30:3 as "return" ("zurückkehren") rather than "again," see Ehrenreich, *Wähle das Leben*, 41, 48.

53. The "spiritual" circumcision of the heart in Deut 30 presupposes the physical one in Gen 17 and builds on it (Baumgart, "Überkommene Traditionen," 22) but goes beyond it, providing its completion.

54. Neither Lev 26 nor Deut 30 are the last chapters of their respective books, but they belong to concluding parts. Lev 27 seems to function as a kind of frame with the beginning of Leviticus (Milgrom, *Leviticus 23–27*, 2409). Deut 31–34, especially the Song of Moses, underline God's willingness for redemption, despite the people's waywardness: "he will have compassion on his servants" (32:36).

is disobedient. The latter option occupies much more space and leads in both books to exile and affliction of the people, with the result that they are reduced to a remnant. However the affliction triggers a change in the behavior of this remnant toward God, leading to a merciful reaction on his side and to a renewed relationship.

Some elements of our analysis of Lev 26 and Deut 28–30 are worth summing up. First, it is important to note that the progression leading to divine grace is peculiar to the Hebrew Bible, in contrast to other ancient Near Eastern texts. In ancient Near Eastern treaty documents outside the Bible, passages with blessings and curses do not offer positive outcomes if covenants are broken.[55] The end of Deut 28 reflects well such a bleak and disastrous result.

Some exegetes see a change toward a positive outcome as unwarranted and therefore tend to regard the hopeful notes in Lev 26:39–45 and Deut 30 as unoriginal, products of later development. At least for Lev 26, this does not seem to be the case, because 26:39–45 are closely tied to the rest of the chapter (see above). These verses most probably belonged to the original version, planned in this way right from the beginning when Lev 26 was written. This raises the question of why Lev 26 was formulated like this.

The case for redactional reworking is more plausible in the case of Deut 28–30. In this case, one could assume an original ending with Deut 28, parallel to ancient Near Eastern traditions, which in later times was supplemented by a positive outlook.[56] Nevertheless, Deut 4:26–31 discloses a very similar movement through exile to God's renewed graciousness. Unless one supposes literary operations in both passages, it is more probable that Deut 28–30 develops the program laid down in Deut 4, and thus also corresponds to an original plan.[57]

This development toward a hopeful future is not automatic. Leviticus 26:36–38 knows about a group that will perish in foreign countries, and Deut 28 concludes with very dark pronouncements, with no hint of a

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55. Krašovec, "Distinctive Hebrew Testimony," 226, 232; Milgrom, *Leviticus 23–27*, 2329; Korpel, "Epilogue to the Holiness Code," 150.

56. For this position, see, e.g., Georg Braulik, *Deuteronomium*, 2 vols., NechtB, Altes Testament 15, 28 (Würzburg: Echter, 1986, 1992), 2:216–17.

57. For the connections between Deut 4 and 28–30, see Markl, *Gottes Volk*, 38–43; for a diachronic perspective, see Eckart Otto, *Deuteronomium 1–11,* 2 vols., HThKAT (Freiburg: Herder, 2012), 1:535–37.

possible change. But the books do not end there. The following verses or chapters, respectively, present a turning toward salvation.

Our comparison between Lev 26 and Deut 28–30 confirmed that these texts are closer to one another than to any other passage in the Hebrew Bible (see above). At the same time, they differ considerably in various aspects. With regard to their mutual relationship, Deut 28–30 seems to elaborate on and deepen the solution of Lev 26.[58]

Now, at the end of this investigation, we can supply answers from various perspectives to the question posed by the title: "A Need for Hope?" From a theological perspective, it is clear that God is not obliged to renew his favorable attitude toward his people. In Lev 26 as well as in Deut 28–30, he is presented as entirely free in giving a joyful future to his people.

From a literary perspective, the positive outcome in both texts does not seem to stem from traditional literary forms, such as ancient Near Eastern treaties (see above). Nor does it appear to be the product of a secondary development, following some constraint to add an ending on a hopeful note. Right from the beginning, the respective authors conceived the sequence of not listening—judgment—exile—the people's (re)turn—God's renewed mercy probably as a result of dealing with and reflecting on the experience of the exile.[59]

Finally, from a human perspective, there is a deep desire for hope. Leviticus 26 and Deut 28–30 certainly testify to that and are well aware of the preconditions for it. The people must confess or turn to God, and he, in turn, will engage with them favorably. Thus, these texts maintain a healthy balance between both sides of the partnership and preserve their respective freedoms. Hope is not the product of necessity but results from processes of maturing. It comes through suffering and affliction, dedication, and divine pedagogy and mercy.

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58. Note that Leviticus served as an inspiration not only for the author(s) of Deuteronomy but also for Jeremiah. See Mark E. Biddle, *A Redaction History of Jeremiah 2:1–4:2*, ATANT 77 (Zürich: Theologischer Verlag, 1990), 223–27 on Jer 2–3. The expression "the soul abhors" in Jer 14:19 forms an exclusive link with Lev 26:11, 15, 30, 43. Further connections between Jeremiah and Leviticus are: "I will give shalom" (Jer 14:13; cf. Lev 26:6); the plural of בהלה (Jer 15:8; cf. the singular in Lev 26:16); God striking his people (Jer 21:6; cf. Lev 26:24); and "to be given into the hand of…" (Jer 21:10; cf. Lev 26:25).

59. Valdés, "Levítico 26," 179; Wagner, "Zwei Beobachtungen," 14; Bautch, "Appraisal of Abraham's Role," 43.

ולמה נסמכה פרשת דינין לפרשת מזבח?
לומר לך שתשים סנהדרין אצל המקדש.
רש"י שמות כא, א

"For Instruction Shall Come Forth from Zion":
Biblical and Mesopotamian Temples
as Palaces of Justice[*]

Victor Avigdor Hurowitz ז"ל

1. Introduction

The main role of the ancient Near Eastern temple was to serve as a divine residence.[1] There gods would dwell among humans, being cared for, fed, and paid homage, in exchange for which they would extend their blessings and beneficence to the community. Yet beyond this, and as offshoots of this primary role, temples acquired additional functions and meanings.

In an interesting but altogether unsatisfactory survey published in 1983, John M. Lundquist presented a preliminary typology of "What Is a Temple," referring to biblical and ancient Near Eastern temples, and proposed as many as fifteen functions, never even mentioning the primary one just suggested.[2] Even though I find this article misguided, I would like to

[1]. See, *inter alia*, Menahem Haran, *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon, 1978), 13–18.

[2]. John M. Lundquist, "What Is a Temple? A Preliminary Typology," in *The Quest for the Kingdom of God: Studies in Honor of George E. Mendenhall*, ed. Herbert B.

consider its "Proposition 13," namely: "There is a close relationship between the temple and law in the ancient Near East." I fully agree with this, as the rest of my essay will show, yet Lundquist goes on to state: "The action which gives rise to the codification of ancient collections of royal judgments, or just laws is, in my opinion, rebuilding or rededicating of a temple, or the appearance of the king in the temple early in his reign." Also, "the impetus by the king to compile the existing body of judicial precedents was seen to come as a result of duties connected with the temple." Lundquist's explanation of the temple–law nexus is, in my opinion, far-fetched, fanciful, and unfounded. Nonetheless, the relationship itself is supported by considerable evidence, some of which I will discuss here.

A good place to start is the famous "Mount of the Lord vision" ascribed to both Isaiah (2:2–4) and, with slight variations, Micah (4:1–3):[3]

> In the days to come, the Mount of the Lord's House shall stand firm above the mountains and tower above the hills; and all the nations shall gaze on it with joy. And the many peoples shall go and say: "Come, let us go up to the Mount of the Lord, to the House of the God of Jacob, that he may instruct us in His ways, and that we may walk in His paths." For instruction shall come forth from Zion, and the word of the Lord from Jerusalem. Thus He will judge among the nations and arbitrate for the many peoples, and they shall beat their swords into plowshares, and their spears into pruning hooks: Nation shall not lift up sword against nation; they shall never again know war. (Isa 2:2–4 NJPS)

Huffmon, Frank A. Spinta, and Alberto R. W. Green (Winona Lake, IN: Eisenbrauns, 1983), 205–19. Lundquist develops his views in subsequent articles, such as "Temple, Covenant, and Law in the Ancient Near East and in the Old Testament," in *Israel's Apostasy and Restoration: Essays in Honor of Roland K. Harrison*, ed. Avraham Gileadi (Grand Rapids: Baker, 1988), 293–305; Lundquist, *The Temple of Jerusalem: Present and Future* (Westport, CT: Praeger, 2008), 12, but stays within the realm of the temple–law nexus giving legitimacy to kingship. He does not touch upon the issues to be dealt with in the present essay, including the practical functioning of the temple in the legal sphere and the temple as a symbol of justice. Apart from references (misused, in my opinion) to the Laws of Uruinimginna and Hammurabi and the Old Babylonian *mīšarum* edicts, he adduces no textual evidence, biblical or ancient Near Eastern, for his attempt to connect temple building with promulgation of law.

3. For the different ways in which these two prophetic books have integrated the shared vision into their respective contexts (Isa 2–4; Mic 4–5), see Marvin A. Sweeney, "Micah's Debate with Isaiah," *JSOT* 93 (2001): 111–24 (= *Form and Intertextuality in Prophetic and Apocalyptic Literature*, FAT 45 [Tübingen: Mohr Siebeck, 2005], 210–21).

Several scholars have pointed out that this idyllic vision of the future—focused on Jerusalem's Temple Mount and temple—envisages the temple, Hague-like, as an international high court of justice where God presides, issues rulings and authoritatively settles disputes, making armed conflict unnecessary.[4] It is no wonder that its concluding line is inscribed on the "Isaiah Wall" outside the U.N. headquarters in New York City. Although this vision describes the idyllic future, it is based on day-to-day realities and ideals of the present. Let us look, then, at its roots.

The most obvious precedent comes from the Bible itself.[5] According to Deut 17:8–13, if a case is too difficult for a local court to resolve,

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4. Moshe Weinfeld, "Zion and Jerusalem as Religious and Political Capital: Ideology and Utopia," in *The Poet and the Historian: Essays in Literary and Historical Biblical Criticism*, ed. Richard E. Friedman, HSS 26 (Chico, CA: Scholars Press, 1983), 75–115, esp. 111–13; Weinfeld, "Jerusalem: A Political and Spiritual Capital," in *Capital Cities: Urban Planning and Spiritual Dimensions; Proceedings of the Symposium Held on May 27–29, 1996, Jerusalem, Israel*, ed. Joan G. Westenholz (Jerusalem: Bible Lands Museum Jerusalem, 1998), 15–40, esp. 34; Baruch J. Schwartz, "Torah from Zion: Isaiah's Temple Vision (Isaiah 2:1–4)," in *Sanctity of Time and Space in Tradition and Modernity*, ed. Aberdina Houtman, Marcel J. H. M. Poorthuis, and Joshua Schwartz, Jewish and Christian Perspectives Series 1 (Leiden: Brill, 1998), 11–26. Pinhas Artzi suggests that the background to this prophecy is what he calls "the Great Tradition of Law and Ethics" of the ancient Near East, a tradition that originated with Hammurabi and was transmitted to the wider ancient Near East by Assyrian imperialism. According to Artzi, this tradition was well known to Isaiah and intellectuals of his time but was subverted, replacing Assyria as the agent for transmitting the tradition by YHWH, God of Israel ("'All the Nations and Many Peoples': The Answer of Isaiah and Micah to Assyrian Imperial Policies," in *Treasures on Camels' Humps: Historical and Literary Studies from the Ancient Near East Presented to Israel Eph'al*, ed. Mordechai Cogan and Danel Kahn [Jerusalem: Magnes, 2008], 41–53). See also Artzi, "The Mesopotamian Background of the Term אחרית הימים in the World Peace Vision of Isaiah 2:2a," in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, ed. Chaim Cohen et al., 2 vols. (Winona Lake, IN: Eisenbrauns, 2008), 1:427–32.

The only case of a temple serving in an action of international law is in EA 74, where Rib-Adda reports that ʿAbdi-Aširta assembled his allies in the temple of NINURTA, where they "placed an oath" (made an alliance) among themselves. See William L. Moran, *The Amarna Letters* (Baltimore: Johns Hopkins University Press, 1992), 142–45.

5. The temple as a place where God judges his people, on the one hand, and humanity, on the other, occurs several times in the Bible. In Ps 50, God appears in Zion (50:2) in fire and storm in order to judge his people (50:4). The temple setting is hinted at by references to sacrifices in 50:8, 14, 23. The psalm contains a negation of the

the litigants are to go up to the place God has chosen, which means the central, exclusive temple,[6] and be judged by the Levitical priests and the

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necessity of sacrificial cult but also prescribes thanksgiving offerings. The psalm also contains a diatribe against the wicked, based on the Decalogue, the first line of which is alluded to in 50:7b, and the prohibitions against theft, adultery, and bearing false witness are reflected in 50:17–20. By transferring the Sinai revelation, the Decalogue, and the covenant to a Zion setting, the psalmist is remaking the Jerusalem Temple Mount in the image of Mount Sinai, which itself was conceived of as God's "natural temple" and original tabernacle. For a comparison between Sinai and the tabernacle, see already Nachmanides's prefaces to Exod 25 and Numbers; see Moshe Weinfeld, "The Decalogue: Its Significance, Uniqueness, and Place in Israel's Tradition," in *Religion and Law: Biblical-Judaic and Islamic Perspectives*, ed. Edwin B. Firmage, Bernard G. Weiss, and John W. Welch (Winona Lake, IN: Eisenbrauns, 1990), 3–47, esp. 39. We should remember in this context that according to Exod 18, describing Jethro's visit, the "mountain of God" (18:5) was where the Israelite judicial system originated. This demonstrates a link between law and a cultic site, a link that expands and encompasses the giving of the Decalogue and Covenant Code in Exod 20–24.

Pss 96–99, the so-called "Enthronement" Psalms, combine the motifs of God's glorious entry into his temple and his subsequent accomplishment of justice for the world and for his people. Ps 96 tells of God's radiance in his temple (96:6), invites all the nations to bring sacrifices (96:8), obviously to that same temple, and then God will judge the earth and the peoples (96:13). Ps 97 speaks of God reigning from upon a throne surrounded by clouds and founded on righteousness. After a theophanous procession led by fire and lightning (97:3–4), Zion rejoices because of YHWH's acts of justice (97:8) by which he saves the righteous from the wicked (97:10–12). Ps 98 speaks again of God coming, probably again to his temple, to judge the world. Ps 99 also records God's reigning in Zion and doing justice in Jacob. In the context of reigning in Zion, there is also a reference to giving the law at Sinai (99:7).

Ps 122, a "Song of Ascents," vividly describing a pilgrimage to the temple in Jerusalem, mentions כסאות למשפט, "chairs of justice" (122:5), but in the same verse there are כסאות לבית דוד, "chairs of the house of David," so it is difficult to make a certain connection between the chairs of justice and the temple in particular.

On the Day of Atonement, according to Priestly legislation, the sanctuary is purged of the accumulated effects of sins by agency of חטאת sacrifices (Lev 16). In rabbinic sources, this is also a day when individuals and the nation are judged by God, and according to some interpreters this notion is rooted in the Bible itself. In this case, the idea of the sanctuary serving as an arena for divine judgment is found in the Priestly literature as well. See Roy Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005).

6. 2 Chr 19:4–11, which is a reflex of this law, describing its supposed implementation by Jehoshaphat, makes no mention of the temple and speaks only of Jerusalem (19:8). For a detailed discussion of this passage and survey of previous literature, see Sara Japhet, *I and II Chronicles: A Commentary*, OTL (London: SCM, 1993), 770–79.

judge.[7] A person who does not comply with their ruling is to be put to death. Holding the trial in the temple, and the presence of priests indicates that the case was settled ritually, or supra-rationally, implying either an oath or an ordeal. In both cases it is God who renders judgment, for he empowers the imprecations for one who swears falsely and controls the outcome of the ordeal.[8]

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7. Ezek 44:24 prescribes a judicial role for the Levitical priests of Zadokite lineage: ועל ריב המה יעמדו לשפט (למשפט) במשפטי ושפטהו (ישפטהו) ("In lawsuits, too, it is they who shall act as judges; they shall decide them in accordance with my rules"; NJPS). Another Deuteronomistic passage in which a trial is held in a temple may be Deut 19:15–21, in which a single person, rather than two or three witnesses, accuses another of an offense. According to 19:17, the two contending parties are supposed to stand "before YHWH" and before the priests and judges. Scholars are divided about whether the term "before YHWH" indicates the central sanctuary (e.g., Samuel R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, ICC [Edinburgh: T&T Clark, 1895], 236) or a local place of nonsacrificial worship (e.g., Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation,* JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1996], 184). There is also a scholarly debate about the place of the priests in these passages. Alexander Rofé examines the three cases in which Deuteronomy assigns judicial roles to the priests (Deut 17:8–13; 19:17; 21:5) and concludes on the basis of the lack of a role for the priest in the ceremony of breaking a heifer's neck (21:3–4) that all three passages reflect no legal reality but are just literary activity reflecting the claims of priests of the exilic period and later ("Methodological Aspects of the Study of Biblical Law," in Rofé, *Deuteronomy: Issues and Interpretation* [London: T&T Clark, 2002], 205–19, esp. 205–7). Moshe Weinfeld, on the other hand, sees the secular magistrates as an addition, a by-product of secularization of the legal system demanded by the Deuteronomic program for cult centralization (*Deuteronomy and the Deuteronomic School* [Oxford: Clarendon, 1972], 233–36). The Mesopotamian documents make it clear, however, that in reality the judges and priests worked in tandem. According to Raymond Westbrook, priests do not seem to have played a role in secular jurisdiction during the Old Babylonian period, unless the interests of the temple were involved. However, from the beginning of the Middle Babylonian period (fifteenth century BCE) on, "we begin to see priests playing a greater role as judges, even in disputes that have no obvious connection to the temple or sacral aspect" ("Judges in Cuneiform Sources," *Maarav* 12 [2005]: 27–39; Bruce Wells and F. Rachel Magdalene, eds., *Cuneiform and Biblical Sources*, vol. 2 of *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook* [Winona Lake, IN: Eisenbrauns, 2009], 198–210, esp. 203). As for the role of the priests in the heifer ceremony (Deut 21), it is probably connected to the ritual aspects but may be an automatic response to the nature of the problem, namely, a crime committed in which the culprit cannot be unequivocally determined.

8. These two types of supra-rational forms of legal determination are well-attested

Apart from these corresponding depictions, one idyllic and one mundane, a wide array of biblical and ancient Near Eastern sources associates temples with many aspects of justice.[9] The sources fall into two types. Some,

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in Mesopotamian documents, as has been pointed out by numerous scholars. See Sophie Lafont, "Considérations sur la pratique judiciaire en Mésopotamie," in *Rendre la justice en Mésopotamie: Archives judiciaries du Proche-Orient ancien (IIIe–Ier millénaires avant J.-C.)*, ed. Francis Joannès (Saint-Denis: Presses Universitaires de Vincennes, 2000), 15–34, esp. 28–30; Lafont, "Judicial Decision-Making: Judges and Arbitrators," in *The Oxford Handbook of Cuneiform Culture,* ed. Karen Radner and Eleanor Robson (Oxford: Oxford University Press, 2011), 336–57, esp. 350–52. It should be pointed out that not every resort to the divine by taking an oath, use of a divine symbol, or an ordeal necessarily implies a temple context for legal proceedings. For an important comparative study of the history of the use and decline (beginning in the late seventh century BCE) of oaths, oracles, and ordeals in ancient Mesopotamia and Israel, see Bruce Wells, "The Cultic versus the Forensic: Judahite and Mesopotamian Judicial Procedures in the First Millennium B.C.E.," *JAOS* 128 (2008): 205–32.

9. Here I will not discuss temples as places of oracular inquiry, although divine pronouncements are characterized as משפט, "judgment." In Moses's blessing to the tribe of Levi he characterizes them with the words: יורו משפטיך ליעקב ותורתך לישראל, "they will teach your judgments to Jacob and your instructions to Israel" (Deut 33:10). These judgments and instructions may be verdicts acquired by supranormal legal procedures, such as lots or ordeals. On the other hand, the high priest's breastplate, which contains the Urim and Thummim, is called חשן המשפט, "the breastplate of judgment" (Exod 28:15, 30), and Joshua, who is about to be appointed heir to Moses as leader of the people, will stand before Eleazar the priest, who will inquire for him of משפט האורים, "the judgment of the Urim" (Num 27:21), according to which he will "go out and come in" (see Deut 31:2 for the meaning "to carry out life's normal activities" and 2 Sam 5:2 for possibly military matters). In contrast to the Levites' judgments referred to in Moses's blessings, the judgment of the Urim is probably not of a legal nature but relates to military matters or affairs of state. Cf. the fact that in Mesopotamia oracles from Šamaš are called *dīnu* and *purussû*.

At this juncture I will also not discuss various legal roles of the temple as a jail or place of asylum. The Ekur Temple in Nippur housed a prison that is described in detail in a hymn to Nungal; see Åke W. Sjöberg, "Nungal in the Ekur," *AfO* 24 (1972): 19–46; Tikva Simone Frymer, "The Nungal Hymn and the Ekur Prison," *JESHO* 20 (1977): 78–89. There was also a prison in the Neo-Babylonian Eanna Temple, as indicated by two letters concerning a mutiny (see Francis Joannès, "Les texts judiciaires néo-babyloniens," in Joannès, *Rendre la justice en Mésopotamie*, 201–39, esp. 209–11). There is no indication that the Jerusalem temple housed a prison (בית סהר, בית אסורים, כלא) per se, but according to Jer 20:2–3 Pashhur the priest detained Jeremiah in the מהפכת in the Upper Benjamin Gate of the temple. According to Jer 29:26, some of the priests were placed in charge of the מהפכת and the צינק ("stocks" and "pillory"?) that were in the house of YHWH and used for detaining crazy people and those who prophesy.

which can be characterized as literary and "idealizing," refer to a general association between the temple and qualities of justice, such as honesty, righteousness, and nonviolent resolution of disputes, while others, which we can call "practical," refer to specific legal actions performed in the temples. Some of the examples lie on the borderline of these two categories.

2. Idealizing Cases

The association of temples with performance of justice (with an idealizing tendency) goes back to Sumerian times. In the collection of temple hymns[10]

Israelite temples offered asylum, especially by holding onto the horns of the altar (see Exod 21:14; 1 Kgs 1:50–51, 53; 2:28–29), although this would have been difficult and would have been extended to the city in which the temple was found (see Moshe Greenberg, "The Biblical Conception of Asylum," *JBL* 78 [1959]: 125-32; Greenberg, *Studies in the Bible and Jewish Thought* [Philadelphia: Jewish Publication Society, 1995], 43–50). Some scholars have suggested that asylum in the temple may be behind the concept of the temple as a refuge (see Shalom E. Holtz, "God as Refuge and Temple as Refuge in the Psalms," in *The Temple of Jerusalem: From Moses to the Messiah—In Honor of Professor Louis H. Feldman*, ed. Steven Fine [Boston: Brill, 2011], 17–26). Asylum is not a feature of Mesopotamian temples but is more typical of western temples, such as at Aleppo, as shown by Jonas C. Greenfield, "Asylum at Aleppo: A Note on Sfire II, 4–7," in *Ah, Assyria: Studies in Assyrian History and Ancient Near Eastern Historiography Presented to Hayim Tadmor*, ed. Mordechai Cogan and Israel Eph'al, ScrHier 33 (Jerusalem: Magnes, 1991), 272–78. See, however, Moshe Weinfeld's discussion of refuge and asylum in temple cities, including in Mesopotamia, in *Justice and Righteousness in Israel and the Nations: Equality and Freedom in Ancient Israel in Light of Social Justice in the Ancient Near East* [Hebrew] (Jerusalem: Magnes, 1985), 72–78.

Nor will I discuss the so-called "entry liturgies." According to several passages in Psalms (Pss 5:5–8; 15:2–3, 5; 24:3–4) and perhaps Isa 33:15–16, entry to the temple of Jerusalem was limited to the righteous, as was entry to Egyptian temples (see Moshe Weinfeld, "Instructions for Temple Visitors in the Bible and Ancient Egypt," in *Egyptological Studies*, ed. Sarah Israelit-Groll, ScrHier 28 [Jerusalem: Magnes, 1982], 224–50). There are no indications of such entry requirements for Mesopotamian temples.

10. Åke W. Sjöberg, Eugen Bergmann, and Gene B. Gragg, *The Collection of the Sumerian Temple Hymns: And The Keš Temple Hymn*, TCS 3 (Locust Valley, NY: Augustin, 1969). This genre seems to have been restricted to Akkadian, and it died out at the beginning of the second millennium BCE. The only example of an Akkadian temple hymn is a first-millennium hymn to Ezida published by F. Köcher, "Ein spätbabylonischer Hymnus auf den Tempel Ezida in Borsippa," *ZA* 53 (1959): 236–40 (cf. Benjamin Foster, *Before the Muses*, 3rd ed. [Bethesda, MD: CDL, 2005], 875). Interestingly, the hymn describes Nabû, the god of Borsippa who dwells in Ezida, as follows: "He bears the tablets of destiny for all the gods (*našīma ṭuppi šimāti ana kala ilī*); He

and elsewhere, several temples are depicted as *ki-di-ku$_5$-ru*, "place where judgment is pronounced."[11] Ninlil's shrine in Nippur is called *di-gal-ku$_5$-da-ni* and also *é-di-si-im-sá-a-da-na*, "the temple in which a just decision is pronounced." Some temples are depicted as "River of the Ordeal," *i$_7$-lú-ru-gú*,[12] indicating that they were places of judgment and perhaps even places where ordeals were performed.[13]

Several literary works add some details regarding the justice done in the temples. The Keš Temple Hymn describes this temple as follows:

> *kan$_4$-bi-ta UN-gal inim ĝar-ra*
> (House …) at whose gate is the ruler who decides cases (?)! (line 94).[14]

A reference to a temple as a place where a god administers justice is found in Gudea Cylinder A, 271–276, where Ningirsu, revealing himself to dreaming Gudea, pronounces:

> In the E-babbar, where I issue orders, where I shine like Utu,
> there I justly decide the lawsuits of my city like Ištaran.[15]

Ebabbar here is not Šamaš's temple in Sippar but a temple in a small town in the city-state of Lagaš,[16] and Ningirsu is being syncretized here with

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holds the stylus of truth (*ṣabitma qanṭuppu kittu*). He scrutinizes the people of this land each day (*ṣalmāt qaqqadi ibarru ūmišam*)." This may imply some judicial role associated with the temple, from which Nabû judges the populace.

11. Temple Hymn 4, 53 (Temple of Nusku in Nippur); Temple Hymn 20, 252 (Temple of Ningirsu in Lagaš); Temple Hymn 37, 468 (Temple of Suen in Urum). In another text, we find this depiction applied to a temple of Inanna.

12. Temple of Bau in Uruku, Ekur.

13. Names of some Mesopotamian temples indicate that they were associated with justice (see Andrew R. George, *House Most High: The Temples of Ancient Mesopotamia*, Mesopotamian Civilizations 5 [Winona Lake, IN: Eisenbrauns, 1993], nos. 874–77, 884) or with a judge (nos. 147–56). However, some of these names designate temples of Šamaš in Sippar and Larsa, in which case the reference is not to a human judge but to the divine judge par excellence (nos. 21, 254, 435–36, 1031–32).

14. Gene B. Gragg in Sjöberg, Bergmann, and Gragg, *Collection of the Sumerian Temple Hymns*, 157–88.

15. Translation from the Electronic Text Corpus of Sumerian Literature, http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.2.1.7#.

16. Claudia E. Suter, *Gudea's Temple Building: The Representation of an Early Mes-*

Utu, the sun-god and also god of justice, and Ištaran, another god of justice.

Two idyllic passages in the Gudea cylinders describe the social and domestic tranquility prevailing at the site of Eninnu in Lagaš when the temple was founded and, later on, during the seven-day inauguration festivities.[17] Before the molding of the first brick, we find social "reform" that includes actions in the legal realm:

> He is wise and able too to realize things. The ruler gave instructions to his city as to one man. The land of Lagaš became of one accord for him, like children of one mother. He opened manacles, removed fetters; established […], *rejected legal complaints, and locked up (?) those guilty of capital offences (instead of executing them)*. (Cylinder A, 323–329, emphasis added)
> He undid the tongue of the goad and the whip, replacing them with wool from lamb-bearing sheep. No mother shouted at her child. No child answered its mother back. No slave who […] was hit on the head by his master, no misbehaving slave girl was slapped on the face by her mistress. Nobody could make the ruler building the E-ninnu, Gudea, let fall a chance utterance. The ruler cleansed the city, he let purifying fire loose over it. He expelled the persons ritually unclean, unpleasant to look at, and […] from the city. (Cylinder A, 330–344)[18]

After the temple is built and Ningirsu and Baba have taken up residence, there is a seven-day celebration, also including actions in the legal realm:

> He had everything function as it should in his city. Gudea had built the E-ninnu, made its powers perfect. He brought butter and cream into its dairy and provided its […] with bread (?). He had debts remitted and made all hands clear. When his master entered the house, for seven days the slave woman was allowed to become equal to her mistress and the slave was allowed to walk side-by-side with his master. But the ritually unclean ones could sleep only at the border of his city. He silenced the evil-speaking tongue and locked up evil. He paid attention to the justice

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opotamian Ruler in Texts and Image, Cuneiform Monographs 17 (Groningen: Styx, 2000), 87.

17. See also Gudea Statue B 3:15–5:11.

18. Translation from the Electronic Text Corpus of Sumerian Literature, http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.2.1.7#.

of Nanše and Ninĝirsu. He provided protection for the orphan against the rich, and provided protection for the widow against the powerful. He had the daughter become the heir in the families without a son. A day of justice dawned for him. He set his foot on the neck of evil ones and malcontents. (Cylinder B, 1211–1231)[19]

These scenes of domestic and social tranquility, in which performance of justice is featured, are only temporary, two-time events, but they certainly reflect an ideal of what a temple should represent and provide the city on a more permanent basis.

The temple was often the major building in a Sumerian city, so justice associated with the temple proper is sometimes extended to characterize the entire city.[20] Thus we find the description of Nippur in a Sumerian hymn to Enlil:

It cuts short the life of those who speak too mightily. It permits no evil word to be spoken in judgment (?). […], deception, inimical speech, hostility, impropriety, ill-treatment, wickedness, wrongdoing, looking askance (?), violence, slandering, arrogance, licentious speech (?), egotism and boasting are abominations not tolerated within the city. (lines 18–25).

The borders of Nibru form a great net, within which the ḫurin eagle spreads wide its talons. The evil or wicked man does not escape its grasp. In this city endowed with steadfastness, for which righteousness and justice have been made a lasting possession, and which is clothed (?) in pure clothing on the quay, the younger brother honours the older brother and treats him with human dignity; people pay attention to a father's word and reap the benefits; the child behaves humbly and modestly towards his mother and attains a ripe old age. (lines 26–34)[21]

At a much later time, Tin.Tir ascribes to Babylon characteristics typical of temples:

Uru-niggina-kiagga, Babylon, the city which loves truth
Uru-niggina-sisa, Babylon, the city of truth and justice

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19. Ibid.

20. This is the case of Jerusalem as well. See esp. Jer 31:22; Zeph 3:5; Zech 8:3; and cf. perhaps Isa 1:21–27; 32:16–18; 54:14; 60:18; Ps 122:5.

21. Enlil in the E-kur (Enlil A); ranslation from the Electronic Text Corpus of Sumerian Literature, http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.4.05.1#.

Uru-nigerim-hulgig, Babylon, the city which hates evil.[22]

Among the divine dwellings (*šubtu*) in Babylon, we find *é.gú.sí.sa šubat muštešir ḫablim*, "House which provides justice for the wronged,"[23] and *é.di. maḫ,* "House of the exalted verdict."[24] Among the "stations" (*manzāzu*) are *é.di.ku₅.maḫmanzāz ᵈMuštešir ḫablim*, "House of the Exalted Judge, stand of the god Righter of the Oppressed."[25]

Finally, in a Sumerian literary text, which Hallo calls "a model court case concerning inheritance,"[26] the judges remand the plaintiff "to the gate of Ninurta for taking the oath. By the gate of Ninurta each man was made to go towards (accommodate) each other." The gate of Ninurta was probably the gate in a temple where a weapon of Ninurta was displayed.[27] Although this text is a "literary composition," it reflects reality, as we shall see below. Andrew George, in a discussion of an elaborate literary text called "The Tribulations of Gimil-Marduk," describing a series of legal proceedings, points out that these proceedings were actually spread over two locations, both in the Ekur temple. The Nippur assembly would meet and hear the case in the Ubšu-ukkinna courtyard in Enlil's temple, while the oath would be taken in the Ninurta gate in the presence of the divine symbol Udbanuilla/ *ūmu la padû*, "Merciless Storm Demon."[28] This combined process was summed up by the statement *ditilla maḫar Ninurta awāt puḫri ša Nippuru*, "Final verdict in the presence of Ninurta, command of the assembly of Nippur" (line 81).

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22. Tin.Tir I 16–18, in Andrew R. George, *Babylonian Topographical Texts*, OLA 40 (Leuven: Peeters, 1992), 38–39, 250.

23. Tin.Tir II 8", in ibid., 50–51, 282.

24. Tin.Tir II 16", in ibid., 50–51.

25. Tin.Tir II 34', in ibid., 54–55, 293.

26. William W. Hallo, "A Model Court Case concerning Inheritance," in *Riches Hidden in Secret Places: Ancient Near Eastern Studies in Memory of Thorkild Jacobsen*, ed. Tzvi I. Abusch (Winona Lake, IN: Eisenbrauns, 2002), 141–54.

27. It was also possible to employ the divine weapon in legal proceedings that took place outside the temple but that required divine presence nonetheless. See Rivkah Harris, "The Journey of the Divine Weapon," in *Studies in Honor of Benno Landsberger on His Seventy-Fifth Birthday, April 21, 1965*, ed. Hans G. Güterbock and Thorkild Jacobsen, AS 16 (Chicago: University of Chicago Press, 1965), 217– 24.

28. Andrew R. George, *Babylonian Literary Texts in the Schøyen Collection*, Cornell University Studies in Assyriology and Sumerology 10 (Bethesda, MD: CDL, 2009), 151–52.

3. Borderline Cases

Between the idealizing and the practical sources are the monumental law collections, providing evidence that justice was "published" or promoted in temples.[29]

The Lipit-Ishtar law collection does not mention where it was displayed, but it may have been in Ekur in Nippur, as indicated in the epilogue, where the king says:

> When I established justice in the Land of Sumer and Akkad, I erected this stela. He who will not do anything evil to it, who will not damage my work, who will [not] efface my inscription and write his own name on it—may he be granted life and breath of long days; may he raise his neck to heaven in the Ekur temple; may the god Enlil's brilliant countenance be turned upon him from above.[30]

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29. Alongside the "law codes," the Old Babylonian period has given us two other forms of legal enactments: the *ṣimdat šarrim* decrees and the *mīšarum* edicts. In marked distinction from the law codes, which were composed later in kings' reigns, inscribed on stone monuments, and displayed in temples, the *mīšarum* edicts and *ṣimdat šarrim* decrees were issued when kings ascended the throne or at later occasions, written on clay tablets, and seem not to be connected with temples. Functionally, the edicts represented measures to be carried out immediately to correct particular social inadequacies, while the law codes were retrospective, idealistic depictions of what the kings did in order to fulfill their divine commission to do justice in the land. In other words, the display of the law codes in the temples was more declarative than operative. See, *inter alia*, J. J. Finkelstein, "Ammiṣaduqa's Edict and the Babylonian 'Law Codes,'" *JCS* 15 (1961): 91–104.

30. Trans. Martha Roth, *Law Collections from Mesopotamia and Asia Minor*, 2nd ed., WAW 6 (Atlanta: Scholars Press, 1997), 34. Lipit-Ištar also built something called *é.níg.si.sá*, "House of Justice," at "*Namkarumki-rib-ba dingir-re-e-ne-ka*" (an irrigation ditch according to Frayne; a toponym according to George, following *CAD* 11:231, s.v. *namkaru*), "the pre-eminent place of the gods," when he promulgated his law code. Andrew George raises the possibility that this may have been a "sanctuary" (*House Most High*, no. 884). Douglas Frayne suggests that the construction of this edifice may have something to do with the king's promulgation of a law code, a deed alluded to in most of the king's inscriptions (Frayne, *Old Babylonian Period [2003–1595 BC]*, Royal Inscriptions of Mesopotamia, Early Periods 4 [Toronto: University of Toronto Press, 1990], 52). Could this be a room in Ekur where the laws were displayed?

Hammurabi's Laws were displayed in Ebabara in Sippar, Ekur in Nippur, and Esagil in Babylon.[31] In Esagil, they stood in front of a statue of Hammurabi designated as *šar mīšarim*, "King of Justice." The stela invited the wronged person to stand before it, read it, find his case, and, having found it, bless Hammurabi. It appears then, that temples were places where one could come to find justice, or at least find assurance that justice is somewhere to be found.[32] They are also places where the sovereign forges his self-image of provider of justice.

The Middle Assyrian Laws may also have been associated with temples, but in a different way. According to Weidner, manuscripts A and B of the Middle Assyrian Laws were found in the gate room of the gate area between the east corner of the Anu-Adad Temple and the Old Palace, perhaps the "Šamaš Gate," which was the main place of justice in the city Assur.[33] The tablets could have constituted a small law library used by the judges in cases of doubt. Fragments C and G were found in the southwest court of the Assur Temple and were part of the temple library.

No monumental law collection has survived from ancient Israel, but the Mesopotamian texts of this genre are comparable with the law collections contained in the Pentateuch. So how does the Bible depict the display and publication of its law corpora? According to the non-Priestly traditions describing the aftermath of the Sinai revelation (Exod 24:3–8), Moses told the people the Decalogue (כל דברי ה', "all the words of YHWH"; 24:3; cf. 20:1) and the laws (משפטים). He then wrote them (or just the Decalogue) down in something called the Book of the Covenant (ספר הברית; 24:4, 7) and read it to the people, who agreed to its content. YHWH was present on the mountain, sacrifices were made, and twelve standing stones were erected to represent the twelve tribes of Israel. All this constituted a "prototemple," so the laws given at Sinai are construed as having been promulgated and recorded in a temple-like setting.

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31. See Victor A. Hurowitz, *Inu Anum Ṣīrum: Literary Structures in the Non-juridical Sections of Codex Hammurabi*, Occasional Publications of the Samuel Noah Kramer Fund 15 (Philadelphia: Samuel Noah Kramer Fund, University of Pennsylvania, 1994), 10, 65, 82–86.

32. See Martha T. Roth, "Hammurabi's Wronged Man," *JAOS* 122 (2000): 38–45.

33. Ernst F. Weidner, "Das Alter der mittelassyrischen Gesetzstexte: Studien im Anschluss an Driver and Miles, The Assyrian Laws," *AfO* 12 (1937–1939): 46–54, esp. 48–49.

In the Priestly source, giving of laws is inextricably bound with the tabernacle. Roy E. Gane has reminded me that the Priestly sacrificial laws are given to Moses from the tabernacle, according to Lev 1:1 and Num 7:89. Although this is true, these laws are cultic rather than civic, and there is no reference to them being written down in a law code. According to Baruch J. Schwartz, "The tabernacle of God is the exclusive locus of divine communication with man.… The giving of the law depends not only on the divine indwelling; it is contingent upon the prior establishment and maintenance of the tabernacle cult and its permanent institutions."[34] Even though the summary statements in Lev 26:46 and 27:34 say that the laws were given to Moses on Mount Sinai, the specific locus of the law giving was the tabernacle.[35]

According to Deut 27:1–4, 8, the דברי התורה הזאת ("the words of this torah," i.e., the laws of Deut 12–26 and some other parts of that book)[36] are to be written on plaster on twelve stones set up on Mount Ebal alongside an altar (27:5–7), again connecting publication of laws with a sacred place. Deuteronomy 31:24–27 reports that Moses, before his death, commands the Levites to take the ספר תורה ("book of torah") that he has just written and place it alongside the ark of YHWH's covenant. Of course, there was no temple when Moses gave this order, and the book of Deuteronomy never states explicitly where the ark is to be located, so we are to assume that this anachronistically reflects a time after the temple was built.[37]

According to 2 Kgs 23:1–3, King Josiah gathered all the elders of Judah and Jerusalem and went up to the temple with the priests and prophets and read to them all the Book of the Covenant (ספר הברית) that had been found in the temple, after which the people obligated themselves by ברית, "covenant," to follow all the laws. In other words, this passage considers

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34. Baruch J. Schwartz, "The Priestly Account of the Theophany and Lawgiving at Sinai," in *Texts, Temples and Traditions: A Tribute to Menaham Haran*, ed. Michael V. Fox et al. (Winona Lake, IN: Eisenbrauns, 1996), 103–34, esp. 133.

35. Ibid., 117.

36. See Tigay, *Deuteronomy*, 248.

37. According to Deut 10:8, the Levites are assigned the task of carrying the ark of the covenant and also standing "before YHWH to serve him and bless in his name," implying that the ark, too, would be found "before YHWH," i.e., in a temple. See Ian Wilson, "Merely a Container? The Ark in Deuteronomy," in *Temple and Worship in Biblical Israel: Proceedings of the Oxford Old Testament Seminar*, ed. John Day, LHBOTS 422 (New York: T&T Clark, 2005), 212–49.

the repromulgation of the Deuteronomic Laws to have occurred in the temple.[38]

This custom characterizes not only the Jerusalem temple. According to 1 Sam 10:25, Samuel told the people the "law of the kingdom," משפט המלכה, probably referring to stipulations (משפט המלך, "law of the king") specified in 8:11–17. He wrote this law and placed it "before YHWH" (10:25), referring to a location at the temple in Mizpah.

Given this pattern of promulgating or repromulgating law codes in temples, it is noteworthy that according to Neh 8 "the scroll of the Teaching of Moses with which the Lord had charged Israel" (8:1 NJPS; ספר תורת משה אשר צוה ה' את ישראל) is read publically and accepted not in the temple but in the street before the Water Gate. This exceptional measure may be taken as expression of an attempt to sever the legal system from the temple.

4. Practical and Specific Cases

But what specific acts related to justice were performed in temples?[39] Most important, certain legal proceedings took place in temples.[40] According

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38. According to Jonathan Ben-Dov, it was the Deuteronomistic author of Kings who first identified the book found by Josiah with the book of Deuteronomy ("Writing as Oracle and as Law: New Contexts for the Book-Find of King Josiah," *JBL* 12 (2008): 223–39). For ancient Near Eastern parallels to discoveries of books, see Nadav Na'aman, "The 'Discovered Book' and the Legitimation of Josiah's Reform," *JBL* 130 (2011): 47–62. According to Na'aman, in the original story the book "discovered" by Josiah was meant to justify his cultic reform. This function was lost when the story was integrated into its present context. "In its new context the 'Book of the Law' became an element in the revolutionary concept of the 'book' as the word of God, symbolizing the transition of authority from the prophet and the temple to the divine written word" (62). For depositing books in temples as confirmation of their authority, see Ziony Zevit, "Deuteronomy in the Temple: An Exercise in Historical Imagining," in *Mishneh Todah: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay*, ed. Nili S. Fox, David A. Glatt-Gilad, and Michael J. Williams (Winona Lake, IN: Eisenbrauns, 2009), 201–18, esp. 210–12.

39. For an excellent survey of the role of the temple in administration of justice, see Samuel Greengus, "Legal and Social Institutions of Ancient Mesopotamia," in *Civilizations of the Ancient Near East*, ed. Jack M. Sasson, 2 vols. (Peabody, MA: Hendrickson, 1995), 1:469–84, esp. 1:473–75.

40. The only Priestly concern with civil offenses, apart from the ordeal of the woman suspected of adultery (Num 5:11–31), occurs in Lev 5:20–26 (ET 6:1–7). But

to the Book of the Covenant, a slave who declines manumission has his ear pierced before האלהים ("God"; Exod 21:6). This act is probably performed not at home but in a temple.[41] Voluntary manumission of slaves also may have been done in the temple. Such a scenario would illuminate Jer 34:8–22, where King Zedekiah and the people of Jerusalem made a ברית ("covenant") with the Lord to release their slaves. The ceremony for concluding this ברית was performed before YHWH in the temple (34:15).

The two main types of legal proceedings performed in temples were oaths and ordeals. Both were supra-rational ways of deciding cases, and both assumed that the deity was acting as judge.

I start with the ordeal. According to the Priestly legislation, a woman accused of adultery by a jealous husband, but without witnesses or evidence, must swear to her innocence and undergo trial by ordeal, both done in the court of the tabernacle (Num 5:11–31). This ritual combines the functions of swearing a judicial, or "assertory," oath in the temple (5:19–22) and undergoing the ordeal (5:17–18, 23–28).[42]

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the particular offense dealt with there, for which a reparation/guilt offering (אשם) is mandated, is swearing falsely in support of the crime or oversight. Swearing involves use of the divine name, and falsely swearing is regarded as tantamount to sanctum misappropriation (מעל; cf. Lev 5:1–22 [ET 5:1–6:3]). This is punished in the sanctuary before YHWH by an אשם sacrifice. So the temple/tabernacle is not a place where a trial is carried out but where fines are collected. We will see below that similar functions were accomplished in Assyrian temples. According to 2 Kgs 12:17, silver paid for guilt and sin (כסף אשם וכסף חטאות) was not brought to the temple (to pay for repairs?) but paid directly to the priests.

41. Indication that this is the case comes from the parallel law in Deut 15:17, where האלהים is not mentioned in connection with the ear piercing. This can be explained as the result of cult centralization and removal of the rite from the temple to the household or the local court (see Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* [Oxford: Clarendon, 1972; repr., Winona Lake, IN: Eisenbrauns, 1992], 233. But cf. Nili S. Fox, who suggests that האלהים can refer to "household deities or the Israelite God, whose name(s) may have been inscribed on the doorpost" ("Marked for Servitude: Mesopotamia and the Bible," in *A Common Cultural Heritage: Studies on Mesopotamia and the Biblical World in Honor of Barry L. Eichler*, ed. Grant Frame et al. [Bethesda, MD: CDL, 2011], 267–78, esp. 274).

42. Compare the ordeal of the suspected woman to the practice at Old Babylonian Mari of "eating the oath," which meant swallowing herbs that would turn poisonous on perjury. See Jack Sasson, "Numbers 5 and the 'Waters of Judgment,'" *BZ* 16 (1972): 249–51; Dominique Charpin, "Manger en serment," in *Jurer et maudire: Pratiques politiques et usages juridiques du serment dans le Proche-Orient ancien*; *Actes de la table ronde organisée par Francis Joannès et Sophie Lafont le samedi 5 octobre 1996*

There is most likely an echo of a national ordeal in the golden calf incident, where Moses takes the calf, burns it, grinds it up, strews it (the ashes) over water, and makes the people drink (Exod 32:20; cf. Deut 9:21).[43] Moses blames Aaron for having "brought upon the people a great sin," הבאת עליו חטאה גדולה, an expression otherwise used to indicate adultery (Gen 20:9; and cf. *ḫiṭṭu rabû* as designating adultery in a letter from Ugarit).[44] Since the arena of events is still Mount Sinai, it is still a quasi-temple situation, as discussed above. Therefore, the scene reflects the practice of trying persons suspected of adultery by ordeal in temples.

Several scholars have proposed that certain biblical psalms contain references to a cosmic river ordeal or a temple drinking ordeal. However, these suggestions are hardly convincing and need not be rehearsed here.[45]

In older Mesopotamian sources, some temples are designated as places where the river ordeal took place, [(d)]*íd.lú.ru.gú*. Bau's temple in Uruk is described: *šà-zu i₇-lú-ru-gú lú-zi dadag-ge*, "your interior is the river of ordeal which clears the upright." The Nungal Hymn describes Ekur as "House-River of the Ordeal which kills not the just, (and) examines the evil doer." In Isin, there was a house of the river ordeal, and in Ur, Ningal had a "house of the river ordeal of the lands." More ordeals in Mesopota-

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à l'Université de Paris X-Nanterre, ed. Francis Joannès and Sophie Lafont, Méditer-ranées: Revue de l'Association Méditerranées 10-11 (Paris: L'Harmattan, 1996), 85–96; cf. Sophie Lafont, "Judicial Decision Making: Judges and Arbitrators," in Joannès and Lafont, *Jurer et maudire*, 351. For ordeals at Mari, see the bibliography in Jack Sasson, "An Apocalyptic Vision from Mari? Speculations on ARM X:9," *Mari: Annales de Recherches Interdisciplinaires* 1 (1982): 151–67, esp. 156–57 n. 2; Sasson, "Mari Apoc-alypticism Revisited," in *Immigration and Emigration within the Ancient Near East: Festschrift E. Lipinski*, ed. Karel van Lerberghe and Antoon Schoors (Leuven: Peeters, 1995), 285–95.

43. If a drinking ordeal is at hand here, it is only in the Exodus account. In Deu-teronomy, the dust of the ground-up calf is cast out into the river running down from the mountain, and the purpose here is to completely dispose of the sinful object. For a detailed comparison of the two versions and the different natures of the acts of destruction, see Moshe Weinfeld, *Deuteronomy 1–11: A New Translation with Intro-duction and Commentary*, AB 5 (New York: Doubleday, 1991), 411–13.

44. *PRU* IV, 139–140:6–7. See Moshe Weinfeld, "Genesis" [Hebrew], in *Encyclo-pedia Olam Ha-Tanakh*, ed. Menachem Haran (Ramat-Gan: Revivim, 1982), 1:133.

45. For a survey and convincing refutation of these proposals, see Philip S. John-ston, "Ordeals in Psalms?" in *Temple and Worship in Biblical Israel*, ed. John Day, LHB/OTS 422 (London: T&T Clark, 2005), 271–91.

mia will be discussed below, especially in the survey of Middle Babylonian and Assyrian sources.

The other supra-rational form of investigation performed in temples was the oath uttered in the temple and accompanying imprecation. According to 1 Kgs 8:31–32, oaths with imprecations (אלה) were administered before the altar in the temple. In another case (Exod 22:6–7), if a person gives property to someone to watch, and the property is stolen with no witnesses present, the watchman must approach האלהים and swear that he did not steal it. Traditional exegetes regard האלהים here as referring to judges, but it actually means "God," in which case the place where the oath is taken is not a court but a temple. This is the same for the accidental death of an animal where an oath is imposed on the watchman (Exod 22:10).[46] This law may be compared to an Old Babylonian letter in which Sîn-Puṭram tells Lūga:

> Lugātum has removed his oxen to Dimtum in order to prepare his sesame field for cultivation, and, Ubar-Lulu was following them. His ox died, and they came to me for judgment, so I questioned the ox drivers, his helpers and this is what they said: "The ox strayed away, and while he was eating grass, he fell down dead." I said: Go to Nippur the city of judges and let them decide the case for you. In Nippur the judges decided the case for them, and they gave Ubar-Lulu over to the Garden Gate[47] to (swear) an oath. Lugātum does not accept that verdict. Investigate his case (so that) he will not be wronged.[48]

This is exactly the case of Exod 22:9–10, according to which, if an animal dies when in care of a watchman, the watchman swears that he did not cause the death of the animal and is exempted from paying damages.

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46. For comparison between the laws in the Covenant Code involving האלהים and the (ina) maḫar ilim clause in Hammurabi's Laws, see David P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (Oxford: Oxford University Press, 2009), 134–37.

47. According to Fritz R. Kraus, the Garden Gate could be one of the gates to the Ninurta Temple ("Nippur und Isin nach altbabylonischen Rechtsurkunden," *JCS* 3 [1951]: 159). However, Andrew George has shown that the gate was in the precinct of Ekur, perhaps Ninurta's point of ceremonial entry to the courtyard Ubšu-ukkinna (*Babylonian Literary Texts*, 152).

48. *AbB* 11, text 7. I thank my student Dr. Shirley Gratz for bringing this text to my attention.

Already in the third millennium BCE, judgment could be decided on the basis of a declaratory oath of one of the parties or of one or more witnesses to the facts or to the original transaction. The oath would be taken in a temple.[49] So, according to one document: "When Nabi'um took possession of the (enumerated) things of Qīšum and carried them away, Nabi'um swore the oath in the gate of (the temple of) Tišpak."[50]

This practice of taking oaths in temples continued down into the Old Babylonian period, when, according to F. R. Kraus, "the enormous increase in commerce and disputes and lawsuits resulting from it and from increased private property and greater personal freedom, led to such a broadening and differentiation of temple activity in the juridical sphere as had never before taken place."[51] Driver and Miles state regarding the judges: "the documents usually show them sitting in the local temples, since there are numerous references to judicial proceedings 'in the temple of Šamaš' (*ina bīt* ᵈ*Šamaš*)."[52] *CAD* explains: "in OB the court was in session at a special gate of the city or at the temple but in this case solely for the purpose of making use of the sanctity of the locality or of certain cultic objects so as to establish the truth of the depositions of the parties."[53] Lerberghe and Voet discuss a judge residing in Nippur who was also a *pašīšu* priest and a servant of Ammiṣaduqa and suggest: "There is little information, but it shows that under the reign of Ammiṣaduqa the court sessions

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49. Claus Wilcke, *Early Ancient Near Eastern Law: A History of Its Beginnings, The Early Dynastic and Sargonic Periods* (Winona Lake, IN: Eisenbrauns, 2007), 45–46.

50. MVN (= Materiali per il vocabolario neo-sumerico) 9, no. 193, 11–16; cited from Wilcke, *Early Ancient Near Eastern Law*, 45–46, no. 115.

51. Fritz R. Kraus, *Role of Temples from the Third Dynasty of Ur to the First Dynasty of Babylon,* Monographs on the Ancient Near East 2/4 (Malibu, CA: Undena, 1990), 14. On the change in the role of the temple in jurisprudence under Hammurabi, see Eva Dombradi*, Die Darstellung des Rechtsaustrags in den altbabylonischen Prozessurkunden*, 2 vols., Freiburger Altorientalische Studien 20/1–2 (Stuttgart: Steiner, 1996), 233–39. On the replacement of temple personnel by royal officials in the legal and administrative systems during the time of Hammurabi, see Rivkah Harris, "On the Process of Secularisation under Ḫammurapi," *JCS* 15 (1961): 117–20; Harris, "Some Aspects of Centralization of the Realm under Ḫammurabi and His Successors," *JAOS* 88 (1968): 727–32.

52. Godfrey R. Driver and John C. Miles*, The Babylonian Laws*, 2 vols. (Oxford: Clarendon, 1952), 1:492; cf. Arnold Walther, *Das altbabylonische Gerichtswesen*, LSS 4–6 (Leipzig: Zentralantiquariat der Deutschen Demokratischen Republik, 1968), 210–21.

53. *CAD* 3:33, s.v. *dajānu*.

were still held in Nippur, presumably in the Ekur. The temple was the most convenient place in which to hold court sessions because it was also the location of the divine symbols used to settle claims."[54]

Letters and legal documents attest to the taking of oaths in temples.[55] So, for instance, one Old Babylonian letter states that witnesses to a promissory oath testified to the oath in the assembly (*puḫru*) and then confirmed the statement by oath in the temple.[56] Some legal documents from Sippar are designated *dīn bīt* ᵈ*Šamaš* (*ina É.babbar*), "judgment of the House (temple) of Šamaš (in Ebabbar),"[57] indicating that they were concluded and deposited in the temple. One such document reports a dispute between two sets of litigants concerning certain property, about which *dajānū ina bît Šamaš rugummîšun issuḫū*, "the judges in the Shamash temple rejected their claims."[58] After declaring the decision irrevocable, we find: *ina bīt Šamaš. ina Ebabbar nīš Šamaš Aya Marduk u Zabium itmâ*, "(This) is the judgment of the Shamash Temple. In Ebabbar they swore by the life of Shamash, Aya, Marduk and Zabium."[59]

CT 48 8 is a legal document dealing with property division. It characterizes itself as *dīn bīt* ᵈ*Šamaš ina Ebabbari*, "a judgment of the Temple of Šamaš in the Ebabbari (chapel)," and earlier in the text it says: *dayyānū ina Ebabbari ana pî ṭuppātīšina dīnam ušāḫizūšina*, "the judges in the Temple of Šamaš, in the chapel Ebabbarum, informed her about the judgment, in line with the wording of their tablets." This text also mentions an oath sworn in the names of Šamaš, Marduk, and Hammurabi.[60]

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54. Karel van Lerberghe and Gabriela Voet, *A Late Old Babylonian Temple Archive from Dūr-Abiešuḫ*, Cornell University Studies in Assyriology and Sumerology 8 (Bethesda, MD: CDL, 2009), 4.

55. For a list of temples mentioned in Old Babylonian legal documents as places where oaths were taken, see Eva Dombradi, *Die Darstellung des Rechtsaustrags*, 1:321–25. For the specific locus in the temple, see 79 §104b. For temple functionaries involved in legal proceedings see 254–55 §338–340.

56. *CT* 4 1; cf. *CAD* 3:2, s.v. *dabābu* 2.

57. Fritz R. Kraus, "Nippur und Isin," esp. 158.

58. Moses Schorr, *Urkunden des altbabylonischen zivil- und prozessrechts,* Vorderasiatische Bibliothek 5 (Leipzig: Zentral-Antiquariat der Deutschen Demokratischen Republik, 1968), 290 §10.

59. Cf. *CAD* 14:405, s.v. *rugummû* 1a2′.

60. Discussed by Marten Stol, "An Unequal Division of Property in Old Babylonian Sippar (*CT* 48, 8)," in *Gazing on the Deep: Ancient Near Eastern and Other Studies*

Apart from judging cases and taking oaths, we find *ṭuppi būrti*, that is, deposition tablets for establishment of this or that matter, from Nippur placed "before" or "in the temple of Enki and Damgalnunna" (*ša* igi / *ša é* ᵈ*en.ki* ᵈ*dam.gal.nun.na*).[61]

As for exactly where in the temple legal acts took place, temple gates, known as the gate of a particular god, are often mentioned.[62] In such gates, trials were conducted,[63] investigations carried out, oaths taken, payments made, documents presented, and punishment determined.[64] In a docu-

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in Honor of Tzvi Abusch, ed. Jeffrey Stackert, Barbarah Neveling Porter, and David P. Wright (Bethesda, MD: CDL, 2010), 253–72.

61. Fritz R. Kraus, "Nippur und Isin," 158.

62. *CAD* 2:19–20, s.v. *bābu* A1c4´a´. Several Old Assyrian texts mention the *bāb ilim*, "Gate of the God (i.e., Aššur)." Old Babylonian texts refer to *bāb bīt Ninmar*, "Gate of the House of Ninmar," and *bāb Šamaš*, "Gate of Šamaš." In another Old Babylonian document involving a house in a cloister, the judges in the Temple of Šamaš send one of the parties to the Gate of Oath, *bāb nīš ilim*, after which they reach an agreement (*CT* 6 33b = Schorr, *Urkunden*). A Middle Assyrian text mentions *bāb Enlil*, "Gate of Enlil," and a Neo-Babylonian letter speaks of a *bāb ilī*. A document from the time of Esarhaddon records a settlement that was reached at the *bāb tamīti*, "Gate of Oath," which was probably in a temple (OECT [= Oxford Editions of Cuneiform Texts] 10 396:5; cf. Malgorzata Sandowicz, "'Fear the Oath!' Stepping Back from Oath Taking in First Millennium B.C. Babylonia," *Palamedes* 3 [2011]: 17–39, esp. 21).

63. *CAD* 1.1:178, s.v. *aḫāzu/dīnu*.

64. Here is a sampling of the relevant sources. An Old Assyrian text mentions judges of a temple (*dajāni ša bītim*; see George Eisser and Julius Lewy, eds., *Die Altassyrischen Rechtsurkunden vom* Kültepe, MVAG 35.3 [Leipzig: Hinrichs, 1935], 74–78 [text no. 325:32]; cf. *CAD* 3:29, s.v. *dajānu*; 151 [s.v. *dīnu* 1a2´]). MDP (= Mémoires de la Délégation en Perse) 23 325:26 tells of a verdict rendered before twenty-two witnesses in a garden of Šamaš (*kīri Šamaš*), which *CAD* takes to be the garden of the temple of Šamaš (*CAD* 3:151, s.v. *dīnu* 1a2´). At Kaniš, oaths taken in temples could involve commercial matters as well (George Eisser and Julius Lewy, eds., *Die Altassyrischen Rechtsurkunden vom* Kültepe, MVAG 33 [Leipzig: Hinrichs, 1930], 315–16 [text no. 278:6]; cf. *CAD* 2:276a, s.v. *batiqtu*): PN *itammāma tašši'ātim bitqat abnim ḫaluqqā'ū x weri'am bāb ilim išakkan*, "PN shall take an oath (regarding the copper): (at) the gate of the temple he shall deposit x copper (for) transportation costs (and as security against) deficiency in weight (and other) losses (decision by the *kārum*)." In a text from Nuzi, the judges send witnesses to the gods to take an oath, and it may be assumed that they were sent to a temple (*CAD* 3:30b, s.v. *dajānu* 1g; C. J. Gadd, "Tablets from Kirkuk," *RA* 23 [1926]: 151 [text 35:25]). In an Old Babylonian legal document, a litigant says that the judges sent the litigants to the god ᵈAmba with respect to the depositions of the witnesses, and it may be assumed that the god was at home in his temple to receive the visitors (*CAD* 3:32 b; *CT* 29 42:27).

ment concerning a female slave (*CT* 45 37), judgment was pronounced "in the Temple of Shamash," while the slave owner was to make a pronouncement "in the Temple of Shamash, in the Gate of the Shrine" (*ina bāb papaḫim*). Two of the parties reached a compromise (*imtagrūma*) in the Temple of Šamaš, and the compromise payment was probably determined by the court of the Temple of Šamaš (*tamgurti bīt* ᵈŠamaš).[65]

Numerous legal proceedings from the Old Babylonian period took place in various temples (cf. *CAD* 2:127–29, s.v. *bâru* A 2b and 3a 2′ [*burru*]). The following kinds of matters were determined by oath in a temple: inheritance (Charles-F. Jean, *Contrats de Larsa,* TCL 11 [Paris: Geuthner, 1926], pl. cxx. [text 174:15, 16]); ownership of stolen property (Laws of Hammurabi, e.g., §23; cf. §§120, 126); debt, e.g., established in the court of Ištar (YOS 12 212:14); real estate ownership, e.g., "PN took an oath in the gate of Ninmar. Under Rîm-Sin they (thus) established (*ubirrū*) that the orchard and house belonged to PN, (then) PN₂ also brought a claim (against PN's orchard)" (Jean Tell Sifr 58:15); ownership of personal property, e.g., "PN, PN₂'s wife, brought a charge against PN₃ concerning her husband's moneybag (and the judges granted them legal proceedings), and PN established against PN₃ (*ubīršima*) in the temple of Marduk (by oath, that) there was no property of her husband PN₃ (in her possessions?)" (BE [= Babylonian Expedition of the University of Pennsylvania, Series A: Cuneiform Texts] 6/1 26:7); political matters, e.g., "He reported this (seditious) speech to PN (the governor of Suhi), PN gave orders and they brought PN₂ and his witnesses, and after the speech was proved (to have been spoken by PN₂) in the assembly (*ina puḫri ubtīrū*), they took them to the temple of Jablia for (further) establishing the truth, and after they had confirmed this matter in the temple of Jablia (PN had PN₂ arrested)" (*CT* 4 1:21ff.); mistreatment of slaves, e.g., "The judges sent PN and PN₂ to take an oath, they took the oath in the temple of Ninmar and convicted PN₃ of strangling the slave" (A. P. Riftin, *Staro-Vavilonskie iuridicheskie i administrativnye dokumenty v sobraniiakh SSSR* [Moskow: Akademii nauk SSSR, 1937], 46:24; Benno Landsberger, "Gerichtsprotokoll über einen Mordprozeß," *ZA* 43 [1936]: 315); citizenship, e.g., "in the (temple) gate in the presence of Ninurta, (his family) established (by oath; *ubtirrūšu*) that he was a native of Nippur" (BE 6/2 62:6); financial matters, e.g., *sitti kaspim ša in bāb Šamaš burru,* "to establish (by oath) in the gate (of the temple of) Šamaš the remainder of the silver" (TCL 17 20:22 [letter]).

Not only were oaths taken, but investigations were carried out in temple gates. So we find *ana mimmū bît abīšunu ina kisal Šamaš ubta'ūma bašīssunu īmurma,* "they (the judges) made an investigation of everything from their (the *nadītu*-woman's brothers') paternal estate in the courtyard of (the temple of) Šamaš and examined their (inherited) property" (*CT* 6 7a:1; cf. *CAD* 2:139, s.v. *bašītu*).

65. Raymond Westbrook, "Hard Times: *CT* 45 37," in *Veenhof Anniversary Volume: Studies Presented to Klaas R. Veenhof on the Occasion of His Sixty-Fifth Birthday*, ed. Wilfred H. van Soldt et al., PIHANS 89 (Leiden: Nederlands Instituut voor

The practice reflected in such documents finds expression in the law collections as well.[66] The Law of Eshnunna §37 prescribes that a house owner whose house has been robbed should swear in the gate of Tišpak (*ina bāb Tišpak nīš ilim izakkaršumma*) that his own goods have been stolen along with those of someone who deposited goods with him. Several of the Laws of Hammurabi prescribe taking an oath before the god (*maḫar ilim*) in order to prove certain things, such as robbery (§23), a deposit (§120), property on a sunken boat (§240), the price of a slave (§281), and exonerating a shepherd of loss due to epidemic (§266). It is a reasonable and widely held assumption that these oaths were taken in temples. In another case (§126), a false claim of loss is refuted before the god. The other law collections (Ur-Nammu, Lipit-Ishtar, Middle Assyrian Laws) make no reference to oaths in temples before gods.[67]

Situations were similar in Middle Babylonian times, with certain innovations and variations. In a document from Ur that records a dispute arising from a deposit, the litigants argue before a priest (^{LÚ}É.BAR), and he sends them to a temple where a settlement is worked out, probably by one of the parties taking an oath.[68] Here the fact that a priest is a judge does not mean that the trial takes place in a temple, but it does end up there. Another document, this one concerning a dispute over purchase of a slave, reports that the case was tried before a priest of Babylon[69] but does not specify that the trial was held in a temple. A dispute arising from

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het Nabije Oosten, 2001), 547–51; cf. Wells and Magdalene, *Cuneiform and Biblical Sources*, 41–47.

66. See Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2nd ed., WAW 6 (Atlanta: Scholars Press, 1997).

67. Only Middle Assyrian Laws A §1 prescribes divination and asking the god concerning a woman accused of robbing the temple (Raymond Westbrook, "Evidentiary Procedure in the Middle Assyrian Laws," *JCS* 55 [2003]: 87–97; see also Wells and Magdalene, *Cuneiform and Biblical Sources*, 211–29, esp. 217–18), something that would be done in a temple. But this case involves a crime against the temple rather than a simple case of civil law. There are no explicit references to temples in the Middle Assyrian Laws, although there are cases of evidentiary procedure involving suprarational means, such as oath or ordeal (ibid., 211–29). There are no Middle Assyrian documents of litigation (ibid, 219–20 n. 24).

68. Oliver R. Gurney, *The Middle Babylonian Legal and Economic Texts from Ur* (Oxford: British School of Archaeology in Iraq, 1983), no. 6.

69. Ibid., no. 2, lines 19–21.

a theft was also tried before a priest, with no mention of a temple.[70] One Middle Babylonian document mentions returning a loan and its interest to the Temple of Sîn.[71]

Two Middle Babylonian documents begin with the title "Ea and Damkina who dwell in…" and deal with trial by ordeal, even though the word *ḫuršān* does not appear.[72] A third text also speaks about a trial by ordeal and mentions a priest sending the litigants to the ordeal.[73] It seems, therefore, that the ordeal itself did not occur in the temple, but the trial took place in the temple, where perhaps an oath was exacted.

In the Neo-Babylonian and Persian periods, the great temples of southern Babylonia, such as Eanna at Uruk, seem to have had wide-ranging jurisdiction. However, it is impossible to know whether this was a sign of growing religious influence on the legal system or merely the distortion of our archival record.[74]

From Neo-Babylonian times, temple courts are attested in the Eanna temple archive but also elsewhere.[75] The litigation documents show that the courts consisted of the higher officials of the temple administration, including royal officials and members of the city assembly. In Hellenistic Babylonia, some documents attest to cases being decided before the temple administrator (*šatammu*) and the college of Esangil (or another temple). The bulk of the evidence for court proceedings comes from the

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70. Ibid., no. 3, lines 12–13.

71. Ibid., no. 48, reverse lines 3–4.

72. Ibid., nos. 11, 73.

73. Ibid., no. 5.

74. Raymond Westbrook, "Judges in the Cuneiform Sources," *Maarav* 12 (2005): 27–39; see also Wells and Magdalene, *Cuneiform and Biblical Sources*, 197–210, esp. 203.

75. For the adjudicatory process in the Eanna, see in detail Shalom E. Holtz, *Neo-Babylonian Court Procedure*, Cuneiform Monographs 38 (Leiden: Brill, 2009), 267–300. The documents are abundant, but most are concerned with protection of the temple's interests. See Joachim Oelsner, Bruce Wells, and Cornelia Wunsch, "Neo-Babylonian Period," in *A History of Ancient Near Eastern Law*, ed. Raymond Westbrook et al., 2 vols., HO 1/72 (Leiden: Brill, 2003), 2:911–74, esp. 919; see also Michael Jursa, *Neo-Babylonian Legal and Administrative Documents: Typology, Contents and Archives*, Guides to the Mesopotamian Textual Record 1 (Münster: Ugarit-Verlag, 2005), 15 (4.1.5); Olof Pedersén, *Archives and Libraries in the Ancient Near East 1500–300 B.C.* (Bethesda, MD: CDL, 1998), 184 (Babylon 8:186; Babylon 11:194; Sippar 1).

temple archives of Eanna and Ebabbar and from the Egibi archive from Babylon.

Neo-Babylonian documents, particularly in temple archives, record criminal trials when the temple was the victim of theft or corruption by its employees.[76] There was a special internal trial procedure for such cases, called "interrogation," *mašʾaltu*, which involved torture with a device called *simmiltu ša mašʾalti*, "ladder of interrogation." The use of oaths and ordeals seems to have decreased in comparison to previous periods. Even temples preferred to give conditional judgments, pending the testimony of witnesses, rather than to rely on a party's oath. Declaratory oaths were made in cases where there was no written document of a transaction or it had been lost or was unavailable. When there were contradictory oaths, an ordeal may have ensued. Oaths were taken before a divine symbol. The legal sources make no mention of ordeals, but a Neo-Babylonian literary work, "King of Justice," gives a detailed account of a trial by river ordeal.[77] There is no mention of a temple in that account.

In a case from the reign of Cambyses, employees of the Eanna Temple who stole ducks from the temple are examined by an assembly consisting of temple administrators and free citizens (*mār banî*). After the employees confess, they are sentenced by a plenary tribunal consisting of the chief administrator (*šatammu*) and the royal treasurer of the Eanna Temple, as well as the assembly of the men of Babylon and the men of Uruk.[78] In a case from the reign of Cyrus, the city scribe of Sippar, an official of the Šamaš Temple, and the elders sit in a mixed tribunal to decide whether a slave is private or temple property.[79]

Moving from Babylonia to Assyria and working backwards in time, certain Neo-Assyrian legal documents indicate trials performed in temples. However, the involvement of a temple is not limited to the venue

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76. Holtz, *Neo-Babylonian Court Procedure*, 267; Oelsner, Wells, and Wunsch, "Neo-Babylonian Period," 922.

77. See now Hanspeter Schaudig, *Die Inschriften Nabonids von Babylon und Kyros' des Grossen samt den in ihrem Umfeld entstandenen Tendenzschriften: Textausgabe und Grammatik*, AOAT 256 (Münster: Ugarit Verlag, 2001), 575–88. Translation according to Foster, *Before the Muses*, 870–74. This text has been discussed most recently by Janice Barrabee, "The King of Justice: A Reconsideration of the River Ordeal in BM 456901," in Frame et al., *A Common Cultural Heritage*, 1–18.

78. Hugo H. Figulla, "Lawsuit concerning a Sacrilegious Theft at Erech," *Iraq* 13 (1951): 95–101.

79. Cyr. 332; see Wells and Magdalene, *Cuneiform and Biblical Sources*, 430.

for the trial and the use of a divine symbol housed within. In these documents, the temple collects fines issuing from the legal proceedings. One document of the *denu* genre reports that the litigants approached Adad of Guzan, who imposed a settlement, and anyone who stirred up strife would pay a fine to Adad.[80] This trial must have taken place in a temple. A document of the *sartu* genre reports a fine imposed (?) by the god Mamu, and this, too, may have been done after a trial in a temple.[81]

Other Neo-Assyrian legal documents refer to fines that seem to have been paid in temples or to temples. Typical of these documents, one text states that if in the future any of the parties to the transaction recorded in the document will institute a legal proceeding challenging it:

> 5 *MA.NA kaspu masû* 1 *MA.NA ḫurāṣu sakru ina burki Ninurta āšib Kalḫa išakkan*
> 2 *sīsī pēṣūti ina šēp Aššur irakkas*
> 1 *ANŠE ḫarbakanni ina šēpē* ᵈ*Nergal ušērab*
> 7 *qanî appari ša la kiṣri ina bāb Aššur izaqqap*
> 5 mina of pure silver, 1 mina of refined gold he shall place in the lap of Ninurta who resides in Kalḫu
> 2 white horses he shall tie to the feet of Aššur
> 1 *harbakanni* horse he will bring to the feet of Nergal
> 7 marsh reeds without nodes he will plant in the gate of Aššur.[82]

Placing the fine in the lap of the god or tying it to the god's feet must refer to actions involving their cult statues in their temples. It is hard to imagine taking these texts literally, with the offender actually approaching the divine statue to pay up, so these rules may be metaphorical, referring to depositing the fines in the temple treasuries, and they would certainly end up there in the end. The meaning of planting reeds without nodes in the gate of the god is unknown, but in any case, it involves the temple.[83]

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80. Remko Jas, *Neo-Assyrian Juridical Procedures,* SAA 5 (Helsinki: Neo-Assyrian Text Corpus Project, 1996), no. 11, *Ina maḫar Adad ša Guzana iqtarbū*. See also no. 10 for approaching Adad.

81. Ibid., no. 36, lines 3–4. Jas raises and rejects the possibility that the fine is not imposed by Mamu, but the crime involves stealing gold from her temple.

82. John N. Postgate, *Fifty Neo-Assyrian Legal Documents* (Warminster: Aris & Phillips, 1976), 93–95, no. 9, lines 16–20.

83. Another penalty, perhaps involving a temple, was "burning a firstborn child," something probably carried out only symbolically by dedicating the child to the temple. In one document, someone who institutes a lawsuit will do the following:

Most importantly, some texts report performance of a *ḫursān*, which means "ordeal" and involves a river.[84] However, according to Remko Jas, river ordeals are unlikely, and he suggests that they refer to trials performed in the presence of a god, usually Šamaš. Such trials certainly would have been performed in temples.[85] The Middle Assyrian Laws also prescribe "going to the river" but make no reference to temples.

Earlier, an Old Assyrian inscription of Erišum found at Kaniš is actually a conflation of two royal inscriptions.[86] The first one describes some construction works in the Assur temple in Assur and concludes with a prohibition on mashing beer in the house of beer vats. The text then designates the *mušlalu* of the Assur Temple as the place where seven divine judges sit.[87] The *mušlalu* was a temple gate with a huge ceremonial stairway that connected the sacred area on top of the cliff on which the city

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Apalšu ana Sîn iqalla / mārʾussu rabīte issi 2 *sūtudām erinni ana Bīlit-ṣēri iqalla*, "He shall burn his first born son to Sîn, / And he shall burn his eldest daughter together with two seahs of cedar balsam to Bēlet-ṣēri" (Theodore Kwasman and Simo Parpola, *Legal Transactions of the Royal Court of Nineveh, Part I: Tiglath-Pileser III through Esarhaddon*, SAA 6; [Helsinki: Helsinki University Press, 1991], no. 102, reverse lines 7–9).

One might think that this gruesome punishment involving Sîn and Bēlet-ṣēri may be exacted under the night sky or in the desert, but other texts prescribe that the burning of the son be done *ina ḫamri ša Adad*, "in the sacred precinct of Adad" (SAA 6, no. 285, reverse line 2′; cf. Raija Mattila, *Legal Transactions of the Royal Court of Nineveh, Part II: Assurbanipal through Sin-šarru-iškun*, SAA 14 [Helsinki: Helsinki University Press, 2002], no. 62, reverse line 2′; 286, reverse line 2), which may refer to some structure or area related to a temple, although separate from it. Brigitte Menzel takes the (*bīt*) *ḫamri* to be a precinct or a structure situated outside the temple proper (*Assyrische Tempel*, Studia Pohl: Series Maior 10/1 [Rome: Biblical Institute, 1981], 68. SAA 14, 460:6′, a land lease document, lists a *ḫamru* along with other properties.

84. For ordeals at Mari, see Raymond Westbrook, "Old Babylonian Period," in Westbrook et al., *History of Ancient Near Eastern Law*, 2:375.

85. Jas, *Neo-Assyrian Juridical Procedures*, nos. 47–48.

86. A. Kirk Grayson, *Assyrian Rulers of the Third and Second Millennia BC (To 1115 BC)*, RIMA 1 (Toronto: University of Toronto Press, 1987), 19–21, Erišum I, A.0.33; see also Mogens T. Larsen, *The Old Assyrian City-State and its Colonies*, Mesopotamia: Copenhagen Studies in Assyriology 4 (Copenhagen: Akademisk Forlag, 1976), 58–59, 150–52.

87. Cf. Shalmaneser I, who in a text describing restorations to Ehursagkurkurra in Aššur, says: *ina qerbēšu bīt* ^d*Dayyānī* [*bēlē*]*ja lu ēpuš ana ašrīšu lu utīr*, "I built therein the chapel of the divine Judges, my [lords], and restored it" (Grayson, *Assyrian Rulers*, 194, Shalmaneser I A.0.77.5, lines 16–17).

stood to the riverbank below.[88] Each judge had a symbolic name relating to the execution of justice: *Mēšarum* (Justice), *Išme-karāb* (He Heard the Prayer), *Ṣê-raggu* (Get out, criminal!), *Ulli-mēšaram* (He extolled Justice), *Ašur-ḫablam* (Watch over the Downtrodden!), *Pûšu-kēn* (His Speech is Upright), and *Išmēlum* (God has Heard). Some names recall Hammurabi's commission to promote justice and destroy wickedness and so on, which he sought to carry out by his laws displayed in temples. It seems, therefore, that Erišum assigns to certain gods associated with the temple the tasks that were otherwise the responsibility of the king.

The list of judges is followed by a second inscription, starting with Erišum's wish that justice be established in his city.[89] The city of Assur is then described as "reed swamps that cannot be traversed, terrain that cannot be trodden upon, canals that cannot be crossed." There are then three curses and some blessings relating to testimony in the *mušlalu*.

The curses are as follows:

> The one who lies (lit. "talks too much") in the *mušlalu* (Step Gate), the [*demon*] of ruins will seize his mouth and his hindquarters; he will smash his head like a shattered pot; he will fall like a broken reed, and water will flow from his mouth.
> The one who lies (lit. "talks too much") in the Step Gate, his house will become a house of ruin.
> He who rises to give false testimony, may the [Seven] Judges who decide legal cases in [the Step Gate give a false] decision [against him]; may Aššur, Adad and Bēl, my god, pluck his seed]; a place […] may they not give him.

> The blessings:
> [The one who …] … obeys me, [when he goes] to the Step Gate
> [may he retain] a palace deputy;
> [may …] the witnesses and adversary (in the court);
> [may] the judges [take the bench] and give a proper decision [before Ašš]ur.

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88. Larsen, *The Old Assyrian City-State*, 58–59. According to an inscription of Adad-*nārārī* I, the *mušlālu* of the Assur temple is located *tarṣi bāb nīš ilī māti u bāb dayyānī*, "opposite the Gate of the Oath of the God of the Land and the Gate of the Judges" (Grayson, *Assyrian Rulers*, 140, A.0.76.7, lines 35–37).

89. Following Grayson's restoration.

The first of these curses, including the breaking of the liar's body and water flowing from his mouth, bears comparison with the river ordeal. A detailed description of the results of a river ordeal appears in the Neo-Babylonian composition known as "King of Justice." That text describes the victim of the ordeal: "When high noon came, his corpse rose from the river. He had been struck on the head, blood was running from the mouth, ears, and nostrils. The top of his head was burned, as with fire. His body was covered with blisters."[90] There are no specific parallels between the Assyrian and Babylonian texts, but there are some similarities. The imagery of the broken reed in the Assyrian text arouses associations with the river. Victims of both texts have broken heads and are drowned, and liquid flows from their mouths, and they have sustained bodily injuries.

I propose that the Erišum inscription also describes the results of a river ordeal that is failed by one who has lied in the *mušlalu* or has sworn falsely. According to Klaas Veenhof, in the Old Assyrian period the river ordeal is mentioned only once as a means of establishing the truth among Anatolians but is not attested among Assyrians.[91] If my interpretation is correct, the Erišum inscription would refute this statement and also establish another connection between the ordeal and the temple: someone who lied or swore falsely in the *mušlalu* would be subject to ordeal in the river at the base of the stairs.

5. Summary and Conclusions

Our survey has shown that throughout history and in many places, Mesopotamian temples were loci for legal activities. These activities included publication of "laws" demonstrating to the gods and populace that the king promoted justice and legal procedures requiring divine presence, such as settling disputes by taking oaths, or performing an ordeal. This picture is supported by literary, monumental, and archival sources, including hymns, law codes, letters, legal documents, and royal inscriptions. A similar picture can be pieced together for biblical temples. It was probably the practical, day-by-day performance of certain legal activities within temples before deities, the expectation for honesty and justice associated with these activities, and the respect for divine justice that gave rise to the

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90. See n. 77 for references.

91. Klaas Veenhof, "Old Assyrian Period," in Westbrook et al., *History of Ancient Near Eastern Law*, 2:446.

idealizing, idyllic pictures in the early literary sources of temples as places of justice. The Erišum inscription combines the two in a peculiar manner, with the divine judges representing the idealizing aspect and the ordeal exemplifying the practical aspect.

Some closing caveats should be noted. First, idyllic depictions of temples as places of justice derive from Sumerian sources and, at the latest, the Old Assyrian Erišum inscription.

Second, the types of legal activities carried out in temples seem to have changed over time. The Old and Middle Babylonian sources depict legal activities of the population in general. The Neo-Babylonian temples were also centers of legal activity, but mostly for temple workers and dependents. When the Neo-Babylonian "King of Justice" instituted legal reforms, supposedly for the entire populace, he did not revamp the temples but built a courthouse.

Third, idyllic pictures of temples as places of righteousness and justice that are off limits to the nonrighteous, such as are found in some biblical psalms and prophecies, as well as in Egyptian "entry liturgies," have no counterparts in Mesopotamian writings.[92] If so, even though we can point to Mesopotamian temples as loci of legal activities, it appears that these temples never developed in the minds of authors into symbols of justice.

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92. See n. 9.

Between *Ḥerem*, Ownership, and Ritual: Biblical and Hittite Perspectives

Ada Taggar-Cohen

1. Introduction

Behind the term חֵרֶם in the Hebrew Bible lies an act involving property or life in a time of war or peace. Although the word is more commonly used in a war situation, both kinds of contexts involve relations between deities and their worshipers, thereby placing these usages within the framework of cult. In comprehensive research on חרם, Philip D. Stern sought to discover the background and meaning of the term, but its exact origin still remains obscure.[1] However, through comparison with similar descriptions in ancient Near Eastern texts, Stern clearly showed that divinely sanctioned total destruction of cities and execution of their inhabitants, as with the Israelite war חרם, was a phenomenon practiced throughout the ancient Near East.[2]

Subsequent to Stern's publication, an important Hittite text (*CTH* 423)[3] has been added to the corpus of relevant ancient Near Eastern writings, shedding light on the practice of חרם in wartime and how it could be

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1. Philip D. Stern, *The Biblical Ḥerem: A Window on Israel's Religious Experience*, BJS 211 (Atlanta: Scholars Press, 1991), 1–17, esp. "The Study of the Semitic root *ḥerem* in relation to the Bible suggests that the biblical usage having to do with 'consecration to destruction' was not widely shared by other Semitic speakers" (16).

2. Ibid., 57–87, in which Stern identifies parallels of חרם in texts from Mesopotamia (such as Mari and Qatna), Ugarit, Egypt, and Moab.

3. *CTH* = Emmanuel Laroche, *Catalogue des Textes Hittites,* Etudes et Commentaires 75 (Paris: Klincksieck, 1971), which is available online at http://www.hethport .uni-wuerzburg.de/*CTH*/ at the Hethitologie Portal Mainz, where all textual editions and commentaries to known and published Hittite texts are listed; see http://www .hethport.uni-wuerzburg.de/HPM/index.html.

related to חרם in peacetime. In the present essay I analyze this Hittite text and demonstrate its significance for understanding the process of activating חרם in the Hebrew Bible and the way in which the biblical חרם texts seem to be combined of different genres, as can also be seen in the Hittite texts. It will be shown that the Hittites regarded their equivalent to חרם as addressing ownership violation.

Jacob Milgrom, in an intriguing article on the term מעל in the Hebrew Bible, and later in his commentary on Lev 27, sought to find the precise meaning of this word as it is related to the issue of חרם.[4] He drew on some ancient Near Eastern materials, especially the Hittite text *CTH* 264, which scholars have labeled "Instructions for Temple Personnel."[5] As Milgrom correctly observed, prohibition of the use of temple possessions in the Hittite text parallels the idea of חרם as indicated in Lev 27 and implied in Josh 7: whatever is consecrated (*hiphil* of קדש) to YHWH as חרם is not for human use and cannot be "sold or redeemed."[6] Milgrom suggested that the meaning of מעל has to do with what he defined as "sin against God" or "trespassing upon the divine realm." He placed two kinds of sin within this definition: first, trespassing in regard to temple possessions and priestly activity, and, second, violating the oath of the covenant.[7] By correlating the term מעל with the term מרד, "rebel," Milgrom suggested that rebellion against God is the cause of a חרם declaration.[8] The חרם in that case is a tool for controlling such rebellion. By defining a case as a "rebellion," its punishment is justified.

The combined meaning just outlined appears in Hittite texts dealing with the concept that is equivalent to that of Hebrew חרם. In the following sections of this essay I will describe Hittite texts that relate to the concept of חרם, continue with the approach taken by Milgrom in this regard, and then suggest certain distinctions between the uses of חרם in Hittite texts and in the Bible.

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4. Jacob Milgrom, "The Concept of *Ma'al* in the Bible and the Ancient Near East," *JAOS* 96 (1976), 236–47; Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B (New York: Doubleday, 2001), 2404–7, 2417–21.

5. For the latest edition of this text and commentary, see Ada Taggar-Cohen, *Hittite Priesthood,* Texte der Hethiter 26 (Heidelberg: Universitätsverlag Winter, 2006), 33–107.

6. Milgrom, "The Concept of *Ma'al*," 237.

7. Ibid., 236–38.

8. Ibid., 238.

2. Hittite Texts and Ḥerem Practice

Hittite evidence regarding the conduct of "sacred war"[9] can be found in four extant texts: the Anitta text (*CTH* 1); the Annals of Hattusili I (*CTH* 4); the Annals of Mursili II (*CTH* 61 II);[10] and a newly edited ritual text concerning the conquering of an enemy town (*CTH* 423), with which Milgrom was unfamiliar.[11] The first three texts are historical accounts of wars involving support by divine power. The fourth text describes a ritual enacted in a historical context. A Hittite text including a case equivalent to חרם in "peacetime" is the "Instructions for Temple Personnel" (*CTH* 264), which is to be considered as a fifth text, to which I will refer under section 3 below after presenting the other four texts.

2.1. The Anitta Text

The Anitta text of the Old Hittite period (ca. 1750 BCE) reports the dedication of three cities to the Storm God of Heaven. After indicating that he took three cities by force, King Anitta says:

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9. I chose this English expression because, as will be seen below, the Hittite language does not have a direct equivalent to the term חרם.

10. For translations of these texts, see the following. *CTH* 1: "Proclamation of Anitta of Kuššar," trans. Harry A. Hoffner Jr. (*COS* 1.72:182–84); *CTH* 4: Gary Beckman, "Hittite Historical Texts I: Annals of Hattusili I," in *Ancient Near East: Historical Sources in Translation,* ed. Mark W. Chavalas (Malden, MA: Blackwell, 2006), 219–22; *CTH* 61: "The Ten Year Annals of Great King Muršili II of Hatti," trans. Richard H. Beal (*COS* 2.16:82–91).

11. *CTH* 423: first published as *KUB* 7.60 in Volkert Haas and Gernot Wilhelm, *Hurritische und Luwische Riten aus Kizzuwatna,* AOAT Sonderreihe 3, Hurritologische Studien 1 (Kevelaer: Butzon & Bercker, 1974), 234–39. This text was shown to be related to חרם by Giuseppe F. Del Monte, "The Hittite Ḥerem," in *Memoriea Igor M. Diakonoff: Babel und Bibel 2, Annual of Ancient Near Eastern, Old Testament, and Semitic Studies* (Winona Lake, IN: Eisenbrauns, 2005), 21–45. For a renewed scholarly edition of the text, which reorganizes the order of the tablets, see Francesco Fuscagni, "Una nuova interpretazione del ritual *CTH* 423: Alla Luce di tre nuovi duplicate," *KASKAL: Rivista di storia, ambiente e culture del vicino oriente antico* 4 (2007): 181–219. On Hittite texts regarding annihilation of enemies, see also Hanna Roszkowska-Mutschler, "'…*And on Its Site I Sowed Cress…*': Some Remarks on the Execration of Defeated Enemy Cities by the Hittite Kings," *Journal of Ancient Civilizations* 7 (1992): 1–12.

> I devoted (them) to the Storm-god of Neša. We [all]otted (them) to the Storm-god [of Neša?] as a de[voted thing]. Whoever after me becomes king, whoever resettles [the cities of Ullamma, Tenend]a and Ḫarkiuna [the enemies of] Neša, let him be enemy to [the Storm-god of] Neša.[12]

Here Harry A. Hoffner's translation "devoted" and "all[oted] … as a devoted thing" is based on contextual interpretation of two related Hittite words: "devoted" stands for the Hittite verb ḫapparenun, "I sold, traded," and "devoted thing" renders Hittite ḫappar-, "merchandise(?)."[13]

The second paragraph describes the conquest of the city of Hattusa as follows:

> But subsequently, when it became most acutely beset with famine (?), their goddess Ḫalmašuit gave it over (pa-ra-a pa-iš) (to me), and I took it at night by storm. In its place I sowed cress. Whoever after me becomes king and resettles Ḫattuša, let the Storm-god of the Sky strike him.[14]

2.2. The Annals of Hattusili I

In the Annals of Hattusili I, one hundred years later (ca. 1650 BCE), Hattusili I describes the destruction of cities by fire, with cress being sewn in order to prevent them from being rebuilt, but without pronouncing a curse. Nevertheless, it is important to note that spoils (golden artifacts) from the temples of the enemy, including divine statues, as well as deportees, were dedicated to the temple of Hattusili's goddess, the Sun-Goddess of the city of Arinna.[15]

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12. Lines 20–25. Hoffner, "Proclamation of Anitta," 183.

13. The words "all[oted]" and "merchandise" translate reconstructed forms that appear on one copy (*KBo* 3.22 obv. 21) as ḫa-x[, and on another copy (*KUB* 36.98 obv. 12') as […]-ku-e-en. Hoffner takes the second word as the plural form of the verb [ḫin]kuen, meaning "we allotted." For this usage in the context of offerings, see Jaan Puhvel, *Hittite Etymological Dictionary,* 9 vols. (Berlin: de Gruyter, 1991), 3:290.

14. Lines 45–51. Hoffner, "Proclamation of Anitta," 183. See also Erich Neu, *Der Anitta Text*, StBoT 18 (Wiesbaden: Harrassowitz, 1974), 12.

15. For English translation with commentary, see Trevor Bryce, *The Major Historical Texts of Early Hittite History* (St. Lucia, Queensland: University of Queensland, 1983), 49–98. For German translation, see Hans M. Kümmel, "Die Annalen Hattusilis I," in Manfried Dietrich et al., *Historisch-chronologische Texte II*, part 5 of *Rechts- und Wirtschaftsurkunden: Historisch-chronologische*, TUAT 1 (Gütersloh: Mohn, 1985), 455–63.

2.3. The Annals of Mursili II

The third text, the Annals of Mursili II (ca. 1320 BCE), depicts this king's war against his northern enemy, the Kaška people, including a report on an incident in which Mursili demands that the two cities that rebelled against him surrender their fugitive leaders. He warns as follows:

> If you will not give them to me, [I shall come, and I shall destroy you], [I] shall off[er] the city of Palḫuišša to the Storm God, I shall make it sacred, and it [shall never be inhabited again].[16]

The cities submitted to the demand and killed the leaders.

Another incident in Mursili II's Annals concerns the city of Timuḫala, also located in the Kaška region (*KUB* 19.37). The account begins by saying that Timuḫala stopped giving Mursili regular troops, meaning that the city rebelled against him. Describing how difficult it was to reach the city's location, Mursili nevertheless proudly arrived, whereupon its ruler deserted. Mursili destroyed Timuḫala and two other towns nearby, indicating his reason as follows: "The city of Timuḫala, which was rebellious toward me, and furthermore it was in a difficult location."[17] He punished the city as follows: "I offered the city of Timuḫala to the Storm God, my lord, and made it sacred; I put boundaries to it (so that) no human being will inhabit it."[18] In the next paragraph, Mursili delimits the exact borders of the sacred area. Thus, this situation involved three kinds of action: rebellion, offer/sacrifice, and consecrating a specific piece of land to the divine domain.

2.4. A Ritual for the Conquest of an Enemy Town

The fourth text is the most important one for understanding parallels to חרם in Hittite culture and their implications for biblical texts. *CTH* 423

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16. *KUB* 14.15 i, 15–17: *nu-wa-ra-aš-mu pa-ra-a Ú-UL pí-eš-te-e-ni nu*[…..] URU*Pal-ḫu-iš-ša A-NA* ᵈU *ši-ip-pa-a*[*n-da-aḫ-ḫi nu-wa-ra-an*] *šu-up-pí-ia-aḫ-mi* […..]. The restoration is based on comparison with other Hittite texts. This and the following translations of Hittite texts are my own unless otherwise indicated.

17. *KUB* 19.37 ii 15-16: *-m]u* URU*Tim-mu-ḫa-la-aš ku-it kap-pí-la-al-li-iš e-eš-ta* [*nam-ma-aš*] *ar-pu-u-wa-an AŠ-RU*.

18. *KUB* 19.37 ii, 17–19: *nu-kán* URU*Tim-mu-ḫa-la-an* [*A-NA* ᵈ]U *EN-IA ši-ip-pa-an-da-aḫ-ḫu-un na-an šu-up-pí-ia-aḫ-ḫu-un* [*nu-uš-š*]*i* ZAG^MEŠ *–uš te-eḫ-ḫu-un na-an-za-an* DUMU *A-MI-LU-TI* [*Ú-UL*] *ku-iš-ki e-ša-ri*.

prescribes a ritual, which is written on a clay tablet in four columns. Thus
far, three copies have been identified.[19] The text relates two major stages
in the ritual, the first conducted by the Old Woman[20] and the second by
a SANGA-priest. In the first part, the Old Woman performs ritual activi-
ties to attract the gods of an enemy, in this case to cause the enemy gods
to leave their city, to which the Hittite king has laid siege. Using cloth of
different colors to create seven paths on which food and different sym-
bolic artifacts are placed, she evokes the gods (male and female) thus: "See!
Gods of the enemy town […] May those cloths be trails for you. Go away
over those (trails)! Turn in favor toward the (Hittite) king and indeed step
away from your land!"[21] After that, she makes sacrifices to the gods of the
enemy town and offers them food and beer several times. She calls them
to eat from the offerings so that they become favorable to the Hittite king,
who appears to be present while the ritual is performed.

When the Old Woman finishes evoking the gods of the enemy town,
the king puts on royal clothes[22] and leaves for the ritual. He pours wine for
the gods of the enemy town and pronounces the following:[23]

> This town has been rebellious to me (*kappilalliš ešta*). I have invoked
> the Storm God, my lord. May the Storm God, my lord, fulfill my will
> (ZI-*aš iyadu*),[24] may he bring about my desire (ZI-*aš arnuddu*),[25] so that

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19. Fuscagni, "Una nuova interpretazione."

20. A well-known cult professional in the Hittite religion who performed a
large number of rituals together with doctors, augurs, incantation priests, and other
practitioners. See Trevor Bryce, *Life and Society in the Hittite World* (Oxford: Oxford
University Press, 2002), 201–3. For recently translated rituals conducted by the Old
Woman, see Billie Jean Collins, "Women in Hittite Ritual," in *Women in the Ancient
Near East: A Sourcebook*, ed. Mark W. Chavalas (London: Routledge, 2014), 246–71.

21. *KUB* 7.60 ii, 28–32: *nu-uš-ma-aš ke-e* TÚG^HI.A KASKAL^MEŠ *a-ša-an-du
nu-kán ke-e-da-aš še-er ar-ḫa i-ia-an-ni-ia-ten nu-kán A-NA* LUGAL *aš-šu-li an-da
ne-ia-at-ten šu-me-el-ma A-NA* KUR-*TI a-wa-an ar-ḫa nam-ma ti-ia-at-ten.*

22. *KUB* 7.60 iii, 7': *nu-za* LUGAL-*uš* LUGAL-*u-e-ez-na-aš i-wa-ar wa-aš-ši-ia-zi*
(lit.,"the king dresses in a kingly way").

23. Line numbers of this text here and below follow those identified by Fuscagni,
"Una nuova interpretazione."

24. The Sumerogram ZI represents Hittite *ištanza-*, "soul," which basically means
"will," "desire," and thus also "wish." See Annelies Kammenhuber, "Die hethitischen
Vorstellungen von Seele und Leib, Herz und Leibe sin- nerem, Kopf und Person," *ZA*
56 (1964): 150–212; continued in *ZA* 57 (1965): 177–222.

25. Hittite *arnu-* means "move along," "stir," and "further." Here Puhvel renders:

he handed it over to me and I had laid it waste, and have consecrated (*šuppiyaḫḫun*) it.[26] As long as heaven and earth and mankind will be, in the future no son of a man will inhabit it![27] This enemy city with its fields, cultivated land, granary, vineyards (belongs) to the Storm God, my lord, and may it be the pasture of your bulls, Šerri and Ḫurri, my lord, the Storm God. May Šerri and Ḫurri graze it forever! Whoever will inhabit it, and will take away the pasture from the bulls of the Storm God, from Šerri and from Ḫurri, may he be a court opponent/litigant (*ḫannitalwanaš ešdu*) to the Storm God my lord. If any son of a man will inhabit this enemy city, if just one house or two houses, or some chariot troops, may my lord annihilate that one house or two houses or chariot troops!
[The text is broken here].[28]

The second ritual phase, involving the king and a SANGA-priest, starts after a lacuna where the SANGA-priest conducts a drinking ritual for the gods. They then submit the matter to hepatoscopy with the following wording:

If you gods will have approved this matter done in this way, my Majesty on that matter will not fear at all regarding myself, my house, and my country; regarding the enemy city which I will sacrifice (*šippantaḫḫi*), if ever someone will inhabit it, he will cause the anger of the Storm God my lord, you will go to war with him, and you will annihilate him—you will not make his dwelling legally right! (*ešuwar-ši UL āra iyaši*).[29] (If)

"may the Storm-god my lord do my soul's [desire] and further my soul's [desire]" (*Hittite Etymological Dictionary,* 1:162, translating *nu-mu* ᵈU EN-*IA* ZI-*a[š] iyadu mu-wa-mu-kán* ZI-*aš arnud[du]*).

26. I followed the Hittite text in translating the last sentence in the past tense. This must have been intentional to indicate completion of a vow. In Biblical Hebrew, we similarly find use of the past tense for a vow (with or without *waw* consecutive), as in Gen 28:15; 40:14.

27. The Hittite reads: *nu-w[a-r]a-an-za-an zi-la-du-wa* DUMU *A-MI-LU-TI li-e ku-iš-ki e-ša-ri*. Cf. the equivalent expression in the previous text 3, The Annals of Mursili II, above (with Hittite text in n. 18).

28. Lines 101–20; cf. Del Monte, "The Hittite Ḥerem," 42; Fuscagni, "Una nuova interpretazione," 197.

29. Here the word *ešuwar* as a verbal noun from the verb *eš*-, "to be/exist," is translated as "existence," with the meaning of "dwelling" or "being on the land," which is regarded as unlawful in this context, and therefore the offender can be brought to court for judgment. On *ešuwar*, see Jaan Puhvel, *Hittite Etymological Dictionary*,

you gods will have approved this, done in this way, let the liver oracle be favorable.[30]

The answer to the oracle inquiry is favorable. The oracle is consulted for a second time with the king's participation and with the wording slightly changed:

His Majesty performs thus: because the enemy city angers him he will [dest]roy it. If you gods have approved this matter as done in this way, the enemy city which is sacrificed, whoever inhabits it, he will cause the anger (*kartimiya-*) of the Storm God, my lord, he will become his litigant, he will become rebellious (*kappilalliš*), and you will go to war with him, and you will annihilate him, you will make his dwelling unlawful. [The rest is fragmentary].[31]

This ritual clearly shows the case of a city being offered to a deity because of its rebellion in rejecting the demand of the Hittite ruler to surrender and submit to him. Sacrificing and consecrating the city is a legal act of transfer to the deity that makes anyone who later settles there a defendant in a divine lawsuit. Of course, one has to question the legal basis for this. The answer lies in the understanding of the ancient Near Eastern concept of land division and ownership. Briefly, the concept is that the land was divided by the great gods and subsequently given to the lesser deities. Each god or goddess was the owner of land or lands and chose the king to rule his or her land.[32] The deity of that king would support him as long as he worshiped and was obedient to the deity. The deity could expand the land or could punish the monarch by reducing his territories. The Hittite king received the land over which he was to rule from his lord, the Storm God. When he subdued other rulers, they became his vassals, and he imposed upon them the *išḫiul*-treaty procedure to ensure their loyalty. These relationships were under divine protection and were understood as legal rela-

2:289; see also Johannes Friedrich and Annelies Kammenhuber, *Hethitisches Wörterbuch*, 2nd ed., 20 fascicles (Heidelberg: Universitätsverlag Winter, 1975–2012), fascicles 9–10 (1988), 94.

    30. Lines 133–42. See Del Monte, "The Hittite Ḥerem," 42; Fuscagni, "Una nuova interpretazione," 198.

    31. Lines 145–56. Cf. Fuscagni, "Una nuova interpretazione," 199.

    32. This concept is reflected in Judg 11:23–24 (in a message sent by Jephthah to the Ammonite king); see also Deut 32:8–9.

tions: The god would judge the transgressor in a case where a treaty was broken or loyalty was betrayed.[33] The ritual text just presented has these legal components underlying the Hittite king's request to the Storm God and the gods of the enemy city.

There must have been a previous relationship between the enemy city and the Hittite king, since it is declared that the city angered the king (*na-an-kán kartimmiyanuzi*) and was rebellious toward him (*kappilalliš ešta*).[34] The Hittite word *kartimmiya-*, "to anger," also appears in regard to the Storm God, who would become angry at any attempt to settle in the land consecrated to him. In both cases the anger has legal grounds.

The first ritual stage ascertains that the gods (male and female) of the enemy city have left it, thus allowing the Hittite king to punish it. The second ritual stage includes the plea of the king and his vow, and if the god responds, this stage reveals the level of the punishment. As the city has been rebellious, its punishment is severe: it is to be sacrificed and consecrated to the Storm God, thus making it a no-man's land. Such sacrifice and consecration could not be carried out without the agreement of the gods of the enemy city and the Hittite Storm God. These rituals were conducted in order to receive that divine permission.

3. Hittite Terms for Destruction and the Concept of Divine Ownership

As revealed by his words, "if you gods approve … I will sacrifice," the Hittite king pronounced a vow. The rebellion of the enemy city consisted of rejecting the rulership of the Hittite king, thus contesting the Storm God's support for him. Therefore, the city was consecrated by attacking it and annihilating it. Sylvia Hutter-Braunsar has compiled a detailed list of the vocabulary employed in Hittite royal texts regarding the destruction of conquered territories.[35] Such expressions include "*ḫarnink-, ḫarganu-*, "destroy, annihilate"; *walḫ-*, "smite"; *idalawaḫḫ-*, "damage, defile"; *damašš-*,

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33. See Ada Taggar-Cohen, "Biblical Covenant and Hittite *išḫiul-* Reexamined," *VT* 61 (2011): 461–88.

34. For the meaning of the word *kappilalli-*, with several attestations in Hittite texts, see Jaan Puhvel, *Hittite Etymological Dictionary*, 4:63–64.

35. Sylvia Hutter-Braunsar, "Die Terminologie der Zerstörung Eroberten Acker- und Siedlungslandes in Hethitischen Köningsinschriften," in *Der Orientalische Mensch und Seine Beziehungen zur Umwelt*, ed. Bernhard Scholz, Grazer Morgenländische Studien 2 (Graz: GrazKult, 1989), 201–18.

"oppress"; and *arḫa warnu-/lukkai-,* "burn totally, set fire to." Other terms, such as *da-/arḫa da-, ep-,* and *šaruwai-,* indicate the meaning "take possession." The result of these destructive acts is *dannattaḫḫ-,* "to empty the place, to make it into a waste," as well as "to sacrifice, to consecrate," which refers to the act of delivering that land to the divine realm. In the Hittite text *CTH* 423, the land becomes grazing pasture for the bulls of the Storm God.

Three verbs used in the Hittite texts surveyed above stand out: *šipant-,* "to sacrifice"; *šuppiaḫḫ-,* "to consecrate," "make holy"; and *ḫapparai- ḫappar,* literally "to sell/to trade (as) merchandise." The third appears in a rare instance mentioned above in the Anitta text, where Hoffner has translated it "allotted as a devoted thing." These three words indicate the total transfer of the city into the domain of the deity for his or her exclusive use. The god gave the land to the king, but areas belonging to temples were exclusively reserved for divine use, and anything in those sacred areas belonged to the deities. Therefore, anyone who tried to settle in the land exclusively dedicated to a god contested its possession by the deity and thus was subject to prosecution.

In Hittite culture, an object belonging to the deity was automatically a consecrated thing, something that was forbidden for human use. This is clearly indicated in the "Instructions for Temple Personnel" (*CTH* 264), to which Milgrom extensively referred in his above-mentioned article on מעל.[36] These instructions set the legal boundaries and obligations of the Hittite temple personnel according to the Hittite king's decree. The personnel accepted these responsibilities under oath. The text starts with the description of relations between a master and his servant. The servant owed obedience. If he angered (*kartimiya-*) his master, he was severely punished, up to the degree that his entire household could be annihilated. The parallel to the wartime texts is in the severe punishment for causing anger, which is equivalent to rebellion. The personnel, like the temple and everything in it, belonged to the deities, so the personnel were expected to faithfully serve the gods, who were their masters. If the personnel practiced deception or neglected their duties, they were rebellious to the gods, just as a city could rebel against its master, the Hittite king. While a rebellious city was punished by annihilation for its rebellious acts in the context of war, the temple personnel would be punished by annihilation in a "peaceful" context.

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36. See n. 4.

A crucial point in the "Instructions for Temple Personnel" is the warning to the personnel not to use divine food and utensils for their own benefit or that of their family members, because these items belonged to the gods, who would judge and punish such sacrilege, including by putting violators to death. The emphasis is not on the sacredness of the utensils as much as on their status as the possessions of the gods. Any gift that the temple personnel received had to be authorized by the king's seal for it to become their personal possession and therefore tradable.[37]

4. The Hittite Texts and Biblical Evidence

At this stage I would like to sum up the Hittite evidence in five points, together with references to parallels in the Hebrew Bible.

First, the Hittite texts make it clear that items dedicated to a deity and thus forbidden for human use are the possession of that deity, regardless of whether the context is that of a war or peacetime. In the Hebrew Bible, the idea of devoting materials and people to the divine realm in peacetime is found in Lev 27:28–29, and such devotion to the deity during wartime appears in the legislation regarding a rebellious city in Deut 13:13–17. An item designated as חרם is thus primarily and essentially a devoted and consecrated thing. The idea that its use is banned is secondary, resulting from its consecration.

Second, if consecrated materials are used, this action constitutes trespass that legally challenges the owner, in this context the deity, who becomes angered. Likewise, the Hebrew Bible relates to the חרם as a possession of God, belonging to the temple, and to be used by the priests alone (Lev 27:21, 28). The חרם is equated with super-holiness (קדש קדשים), and thus "any human being determined as חרם will not be retrieved" (27:29).[38] Whoever tries to redeem that which is חרם will be put to death (מות יומת; 27:29) because he or she has contested the ownership of the deity. This parallels the law that applies to anyone who encroaches on the sanctuary's holy of holies, which is exclusively accessible to the high priest as the holy servant of the deity (Num 18:7; cf. Lev 16:2–3).[39]

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37. Taggar-Cohen, *Hittite Priesthood* (for translation, see 70–85).

38. That is, such a person could never be redeemed.

39. The wording that appears in the Hittite text *CTH* 423, lines 141, 156, according to the edition of Fuscagni, "Una nuova interpretazione," is *ešuwar-ši UL āra iyaši* (198–99). This is legal terminology based on the Hittite term *UL āra* (= *natta āra*),

Third, the Hittite "Instructions for Temple Personnel" is a legal text, termed *išḫiul-*, in which servant relations to the king and the gods are prescribed to the personnel.[40] The text demands obedience to the rules it presents. Failure to obey these rules or instructions is deemed a violation of the relationship, which brings about the anger (*kartimiya-*) of the master, resulting in punishment. When the "master" is the deity, the penalty is described as follows: "whenever he dies, he will not die alone, his family is together with him" (*CTH* 264 i, 33); "…his wife, [his children], his [s]eed, his family, his male slaves, his female slaves, his cattle, his sheep, and together with his grain. Along with everything he will ruin him" (lines 36–37). The Hebrew Bible indicates the same consequences for violation of the חרם. Thus, in Josh 7:11, 15 the deity YHWH says that the violator "has transgressed my covenant" (עבר את בריתי). The sin of Achan in taking some חרם objects caused the anger of YHWH to burn (ויחר אף יהוה; 7:1), which could have caused devastation and severe punishment on the Israelites. Corporate capital punishment on Achan and his family for his breach of the covenant (7:24–25) correlates with the severity of punishment dealt out to a Hittite temple servant who committed sacrilege.

Fourth, the severe punishment in the Hittite texts is deeply embedded in basic master–servant relations present in Hittite culture. However, in order to carry out this punishment of total annihilation, it was necessary to gain permission from the divine world by means of an oracle and by pronouncing a vow, as we saw in text 4 above (*CTH* 423). The Hebrew Bible suggests both practices, as seen in the story of Achan (oracle; Josh 7:6, 14–18), the case of Hormah (Num 21:2–3), and the law concerning a rebellious city (Deut 13:15–17).

Fifth, a wartime dedication of an enemy's land to the divine realm resulted in it becoming a no-man's land, as we see in Josh 8:28, where Ai became a שממה, "desolation."[41] In peacetime, anything dedicated to

which means "forbidden/taboo," and violation causes capital punishment. A biblical parallel for such trespass is: והזר הקרב יומת, "any outsider who encroaches shall be put to death" (Num 18:7). On the Hittite terminology, see Yoram Cohen, *Taboos and Prohibitions in Hittite Society: A Study of the Hittite Expression natta āra ("Not Permitted")*, Texte der Hethiter 24 (Heidelberg: Universitätsverlag Winter, 2002).

40. Hittite *išḫiul-* can be translated as "rule," "regulation," "obligation," "duty," "law," or "treaty." See further Taggar-Cohen, "Biblical Covenant," 469–71.

41. In Josh 8:2, the description of the war against Ai is compared to that of Jericho, which was חרם (6:17, 18, 21). The total destruction of the inhabitants of Ai portrayed in 8:22, 24 is that of חרם, and 8:26 uses the *hiphil* of the root חרם for Joshua

the temple became the possession of the deity alone, as is indicated for the Hittite god[42] and for YHWH: כל חרם קדש קדשים הוא ליהוה, "every devoted thing is totally consecrated to God" (Lev 27:28–29).[43]

4.1. Divine Ownership

We have found that Hittite texts belonging to various genres focus on the issue of divine ownership. These genres include royal historical accounts concerning war achievements in which areas of land and spoils are dedicated to the divine realm;[44] a prescriptive ritual text that serves as a cultic tool to implement dedication to a god, whereby divine approval is given to the king during battle;[45] and a legal administrative text governing treatment of temple possessions by cultic personnel.[46]

Biblical texts share the concept of divine ownership with the Hittite texts regarding the two categories of land and of temple possessions. In both cultures, these two categories are directly related to ritual activity. Concerning cases involving either category, the divine world announces through oracular means its approval or disapproval of the situation, especially if the issue involves the life of one or more human beings.

The system applied to judging violations in such cases is similar in both cultures. In situations involving stealing from a deity, oracular means are used. In the case of Achan, Israelite families submitted to divine identification through casting of lots (לכד/קרב, i.e., be present before the deity and indicated by him; Josh 7:14). In the Hittite culture, we have a large number of texts asking specific gods to determine culprits in cases of "anger of the god," with oracular results showing that the anger was caused by temple personnel having stolen different items of gold or silver from

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devoting the city to utter destruction. Furthermore, 8:28 includes the terms שממה and תל עולם, "eternal ruin." Similar dynamics appear in Jer 25:6, 9, 31, expressed by words such as כעס, "anger," חרם, שממה, and, finally, ריב, "legal dispute."

42. *CTH* 264 i, 34–38; see below.

43. The entire verse indicates that the חרם item cannot be sold or redeemed. It is as though it has been permanently sold to the deity, as expressed in the Hittite text of Anitta (lines 20–25, quoted above) by the word *ḫappar-* "to sell/trade."

44. *CTH* 1, 4, 61 as described above under §2.1, above.

45. *CTH* 423.

46. *CTH* 264.

temples belonging to those deities.[47] The oracle technique was also used when something calamitous happened, such as a defeat in battle, royal sickness, and so forth.[48]

When the Hittite king made a plea to a god during wartime, he used an oracle to receive an answer (*CTH* 423).[49] Similarly, it was through an oracle that Joshua received confirmation that he and the Israelites were to take the city of Ai and devote it to God, except for the loot, which was to be left for the people (Josh 8).[50]

4.2. Dedication as a Cultic Issue

Careful examination of the attestations of חרם in the Hebrew Bible shows that in the Priestly texts, such dedication is mainly a cultic issue that directly relates to possessions of the sanctuary or the priesthood (Lev 27:21, 26, 28–29; Num 18:14), as in the Hittite "Instructions for Temple Personnel." On the other hand, attestations of חרם in wartime contexts are the interest of the Deuteronomist (Deut 2:34, 3:6, 7:26, 13:16, etc.). The legal concept of violation of loyalty, causing divine anger, is applicable to both kinds of texts, but the settings are different: one relates to peaceful times (divine possessions), the other to wartime (possessions of the enemy that become possessions of the deity).

In this light, I would ascribe the story of Achan in Josh 7 to the Priestly source H (cf. Lev 27) rather than to the Deuteronomist. Although Josh 7 is connected to a Deuteronomistic text, that is, Josh 8, regarding the conquest of Ai, the story in Josh 7 has to do with the idea of stealing from the deity, not with the annihilation of an enemy, which is a crucial concern for Deuteronomy (see 7:2, 20:17, commanding regarding other nations: החרם תחרים, "you shall devote to total destruction"). Joshua 7 starts with the announcement that Israel had committed מעל (7:1). Elsewhere in the book of Joshua, the term מעל appears in connection with cultic transgression (22:16, 20, 22, 31). In Deuteronomy, however, there is no use of the verb מעל.[51] Therefore, the case of Josh 7 does not deal with the concept of

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47. See, for example, *KUB* 5.10 obv. 2: "The *zinzapušši*-singer has stolen the golden rhyton."

48. On such texts, see Taggar-Cohen, *Hittite Priesthood,* 282–87.

49. Fuscagni, "Una nuova interpretazione," 198–99, lines 131–32.

50. See n. 41.

51. Deut 32:51 is clearly a later editorial addition by P (Jeffrey H. Tigay, *Deuter-*

חרם as perceived in Deuteronomy or the Deuteronomistic editorial work on the book of Joshua (cf. Josh 10). The only place in the Hebrew Bible where the term מעל is connected with the concept of war is in Ezek 14:13, 15:8, where sin is perceived as מעל and results in the punishment of the land becoming desolated (שממה).[52]

Joshua 7 is not part of a Deuteronomistic reworked text but is a later insertion into the story of Joshua. One can easily go from Josh 6 directly to Josh 8, which does not refer to the story of Achan. Outside Josh 7, Achan is mentioned only in Josh 22, which is also a Priestly text.[53]

In my view, Achan is not sacrificed to pacify the wrath of God[54] but is punished for his own grave sin of trespass on sancta. As in the Hittite text *CTH* 264 discussed above, stealing from the deity is the sin of trespassing on divine ownership. Violation of the Hittite *išḫiul-* parallels the breach of the biblical covenant indicated in the Achan incident by the word מעל. The Israelites broke their oath of loyalty by "stealing and deceiving" (גנב/כחש), as indicated in the Achan story (Josh 7:11). Trading ownership of

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onomy: The Traditional Hebrew Text with the New JPS Translation, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1996], 518; see already Gerhard von Rad, *Deuteronomy: A Commentary* [London: SCM, 1964], 201).

52. For this usage of Ezekiel as borrowed from H, see Michael A. Lyons, *From Law to Prophecy: Ezekiel's Use of the Holiness Code*, LHBOTS 507 (London: T&T Clark, 2009).

53. Josh 7 is a Priestly text belonging to the editorial work of the Holiness school (HS) rather than the Deuteronomistic Historian (DH). I am not able to elaborate on this theme here but will only indicate that Achan's story is not about sin and forgiveness, as in the Deuteronomistic stories (esp. in Judges), but rather about sin and its punishment. The HS uses the language of D but derives from different concepts. For Josh 24 as HS, see Ada Taggar-Cohen, "The Holiness School—Creativity and Editorial Activity in the Book of Joshua: The Case of Joshua 24," in *Marbeh Hokma: Studies in the Bible and the Ancient Near East in Memory of Victor Avigdor Hurowitz*, ed. Shamir Yona, Edward L. Greenstein, Mayer I. Gruber, Peter Machinist, and Shalom M. Paul (Winona Lake, IN: Eisenbrauns, forthcoming). I am not convinced by the attempt of Ronald E. Clements to explain Josh 7 as a "Deuteronomic theology on breach of holiness taboo" ("Achan's Sin: Warfare and Holiness," in *Shall Not the Judge of All the Earth Do What Is Right? Studies on the Nature of God in Tribute to James L. Crenshaw,* ed. David Penchansky and Paul L. Redditt; (Winona Lake, IN: Eisenbrauns, 2000), 123–26. Regarding this text as DH, see Christopher T. Begg, "The Function of Josh. 7, 1–8, 29 in the Deuteronomistic History," *Bib* 67 (1986): 320–34.

54. Contra Susan Niditch, *War in the Hebrew Bible: A Study in the Ethics of Violence* (New York: Oxford University Press: 1993), 58–61.

divine possessions is extremely dangerous, as the Hittite "Instructions for Temple Personnel" indicates (*CTH* 264):

> There is no silver, gold, garments or utensils of bronze
> of the gods (for you). Whatever (is) in the house of the gods
> (is) not (for you). Whatever (there is), it only belongs to the god. (col. ii, lines 31–33)

> Act only (according) to the will (ZI) of the gods,
> so that you will eat bread and drink water
> (and) make a house for yourselves; but ne[ver d]o it for the will (ZI) of a man. Do not sell death, and do not buy death! (col. ii, lines 74–77)

5. Conclusion

Both the Hittite texts and the Hebrew Bible include information on historical incidents as well as ritual activities that accompanied the actions of leaders. The Hittite texts summarize a king's achievements in what we call the "Annals" and indicate a particular case through a ritual text that recorded the incident. The Hebrew Bible contains the two kinds of texts.

In both Hittite and Hebrew texts, relations between parties—god(s), king, enemy, people—are based on commitments of loyalty established by treaties or covenants. Breach of these relations, which have been validated by oath, causes divine anger that results in punishment. In both cultures, the basis for such anger can concern divine possessions. In the Hittite texts, the gods can be angered by a sin against their possessions, and the king can be angered by a rebellious enemy who endangers his divinely authorized rule over that enemy's land. In the biblical text, it is always God who is angered by rebellion or sin, and he acts upon the Israelites or the other nations.[55] In both cultures, the king/leader needs divine approval to assure him that his enemy has indeed sinned, so that severe punishment can be dealt out. In both cultures, capital punishment of total annihilation in a חרם case must be approved by a deity.

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55. As in the case of עון האמרי "the sin of the Amorite" (Gen 15:16). A survey of the terms זעם, כעס, and חרה, when they indicate anger at a rebellious party, shows that the biblical text does not have a case of an Israelite king who acts upon such anger to pursue war, as described in the Hittite texts.

Purity and Persia*

Thomas Kazen

1. Introduction

In the introduction to his monumental commentary on Leviticus, Jacob Milgrom asserts that Priestly theology negates the premises of "pagan religion," according to which deities are not supreme but "dependent on and influenced by a metadivine realm," involving numerous entities subject to magical manipulation.[1] For this basic presupposition Milgrom refers to Yehezkel Kaufmann, and, as part of what is sometimes called the "Kaufmann school," he views Israelite religion and cult as thoroughly purged from the demonic; "the world of demons is abolished."[2] Although to some extent apologetic in its defense of the uniqueness of Israelite religion, this basic understanding does acknowledge the common ancient Near Eastern cultural and religious roots of a number of ritual practices and conceptions, including demonic beliefs behind ideas of impurity and apotropaic purposes behind purificatory and sacrificial rites. P is then seen to have removed all such traits, based on a thoroughly monotheistic outlook.

Hence Milgrom, following Kaufmann, endorses a comparative approach to Israelite religion and points to numerous ancient Near Eastern parallels as useful in analyzing and interpreting Israelite cult and

1. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary,* AB 3 (New York: Doubleday, 1991), 42–43.

2. Ibid., 43. Compare Milgrom on Priestly theology (ibid., 42–51) with Yehezkel Kaufmann, *The Religion of Israel: From Its Beginnings to the Babylonian Exile,* trans. and abr. Moshe Greenberg (London: Allen & Unwin, 1960 [orig. Heb. 1937–1956]), 21–59, 60–121.

purity rules. He goes further than Kaufmann in providing the reader with concrete comparative materials,[3] and although the interpretation of singular details could be discussed, there can be no serious doubt about the general tendency. Israel's conceptions of impurity and practices of purification bear many resemblances to those of its neighbors and have a similar conceptual background.

The question is which neighbors to "blame" most for the Priestly purity "system." Comparative material of a general character can be appealed to from Sumer to Rome, but the Priestly conception and ritual maintenance of purity is a very specific one. To what extent does this "purity system" go back in time to Israel's early roots and common ancient practices and perceptions, and to what extent can we trace more specific influences at a particular point in time?

For such questions to be asked and answered, the dating of the Priestly texts becomes crucial. Milgrom accepted and developed Israel Knohl's observations concerning the relationship between H and P.[4] Since then it has become quite common to follow Milgrom in understanding a Holiness source (H) to have added the Holiness Code (Lev 17–26) to the first half of Leviticus and to have complemented Priestly material (P), as well as other parts of the Pentateuch.[5] It has also become increasingly common,

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3. Milgrom, *Leviticus 1–16*, 763–68, 834–35, 948–53, 957–63, 976–79, 1067–84; cf. Kaufmann, *Religion*, 101–21, 291–316.

4. Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School,* trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995); Milgrom, *Leviticus 1–16*, 3–42; Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary,* AB 3A (New York: Doubleday, 2000), 1319–64.

5. Milgrom assigns the following parts of Leviticus to H: 3:16b–17; 6:12–18aα; 7:22–29a, 38b(?); 9:17b; 11:43–45; 12:8; 14:34–53(?), 54–57(?); 15:31; 16:2bβ, 29–34a; 17–27 (*Leviticus 1–16*, 61–63; *Leviticus 17–22*, 1322–44; *Leviticus 23–27: A New Translation with Introduction and Commentary,* AB 3B [New York: Doubleday, 2001], 2054–56). Knohl has minor variations (*Sanctuary of Silence*). Cf. Christophe Nihan, "The Holiness Code between D and P: Some Comments on the Function and Significance of Leviticus 17–26 in the Composition of the Torah," in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischen Geschichtswerk*, ed. Eckart Otto and Reinhard Achenbach, FRLANT 206 (Göttingen: Vandenhoeck & Ruprecht, 2004), 98–122; Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus,* FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 395–575; Christophe Nihan and Thomas Römer, "Le débat actuel sur la formation du Pentateuque," in *Introduction à l'Ancien Testament,* ed. Thomas Römer, Jean-Daniel Macchi, and Christophe Nihan, MdB 49 (Genève: Labor et Fides, 2004), 101–4;

especially in Europe, to date the basic P narrative no earlier than the exile[6] and much of P law, as well as H, to the Persian period,[7] which is much later than Knohl and Milgrom maintain.[8] Knohl dates H to the reign of Ahaz, with P earlier than this,[9] and Milgrom sees almost all of H as preexilic, dating P to the time of the Shiloh sanctuary.[10] For most scholars today, this is too early, even for those who still regard the Holiness Code as the earliest part and origin of Leviticus.[11]

Recent research suggests that contacts and interactions in the ancient world caused transformations in the dynamics of purity conceptions from the Achaemenid period onward.[12] Considering a Persian period dating for the Priestly material on cult and purity, we would expect a comparison of detailed points to provide suggestive evidence. In the present essay I will employ Milgrom's comparative approach, while considering a late dating of the relevant texts. I will not discuss dating issues in more detail, as there is no room for this; it has been amply done by others. Although arguments for an earlier dating of parts of P certainly can be made,[13] a Persian period

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6. See, for example, Albert de Pury, "P as the Absolute Beginning," in *Les dernières rédactions du Pentateuque, de l'Hexateuque et de l'Ennéateuque*, ed. Thomas Römer and Konrad Schmid, BETL 203 (Leuven: Leuven University Press, 2007), 99–128; cf. Baruch A. Levine, "Leviticus: Its Literary History and Location in Biblical Literature," in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003), 15.

7. This assumes H's dependence on D. For arguments, see already Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie,* AnBib 66 (Rome: Biblical Institute, 1976), 334–44. Cf. Nihan, "Holiness Code."

8. For an overview of research history, see Nihan, *From Priestly Torah*, 4–11. Cf. Thomas Kazen, *Emotions in Biblical Law: A Cognitive Science Approach,* Hebrew Bible Monographs 36 (Sheffield: Sheffield Phoenix, 2011), 64–70.

9. Knohl, *Sanctuary of Silence*, 204–24; Knohl, however, sees H as a continuous movement, redacting the Pentateuch into the Persian era (226).

10. Milgrom, *Leviticus 1–16*, 34.

11. E.g., Levine, "Leviticus"; Reinhard G. Kratz, *The Composition of the Narrative Books of the Old Testament* (London: T&T Clark, 2005), 110–11.

12. Christian Frevel and Christophe Nihan, "Introduction," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism,* ed. Christian Frevel and Christophe Nihan, Dynamics in the History of Religion 3 (Leiden: Brill, 2013), 40–43.

13. For a somewhat "intermediate" position, see David P. Wright, "Ritual Theory, Ritual Texts, and the Priestly-Holiness Writings of the Pentateuch," in *Social Theory and the Study of Israelite Religion: Essays in Retrospect and Prospect,* ed. Saul M. Olyan,

dating for the final redaction of the Pentateuch, including much of the Priestly legislation, has become a majority opinion in European research.[14] An accessible and up-to-date overview can be found in the introductory volume to a forthcoming series of studies on the Pentateuch "through a Persian lens."[15]

Exploring the consequences of a fairly late dating of the relevant Priestly material for interpreting ideas of impurity and their development, I will suggest that conceptions of purity and impurity in Leviticus and Numbers may owe more to Persian influence and a Persian period setting than some have previously believed. First, I will discuss the lack of firm preexilic evidence for many purity conceptions in Leviticus and Numbers, making some general suggestions as to how impurity could have been understood and handled during the royal period. Second, I will argue that certain particularities in Priestly purity law could be plausibly explained as resulting from Persian influence and that some discrepancies and developments within and between Priestly texts could be explained by influence from, or adaptations to, Persian practices. Finally, I will briefly suggest how these developments could fit within the context of a Persian period Jewish state centered around Jerusalem.

2. Preexilic Purity

The lack of detailed evidence for purity practices in preexilic Israel creates a methodological problem. Conceptions of purity and impurity were part of the ancient world to such an extent that their presence in preexilic Israelite society must be assumed. The problem is exactly what to assume and on what grounds, because the relevant texts surrender so little information.

There are a few mentions of impure conditions in the Deuteronomistic History. In 1 Sam 20:26, Saul assumes that something with regard to purity

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SBLRBS 71 (Atlanta: Society of Biblical Literature, 2012), 195–216. Wright sees P and H as basically arising in the sixth century.

14. Cf. Kratz, *Composition of the Narrative Books*; Nihan, *From Priestly Torah*; Konrad Schmid, *The Old Testament: A Literary History*, trans. Linda M. Maloney (Minneapolis: Fortress, 2012), esp. 25–30, 141–52, 176–81.

15. Diana V. Edelman, Philip R. Davies, Christophe Nihan, and Thomas Römer, *Opening the Books of Moses* (Books of Moses 1; Sheffield: Equinox, 2012), 11–50. The quotation is from the preface.

has happened to David (מקרה הוא בלתי טהור הוא כי־לא טהור), since he does not turn up for the new-moon feast. This could refer to an emission of semen, the impurity of which, according to Lev 15:16, lasts until evening. However, the impurity is not spelled out in 1 Sam 20. In fact, no particular term for "unclean" is used. The text assumes a condition in which it would be unsuitable or prohibited to attend a festival meal, and that condition is called "not clean" (לא טהור).[16] According to Num 10:10; 28:11–15, sacrifices were offered at the new-moon festival. However, although a sacrificial meal, including some purity requirements, could have been ancient practice,[17] the sacrificial protocol in Numbers is more likely to represent later developments.[18]

In 2 Sam 3:29, David curses Joab for the murder of Abner: "may the house of Joab never be without one who has a discharge (זב), or who is leprous (מצרע), or who holds a spindle, or who falls by the sword, or who lacks food." The זב and the מצרע are well known in the Second Temple period and represent the main categories of impurity in Lev 12–15.[19] Here in 2 Sam 3, however, they are not specified as impure but are part of a derogatory list of possible punishments. This list is not associated with impurity, as victims of war and famine are not considered impure, and

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16. The idea of eating ordinary food in purity is found nowhere in the Deuteronomistic History.

17. Cf. David Toshio Tsumura, *The First Book of Samuel*, NICOT (Grand Rapids: Eerdmans, 2007), 515–16.

18. Reinhard Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*, BZABR 3 (Wiesbaden: Harrassowitz, 2003), 602–11. Cf. already George Buchanan Gray, who suggests that, "though the sacred character of the days of new moon is ancient, the specific regulations of this law need not be." Gray reminds the reader of the fact that definite allusions to this protocol appear only in postexilic literature and that the חטאת sacrifice required on new moons and other occasions is neither in Ezekiel's description nor part of the series of sacrifices prescribed for other festivals in Lev 23:37 (*A Critical and Exegetical Commentary on Numbers*, ICC [Edinburgh: T&T Clark, 1903], 410).

19. The זב becomes paradigmatic for all dischargers. See Thomas Kazen, *Issues of Impurity in Early Judaism,* ConBNT 45 (Winona Lake, IN: Eisenbrauns, 2010), 41–61; Kazen, *Scripture, Interpretation, or Authority? Motives and Arguments in Jesus' Halakic Conflicts,* WUNT 320 (Tübingen: Mohr Siebeck, 2013), 156. Except for the formal heading תורת המצרע in Lev 14:2, Lev 13–14 does not employ מצרע to designate a person with skin disease but prefers to speak of the disease using the term צרעת.

the much-contested reference to holding a spindle may possibly represent weakness or effeminate behavior.

In 2 Sam 11:4, after having been raped by David, Bathsheba is said to have been sanctifying herself from her impurity (טמאה). It is not entirely clear whether this refers to Bathsheba being in her menstrual period when David sent for her, was envisaged as purifying herself before the intercourse, or refers to her purifying after the intercourse but before returning home. The participial clause (והיא מתקדשת מטמאתה) is parenthetical and perhaps could be suspected of being a gloss, with the intent of either worsening David's sin or portraying him and Bathsheba as at least respecting purity concerns. However, only the originality of the explicative "from her impurity" can be questioned on textual grounds, as it is not found in 4QSam[a].[20] This text, then, does attest to an understanding of menstrual bleeding as impure and to some purification practice. If that purification is identical with the initial bathing scene on the roof (11:2), it would suggest purification in water, which is not explicitly demanded of the woman by Lev 15:19–24,[21] nor does the manner of this purification correspond to later practice as we know it from the Second Temple period (in running water or a מקוה).[22]

Naaman, the Syrian "leprous" commander, is healed by immersing seven times in the Jordan River. Although Naaman is repeatedly said to become clean (טהר) by washing (2 Kgs 5:10, 12, 14), the emphasis is

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20. Cf. P. Kyle McCarter Jr., *II Samuel: A New Translation with Introduction and Commentary,* AB 9 (Garden City, NY: Doubleday, 1984), 279, 286; A. Graeme Auld, *I and II Samuel: A Commentary,* OTL (Louisville: Westminster John Knox, 2011), 451, 455–56. J. D'ror Chankin-Gould et al. argue against the participial clause referring to menstrual purification ("The Sanctified 'Adulteress' and Her Circumstantial Clause: Bathsheba's Bath and Self-Consecration in 2 Samuel 11," *JSOT* 32 [2008]: 339–52).

21. Although this is assumed in a systemic reading, see Kazen, *Issues of Impurity*, 41–61 (repr. of Thomas Kazen, "Explaining Discrepancies in the Purity Laws on Discharges," *RB* 114 [2007]: 348–71).

22. Running water as a means of purification is prescribed by Lev 15:13 for the זב and most probably assumed for the זבה. Since a spring or cistern was not considered to be defiled by a dead swarmer (11:36), a systemic reading led to the view that all immersions should take place either in spring water or in a pool of sufficient size (cf. the rabbinic requirement that such a pool should contain at least 40 סאה of water; b. 'Erubin 4b; b. Yoma 31a). Hence the frequent use of such pools, מקואות, during the Second Temple period, attested by numerous archaeological remains from all over Palestine. For references, see Kazen, *Scripture, Interpretation, or Authority*, 163 n. 180.

on healing as restoration. Neither he nor Gehazi, who receives Naaman's "leprosy" (צרעת) in return for his greed, is explicitly called impure. As in David's curse, skin disease is mainly understood as a punishment or an unfortunate fate. Similarly, the four men with skin disease who discover the sudden flight of the Aramean army (2 Kgs 7:3–20) are designated מצרעים, but they are never explicitly called unclean. Nevertheless, they are portrayed as excluded from the city, spending the night outside the gate, even under a siege. They contemplate entering the city but instead choose the option of surrendering to the Arameans. In the narrative, their disease explains why they are outside the city gates, which makes possible their discovery of the Aramean flight. Therefore, we should assume that the original audience would find it natural or necessary for מצרעים to stay out of the city, probably because of purity concerns, although the text does not specify this.

Separation or isolation is also presupposed in the narrative of King Azariah, who was struck "leprous" and had to live separately (2 Kgs 15:1–7). The Chronicler explains this by the fact that the king (here called Uzziah) was excluded from the temple (2 Chr 26:16–21), but with the Chronicler we are well into the Second Temple period and a context in which protecting the cult against impurity is crucial.

We have found that in the Deuteronomistic History both "leprosy" and genital discharges are seen as divine punishments for misdeeds, mainly in their capacity as diseases. Separating out people with discharges and keeping those with skin disease out of settlements is well known from the ancient world, including at an early date, so the existence of such practices in preexilic Israel is not unlikely.[23]

Leviticus 13–14 contains no *explicit* prohibitions against touch and no purification rituals after contact with a skin-diseased person, as in the case of discharge impurity. However, such rules are not needed because isolation and avoidance are taken for granted (13:45–46). Purification rules do apply to the reintegration of people with skin disease and are merged with sacrificial instructions. The fact that the focus lies on diagnosis and that avoidance of contact seems to be assumed, although not elaborated upon, suggests that an earlier practice in which a number of things are taken for granted has been integrated into the cultic system of P. If this reflects the situation during the early Persian period, we should expect isolation

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23. Milgrom refers to a Babylonian *kudurru* inscription (*Leviticus 1–16*, 805), a Mari letter (818, 911), and a Šurpu incantation (911); see also Herodotus, *Hist.* 1.138 (Persian isolation of "lepers").

and avoidance to have been preexilic practices too. Only as צרעת rules are extended to houses and textiles (14:33–53) are such concerns for isolation and avoidance spelled out (14:46–47), indicating that extension of skin disease categorization and rules to houses and textiles might be later, or at least secondary.[24]

In contrast to rules regarding skin disease, discharge rules (Lev 15) contain detailed instructions about contamination and washing, suggesting that all of these would not have been taken for granted at an earlier stage but could represent later developments. A general concept of menstrual blood as impure is well-attested throughout ancient history.[25] It is assumed not only in the story of Bathsheba but also for the tongue-in-cheek polemic against idols by the author of the Jacob cycle, portraying Rachel as sitting on the household deities while menstruating (Gen 31:34–35). Furthermore, the metaphorical use of such נדה impurity to transfer the recipients' disgust against genital blood to moral and cultic misbehavior is found among the prophets.[26] We can safely claim that נדה impurity was a preexilic concept. Pathological (continuous) bleeding would be subject to similar considerations, as Lev 15 suggests. Strangely enough, this text mentions washing in water neither for the menstruant nor for the זבה but only for those who touch their beds or clothes.[27] It is unlikely that ancient people would have envisaged purification from genital blood without washing it off, as the Bathsheba narrative suggests. In Samaritan tradition, the initial blood is considered to be the primary source of impurity.[28] Also, ancient texts mention the stench associated with genital blood, which is quite likely in a premodern society lacking our hygienic facilities.[29] In Jewish tradition it was always assumed that the menstruant and the זבה had to wash as part of their purification.[30] This

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24. For an overview of relevant source- and redaction-critical discussions, see Nihan, *From Priestly Torah*, 270–77.

25. Milgrom, *Leviticus 1–16*, 763–65.

26. Ezek 36:17; Zech 13:1. See Thomas Kazen, "The Role of Disgust in Priestly Purity Law: Insights from Conceptual Metaphor and Blending Theories," *Journal of Law, Religion and State* 3 (2014): 62–92.

27. See further Kazen, *Issues of Impurity*, 41–61.

28. For references, see I. Ruairidh M. Bóid, *Principles of Samaritan Halachah*, SJLA 38 (Leiden: Brill, 1989), 141, 150–51, 154.

29. See Pliny the Elder, *Natural History* 7.63–66.

30. Kazen, *Issues of Impurity*, 41–61. This is assumed both in Qumranic and rabbinic texts: 4Q274 1; m. Miqwaʾot 8:1, 5.

was probably taken for granted as part of general preexilic practice, with no need to mention it.[31]

Corpse impurity is not part of the purity laws of Lev 11–15 but enters in the Holiness Code as a rule for priests (Lev 21:1–4; cf. 22:4).[32] Corpse-contaminated laity first appear in Num 5:2–4. They are supposed to be expelled from the "camp," together with people suffering from skin disease and those with genital discharges. Explanations of the nature and con-tamination of corpse impurity are found only as part of the instructions for the red-heifer rite, specifying circumstances for the use of purification water (Num 19:11–20).[33]

If a Persian period dating of the Holiness Code is considered, and if the texts referred to from Numbers belong to the latest stages of pentateuchal formation, as many now suggest,[34] preexilic conceptions of corpse impu-rity cannot be based on these texts. Evidence from the Deuteronomistic History is ambiguous. In 2 Kgs 13:20–21, Elisha's bones cause miraculous resuscitation, with no indication of impurity, but in the narrative of Josiah's reform, human bones are used for defiling (טמא) the במות (23:13–14) and the altar at Bethel (23:15–16). This suggests that cultic defilement by human bones is part of Deuteronomistic theology.

Archaeological evidence is also ambiguous. Tombs may have been emptied to make room for additional dwelling space when Jerusalem expanded from the time of Hezekiah, and it seems likely that people were generally buried outside the city wall.[35] That does not, however, prove any particular concept of corpse impurity. Ezekiel complains about the corpses of the kings of Judah being buried close to the temple (Ezek 43:7–9), a

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31. Cf. Milgrom's argument concerning the expression "unclean until evening" as always implying the need to wash with water (*Leviticus 1–16*, 919).

32. See Lev 10:1–7, where carrying dead priests by their tunics might possibly indicate corpse-impurity concerns. However, this passage is probably a late post-H insertion, anticipating the narrative in Num 16 (see Nihan, *From Priestly Torah*, 579–90).

33. See also Num 31:19–24.

34. Achenbach, *Die Vollendung der Tora*; Christian Frevel, "Purity Conceptions in the Book of Numbers in Context," in Frevel and Nihan, *Purity and the Forming*, 369–411.

35. Magen Broshi, "The Expansion of Jerusalem in the Reigns of Hezekiah and Manasseh," *IEJ* 24 (1974): 21–26; David P. Wright, *The Disposal of Impurity: Elimina-tion Rites in the Bible and in Hittite and Mesopotamian Literature*, SBLDS 101 (Atlanta: Scholars Press, 1987), 115–28.

practice repeatedly attested by Kings as well as by Chronicles.[36] Corpses and bones were thus understood to defile the cult when Ezekiel was written and the Deuteronomistic History was redacted, which takes us to exilic or postexilic times. As for the situation before that time, we have little evidence. Corpses were probably buried outside of settlements, with rulers or important people as possible exceptions, but perhaps mainly for practical reasons. A basic preexilic notion of corpse impurity is not unlikely, but what it entailed and which purification rites it required we do not know.

According to Hos 9:3–4, Israel "shall eat unclean food" (טמא יאכלו) in Assyria, and their sacrifices will not please God but be "like mourners' bread (לחם אונים); all who eat of it shall be defiled (יטמאו)." This passage is (for other reasons) suspected of resulting from a late redaction,[37] but if the reference to mourners' bread is, in fact, preexilic, it could suggest ideas of contagion from the corpse to mourners and from them to a foodstuff and again to others eating that foodstuff. The preceding reference to eating unclean food in Assyria would, however, rather suggest Israelite food taboos, which are different: not even in Lev 11 is defilement through contact with a source of impurity and the eating of forbidden meat merged, and the dating of the development of a concept of secondary contamination of food, based on Lev 11:32–38, is a bone of contention among scholars.[38] Hosea 9:3–4 could also imply a connection between impurity and foreign territory, which is more explicit in Amos 7:17. Here Amos speaks of the place of exile as unclean land (אדמה טמאה), but again and on different grounds this verse is regarded as part of a redaction that is at least exilic.[39] The question, then, is how much weight these passages can bear, and what they are evidence for when both the Deuteronomistic History and the preexilic prophets are understood to have been shaped and redacted during and after the exile.[40]

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36. For a list of references and a fuller discussion, see Wright, *The Disposal of Impurity*, 117–19.

37. Gale A. Yee, *Composition and Tradition in the Book of Hosea: A Redaction Critical Investigation,* SBLDS 102 (Atlanta: Scholars Press, 1987), 189, 198–207.

38. See Kazen, *Scripture, Interpretation, or Authority*, 162–76.

39. James Nogalski, *Literary Precursors to the Book of the Twelve,* BZAW 217 (Berlin: de Gruyter, 1993), 87–88 and n. 43.

40. On the redaction of the Book of the Twelve, see Aaron Schart, "Reconstructing the Redaction History of the Twelve Prophets: Problems and Models," in *Reading and Hearing the Book of the Twelve*, ed. James Nogalski and Marvin A. Sweeney, SBLSymS 15 (Atlanta: Society of Biblical Literature, 2000), 34–48; Jakob Wöhrle, *Die*

Food taboos are found across cultures. Samson's mother is told not to eat anything unclean (אל־תאכלי כל־טמא; Judg 13:4), although it is not exactly clear what this entails. Lists of unclean (טמא) animals are found in Deut 14:3–21 and in Lev 11. If the final form of the purity laws (Lev 11–15) is later than that of Deuteronomy,[41] Deut 14 cannot be an abbreviation of Lev 11. In any case, this would be unlikely: How could one explain Deuteronomy's complete prohibition against eating a carcass and the near lack of rules for contact-contagion or Leviticus's elaboration of Deuteronomy's winged insects (שרץ העוף) into a whole category of "swarmers" (שרץ)? The reverse is not without problems, as the Priestly authors would have expanded a simple and coherent list into an unclear and less coherent instruction, but this is fully possible.

Several scholars prefer to assume a common tradition behind both texts.[42] On the basis of these texts, we can claim that a number of quadrupeds, water animals, and birds were considered unclean by the Deuteronomistic authors and probably reflect exilic, to some extent perhaps even earlier, food taboos. Archaeological evidence, consisting of the presence or absence of pig bones, suggests that pigs were not consumed in the hundreds of new villages that appeared in the hill country at the beginning of Iron Age I, although they were certainly eaten in the coastal plain, the lowland, and Transjordan.[43] Avoidance of pork can have a number

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frühen Sammlungen des Zwölfprophetenbuches: Entstehung und Komposition, BZAW 360 (Berlin: de Gruyter, 2006). On the Deuteronomistic History, see Thomas C. Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T&T Clark, 2005).

41. *Pace* Milgrom, since H redacts P (see refs. to Milgrom in nn. 5–6) and rewrites D (Cholewiński, *Heiligkeitsgesetz und Deuteronomium*; Nihan, "Holiness Code").

42. Cf. Nihan, *From Priestly Torah,* 283–90, *pace* Milgrom; Naphtali Meshel, "Pure, Impure, Permitted, Prohibited: A Study of Classification Systems in P," in *Perspectives on Purity and Purification in the Bible,* ed. Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel, LHBOTS 474 (New York: T&T Clark, 2008), 33.

43. Iain Provan, V. Philips Long, and Tremper Longman III, *A Biblical History of Israel* (Louisville: Westminster John Knox, 2003), 187–89; Israel Finkelstein, "Pots and People Revisited: Ethnic Boundaries in the Iron Age I," in *The Archaeology of Israel: Constructing the Past, Interpreting the Present,* ed. Neil A. Silberman and David Small, JSOTSup 237 (Sheffield: Sheffield Academic Press, 1997), 227–30; Finkelstein, "The Rise of Early Israel: Archaeology and Long-Term History," in *The Origin of Early Israel—Current Debate: Biblical, Historical and Archaeological Perspectives; Irene Levi-Sala Seminar, 1997,* ed. Shmuel Aḥituv and Eliezer D. Oren, Beer Sheva 12 (Beer-Sheva: Ben-Gurion University of the Negev Press, 1998), 18–20.

of reasons, ranging from ecological to cultic, and if absence of pig bones were "diagnostic for the presence of ethnic Israelites, there were a lot more Israelites in the ancient world than we ever suspected."[44] Only in the Hellenistic period is there evidence for "extensive consumption of pig in urban settings" in Palestine,[45] and at this time avoidance of pork gains the status of a primary marker of Israelite identity. For our purpose, however, it is enough to conclude that widespread avoidance of pork was a preexilic practice, even if not exclusively Israelite.

Two references in Isaiah that denounce the eating of pigs' flesh (Isa 65:4; 66:17) can be understood as referring to particular cultic practices rather than to general eating habits. Both do, however, associate the pig with other impurities: "foul things" (פגלים) in 65:4, defined as that which is detestable (שקץ); and mice or rodents (עכבר) in 66:17. This is reminiscent of Lev 11 more than of Deut 14, which would fit a Persian period dating both of Trito-Isaiah and Leviticus, but these passages say little about food taboos in the preexilic period.

If the list of unclean foods in Deut 14 builds to some extent on preexilic practices, it is likely that aquatic creatures not considered as fish were not eaten, or at least were not supposed to be eaten according to Deuteronomist ideology. The categorization of edible fish in Deut 14:9–10 (fins and scales) is straightforward, and no species are specified. It is also likely that certain birds were deemed unacceptable for food (with no categorization), as well as flying insects. To what extent some of these possibly preexilic food taboos were associated with impurity, however, is a different question. Abstention from eating insects, slimy water animals, and carcasses can be explained on other grounds. On the other hand, it is a short step to use impurity language for that which seems repulsive to eat.[46] It is quite possible to envisage a process in which the Deuteronomist expanded a basic list of what to eat and not to eat, thus creating an incipient system of animals that were pure or impure for food.

For the preexilic period, then, we are left mainly with evidence for the pig as unclean food, possibly together with the camel and perhaps some

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44. Brian Hesse and Paula Wapnish, "Can Pig Remains Be Used for Ethnic Diagnosis in the Ancient Near East?" in Silberman and Small, *The Archaeology of Israel*, 238.

45. Ibid., 263.

46. Thomas Kazen, "Dirt and Disgust: Body and Morality in Biblical Purity Laws," in Schwartz et al., *Perspectives on Purity*, 43–64; Kazen, *Emotions in Biblical Law*, 33–37, 71–94.

rodents, since we would expect a reason for the Deuteronomic or pre-Deuteronomic categorization, although most likely an after-construction, to be based on a combination of ideology and actual practice. Such an after-construction may have resulted in more species becoming included among those that were considered unclean, but we should assume that something more than the pig was unclean to begin with. Similarly, we would expect certain birds to have been avoided, but whether they or slimy water animals, or insects, or carcasses would have been designated as impure in preexilic times we cannot tell for sure.

3. Signs of Persian Influence

Can some of the developments for which there is little evidence in the preexilic period be better accounted for by exilic or postexilic factors, or more specifically, by Persian influence? I will suggest such influence in most areas: skin disease, discharge impurity, and, not least, corpse impurity and the development of a category of "swarmers" (שרץ).

Persian influence on Israelite religion has long been discussed, often with a focus on the roots of Judeo-Christian theological ideas such as angelology, eschatology, messianism, and the afterlife.[47] Comparative use of Zoroastrian texts is hazardous because of difficulties in dating the textual traditions. Generally, many parts of the younger Avesta, in particular the Yashts, are understood to go back to the Achaemenid era, thus reflecting Persian religious ideas during the fourth and fifth centuries BCE. For purity laws, the so-called Vidēvdāt or Vendidād is the most important text.[48]

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47. Mary Boyce, *A History of Zoroastrianism: Zoroastrianism under the Achaemenians*, HO 1.1.8.2 (Leiden: Brill, 1982), 188–95; Saul Shaked, "Iranian Influence on Judaism: First Century B.C.E. to Second Century C.E.," in *The Cambridge History of Judaism,* ed. W. D. Davies and L. Finkelstein (Cambridge: Cambridge University Press, 1984), 1:308–25; Lester L. Grabbe, *Yehud: A History of the Persian Province of Judah*, vol. 1 of *A History of the Jews and Judaism in the Second Temple Period*, LSTS 47 (London: T&T Clark, 2004), 361–64; cf. R. C. Zaehner, *The Dawn and Twilight of Zoroastrianism* (London: Wedenfeld & Nicolson, 1961), 33–61. James Barr ("The Question of Religious Influence: The Case of Zoroastrianism, Judaism, and Christianity," *JAAR* 53 [1985]: 201–35) and Edwin M. Yamauchi (*Persia and the Bible* [Grand Rapids: Baker, 1990], 458–66) are skeptical.

48. All references to Vendidād are from James Darmesteter, *The Vendîdâd*, part 1 of *The Zend-Avesta*, 2nd ed., The Sacred Books of the East 4 (Oxford: Clarendon, 1895), online at https://archive.org/details/zendavesta01darm. This and many other

Although its history is contested and its language betrays a post-Achaemenid date, it is not uncommon to regard its contents as more ancient, perhaps even older than the Yashts.[49] Purity practices belong to those areas confirmed by classical Greco-Roman texts on Persian customs.[50]

Drawing on Vendīdād, supplemented by other texts, both Mary Boyce and Jamsheed Choksy have outlined Zoroastrian purity laws.[51] The dualistic context places purity with goodness and impurity with evil that is placed within a demonic framework.[52] Thus impurity becomes the result of demonic influence, and purification rites take on a clearly apotropaic or exorcist character.[53] The strongest impurities come from the human corpse and from all issues from the living body, whether it is sick or well. The more holy a person has been, the more impure the corpse becomes; most impure are corpses of priests. Corpse-bearers are very impure and are required to keep themselves separate and eat from separate vessels. A special ritual diminishes the contagion of a corpse.

Even indirect contact with an impurity can defile. Purification rituals (*barashnum*) for the strongest impurities take nine days and assume degrees of impurity as well as graded purifications. Impure emissions include blood and semen, especially menstrual blood; menstruants withdraw and sleep alone. After childbirth, the mother is isolated for forty days. Other conspicuous details include the use of metal and stone for preventing the spread of impurity, the use of drawn water for purification,

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Zoroastrian texts in English translation are accessible online at http://www.sacred-texts.com/zor/index.htm and http://www.avesta.org/avesta.html.

49. William W. Malandra, "Vendīdād," 2006, in *Encyclopaedia Iranica*, http://www.iranicaonline.org/articles/vendidad; Ilya Gershevitch, "Old Iranian Literature," in *Iranistik: Literatur,* ed. B. Spuler, HO 1.4.2.1 (Leiden: Brill, 1968), 10–28; Mary Boyce, *A History of Zoroastrianism: The Early Period*, HO 1.1.8.1 (Leiden: Brill, 1975), 17–21, 265–66.

50. Albert de Jong, "Purity and Pollution in Ancient Zoroastrianism," in Frevel and Nihan, *Purity and the Forming*, 183–94. These texts also confirm Zoroastrianism as the religion of the Persians.

51. Boyce, *A History of Zoroastrianism: The Early Period*, 294–324; Jamsheed Choksy, *Purity and Pollution in Zoroastrianism: Triumph over Evil* (Austin: University of Texas Press, 1989); cf. de Jong, "Purity and Pollution."

52. Cf. Carsten Colpe, *Iranier–Aramäer–Hebräer–Hellenen: Iranische Religionen und ihre Westbeziehungen; Einzelstudien und Versuch einer Zusammenschau*, WUNT 154 (Tübingen: Mohr Siebeck, 2003), 316–26.

53. Cf. Vendīdād 10.

and the category of *khrafstra*: evil animals, such as insects, reptiles, and beasts of prey, the killing of which is meritorious.

One cannot avoid noting analogies with the development of Jewish purity law, beginning with the texts that were shaped and redacted during the Persian period. Colpe has argued for an analogous structure of Vendidād and Leviticus,[54] which is an exaggeration. By no means would I suggest that Priestly purity laws develop from later Persian texts; for this there is no evidence. However, influence on Israelite religion and culture during the Achaemenid period from Persian ideas and practices similar to those reflected in Vendidād are reasonable.[55] Vendidād covers both discharges and corpse contamination. Instructions concern the separation or isolation of both categories, including details about contact contagion, distances between impurities and the pure, vessels for serving food or for purificatory sprinkling, and a list of body parts to be treated, which greatly exceeds the purification rite of the skin-diseased person in Lev 14.[56]

Although Vendidād never mentions skin disease, Herodotus claims that the Persians neither allow "leprous" people to enter a town nor to associate with others (*Hist.* 1.138). Scholars often appeal to this as an example of skin-diseased persons being regarded as impure also among non-Israelites and as an example of a Persian parallel to Israelite practices of isolation and expulsion.[57] However, the evidence for a preexilic concept of צרעת impurity that we have noted so far, including exclusion from settlements, and the relative absence of a discussion of contamination in Lev 13–14 suggest practices that were generally assumed and well-established. For this we do not need specifically Persian influence, since similar ideas about skin disease were common in the ancient world. Milgrom refers to a Mari letter, a Šurpu incantation, and a Babylonian *kudurru* inscription.[58] Nougayrol identifies a number of such boundary-stone inscriptions referring to *išrubu*

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54. Carsten Colpe, "Priesterschrift und Videvdad: Ritualistische Gesetzgebung für Israeliten und Iranier," in *Meilenstein: Festgabe für Herbert Donner zum 16. Februar 1995,* ed. Manfred Weippert and Stefan Timm, Ägypten und Altes Testament 30 (Wiesbaden: Harrassowitz, 1995), 9–18 (= Colpe, *Iranier–Aramäer–Hebräer–Hellenen*, 649–60).

55. Cf. Achenbach, *Die Vollendung der Tora*, 500–504.

56. Cf. esp. Vendidād 3:15–21; 5:27–62; 8:23–25, 40–71; 16:1–18. Chs. 5–8 mostly deal with corpse impurity.

57. E.g., Erhard S. Gerstenberger, *Leviticus: A Commentary*, OTL (Louisville: Westminster John Knox, 1996), 166–69.

58. Milgrom, *Leviticus 1–16*, 805, 818, 911.

(skin disease) covering the body of a person, who is driven out of a city and stays outside its walls so that others should not approach him.[59] For explaining a basic concept of צרעת impurity in Israelite culture, we need no hypothesis of direct influence, whether from Babylonia or Persia.

It seems to be precisely in some of the details that go beyond a general conception that we detect possible Persian influence on the צרעת rules in Leviticus. I am not thinking of the very explicit instructions for diagnosis, which take up the main part of Lev 13. Their structure and details do suggest a context in which priestly control over the process of designating skin-diseased people clean or unclean is being prescribed, presumably against an earlier and less-centralized practice that was based on more ambiguous criteria. We cannot tell, however, to what extent such a development was triggered by Persian practice. Nor do I think of the first part of the purification rite in Lev 14, involving two birds, which displays obvious apotropaic traits. Although Persian influence would be possible in theory, there is sufficient comparative ancient Near Eastern evidence from various contexts and involving birds to suggest a more general background to the bird rite.[60] As for rules regarding textiles and houses in the latter portions of Lev 13 and 14, they are likely to have been shaped by analogy with skin-disease rules, but issues of contamination have been made explicit because they would not necessarily have been assumed for houses (14:46–47).

The details in the צרעת rules that may, in fact, betray Persian influence are those that regulate the purification of people healed from skin disease after the bird rite: they are now supposed to wash their clothes, shave off all hair, bathe, and sacrifice on the next day. The priest is then instructed to smear some of the sacrificial blood and some of the oil belonging to the sacrifice onto the right extremities of the "ex-leper": the ear, the thumb, and the right big toe (Lev 14:8–17). What we find is a series of elaborate rituals indicating a gradual process of purification.

There are two reasons for suggesting Persian influence here. The first is general: Zoroastrian purity practices as known partly from Vendidād and partly from other sources are very elaborate. Purification rituals (*barashnum*) for the strongest impurities can take up to nine days and assume

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59. Jean Nougayrol, "*Sirrimu* (non *purîmu) 'âne sauvage,'" *JCS* 2 (1948): 203–8. Although the exact meaning is debated, the term seems to refer to some type of skin disease, corresponding to צרעת.

60. For further discussion with references, see Kazen, *Emotions in Biblical Law*, 130–34; cf. 156–57.

degrees of impurity as well as graded purifications. An extended period of graded purification is exactly what the purification rites of Lev 14 suggest. The second reason is more specific: the application of blood and oil onto outer extremities has a clear parallel in Zoroastrian purification rites, including the nine-day *barashnum* rite, although the latter are much more elaborate and involve sprinkling (with *gomez*, i.e., cow's urine) of many more body parts.[61] In Vendidād, this procedure is not associated with skin disease, as the text does not deal with that issue, but with purification by driving away the *drug nasu*, the corpse-demoness. It is, however, quite reasonable to assume that such or similar elaborate rites may have inspired the Priestly elaboration of Israelite purification rites for צרעת, also in view of the fact that skin disease is frequently associated with death.[62]

In the case of discharge impurity, Persian influence could be suspected of triggering an expanded understanding of contamination. Leviticus 15 spells out a number of details concerning the ways in which impurity from a זב, a זבה, or a נדה is transmitted. These are basically by direct touch or via the bed, seat, saddle, or anything underneath the impure person. Vessels are also contaminated by contact. Descriptions of contact contamination are elaborate.[63] These details may have been needed because they were not obvious or commonly agreed upon but of fairly recent date, probably as part of Priestly elaboration and systematization. We have no preexilic evidence for such details.

Comparisons with discharge impurity rules found in Vendidād are interesting, and here we must also note what is presupposed by the text. First, male and female discharge (Vendidād 5:59), as well as menstruation and irregular genital bleeding (16:1), are discussed together, as in Lev 15.

Second, both menstruants and women with irregular bleedings must purify after the cessation of symptoms by washing twice with *gomez* and once with water (Vendidād 16:1, 12). Although washing with water is not explicitly required of women according to Lev 15, but only of male

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61. Hands, between brows, back of skull, jaws, right ear, left ear, right shoulder, left shoulder, right armpit, left armpit, chest, back, right nipple, left nipple, right rib, left rib, right hip, left hip, sexual parts, right thigh, left thigh, right knee, left knee, right leg, left leg, right ankle, left ankle, right instep, left instep, right sole, left sole, right toe, left toe (Vendidād 8:35–72; 9:15–26).

62. Cf. Num 12:12; Job 18:13; Josephus, *Ant.* 3.264; m. Kelim 1:4; m. Negaʿim 13:7, 11; b. Nedarim 64b.

63. For details and discrepancies, see Kazen, *Issues of Impurity*, 41–61.

dischargers (15:13), it is probably assumed, as I have argued above. Such washing is, as we have seen, implied in the Deuteronomistic History (Bathsheba); it is explicitly mentioned in rabbinic texts, not as an innovation, but in passing as taken for granted; and it is likely understood from the juxtaposition of rules in Lev 15, as I have argued elsewhere.[64]

Third, according to Vendidād, bedding and clothes become contaminated and are then subsequently purified by being washed in *gomez* and water. Although this is explicitly articulated in cases of corpse contamination, the textiles are then assigned to dischargers during their waiting period (7:10–19), as they cannot be used by other people. This can be compared to the repeated mention in Lev 15 of bedding and clothes transmitting impurity.

Fourth, we learn that contamination by the touch of female as well as male dischargers is assumed (Vendidād 5:59; 7:19). In Lev 15:11, the man with a discharge is said to transmit impurity unless he has washed his hands.

Fifth, we find instructions regarding the contamination and purification of vessels, although again the issue is corpse impurity, which is the overarching concern in Vendidād. Vessels for eating that are made of metal and stone can be cleansed, while vessels of earth, wood, or clay cannot (7:73–75).[65] This must be considered together with a passage about vessels used for bringing food to women with blood discharges, which must be made "of brass, or of lead, or of any common metal" (16:6). According to Lev 15:12, wooden vessels can be purified by water, while earthen vessels must be broken.

Sixth, even involuntary semen emission is punished (8:26),[66] and the death penalty applies to anyone who has sex with a bleeding menstruant (16:17–18). This is stricter than the corresponding rules in Lev 15:16–17, 24 but more in line with the Holiness Code, which prescribes the כרת penalty for intercourse during menstruation (18:19, 29; 20:18).

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64. Ibid.

65. Stone only in Vendidād Sādah (Darmesteter, *Vendîdâd*, 92–93).

66. The circumstances are unclear. In his first edition of *Vendîdâd* (1880), Darmesteter translates, "if a man involuntarily emits his seed (*vifyeiti vifyeitica*)," which must refer to ejaculation. In the second edition (1895), this expression is interpreted to mean male same-sex activity ("if a man, by force, commits the unnatural sin"), but since this is explicitly condemned later in quite different terms (8:32), the reasons for reading such an interpretation into 8:26 are not compelling.

Closely related to the discharge laws of Lev 15 are the rules concerning a woman who gives birth in Lev 12. This chapter is probably somewhat later than the rules of Lev 15, or at least depending on and assuming the formulation of the general discharge laws.[67] In their present form, the fairly short rules of Lev 12 serve the purpose of integrating purification rituals for new mothers with other cultic practices, suggesting the need for a mitigating sacrifice in such a case.[68] In Vendidād, the impurity of new mothers is not addressed as a general issue nor as a result of their discharge of blood but only in cases of a stillborn child, which causes corpse impurity (5:45–56; 7:60–69). In Zoroastrian practice, however, childbirth in general is associated with impurity and purification. The question, then, is whether this is assumed in Vendidād or represents a later development. In the Ṣad dar e-naṣr,[69] understood to represent old traditions, a new mother is regarded as impure for forty days, of which the first twenty-one days are set out as a period when she is especially restricted. After twenty-one days, she is allowed to wash her head, which she does again when the forty days have passed, after which she can again touch wooden and earthen utensils and resume cooking and similar activities. For another forty days, her husband is not allowed to have sex with her.[70] A similar period of time is mentioned by the Persian Rivayats, collected between the fifteenth and eighteenth centuries CE but preserving and representing much older materials. A parturient should "sit apart" for forty-one nights.[71] In the Rivayats, the content of Ṣad dar 76:1, 5 is rendered almost verbatim.[72] The uncertainties concerning the history and development of late Zoroastrian texts make it precarious to draw safe conclusions, but in many

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67. See Karl Elliger, *Leviticus*, HAT 1/4 (Tübingen: Mohr Siebeck, 1966), 157–58; Nihan, *From Priestly Torah*, 281–82.

68. For the mitigating function of the חטאת sacrifice, see Kazen, *Emotions in Biblical Law*, 152–62.

69. Later than the Pahlavi works but earlier than the Persian Rivayats (de Jong, "Purity and Pollution," 320–21).

70. Ṣad dar 76, in Edward W. West, *Dînâ-î Maînôg-î Khirad, Sikand-Gûmânîk Vigâr, Sad Dar*, part 3 of *Pahlavi Texts*, Sacred Books of the East 24 (Oxford: Clarendon, 1885), 339–40; also in the Qissa-i Sanjan.

71. Persian Rivayats, in Ervad B. N. Dhabhar, *The Persian Rivayats of Hormazyar Framarz and Others: Their Version with Introduction and Notes* (Bombay: K. R. Cama Oriental Institute, 1932), 224 (MU. I, 223, lines 2–5 = H.F. f. 382).

72. Persian Rivayats, in Dhabhar, *Persian Rivayats*, 224–25 (MU. I, 223, lines 7–12 = H.F. f. 129).

instances the Rivayats merely interpret issues found in Vendidād without adding much more than what is implicit in the earlier text. Menstruants, for example, are suggested to take meals with two gloves and a metal spoon from a metal dish, without touching their clothes, and warnings for contamination via clothes, gloves, or dish are issued. This certainly contains further developments, but Vendidād assumes severe hand impurity for dischargers and implies that hands are covered (5:59; 7:19).

Some details in Vendidād correspond to developments of Israelite practices further into the Persian and Hellenistic periods. While the detailed contamination rules of Lev 15 presuppose that dischargers live at home, the stricter tradition in Num 5:2–4 orders that they be excluded from the "camp," and certain texts from Qumran suggest special places and minimum distances for such people.[73] Following those who consider this and certain other sections in Numbers as part of a later redactional phase, we are able to suggest a development of Israelite practices under continuous influence from Persian practices. According to Vendidād, menstruants and women with irregular bleedings should be isolated in a special building[74] and kept away from that which is holy, as well as from pure people, at a certain distance (16:1–6). We also hear about such practices among later Israelite groups (Samaritans, Karaites, and Falashas).[75]

In Num 5:2–4, the stricter practice of quarantine or isolation also applies to people with skin disease and those who are impure from corpses. As already mentioned, general rules for corpse impurity are only found in Numbers, in late compositional layers. It is perhaps in the area of corpse impurity that the strongest case can be made for Persian influence on Israelite purity rules.[76] This does not mean that such conceptions were absent previously; we have also noted the presence in Lev 21:1–4 of

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73. 11Q19 XLV, 15–18; XLVI, 16–18; XLVIII, 14–17; 4Q394 B64–72; 4Q274 1 I.

74. Later called Dashtānistān. The Rivayats add that menstruants may not contact each other; cf. 4Q274 1 i, prohibiting different categories of (purifying?) individuals from touching each other.

75. Milgrom, *Leviticus 1–16*, 765; Thomas Kazen, *Jesus and Purity* Halakhah: *Was Jesus Indifferent to Impurity?*, ConBNT 38, 2nd ed. (Winona Lake, IN: Eisenbrauns, 2010), 72.

76. Cf. Reinhard Achenbach, "Verunreinigung durch die Berührung Toter: Zum Ursprung einer altisraelitischen Vorstellung," in *Tod und Jenseits im alten Israel und in seiner Umwelt: Theologische, religionsgeschichtliche, archäologische und ikono-graphische Aspekte*, ed. Angelika Berlejung and Bernd Janowski, FAT 64 (Tübingen: Mohr Siebeck, 2009), 347–69.

prohibitions against corpse contamination for priests. Considering the Holiness Code as somewhat later than the first half of Leviticus, but earlier than the latest sections of Numbers, we can detect an evolving process by which popular ideas of corpse impurity, including an apotropaic rite of burning a red cow and employing its ashes for purification by sprinkling, were domesticated by the Priestly authors and barely squeezed into their cultic system (Num 19).[77]

A comparison with Persian ideas and practices supports such a hypothesis of Persian influence. First we should emphasize the dynamic character of corpse impurity in Zoroastrianism. Corpses are entered by the *drug nasu*, the corpse demoness, immediately after death.[78] Regarded as the most contagious of all sources of impurity, this necessitates numerous precautions and apotropaic purification rites, including the peculiarities of Zoroastrian burials (Vendidād 6:44–51; 7:1–3; 12). In Second Temple Judaism, the corpse becomes the most contagious of all sources of impurity, at least in theory, and to the rabbis it is the "father of fathers of impurity," in spite of the fact that it plays a minor role in Leviticus and is not expressly singled out as the principal or most severe impurity in Numbers. The red-cow rite, with its similarities to the bird rite in Lev 14:1–7, clearly has an apotropaic background and character.[79]

Second, according to the Vendidād the purification of a corpse-impure person does not seem to require a priest;[80] it can be carried out by anyone (8:35–71, 97–103).[81] This is also the case with the Israelite rite. Although the priest is assigned the role of throwing ingredients into the fire, the text

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77. For further discussion with references, see Kazen, *Emotions in Biblical Law*, 133–34, 137.

78. Except in cases of murder or sudden death, when the corpse demoness is unprepared (Vendidād 7:4–5).

79. In both cases, hyssop, cedar wood, and crimson material are employed, and a mixture of the blood or the ashes of an animal and water is sprinkled onto the person to be purified. An understanding of impurity as the result of demonic activity, in need of exorcist rituals, was common in the ancient Near East, as was the use of red wool and sprinkling for warding off demonic threat. The rabbis were aware of the red-cow rite's exorcist character (Pesiq. Rab Kah. 4:7). For further discussions, see Kazen, *Emotions in Biblical Law*, 130–34. The special emphasis on the demonic danger of the corpse is conspicuous in Zoroastrianism.

80. At least not according to the text.

81. The purifying person washes in *gomez* and in water, but others are needed for bringing the dog, digging the holes of the *barashnum* rite, and sprinkling the purifier.

of Numbers assumes that ordinary people burn the cow, gather the ashes, mix them with water, and sprinkle the mixture on the unclean (Num 19:2–10, 17–19).

Third, a higher degree of holiness makes a person more vulnerable to impurity. In Vendidād, the defiling radius of a deceased priest is wider than that of a warrior, which in turn is wider than that of a commoner (Vendidād 5:27–28; 7:6–7).[82] It is conspicuous that as Israelite purity laws evolved, corpse impurity was at first only perceived as a problem for priests (Lev 21:1–4). The long-standing and fruitless scholarly debate as to whether impurity was avoided for its own sake or mainly because of its threat against sancta and the cult would benefit from considering Zoroastrian purity practices. The fact that impurity poses a greater threat to that which is holy does not make it unproblematic for ordinary people.

Fourth, corpse impurity in Zoroastrianism, at least of the more serious kind,[83] requires the longer and more elaborate *barashnum* rite, including the digging of nine holes in the ground, the purifier washing in *gomez* (in six holes) and water (in three holes), after which there is an elaborate sprinkling of body parts (Vendidād 8:37–71).[84] Except for the sprinkling or smearing of some of the right extremities of the person healed from skin disease with blood and oil (Lev 14:14–17), purification in Lev 12–15 is mainly effected by bathing oneself in water. The corpse impurity rules, however, involve both washing (oneself) and being sprinkled (by others), in combination (Num 19:17–19), while secondary contact only renders a one-day impurity requiring bathing.[85] The introduction of special sprinkling in addition to traditional bathing in Israelite purification practices is conspicuous.

Fifth, examples of the effect of (corpse) impurity on vessels and their cleansing (cf. Vendidād 7:73–75) are first found in Leviticus in the con-

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82. Followed by different types of dogs.

83. If the *sag-did* ceremony (the gaze of a particular dog on the corpse) had been performed and the *drug nasu* driven away, contact with a corpse rendered a lighter type of impurity for which a simple *ghosel* purification ritual was sufficient (Vendidād 8:36), involving washing with *gomez* and water. If the ceremony had not been performed, contact caused an impurity requiring the much more elaborate *barashnum* rite.

84. Cf. the even more elaborate nine nights' *barashnum* (Vendidād 9).

85. Not explicit but implied in Num 19:22 and assumed throughout the Second Temple period.

text of swarming creatures (Lev 11:32–35) and discharge impurity (15:12), then as part of corpse impurity rules (Num 19:15).

Sixth, according to Vendidād (8:11–13), corpse-bearers immediately perform a preliminary purification rite after having left the corpse at the *dakhma* building,[86] not as a substitute to the subsequent *barashnum* rite, but presumably to lessen their contamination in the meantime. Ideas of graded impurity and gradual purification enter Israelite purification rules first through the purification rituals of the person who had previously suffered from skin disease (Lev 14:8–9), then through the combination of sprinkling and bathing for corpse impurity (Num 19:17–19), and subsequently (after the final redaction of the pentateuchal text) they come to full expression in the later Second Temple practice of a first-day ablution.[87] Other issues that become more prominent during the latter part of the Second Temple period are the preoccupation with impurity from graves and the reburial of bones, both of which could perhaps be compared to Zoroastrian concern for the ground, not burying corpses in it, searching it for corpse material, and depositing corpses on *dakhmas* (Vendidād 6:1–9, 44–51).

All these points are not equally strong arguments for Persian influence on the development of Israelite conceptions of corpse impurity, but several are conspicuous enough to suggest some influence, particularly when we consider that they evolved, or at least were shaped and included in the literary corpus being formed, precisely at a time when such influence would most likely have taken place.

In addition to the similarities described above regarding discharge laws and an evolving concept of corpse impurity, the food and contagion laws of Lev 11 focus on animals similar to those belonging to the Zoroastrian *khrafstra* category. Leviticus's category of "swarmers" (שרץ), which, together with birds of prey and certain quadruped carnivores, are

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86. A tall building on which corpses are exposed to the sun and consumed by dogs and birds.

87. Definitely for corpse impurity, possibly in certain cases of genital discharges. See Kazen, *Issues of Impurity*, 81–87, 91–106; Kazen, *Scripture, Interpretation, or Authority*, 146–48. Cf. Ezek 44:25–26; Tob 2:9; 4Q414; 4Q514; 11Q19 XLIX, 16–21; L, 13–16; 4Q274 1; Philo, *Spec. Laws* 1.261; 3.205–206; Jacob Milgrom, "4QTohora[a]: An Unpublished Qumran Text on Purities," in *Time to Prepare the Way in the Wilderness: Papers on the Qumran Scrolls*, ed. Devorah Dimant and Lawrence H. Schiffman, STDJ 16 (Leiden: Brill, 1995), 67.

not allowed for food, covers approximately the same ground as the Ahrimanian or "demonic" animals in Zoroastrianism, the killing of which is considered meritorious.[88] The category of *khrafstra* is already assumed in Vendidād,[89] although there are no complete lists of animals involved. Snakes, cats (?), tortoises, frogs, ants, earthworms, and certain flies are explicitly mentioned, and wolves also belong to those animals that should be killed (Vendidād 14:5; 18:65). Elsewhere in later texts, we learn that the *khrafstra* category includes a number of crawling creatures, reptiles, and vermin, such as mice and rats and similar rodents, as well as a number of carnivores. These are good to kill, cannot be eaten, and defile food.[90] Considering the possibility of Lev 11 building and elaborating on a tradition close to Deut 14,[91] we could suggest that the Priestly authors expanded on a list of animals not allowed for food, including a prohibition to touch their carcasses. In doing this, they would have created a bridge between food rules and subsequent instructions concerning contact contagion in Lev 12–15 by transferring the focus from eating to touching. In expanding on earlier tradition, they also would have created a separate and superordinate category of "swarmers" (שרץ), which were branded as detestable (שקץ). In Deuteronomy, שרץ is only used for winged insects or "bird swarmers," but in Lev 11 prohibited water animals are also labeled שרץ המים (11:10), and the list of eight "ground swarmers" (11:29–30) completes the picture, so that we are presented with three types of swarmers. The introduction to the instructions concerning their contamination states that "these are unclean to you among all swarmers" (11:31) and should thus be read as referring to the contaminating power of the carcasses of all three types of שרץ.

The similarities between the category thus created by the Priestly authors and the *khrafstra* are conspicuous, both with regard to the kinds of animals and the emphasis on their contamination. In no way is this to suggest that Israelite food taboos in general would have originated from contact with the Persians. However, the particular way in which food rules were shaped and categorized by the Priestly authors makes it likely that

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88. Choksy, *Purity and Pollution*, 14–15.

89. E.g., Vendidād 7:2–5; 8:16–18, 71; 9:26; 16:12; 17:3; 18:2. The term already appears in the Yashna but not necessarily as a category of animals.

90. See Dhabhar, *Persian Rivayats*, 268–70.

91. See above and my discussion of the structure of Lev 11 in Kazen, *Emotions in Biblical Law*, 72–80.

extended contact with Persian concepts and practices would have been of some import.

In some of the cases discussed in this section, one could perhaps argue the reverse direction of influence, from Israelite purity conceptions to Persian (Zoroastrian) practices, at least as a theoretical possibility. However, I find such an idea highly unlikely. One important reason is the nature of the influence I have been suggesting, which is less a matter of taking over singular rules than of a global influence on one "purity system" from another more impressive and elaborate one, in this particular case from a dominant majority culture onto a vulnerable immigrant minority or a subservient vassal community. The social, political, and economic situation of Achaemenid Yehud thus supports this interpretation.

4. Conclusion: The Role of Purity in Persian Yehud

Without denying that some of the basics of Israelite purity conceptions have other ancient parallels and a preexilic history, I have suggested that many of the explicit details in the purity rules of Leviticus and Numbers represent relatively recent developments during the Persian period. So far, the results fit with what we can find (or not find) in our sources about purity before the exile, and also with the kinds of topics and special interests that reasonably could have been evoked or triggered by contact with Persian practices. A final question is whether these issues make sense as recent developments within the context of Persian Yehud, with Jerusalem and its newly rebuilt temple at its center, during the fifth and early fourth centuries BCE.

With little space for discussing the political and economic development of Judea during the Achaemenid period, this final section must be brief. Although a debated issue, it has become clear that Jerusalem was much smaller and the inhabitants of Persian Yehud (even into the Hellenistic period) much fewer than the population of the region of Samaria.[92]

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92. Oded Lipschits, "Achaemenid Imperial Policy, Settlement Processes in Palestine, and the Status of Jerusalem in the Middle of the Fifth Century B.C.E.," in *Judah and the Judeans in the Persian Period*, ed. Oded Lipschits and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2006), 19–52; Gary N. Knoppers, "Revisiting the Samarian Question in the Persian Period," in Lipschits and Oeming, *Judah and the Judeans*, 265–89; Oded Lipschits and Oren Tal, "The Settlement Archaeology of the Province of Judah: A Case Study," in *Judah and the Judeans in the Fourth Century*

Returnees from exile had varying motives, but they included elite groups, such as people of priestly descent, who struggled to establish themselves while the divide between returnees and already-resident Judahites became apparent.[93] The once-popular idea of the formation and canonization of Jewish law through Persian imperial promotion and authorization is seriously questioned today.[94] The colonized nature of Yehud must be fully acknowledged,[95] and priests would, as part of a larger group of returnees, have been given certain privileges, such as land rights, but this does not necessarily make their interests identical with those of imperial administration and control, even if these interests partially coincide.[96] Postcolonial concepts, such as mimicry and hybridity, suggest a more nuanced and productive understanding of priestly activity in Achaemenid Yehud, including the formation of purity laws.

We would thus assume a small vassal temple state with returnee elites struggling with the relative insignificance of their context and anxious about their identity.[97] Among them would be ritual specialists intent on consolidating the cult and exerting control over it, seeking general accep-

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B.C.E., ed. Oded Lipschits, Gary N. Knoppers, and Rainer Albertz (Winona Lake, IN: Eisenbrauns, 2007), 33–52.

93. Jon L. Berquist, *Judaism in Persia's Shadow: A Social and Historical Approach* (Minneapolis: Fortress, 1995); John Kessler, "Persia's Loyal Yahwists: Power Identity and Ethnicity in Achaeminid Yehud," in Lipschits and Oeming, *Judah and the Judeans*, 91–121.

94. Peter Frei and Klaus Koch, *Reichsidee und Reichsorganisation im Perserreich*, OBO 55 (Fribourg: Universitätsverlag, 1984); Erhard Blum, *Studien zur Komposition des Pentateuch,* BZAW 189 (Berlin: de Gruyter, 1990), 333–60; James W. Watts, ed., *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*, SBLSymS 17 (Atlanta: Society of Biblical Literature, 2001); Michael LeFebvre, *Collections, Codes, and Torah: The Re-characterization of Israel's Written Law*, LHBOTS 451 (New York: T&T Clark, 2006); Jean-Louis Ska, *Introduction to Reading the Pentateuch* (Winona Lake, IN: Eisenbrauns, 2006), 218–26.

95. Berquist, *Judaism in Persia's Shadow*; Berquist, ed., *Approaching Yehud: New Approaches to the Study of the Persian Period*, SemeiaSt 50 (Atlanta: Society of Biblical Literature, 2007).

96. Kenneth G. Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah*, SBLDS 125 (Atlanta: Scholars Press, 1992), 207–47; Tamara Cohn Eskenazi, "The Missions of Ezra and Nehemiah," in Lipschits and Oeming, *Judah and the Judeans*, 509–29.

97. Jon L. Berquist, "Constructions of Identity in Postcolonial Yehud," in Lipschits and Oeming, *Judah and the Judeans*, 53–66.

tance while asserting their status and power, in a process that also involved the incorporation of diverse popular practices.

A match between our results and such a context will be indicated in four concluding points. All of these need further corroboration, for which there is no room here; they are only offered as suggestions that deserve to be pursued in the future.

First, a number of recent developments in purity practices lend themselves to promoting priestly status and enhancing priestly control, which is particularly important for an elite group competing for influence and leadership.[98] Both the bird rite as well as the red-cow rite may have earlier and popular origins, but they are brought under priestly authority. The red-cow rite is even loosely attached to the sacrificial cult by being designated a חטאת, in spite of the fact that so many of its activities are performed by laymen. The diagnosis of צרעת is completely assigned to the priest, conferring status and control to him. The purification of new mothers is entirely placed under priestly authority and brokerage, as the priests "effect removal" by sacrificing.

The last instance also exemplifies the second main point, that many of the developments function to protect the cult, preventing impurity from defiling the newly (re)built temple, hence emphasizing its status and the significance of Jerusalem.[99] During her prolonged period of impurity, the parturient "must not touch anything holy, or enter the sanctuary" (Lev 12:4), and the motive not to defile the sanctuary concludes the elaborate details regarding defilement by contact with menstruants and זבים (15:31). Preventive measures, such as the extension of practices of exclusion or isolation of people with skin disease to other categories of impure people (Num 5:2–4) can plausibly be seen along the same lines, and although the explicit motive in Num 5:3 is only to prevent defilement of the "camp," 19:13, 20 explicitly specify defilement of the tabernacle or sanctuary as the rationale for general purification from corpse impurity.[100]

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98. Cf. Christophe Nihan, "Forms and Functions of Purity in Leviticus," in Frevel and Nihan, *Purity and the Forming*, 351–63. I basically agree, except on "the partial transfer of priestly competencies to non-priests" (357). Rather, I see signs of the opposite process.

99. Cf. Frevel, "Purity Conceptions," 405–8.

100. An understanding of impurity and purification as graded, exemplified by the hand-washing of the זב (Lev 15:11) and the first-day ablution of the person purifying from skin disease (Lev 14:8), was later applied to other cases of impurity as well, miti-

Third, some developments reflect a concern for holiness and a need for identity that fits the context of a struggling community seeking to overcome disparity and to create a common narrative and ethos. Although general purification from corpse impurity is motivated by concern for the temple, the Holiness Code's explicit rationale for requiring priests to avoid corpse impurity altogether is holiness; priests must be holy, like God (Lev 21:6). An ideal of holiness not only for priests but for Israelites in general is often acknowledged as characteristic of the period we are discussing. Such aspirations should not be confused with laity wishing to imitate priests; they express a reasonable concern to live according to high divine standards, compatible with an ideal group identity, in order to consolidate the success and future of a "restoration community." This is a plausible context for the extension of concerns for corpse impurity from priests to the general population, which we find in Num 19. Also, the further developments of food prohibitions, including the creation of a special category of "swarmers," are explicitly motivated by holiness concerns (Lev 11:44–45), and while this particular motivation is likely to result from an H redaction, this very fact underscores the role that these developments came to play for holiness and identity concerns.

My final point is that all or most of the developments and innovations that may result from Persian influence on Israelite purity conceptions can be understood from a postcolonial perspective as examples of hybridity and/or mimicry, as appropriation of, or assimilation to, cultural practices of the colonial masters. Such processes can be quite unconscious and need not be sensed to compromise integrity or identity but can rather effect the opposite, especially when imperial influence is refracted through indigenous conceptions. Note that in the process of Zoroastrian influence on the formation of Israelite purity rules, the most conspicuous characteristic of Persian practices is curtailed: the demonic. In Milgrom's words, by their "thoroughgoing evisceration of the demonic" the Priestly authors "also transformed the concept of impurity."[101]

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gating stricter practices of exclusion. See further Kazen, *Issues of Impurity*, 63–111; Kazen, *Scripture, Interpretation, or Authority*, 150–74.

101. Milgrom, *Leviticus 1–16*, 43.

Intermarriage in the Temple Scroll: Strategies of Neutralization

Hannah K. Harrington

1. Introduction

Scholars are divided as to whether or not the author of the Temple Scroll endorsed intermarriage and the related institution of the גר, the "resident alien" or "proselyte."[1] Most recently, William Loader has argued that the writer of the Temple Scroll did not regard intermarriage as an issue.[2] Similarly, Manfred Lehmann regards intermarriage as a norm in the Temple Scroll, except in the case of priests.[3] I will examine their arguments below. However, in my view, the seemingly tolerant and inclusive position of the Temple Scroll author toward intermarriage and the גר, the "resident alien" or "proselyte," is unsupported by the rest of the data. In fact, the author employs strategies for neutralizing these categories.

The creation of legal scenarios in order to neutralize difficult laws of the Torah is well-attested in ancient Judaism. Hillel's famous *prosbul*, for example, allows a creditor to collect a debt during the Sabbatical Year by using the court, rather than an individual, as a third-party collection

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1. I prefer the translation "resident alien" because the גר is not fully integrated into Israel like the later proselyte. See also Katell Berthelot, "La Notion de גר dans les Textes de Qumran," *RevQ* 74 19 (1999): 169–216, who suggests the rendering "integrated stranger."

2. William Loader, *The Dead Sea Scrolls on Sexuality: Attitudes towards Sexuality in Sectarian and Related Literature at Qumran* (Grand Rapids: Eerdmans, 2009), 10.

3. Manfred Lehmann, "The Beautiful War Bride (יפת תאר) and Other *Halakhoth* in the Temple Scroll," in *Temple Scroll Studies: Papers Presented at the International Symposium on the Temple Scroll, Manchester, December 1987*, ed. George J. Brooke, JSPSup 7 (Sheffield: JSOT Press, 1989), 265–71.

agency. In other cases, the rabbis define the laws of the Torah so narrowly that they in effect disable them. For example, in defining scale disease, which requires both divine healing and purification through the temple cult, the rabbis apply so many caveats that the disease rarely occurs, and hence the problem of proper restoration is avoided.[4]

In this essay I claim that in the Temple Scroll the endorsement of gentiles and the tolerance of some forms of intermarriage, although accepted in the Pentateuch, do not represent the true position of the author. These tenets are "on the books" but have been interpreted by other laws of the Torah in such a way as to neutralize them. This thesis is supported by analysis of the Temple Scroll with regard to its expansionist view of holiness and its laws concerning the גר and intermarriage.

2. The Temple Scroll's System of Holiness

The Temple Scroll represents the most expansive holiness system in ancient Judaism. Extrabiblical exclusions and restrictions are placed on the entire temple city but also, to a lesser degree, on the ordinary cities of Israel so that holiness will permeate the entire land. The Temple Scroll is joined by other early writings that regard the whole city of Jerusalem as possessing a higher level of holiness, requiring a correspondingly higher level of ritual purity, than other cities, but none reflects its level of stringency (Neh 12:30; CD XII, 2; cf. Josephus, *Ant.* 3.261–264; m. Kelim 1). The author's vision is directly at odds with Herodian Jerusalem, which restricted cultic activities to a relatively small area on the Temple Mount and allowed profane commerce in Jerusalem.[5]

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4. See Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations*, SBLDS 143 (Atlanta: Scholars Press, 1993), 199–202. The sages wished to eliminate the occurrence of the disease, if at all possible, because the purification process required the temple and its cult, which were no longer available to them after 70 CE, making the diseased person's situation impossible to fix. For further examples of rabbinic alleviation of purity laws, see also Vered Noam, "Stringency in Qumran: A Reassessment," *JSJ* 40 (2009): 344–49.

5. Johann Maier, "The Architectural History of the Temple in Jerusalem in Light of the Temple Scroll," in Brooke, *Temple Scroll Studies*, 23–62.

2.1. Sacred Space

The architecture and exclusions of sacred space set forth in the Temple Scroll reveal the author's attitude toward holiness. He envisions a square temple plan with three courts bounded by the following restrictions: only priests and Levites are allowed in the inner court; only Israelite men over twenty years of age are allowed in the middle court (cf. 1QM VII, 3); only Israelite laity and גר persons of the fourth generation are allowed in the outer court (see fig. 1 on p. 466).[6] Although the plan of the inner and middle courts are not exactly according to Ezekiel's prescriptions, their concentric layout and size are clearly influenced by his temple vision (Ezek 40–48). It seems the author of the Scroll thought that the whole city of Jerusalem ought to be set apart as temple precincts. God's name rests on the city, not just the temple building, and sometimes the entire city is referred to as מקדש, "sanctuary" (e.g., 11Q19 XLVI, 9–12). If the measurements of the three courts were imposed on the city of Jerusalem known from Second Temple times, they would cover most of the city.[7] This is shown in figure 1, an adaptation from Yigael Yadin by Lawrence Schiffman.[8]

2.2. Purity Exclusions from the Temple City

Only ritually pure individuals are allowed into the holy temple city; special places outside its boundaries are allotted for those who are impure from scale disease and genital flows, including nocturnal emissions (11Q19 XLVI, 16b–18; 11Q20 XIII, 1–2). Even sexual intercourse, which according to Lev 15 carries only a minor, one-day impurity, prevents a person from

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6. A full list of exclusions is provided in Lawrence H. Schiffman, "Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*," *HAR* 9 (1985): 301–20.

7. Magen Broshi, "The Gigantic Dimensions of the Visionary Temple in the Temple Scroll," in *Understanding the Dead Sea Scrolls*, ed. Hershel Shanks (New York: Random House, 1992), 115. Maier calculated that the Scroll dimensions of the three courts are: inner court—280 cubits x 280 cubits (300 x 300 outer square); middle court—480 cubits x 480 cubits (500 x 500 outer square); outer court—approximately 1600 cubits x 1600 cubits ("Architectural History," 23–62).

8. Lawrence H. Schiffman, "Architecture and Law: the Temple and Its Courtyards in the Temple Scroll," in *From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding; Essays in Honor of Marvin Fox*, ed. Jacob Neusner, Ernest S. Frerichs, and Nahum M. Sarna, 4 vols., BJS 159, 173–75 (Atlanta: Scholars Press, 1989), 1:259.
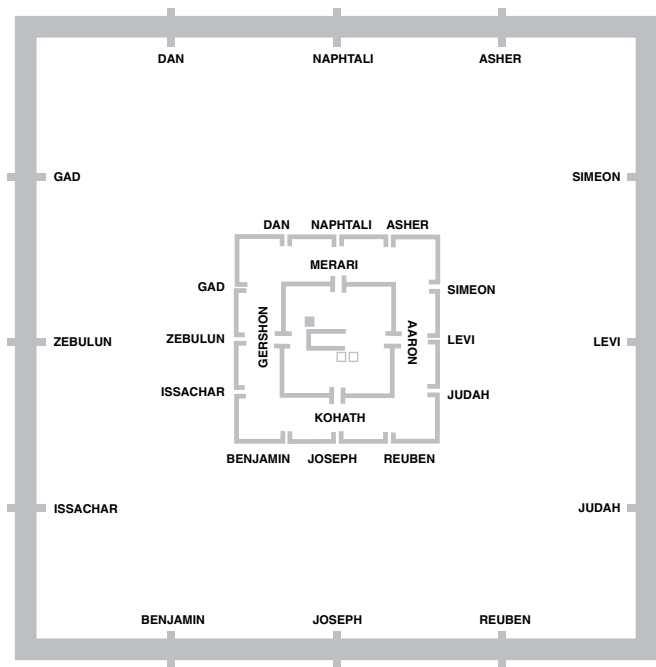
Figure 1. The Temple Plan according to the Temple Scroll

entering the city for three days (11Q19 XLV, 11–12). Furthermore, anyone who has been defiled by a corpse must remain outside the city until he or she is completely pure (11Q19 XLV, 17; 11Q20 XIV, 9b–10a). Based on analogy with the corpse-contaminated person who is undergoing purification, probably other purifying persons would have been forbidden entry into the temple city as well.[9] Even defecation must take place at least 3,000 cubits outside the city. The fact that the city lacks places for menstruating women, in contrast to ordinary cities, which provided such places (Josephus, *Ant.* 3.261), probably indicates that women simply would not have come into the temple city at all during menstruation. The place outside for those with genital flows may have accommodated women during menstruation, since the underlying biblical passage, Num 5:2, excludes both men and women during times of flow.[10] In any case, it is apparent from the

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9. Contra Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007), 117.

10. Biblical models are utilized in the Temple Scroll's system. On one level, the Sinaitic revelation is a model for the temple city because at Mount Sinai it was the camp

list of exclusions that the temple city is restricted to those who are ritually pure. In fact, the writer explicitly states: "And the city which I will sanctify to cause my name and my sanctu[ary to dwell within it] shall be holy and pure from every type of impurity by which they can become impure; everything which shall enter it shall be pure" (11Q19 XLVII, 3–6).

One other exclusion from the temple city is the "blind." 11Q19 XLV, 12b–14 reads: "No blind person shall enter it all their days; and they shall not defile the city in whose midst I dwell because I, the LORD, dwell in the midst of the children of Israel forever and always." The Temple Scroll's stringency seems to be at odds with Second Temple practice: Jesus purportedly encountered blind and lame people in the temple courts (Matt 21:14). In terms of Torah background, Leviticus excludes priests with defects from officiating sacrifices (Lev 21:21–23) but not from entering the sanctuary courtyard as offerers or from eating holy food. The Scroll's explicit concern is not the blind person's appearance but the possibility that he will defile the city, a strong possibility for a person who cannot see causes of impurity but not an issue for a hunchback or a dwarf. This concern is also stated in a related text, 4QMMT 52–63: "the blind … do not see the impurity of the sin offering. And also concerning the deaf who do not hear the … regulations concerning purity." Purity is clearly at a premium for the author of these scrolls.

Scholars have debated whether or not a residential area was envisioned for the temple city, but it does not seem likely.[11] As Sidnie White Crawford

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of Israel, purified during a three-day process, to which the divine presence appeared (Exod 19:10–15). No sexual intercourse was allowed, but all Israel, including women and children, were present. However, this model does not erect boundaries between priests, men, and women, cordoning them into separate areas. Schiffman sees the wilderness camp of Num 5 as the inspiration for the Temple Scroll ("Architecture and Law," 270). According to Num 5, persons with scale disease, severe genital flows, or corpse impurity, both male and female, are excluded from the camp. All of these are severely impure, most hopelessly impure unless God heals. Thus it is likely that the wilderness camp influenced the Temple Scroll. On the other hand, the wilderness is where the Israelites live, not just where they assemble for worship, and sexual intercourse is not prohibited there. The war camp of Deut 23 is another model, according to which men with bodily discharges must leave the camp until they are purified, and no sexual relations are allowed. However, the temple city includes women in the outer court. It seems that the Temple Scroll uses all of these models in some way, along with the plan of the eschatological temple of Ezek 40–48, but the Temple Scroll design is distinctive.

11. See full discussion of the debate between Yadin/Milgrom and Levine/Schiff-

points out, the Temple Scroll does not envision a cemetery attached to
the city or a quarantine area for menstruants, both of which are supplied
for ordinary cities.[12] Also, since no ordinary animal skins may be used
for vessels brought into the temple city, where would local residents put
common, unholy food and products? Furthermore, the writer often refers
to the temple city as the city where God dwells, as opposed to the ordinary
cities where the tribes of Israel dwell, the implication being that the latter
do not reside in God's city.[13] Thus, the temple city is an extended sacred
precinct of some kind, with no impure persons or vessels allowed inside.
This ideal Jerusalem would function as a cultic city where Israel gathers
in order to worship their God. Perhaps the concept is modeled after the
Israelite camp at the biblical Mount Sinai in Exod 19: while the mountain
was the holiest place, the camp below was a temporary assembly of *pure*
Israelites ready to receive God's revelation (see esp. 19:10, 15).[14]

2.3. Purity Restrictions for Ordinary Cities

The diagram above shows the gates of the temple city by which the tribes
of Israel enter from their ordinary cities, in which the Temple Scroll also
increases purity, even though they do not have the level of holiness that
the temple city possesses. Enhanced purity in ordinary cities is achieved
by the isolation of individuals during their times of impurity, with instal-
lations provided for menstruants and those with scaly skin disease, and by
heightened restrictions regarding the dead (carcasses, dead fetuses, houses
of the dead; 11Q19 XLIX, 5–21; L, 2–21). It is curious that corpse-impure

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man by Sidnie White Crawford, who makes a reconciliation between the two positions
by suggesting that the residence of Israel in the temple city was temporary for times of
festivals and other cultic occasions (*The Temple Scroll and Related Texts*, Companion
to the Qumran Scrolls 2 [Sheffield: Sheffield Academic, 2000], 48–49). Loader argues
for a celibate city of men and women (*Dead Sea Scrolls*, 21), but then one would expect
areas for menstruants.

    12. Crawford, *Temple Scroll*, 49.

    13. An alternative possibility is that the priests and Levites live or at least work
in the area surrounding the sanctuary complex, following the model of the Exodus
tabernacle, which is influential in the Temple Scroll.

    14. Jacob Milgrom, "First Day Ablutions in Qumran," in *The Madrid Qumran
Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid
18–21 March, 1991*, ed. Julio Trebolle Barrera and Luis V. Montaner, 2 vols. (Leiden:
Brill, 1992), 562.

persons are not secluded in an ordinary city (unlike Num 5:2, where they are excluded from the camp), but their impurity is mitigated by the additional requirement of a first-day ablution not prescribed in Scripture (11Q19 XLIX, 17; L, 14).[15]

As Crawford puts it, "Holiness radiates outward from a central core…. The aim of the TS is to protect that holiness with purity regulations that grow increasingly stringent as one progresses inward.… The purity laws strive to protect the holiness of the temple by growing increasingly stringent as one moves geographically closer to the Temple."[16] The reverse dynamic is also true: holiness radiates outward from the temple into the pure cities and bodies of the people. In my view, the multiple courts and purity restrictions for the temple city are not to exclude Israel but to facilitate greater holiness by means of a larger cultic space and extra purity measures to be observed both by priests and by laity.

3. Gentiles and Intermarriage

Bearing in mind the Temple Scroll's daunting system of holiness supported by ritual purity, I will turn to the issue of incorporating gentiles into Israel. It is clear from the above data that the author wishes to maintain the holiness of the temple city and, to a lesser degree, the holiness of the rest of the land of Israel. He is probably reacting, at least in part, to the permeation of the holy land by gentiles with their idolatry and immorality in Helle-

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15. Vered Noam (*From Qumran to the Tannaitic Revolution: Perspectives in the Concept of Impurity* [Hebrew] [Jerusalem: Yad Izhak Ben-Zvi, 2010], 321–29) notes the lack of discussion of contamination in the Temple Scroll, as opposed to Philo's strict injunction that corpse-impure persons may not touch anything until they have first bathed and laundered their clothes (*Spec. Laws* 3.206–207). However, the author of the Temple Scroll probably considered the immediate purification to take care of this contagion, as did Philo. In fact, ritual baths have been found at cemeteries in Judea at the tombs of Helena of Adiabene and in the courtyard of a burial cave at Jericho (see Maximilian Kon, *The Tombs of the Kings* [Hebrew] [Tel Aviv: Dvir, 1947], 31–38; Rachel Hachlili and Ann Killebrew, "Jewish Funerary Customs during the Second Temple Period in Light of the Excavations at the Jericho Necropolis," *PEQ* 115 [1983]: 122). Noam also notes (*From Qumran*, 326) that corpse-impure persons were allowed within ordinary cities, as opposed to what Josephus said (*Ant.* 3.262). In fact, the Temple Scroll does not discuss the corpse-impure person's mobility or restriction within an ordinary city.

16. Crawford, *Temple Scroll*, 42–43.

nistic times. In his ideal world, Israel would be free from penetration by such influences. As in earlier times, physical and cultic reinforcements of the boundaries of the holy city would provide a substantial barrier against outsiders. A case in point is the struggle against intermarriage in Ezra–Nehemiah (Ezra 9–10; Neh 13:23–30) and the subsequent building and dedication of the wall of Jerusalem (Neh 12:27–30).

Purity restrictions affirm the identity of Israelites, and the foreigner and even the גר are often excluded by means of a label of impurity. According to Mary Douglas, separation is precisely the function of ritual impurity, and throughout the ancient world it was used to exclude and penalize.[17] Nevertheless, there are passages in the Temple Scroll that some scholars view as allowing for intermarriage, an approach that seems incongruous in the face of the foregoing analysis.

The arguments over whether the Temple Scroll tolerates intermarriage center around five passages: the list of "the abominations of the gentiles" (LX, 16–20); the prohibition of the king's marriage to בנות הגויים, "the daughters of the gentiles" (11Q19 LVII, 16); the citation of Exod 34:15–16 (11Q19 II, 12–15); the inclusion of the גר in the temple courts (11Q19 XXXIX, 5; XL, 5–7); and the captive bride (11Q19 LXIII, 10–15). Note that, while the Temple Scroll is a composite of sources, I am primarily concerned here with the final form of the text, which probably was compiled in the second century BCE.[18]

3.1. "The Abominations of the Gentiles"

The expression תועבות הגויים, "the abominations of the gentiles," in column LX of the Temple Scroll is reminiscent of Ezra–Nehemiah; it is because of these detestable practices that God would drive the non-Israelite inhabitants out of the land (LX, 16–20; cf. Ezra 9:11). However, unlike Ezra–Nehemiah, whose overriding concern was intermarriage (9:12–14), the Temple Scroll does not include intermarriage here. Because intermarrige between Jews and gentiles does not appear in the Scroll's list of gentile

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17. Mary Douglas explains that pollution labels in essence prohibit physical contact ("Pollution," *International Encyclopedia of the Social Sciences*, ed. David L. Sills, 19 vols. [New York: Macmillan, 1968–1991], 12:336–41). Christine E. Hayes recognizes this process in the case of gentile impurity in rabbinic sources ("Intermarriage and Impurity in Ancient Jewish Sources," *HTR* 92 [1999]: 5).

18. Crawford, *Temple Scroll*, 25–26.

abominations, which includes sins such as idolatry, child sacrifice, sooth-saying, and necromancy, some scholars have concluded that the Scroll has no problem with intermarriage.[19] However, the list of gentile abominations does not come from Ezra-Nehemiah but from Deut 18:9–14, which sets out the detestable acts performed by the Canaanites that would result in their expulsion from the land. Intermarriage is not among such practices because it is an Israelite violation, not a Canaanite one. Therefore, the lack of reference to intermarriage as a gentile abomination in the Temple Scroll does not endorse it. Rather, intermarriage is simply not part of this topic.

3.2. The Intermarriage Prohibition for the King

The king is singled out in the Temple Scroll and warned not to marry a gentile—ואשה לוא ישא מכול בנות הגויים, "And he shall not take a woman in marriage from any of the daughters of the gentiles"—or to marry another woman during his first wife's lifetime (11Q19 LVII, 15–18).[20] Following the biblical restriction on the high priest to marry only within his clan (Lev 21:14), the Temple Scroll applies the same law to the king, who must marry a woman "from the family of his father" (LVII, 17; cf. also Gen 24:40; Num 36:6–8). Loader infers from this data that the intermarriage of anyone else but the king is tolerated.[21]

In my view, although the author of the Temple Scroll targets the marriage practice of the king in particular, this is simply one application of his general stance.[22] It is instructive to note that in his version of the law the author uses the verb נשא for the sense of "marry." As Dwight Swanson notices, this usage appears only in Chronicles, Ezra, and Nehemiah in contexts of warnings against the sin of intermarriage (see Ezra 9:12; 10:44; Neh 13:25). Thus Swanson claims that the issue of intermarriage as it is treated in late biblical texts must be in the author's mind. If this is the case, the fact that these late biblical texts apply the prohibition of intermarriage to all Israel would undoubtedly also be in the mind of the author.

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19. Cf. Loader, *Dead Sea Scrolls*, 30.

20. Dwight D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT*, STDJ 14 (Leiden: Brill, 1995), 136.

21. Loader, *Dead Sea Scrolls*, 48.

22. See Armin Lange, "Your Daughters Do Not Give to Their Sons and Their Daughters Do Not Take for Your Sons (Ezra 9,12): Intermarriage in Ezra 9–10 and in the Pre-Maccabean Dead Sea Scrolls," *BN* 139 (2008): 83.

It seems most likely that the Temple Scroll author included the intermarriage ban in his Law of the King section to express his views relevant to a contemporary polemic against a reigning Hasmonean monarch.[23] This is not to suggest that he endorsed intermarriage for the rest of Israel. Rather, this section of laws (cols. LVII–LIX) is directed to the ruler and so emphasizes matters that would be of special concern to him.

The biblical record is replete with Israelite kings who, often influenced by their foreign wives, engaged in idolatry and brought divine judgment upon themselves and the nation (see 1 Kgs 11:4–11; 21:25–26; also 2 Kgs 21:11–12). The author of the Temple Scroll models himself on Ezra–Nehemiah, which reviews Israel's history and draws lessons more stringent than Torah law. Ezra–Nehemiah deduces from Israel's history that punishment follows intermarriage with the peoples of the land, and therefore all such intermarriage must be banned, lest the Israelites fall back into sin and consequent exile. Similarly, the Scroll's author considers Israel's history and the Deuteronomistic castigation of the kings who led Israel into idolatry by foreign wives, and he concludes that kings, too, must not intermarry, lest the nation suffer the same fate all over again.

3.3. Exodus 34

The citation of Exod 34 in column II would seem to settle the matter of the Temple Scroll's toleration of intermarriage. Although the column is fragmentary, the biblical reference is unmistakable. The full text from Exodus reads: "Be careful not to make a covenant with the residents of the land, for when they prostitute themselves (verb of the root זנה) to their gods and sacrifice to their gods and call you and you eat of the sacrifice, you will take of their daughters wives for your sons and their daughters, who prostitute themselves to their gods, will make your sons also prostitute themselves to their gods" (Exod 34:15–16; cf. 11Q19 II, 12–15). Here the biblical author warns that taking a foreign spouse is detrimental to an Israelite and leads to the worship of foreign gods.

The root זנה, "to engage in illicit sexual relations," carries a double entendre when viewed in light of its biblical usage. First, on a symbolic level, Israel is an unfaithful wife when she serves any god except Yahweh,

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23. See Lawrence H. Schiffman, who suggests a polemic against John Hyrcanus after 120 BCE ("The King, His Guard, and the Royal Council in the *Temple Scroll*," *PAAJR* 54 [1987]: 237–59).

her only legitimate partner (Deut 31:16; Hos 1:2). Second, using a wider contextual lens, intermarriage in contemporary texts found at Qumran is regarded as a primary form of illicit sexuality. No scroll endorses it, and several Qumran texts are decidedly against it: 4Q513 2 II states that daughters of priests who marry foreigners defile their fathers (cf. Jub. 30), and 4Q251 17, 7 prohibits marrying any Israelite's daughter to a foreigner (cf. also 16, 1–4).

Some texts refer to intermarriage as a sacrilege against Jewish bodies. For example, 4QMMT, a "sister" text to the Temple Scroll that shares several views and provenance with it, claims that some of the priests, and probably also laity, are engaging in sexual relations with outsiders: ומטמאי[ם] את זרע [הקודש ואף] את [זרע]ם עם הזונות, "and thus defiling the holy seed and also their own seed with forbidden women" (B 81–82). The original editor of 4QMMT regards the issue as intermarriage between priests and laity, but several scholars have since argued that the prohibition was applied to all Israel.[24] According to this text, intermarriage not only defiles the holy seed but is a form of hybridism, the illegitimate mating of two different animal species (B 75–82). Although the Temple Scroll does not express dissatisfaction with intermarriage in such strong language, the

24. Elisha Qimron, "The Halakha," in Elisha Qimron and John Strugnell, *Qumran Cave 4 V, Miqṣat Maʿaśe Ha-Torah,* DJD X (Oxford: Oxford University Press, 1994), 171–75, bases his view that 4QMMT forbids priests to marry women from lay Israelite families on customary endogamy in Second Temple Judaism. On the other hand, Christine E. Hayes argues convincingly that the writer was concerned to prohibit intermarriage not between priesthood and laity but between Jew and gentile (*Gentile Impurities and Jewish Identities, Intermarriage and Conversion from the Bible to the Talmud* [Oxford: Oxford University Press, 2002], 85). Hayes claims that priestly marriage laws (cf. Lev 21:7) have been extended to Israelite laity because the latter have been designated as "holy" (85–86); cf. also Jacob Milgrom, *Leviticus 17–22: A New Translation With Introduction and Commentary,* AB 3A (New York: Doubleday, 2000), 1805–6. Loader notes that קדש ישראל (B 75) is a quotation from Jer 2:3: קדש ישראל ליהוה (*Dead Sea Scrolls*, 66–67).

Martha Himmelfarb claims that intermarriage between Jew and gentile was not an issue in this period, pointing to the Jewish sources 1 and 2 Maccabees, which do not complain of it ("Levi, Phineas, and the Problem of Intermarriage at the Time of the Maccabean Revolt," *JSQ* 6 [1999]: 8). However, there is ample evidence of this practice and protest against it throughout the Second Temple period. Both exilic and postexilic texts (e.g., Ezek 44:33; Ezra 9:1–2; Neh 13:23–27; Mal 2:11; Aramaic Levi Document 6:3–4, 16–17; and Jub. 30:16) address the problem of intermarriage between Jews and gentiles.

author's citation of Exod 34:15–16 (11Q19 II, 12–15) makes clear his posi-
tion that taking a foreign spouse is prohibited.[25]

Not everyone reads this Exodus passage as the end of the argument
for toleration of intermarriage in the Temple Scroll. Although Loader
acknowledges that the Temple Scroll quotes from Exod 34, he points out
that the author makes no elaboration or comment, thus making it difficult
to know the relevance of the citation to his context.[26] On the other hand,
the Temple Scroll author is well aware of the Deuteronomic permission
to marry a foreign captive bride (Deut 21:10–14) and does comment on
that passage (11Q19 LXIII, 10–15). I will return to the latter case below to
examine the nature of those comments. The lack of discussion preserved
in column II on Exod 34:15–16 does not in itself erase the impact of the
citation.

My argument that the author of the Temple Scroll is against intermar-
riage is supported by reference to two further matters: (1) the attitude of
the Temple Scroll toward the גר, and (2) the process by which a captive war
bride is supposedly acculturated. In my view, the passages dealing with
these issues employ interpretive strategies that have the effect of faithfully
preserving the biblical law while neutralizing it.

3.4. The גר and the Temple Courts

11Q19 XXXIX and XL indicate that descendants of a גר are allowed to
enter the temple courts in the fourth generation, but which court: the
middle one or the outer one? 11Q19 XL, 5–7 contains a fairly clear refer-
ence to the area around the middle court. Lines 5–6 read: ועשיתה חצר [
שליש[י]ת]   ו[לבנותיהמה ולגרים אשר נולד[ו] בישראל, "And you shall
make a third court … for their daughters and for the גרים who are bor[n]
in Israel."[27] At first glance, it appears that גרים are restricted to the outer

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25. So also Lange, "Your Daughters," 83. Like Ezra–Nehemiah, the author lists
the various Canaanite nations that were forbidden, none of which survive in his time,
as a way of excluding all nonholy residents of the land, i.e., gentiles (see Ezra 9:1–2).
As Lawrence H. Schiffman points out, the prohibition of marriages with Canaanites
was later expanded to exclude all gentiles ("Laws Pertaining to Women in the Temple
Scroll," in *The Dead Sea Scrolls: Forty Years of Research*, ed. Devorah Dimant and Uriel
Rappaport [Jerusalem: Magnes, 1992], 214).

26. Loader, *Dead Sea Scrolls*, 10.

27. James H. Charlesworth et al., eds., *The Dead Sea Scrolls, Hebrew, Aramaic and
Greek Texts with English Translations 7, Temple Scroll and Related Documents*, The

third court.[28] On the other hand, the sentence probably finishes with: "in Israel up to the third generation," meaning that after the third generation the גר may enter the middle court.[29]

Although the sentence requires some reconstruction, there is good reason to claim that the גר was included in the middle court of the temple by the fourth generation. The top of column XXXIX includes details about the middle court and the isolated words: דור רבי[עי] מבן עשרים שנה, "fourth generation from twenty years old" (4–5).[30] This may refer to a גר who is admitted into the Israelite court in the fourth generation. Exclusions appear two lines later, where אשה וילד, "woman and child" are clearly prohibited from entry into this middle court.

The base text of this passage in the Temple Scroll is Deut 23:1–9, which forbids foreigners from entering קהל יהוה, "the assembly of the LORD." This phrase was understood by Second Temple exegetes to refer to marriage within Israel and/or entry into the courts of the temple (see 4Q174 I, 4).[31] Both interpretations are found in Second Temple texts, and both contribute to the question of the identity of Israel. Loader notes that the laws in Deut 23:1–9 regarding illicit unions and foreigners are noticeably absent from the Temple Scroll, although the author does treat the topics immediately following this passage in Deuteronomy: emissions (23:10–11), toi-

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Princeton Theological Seminary Dead Sea Scrolls Project (Tübingen: Mohr Siebeck, 2011), 98, shows dots over בישראל to indicate a less than certain reading. This reading follows Elisha Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Jerusalem: Israel Exploration Society, 1996), 57.

28. Loader, *Dead Sea Scrolls*, 11; Werrett, *Ritual Purity,* 110.

29. The Princeton edition of the Temple Scroll states that this reading is "probably" correct, although it is not included in the printed reconstruction (Charlesworth et al., *Dead Sea Scrolls*, 98). Cf. also Lawrence H. Schiffman, "Non-Jews in the Dead Sea Scrolls," in *Qumran and Jerusalem*, Studies in the Dead Sea Scrolls and the History of Judaism (Grand Rapids: Eerdmans, 2010), 372; Hayes, *Gentile Impurities*, 62, and see further citations there.

30. Yigael Yadin reads בן ישראל (with dots over ישראל; *The Temple Scroll*, 3 vols. [Jerusalem: Israel Exploration Society, 1983], 2:166), which gives the impression that the גר becomes a "son of Israel" in the fourth generation and hence is allowed to enter the middle court of Israelite men. The Princeton edition (Charlesworth et al., *Dead Sea Scrolls*, 96) presents מבן עשרים with superscript dots above מבן to affirm that this is an "essentially certain reading."

31. See full discussion by Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 248–52; see also Hayes, *Gentile Impurities*, 62.

lets (23:12–14), and vows (23:21–23). However, in my view, the author does imply the intermarriage restrictions of 23:1–9 in his reference to "the fourth generation." Deuteronomy 23:8–9 allows the Edomite and Egyptian to enter the assembly in the third generation (בנים אשר יולדו להם דור שלישי יבא להם בקהל יהוה), but apparently the Temple Scroll understands this to mean the *end* of the third generation, that is, the fourth generation. As Yadin notes, the reference to "fourth generation" in 11Q19 XXXIX, 4–5 may also stem from Gen 15:16.[32] Here God promises Abraham that after his descendants serve as גרים in a foreign land, they will be rescued, and in "the fourth generation" after that deliverance they will enter the promised land. This statement strengthens the idea of including fourth-generation strangers, for it was at this point that the Israelites themselves changed from the status of גרים to become owners of the land of Canaan.

At first glance, the Temple Scroll's attitude toward foreigners seems inclusive and even expansive. Unlike the Deuteronomy base text, which only allows Edomites and Egyptians to join Israel in the third generation, the Temple Scroll invites all resident aliens into the Court of Israel in the fourth generation. This homogenization technique, an early form of בניין אב, a rabbinic interpretive technique whereby "a law which applies to specific objects, animals or persons is extended to other members of the same species," is represented in numerous places in the Temple Scroll, as Milgrom and others have demonstrated.[33]

However, is this really an invitation for foreigners to join the community? How likely would it be for a foreigner to join Israel, knowing that he, along with his descendants for three generations, would never be allowed to participate in the assembly at the sanctuary? According to the clear text of XL, 5–7, the גר is relegated to the outer court of the temple with the women and children. Banning גרים from the Court of Israel, even if they can enter in the fourth generation, in essence sends the message that they are not full members of the religious community of Israel, nor are they appropriate marriage partners. Thus, in my view, the Temple Scroll has, in effect, excluded the גר from Israel altogether. Since the author cannot

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32. Yadin, *Temple Scroll*, 2:166.

33. Jacob Milgrom, "The Qumran Cult: Its Exegetical Principles," in Brooke, *Temple Scroll Studies*, 171–75; see also Moshe J. Bernstein and Shlomo A. Koyfman, "The Interpretation of Biblical Law in the Dead Sea Scrolls: Forms and Methods," in *Biblical Interpretation at Qumran*, ed. Matthias Henze (Grand Rapids: Eerdmans, 2005), 80.

abrogate explicit laws of Scripture, which include resident aliens, he renders them so unappealing as to be inoperative. By expanding Deuteronomy's inclusion of Edomites and Egyptians to mean all resident aliens and then, on the basis of Gen 15:16, changing "third generation" to "fourth generation," the author has found a way to theoretically include גרים while in reality excluding them.

In this interpretive process, the author of the Temple Scroll has been preceded by Ezra–Nehemiah. In the crisis over the mixture of the "holy seed," the community officials approach Ezra with the complaint that the Israelites are intermarrying with "the peoples of the lands whose abominations are like those of the Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians, and Edomites" (Ezra 9:1). The writer of Ezra–Nehemiah has listed most of the people that Deuteronomy forbids Israel to marry but then makes an analogy between them and all of the local populations outside his community.[34] While the Torah only excludes certain nations, Ezra–Nehemiah forbids intermarriage with all "the peoples of the lands" (Ezra 9:1). Ezra–Nehemiah sets no time, such as "until the third generation," for the eventual acceptance of any of these foreigners (with no exception for Edomites and Egyptians), perhaps because the author recognizes that for all practical purposes it is a moot point.

A contemporary Qumran text makes the exclusive attitude of the Temple Scroll explicit. 4QFlorilegium I, 4, "This is the house where shall not enter [   ] forever, and an Ammonite and a Moabite and an illegitimate, and a foreigner and a גר forever." In the ideal world of both of these texts, probably influenced by Ezekiel (44:6–9), there will never be foreigners or גרים in the temple courts.

The reality in Second Temple times is difficult to assess. To be sure, both inclusivism and exclusivism are present in Second Temple texts.[35] Milgrom argued that this exclusivism did have a basis in the reality of the Jerusalem temple. According to Josephus, Antiochus III issued a proclama-

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34. For other examples of this interpretation of Deuteronomy in Second Temple sources, see Schiffman, "Laws Pertaining to Women," 214.

35. Indeed, the diverse views are already evidenced in Scripture and continue throughout Second Temple times. See, for example, Isaiah's universalism (e.g., Isa 49:6; 56:3, 7) versus Ezekiel's ban on foreigners from the eschatological temple (Ezek 44:9); cf. Joel 4:17, which envisions a future Jerusalem free of foreigners and Psalms of Solomon 17:28b, which claims that no foreigners will reside anywhere within Israel in the messianic kingdom.

tion excluding non-Jews (*allophyllon* = alien by birth or choice) or ritually impure Jews from the temple enclosure (*Ant.* 12.145; *J.W.* 5.194). Daniel R. Schwartz argues that even a gentile convert to Judaism was excluded from the temple.[36] This is supported by an inscription on the Herodian Temple, which uses the term Greek *allogenēs* to describe the genealogical basis of the exclusions: "No *allogenēs* may enter within the balustrade around the sanctuary and the enclosure." Lisbeth Fried adds evidence from contemporary Hellenistic culture that Greeks thought of Athens as their exclusive area and banned all foreigners from the city, as well as from marriage with Athenians.[37] On the other hand, the rabbis describe proselytes bringing firstfruits into the temple court (m. Bikkurim 1:4; 3:4), and there was a Court of the Gentiles in the Herodian Temple complex (Josephus, *J.W.* 5.193–194; 6.124–126; *Ant.* 15.417; cf. 12.145; John 2:14).[38]

3.5. The Captive Bride

According to Loader, the author of the Temple Scroll assumes that "foreign wives (like the captive wife) are a normal part of life."[39] 11Q19 LXIII, 10–15 reads:

> When you go out to war against your enemies and I give them into your hands, and you lead away their prisoners and you see amongst the prisoners a beautiful woman and desire her, and take her as a wife for yourself you shall bring her into your house and shave her head and cut her nails and remove the clothes of her captivity from her. And if she lives in your house for a month, and weeps for her father and her mother

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36. Charles S. Clermont-Ganneau, "Une stèle du Temple de Jérusalem," *Revue Archéologique* 28 (1872): 232. But see counterarguments by Joseph M. Baumgarten, "Exclusions from the Temple: Proselytes and Agrippa I," *JSS* 33 (1982): 219.

37. Lisbeth S. Fried, "The Concept of 'Impure Birth' in Fifth Century Athens and Judea," in *In the Wake of Tikva Frymer-Kensky: Tikva Frymer-Kensky Memorial Volume,* ed. Richard H. Beal, Steven Holloway, and Joann Scurlock (Piscataway, NJ: Gorgias, 2009), 121–42; Fried, "From Xeno-Philia to -Phobia: Jewish Encounters with the Other," in *A Time of Change: Judah and Its Neighbors during the Persian and Early Hellenistic Periods*, ed. Yigal Levin (London: T&T Clark, 2007), 179–204.

38. On the other hand, rabbinic texts indicate some level of conflict in the assurance to the proselyte that he need no longer "lodge outside" (see Exodus Rabbah 19:4). See full discussion in Joseph M. Baumgarten, "Exclusions from the Temple," *JJS* 33 (1982): 217–18.

39. Loader, *Dead Sea Scrolls,* 37.

for a month, then you shall afterwards go in to her and consummate the marriage, so that she becomes your wife. But she may touch none of your ritually pure food (טהרה) for seven years and she may not eat the flesh of the well-being offering until seven years have passed. Afterwards she may eat.

With minor variations, this passage follows the Deut 21:10–14 procedure for marrying a woman taken as a captive in war until the last line, where prohibitions on ritually pure and sacrificial food are added.

Scholars have looked for biblical antecedents for the tradition behind this last line without much success. Following Yadin's suggestion that fourteen years are intended—seven years for the household food and an additional seven years for sacrificial food—Lehmann offers the biblical parallel of seven years to conquer Canaan and seven years for its division and settlement.[40]

Among the Dead Sea Scrolls, there is further evidence of a seven-year probationary period of time in other cases. The Damascus Document (4Q266 12, 6–9; 4Q270 4, 13–21) rules that a man must wait for a seven-year betrothal period before marrying his slave. The text is fragmentary, but there is some type of food restriction involved as well (4Q270 4, 19–21). This slave must be a foreigner, since an Israelite is not permitted to own a Hebrew slave outright. In a different context, a violator of the Sabbath is placed on probation for seven years (CD XII, 4–6).

At first glance, the presence of the captive war bride text in the Temple Scroll, which earlier includes the Exod 34 intermarriage prohibition, seems contradictory. Loader remarks: "It is striking that the extrapolation assumes the validity of (a person, let alone a priest) taking a foreign woman as wife, dangerous as this is according to the passage which the author cites in 2:1–15. The author of Jubilees would not have tolerated such a concession."[41] Ian Werrett also sees a contradictory attitude in the author's explicit ban on the king's intermarriage (11Q19 LVII, 15b–17a) but endorsement of the captive foreign bride.[42] The fact is that the tension

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40. Yadin, *Temple Scroll*, 1:367; Manfred Lehmann, "The Beautiful Bride," 268–69; Schiffman, "Laws Pertaining to Women," 218–19.

41. Loader, *Dead Sea Scrolls*, 31.

42. Werrett lists all passages in the Qumran Scrolls on intermarriage (CD XIX, 15–21; 4Q251 17 7; 4Q394 8 III, 9b–19a; 4Q396 1–2 IV, 4–11a; 4Q513 2 II, 2–5; 11Q19 LVII, 15b–17a) and finds that only this one permits it (*Ritual Purity*, 287).

is already biblical and the author of the Temple Scroll must deal with that. Exodus 34 and Deut 7 prohibit marriage with local Canaanites, but Deut 21 allows it. However, by adding the almost inconceivable condition of a seven-year separation of a captured woman from her husband's ritually pure food, the author of the Temple Scroll manages to obviate the law and eradicate the basic tension that he inherited.

According to Manfred Lehmann, the ritually pure food in question is holy contributions given to the priests, and thus the author is concerned only about intermarriage between a priest and a captive woman, with no such restriction on a woman marrying a lay Israelite.[43] It is true that in light of its cultic topics the Temple Scroll was probably written by a priest and the marriage practices of ordinary and high priests are among his top concerns. However, I would hesitate to argue that the intermarriage described here is limited only to priests. First, both in the passage related to the inclusion of the גר (see above) as well as this one on the captive bride, the underlying texts of the Torah are not addressed to priests (Deut 21:10–14; 23:1–9): The resident alien is invited to join the assembly of Israel, and the beautiful captive is taken by an Israelite soldier. Second, the author's earlier quotation of Exod 34:15–16, albeit fragmentary, carries no such restriction to priests, nor does the Temple Scroll supply such a caveat. In fact, if Michael Wise is correct, column II that cites Exod 34 and column LXIII regarding the captive bride both originated from the Deuteronomy source, a collection of laws from Deuteronomy utilized by the author of the Temple Scroll.[44] Alternatively, if Sidnie Crawford is correct, both of these columns are the work of the redactor of the Temple Scroll. Either way, the author/redactor apparently saw no contradiction between them.[45] Third, the ritually pure food in question here is simply טהרה, pure ordinary food, not sacrificial food. The meat of the well-being offering (שלמים), which the captured woman is not permitted to eat for (another?) seven years is holy, but it is mostly eaten by the lay offerer rather than by the priest (Lev 7:11–21, 31–32). Fourth, Second Temple interpreters of Lev 21:7 explicitly forbid priestly intermarriage with gentiles. Leviticus 21:7 bars a priest from marriage to a זונה, understood in

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43. Lehmann notes the reference to the priest's family eating רומה and שלמים ("The Beautiful Bride," 267).

44. Michael Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, SAOC 49 (Chicago: Oriental Institute, 1990), 101.

45. Crawford, *Temple Scroll*, 23.

Second Temple texts to refer to illicit sexuality, especially intermarriage (cf. Aramaic Levi Document 6:4; Testament of Levi 9:9–10; Josephus, *Ag. Ap.* 1.7).[46] Fifth, Ezekiel, a major influence on the Temple Scroll, more explicitly requires a priest to marry only a "virgin of the house of Israel" (Ezek 44:22; cf. Lev 21:14, regarding the high priest); a captive bride from another nation would surely be out of the question.

It seems to me that another interpretive device should be considered here: the addition of conditions that render a law inoperative. In my view, the law regarding the captive war bride, like that which includes the גר in the outer temple court, is a strategy for putting an unwanted law to rest. The Temple Scroll cites the Deuteronomic law that allows a man to marry a foreign war captive (11Q19 LXIII, 10–15) but adds a clause that prohibits the woman from touching her husband's food for seven years (perhaps with an additional seven years in the case of sacrificial food). I agree with Christine Hayes that this addition makes the marriage a farce and is undoubtedly crafted in order to prevent intermarriage altogether.[47] To forbid a woman to eat with her spouse or even cook his food for seven years is a recipe for an impossible marriage, especially in antiquity. The Temple Scroll's addition to the Deuteronomic concession is really a strategy for undermining the law's operation.

4. Conclusion

To summarize, the author of the Temple Scroll is consistent in his view of expanded holiness bounded by unusually restrictive purity, and he is decidedly against intermarriage between Jews and gentiles. His citation of Exod 34:15–16 reveals his position, which is also apparent in his handling of other biblical texts related to foreigners. In the cases of the גר and the captive bride, he is careful to support biblical regulations allowing foreigners into Israel while neutralizing them through small changes in wording or the introduction of unworkable and cumbersome conditions. Theoretical inclusion here is really exclusion in practical terms. The author's language is not overtly drawn from Ezra–Nehemiah, Jubilees, or 4QMMT, and his approach is more subtle, but he reaches a similar conclusion. In fact, no Qumran legal text endorses intermarriage with foreigners or the

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46. Hayes interprets זנות in Second Temple Judaism as inappropriate or illegal marriage ("Intermarriage and Impurity," 12, 19–21).

47. Ibid., 36; see also Lange, "Your Daughters," 83–84.

inclusion of the גר in the Court of Israel at the temple, and the Temple Scroll is no exception.

The Temple Scroll's exclusion of impurities from the temple and its courts and, to a lesser degree, from ordinary cities is not just to protect the sanctuary itself but to keep Israel pure for the reception of its holiness. Non-Jews are a threat to this agenda and are in effect barred from the temple courts as well as from marriage within Israel. In the ideal world of the Temple Scroll, the holiness of the sanctuary is intensified and protected by expansion of the holy area and purity restrictions that guard all Israel against the threat of gentile penetration.

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