

CHRISTOPHE NIHAN

From Priestly Torah  
to Pentateuch

*Forschungen*  
*zum Alten Testament 2. Reihe*  
25

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**Mohr Siebeck**

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25





Christophe Nihan

# From Priestly Torah to Pentateuch

A Study in the Composition  
of the Book of Leviticus

Mohr Siebeck

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To the memory of my parents,  
George and Anne-Lise Nihan



## Preface

This monograph presents my doctoral dissertation completed in November 2005 at the University of Lausanne, Switzerland. For the purpose of its publication, the manuscript was shortened, the bibliography updated, and the English significantly revised. The scholarly discussion was broadened so as to include works that appeared after the completion of my dissertation. Finally, minor improvements were occasionally made, especially in Chapters Two and Three. Apart from these changes, the content of the following study remains that of the original dissertation.

Many expressions of gratitude are due. I am particularly indebted to my dissertation advisor, Prof. T. Römer (University of Lausanne), who first introduced me to the critical scholarship of the Hebrew Bible. This study was completed while I was working for him as a research assistant, from August 2000 to September 2005, and I immensely benefited from his expertise in the Pentateuch as well as from his ongoing availability to discuss with me difficult issues and comment upon earlier versions of my work. I learned much from him, both on a scholarly and a human level, and I hope that something of the outstanding intellectual stimulation I received during these past years can be perceived in the following work. I also greatly benefited from the teachings of Prof. Jean-Daniel Macchi (University of Geneva), and from the numerous discussions we had over the years. His scholarly competence and his friendship never failed, and I can only appreciate them more now that I am fortunate enough to be his colleague in Geneva.

Several sections of this monograph were initially presented as papers at various academic meetings. Some elements of Chapter Three were presented at the Congress of the International Organization for the Study of the Old Testament (IOSOT) in Basel, Switzerland, August, 2000. The argument developed in Chapter Four was originally presented at the annual meeting of the Society of Biblical Literature (SBL) in Toronto, Canada, November, 2002. Chapter Six was presented at the annual meeting of the SBL in Atlanta, Ga, November 2003. And Chapter Five was initially discussed at the international meeting of the SBL in Cambridge, UK, August, 2004. I received many valuable comments from the audience on more than one occasion, from which the present work has greatly benefitted. A few months before submitting my dissertation, I also had the opportunity to present the outline of Chapter Five to a



joint seminar organized by the Faculties of Theology in Lausanne and Geneva and the Institut Catholique of Paris. The discussion with the participants proved quite helpful to me, and I would like to thank particularly Prof. Olivier Artus as well as Mr. Vincent Sénéchal from the Institut Catholique.

Members of my doctoral jury included Prof. Hanna Liss (Hochschule für Jüdische Studien, Heidelberg), Prof. Reinhard Achenbach (University of Münster) and Prof. Hans-Peter Mathys (University of Basel). All three offered valuable comments on my research, and I am especially grateful for a dynamic and challenging discussion.

Several persons also assisted me in preparing and editing this manuscript. My late mother, Mrs. Anne-Lise Nihan, as well as Mr. Nathan Veil and Mrs. Françoise Smyth thoroughly proofread the original dissertation. Mrs. Amy Robertson, doctoral student at Emory University, Atlanta, provided a further revision of the entire manuscript for the purpose of its publication. In addition, Amy Robertson and Françoise Smyth regularly offered insightful comments on parts of the text, or highlighted problematic passages. I am most grateful to all of them for the work that they have done and for the help they offered, especially considering how difficult and unrewarding such task can be. All other existing mistakes remain my own and unique responsibility.

Finally, I want to thank the editors of the series *Forschungen zum Alten Testament*, Prof. Bernd Janowski, Prof. Mark S. Smith, and Prof. Hermann Spieckermann for accepting this work for publication. I also want to thank Mrs. Tanja Mix, Mohr Siebeck editor, for numerous technical advices.

The last weeks in the preparation of this manuscript were obscured by the sudden death of my mother, Anne-Lise, after a fight against her illness that lasted for several months. It is difficult for me to express how deeply this trial has affected me, both physically and morally. My brother, Mr. Philippe Nihan, and his girlfriend, Miss Kathryn Forrest, spontaneously offered me their assistance for the final revision of the manuscript. I want to express my deepest thanks to both of them, as well as to Kathryn's father, Mr. Richard Forrest, for their moral and material help. Without them, the publication of this manuscript might have been considerably delayed. Above all, I want to thank my wife, Céline, for her continuous support while I was working on this study, and particularly during the last two months. For the past ten years, we shared together every joy and pain, and I can only hope that this will continue for many more years.

Geneva, May 2007

Christophe Nihan

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## Abbreviations and Signs

The following table lists reference works in biblical and Ancient Near Eastern studies, source abbreviations, as well as general abbreviations that are used throughout this book. Unless otherwise specified, all translations of biblical and non-biblical texts are from the author.

AB	Anchor Bible
ABD	Anchor Bible Dictionary
abs.	absolute
acc.	accusative
AES	Archives européennes de sociologie
AfO	Archiv für Orientforschung
AHw	W. von Soden, Akkadisches Handwörterbuch, 3 vols, Wiesbaden, 1965–1981
AJBI	Annuary of the Japanese Biblical Institute
Akk.	Akkadian
AnBib	Analecta Biblica
ANE	Ancient Near East/ Ancient Near Eastern
ANET	Ancient Near Eastern Texts Relating to the Old Testament, edited by J.B. Pritchard, 3rd ed., Princeton, 1969
AOAT	Altes Orient und Altes Testament
AOAT.S	AOAT. Sonderreihe
AP	A. Cowley, Aramaic Papyri of the Fifth Century B.C., Oxford, 1923
ARET	P. Fronzaroli, Testi rituali della regalità (archivio L. 2769) (Archivi reali di Ebla. Testi 11), Roma, 1993.
ArOr	Archiv Orientalni
ASTI	Annual of the Swedish Theological Institute
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
ATD	Das Alte Testament Deutsch
ATSAT	Arbeiten zu Text und Sprache im Alten Testament
AUSS	Andrews University Seminary Studies
AZERKAVO	Arbeitskreis zur Erforschung der Religions- und Kulturgeschichte des Antiken Vorderen Orients
b.	Babylonian Talmud
BBB	Bonner Biblische Beiträge
BBR	H. Zimmern, Beiträge zur Kenntnis der babylonischen Religion, Leipzig, 1901
BEATAJ	Beiträge zur Erforschung des Alten Testaments und des Antiken Judentums
BETL	Bibliotheca ephemeridum theologicarum lovaniensium

BevTh	Beiträge zur evangelischen Theologie
BGBE	Beiträge zur Geschichte der biblischen Exegese
BHS	Biblia Hebraica Stuttgartensia, edited by K. Elliger and W. Rudolph, Stuttgart, 1983
BHTh	Beiträge zur historischen Theologie
Bib	Biblica
BibInt	Biblical Interpretation
BiLi	Bibel und Liturgie
BiOr	Bibbia e Oriente
BIS	Biblical Interpretation Series
BJ	Bible de Jérusalem
BJSt	Brown Judaic Studies
BKAT	Biblischer Kommentar zum Alten Testament
BN	Biblische Notizen
BThB	Biblical Theology Bulletin
BZ	Biblische Zeitschrift
BZAR	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, edited by J.A. Brinkman <i>et al.</i> , Chicago, IL, 1956–
CAT	Commentaire de l’Ancien Testament
CB.OT	Coniectanea Biblica. Old Testament Series
CBQ	Catholic Biblical Quarterly
CC	the Covenant Code (Ex 20–23)
CD	the Damascus Covenant
CH	Codex Hammurapi
ch.	chapter(s)
col.	column
D	the Deuteronomic Code
DBAT	Dielheimer Blätter zum Alten Testament und seiner Rezeption in der Alten Kirche
DJD	Discoveries in the Judaean Desert
Dtr	Deuteronomistic
E	the Elohistic source/ document/ writer
Ee	<i>Enūma eliš</i>
EHS.T	Europäische Hochschulschriften. Reihe 23, Theologie
EI	Eretz Israel
EnAC	Entretiens sur l’Antiquité Classique
EvQ	Evangelical Quarterly
esp.	especially
ETL	Ephemerides theologicae lovaniensis
ETR	Etudes théologiques et religieuses
ex.	example
EvTh	Evangelische Theologie
FAT	Forschungen zum Alten Testament

fem.	feminine
f(f).	and the following one(s)
FolOr	Folia Orientalia
fr.	fragment
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
FS	Festschrift
GHK.AT	Göttinger Handkommentar zum Alten Testament
GKC	Gesenius' Hebrew Grammar. Edited by E. Kautzsch. Translated by A.E. Cowley, 2nd ed., Oxford, 1910
GRBS	Greek, Roman and Byzantine Studies
H	the Holiness Code
HAL	L. Koehler and W. Baumgartner, Hebräisches und aramäisches Lexikon zum Alten Testament, 4 vols, 3rd ed., Leiden <i>et al.</i> , 1967–1990
HAR	Hebrew Annual Review
HAT	Handbuch zum Alten Testament
HB	the Hebrew Bible
HBSt	Herders Biblische Studien
Heb.	Hebrew
Hi.	Hiphil
Hith.	Hithpael
HK	Handkommentar zum Alten Testament
HR	History of Religions
HS	the Holiness School
HSAT	Die Heilige Schrift des Alten Testaments
HSM	Harvard Semitic Monographs
HSS	Harvard Semitic Studies
HTR	Harvard Theological Review
HUCA	Hebrew Union College Annual
ICC	International Critical Commentary
Int	Interpretation
ITC	International Theological Commentary
J	the Yahwistic source/ document/ writer
JANES	Journal of the Ancient Near Eastern Society of Columbia University
JAOS	Journal of the American Oriental Society
JBL	Journal of Biblical Literature
JBTh	Jahrbuch für biblische Theologie
JCS	Journal of Cuneiform Studies
JJS	Journal of Jewish Studies
JLSA	Jewish Law Association Studies
JNES	Journal of Near Eastern Studies
JNSL	Journal of Northwestern Semitic Literature
JPS	Jewish Publication Society
JPS.TC	The JPS Torah Commentary
JQR	Jewish Quarterly Review
JSJ	Journal for the Study of Judaism



JSJSup	Journal for the Study of Judaism. Supplements
JSOT	Journal for the Study of the Old Testament
JSOTSup	Journal for the Study of the Old Testament. Supplement Series
JSPSup	Journal for the Study of the Pseudepigrapha. Supplement series
JSS	Journal of Semitic Studies
JSS.S	Journal of Semitic Studies. Supplement
JTS	Journal of Theological Studies
KAI	H.R. Donner and W. Röllig, Kanaanäische und aramäische Inschriften, 3 vols, Wiesbaden, 1964–1968
KAT	Kommentar zum Alten Testament
KHAT	Kurzgefasstes exegetisches Handbuch zum Alten Testament
KHC	Kurzer Hand-Commentar zum Alten Testament
KTU	M.O. Dietrich, O. Loretz and J. Sanmartín, Die Keilalphabetischen Texte aus Ugarit (AOAT 24/1), Neukirchen-Vluyn, 1976
l.	line(s)
LAPO	Littératures anciennes du Proche-Orient
LD	Lectio divina
LXX	the Septuagint
LXX*	the earliest version of the Septuagint
LXX A	Codex Alexandrinus of the Septuagint
LXX B	Codex Vaticanus of the Septuagint
m.	Mishna
M*	the proto-Masoretic text of the Hebrew Bible
masc.	masculine
ms(s)	manuscript(s)
MSL	Materials for the Sumerian Lexicon
MT	the Masoretic Text of the Hebrew Bible
MThSt	Marburger theologische Studien
MUSJ	Mélanges de l'Université Saint-Joseph
NCBC	New Century Bible Commentary
NEB	Die neue Echter Bibel
Ni.	Niphal
NICOT	New International Commentary on the Old Testament
NRTh	Nouvelle revue théologique
NS	new series
NSK.AT	Neuer Stuttgarter Kommentar zum Alten Testament
NTS	New Testament Studies
OBO	Orbis Biblicus et Orientalis
ÖBS	Osterreichische biblische Studien
OLZ	Orientalistische Literaturzeitung
Or	Orientalia
OS	L'Orient Syrien
OTL	Old Testament Library
OTS	Oudtestamentische Studiën

P	the Priestly source/ document/ writer
p.	page(s)
PAAJR	Proceedings of the American Academy of Jewish Research
pap.	papyrus
pass.	passive
PEQ	Palestinian Exploration Quarterly
pers.	person
Pg	the Priestly "Grundschrift"
Pi.	Piel
pl.	plural
PN	personal name
Ps	later additions to the Priestly document
Q	Qumran
QD	Quaestiones disputatae
QuSem	Quaderni di semitistica
RA	F. Thureau-Dangin, <i>Rituel Accadiens</i> , Paris, 1921
RB	<i>Revue biblique</i>
RGG	<i>Religion in Geschichte und Gegenwart</i>
RHPR	<i>Revue d'histoire et de philosophie religieuses</i>
RHR	<i>Revue de l'histoire des religions</i>
RIDA	<i>Revue internationale des droits de l'antiquité</i>
RivBib	<i>Rivista Biblica</i>
RS	Ras Shamra
RTL	<i>Revue théologique de Louvain</i>
SAK	F. Thureau-Dangin, <i>Die Sumerischen und Akkadischen Königsinschriften</i> , Leipzig, 1907.
SamP	the Samaritan Pentateuch
SBA	Stuttgarter biblische Aufsatzbände
SBB	Stuttgarter biblische Beiträge
SBL.DS	Society of Biblical Literature. Dissertation Series
SBL.SCSS	Society of Biblical Literature. Septuagint and Cognate Studies Series
SBL.SP	Society of Biblical Literature. Seminar Papers
SBL.SymS	Society of Biblical Literature. Symposium Series
SBS	Stuttgarter Bibelstudien
SBT	Studies in Biblical Theology
SCS	Septuagint and Cognate Studies
SDB	Supplément au Dictionnaire de la Bible
SJLA	Studies in Judaism in Late Antiquity
SJOT	Scandinavian Journal of the Old Testament
SO	Symbolae Osloenses
SSN	Studia semitica neerlandica
ST	Studiae Theologicae
StBoT	Studien zu den Boğazkoy-Texten
StUNT	Studien zur Umwelt des Neuen Testaments
Syr	Syriac
t.	Tosefta

Ta	Tarbiz
TA	Theologische Arbeiten
TB	Theologische Bücherei
TDOT	Theological Dictionary of the Old Testament
Tg	Targum
THAT	Theologisches Handbuch zum Alten Testament
ThT	Theologisch Tijdschrift
ThW	Theologische Wissenschaft
TR	D. Pardee, <i>Les Textes rituels (Ras Shamra-Ougarit 12)</i> , 2 vols, Paris, 2000
Transeu	Transeuphratène
TRE	Theologisches Realenzyklopädie
TRu	Theologische Rundschau
TUAT	Texte aus der Umwelt des Alten Testaments
TWAT	Theologisches Wörterbuch zum Alten Testament
TZ	Theologische Zeitschrift
UCOP	University of Cambridge Oriental Publications
UF	Ugarit-Forschungen
ÜSt	M. Noth, <i>Überlieferungsgeschichtliche Studien</i> (1943), 3rd ed., Tübingen, 1967
Vg.	Vulgate
VT	Vetus Testamentum
VTSup	Supplements to Vetus Testamentum
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WO	Die Welt des Orients
YOS	Yale Oriental Series
ZAR	Zeitschrift für altorientalische und biblische Rechtsgeschichte
ZAW	Zeitschrift für die alttestamentliche Wissenschaft
ZDMG	Zeitschrift der deutschen morgenländischen Gesellschaft
ZNW	Zeitschrift für die Neutestamentliche Wissenschaft
ZThK	Zeitschrift für Theologie und Kirche

## Introduction

# The Book of Leviticus and the Composition of the Pentateuch

In the second half of the 19th century, the book of Leviticus played a decisive role in the process that led to the elaboration of the so-called “New” Documentary Hypothesis. However, throughout the 20th century Leviticus, like Numbers, has remained largely marginal in the scholarly discussion regarding the formation of the Torah/Pentateuch. Today, the situation is gradually changing, and there appears to be a renewed concern for the books of Leviticus and Numbers as well as for their place in the achievement of the canonical Pentateuch.<sup>1</sup> Nonetheless, because the discussion on this subject is only at its inception, it will be useful to retrace briefly its genesis so as to reach a better understanding of the numerous and complicated issues that are involved here.

The version of the Documentary Hypothesis proposed by J. Wellhausen that was to become authoritative for approximately one century, with its chronological sequence of four successive documents (J, E, D and P), was itself dependent upon the previous reassessment of the relative chronology of the “Priestly” (P) source in the Pentateuch by K.H. Graf and A. Kuenen. Initially, P was regarded as the earliest layer in the Pentateuch; for this reason, it was commonly referred to as the *Grundschrift*.<sup>2</sup> In a detailed 1866 study, Graf was the first to attempt to demonstrate, on the basis of a comparison with the original Deuteronomic code (i.e., Deut 4–26 and 28), that the “legal” sections of the so-called *Grundschrift* were apparently still unknown at the time of Josiah and reflected more likely the situation of the postexilic community.<sup>3</sup> Actually, the idea that the legal sections of the *Grundschrift* were later

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<sup>1</sup> On Leviticus, see in particular FABRY/JÜNGLING, *Levitikus*; and RENDTORFF/KUGLER, *Levitikus*; on Numbers, see now ACHENBACH, *Vollendung*. More generally on this recent scholarly development, cf. RÖMER, *Périphérie*. The fact that the *Colloquium Biblicum Lovaniensis* in August 2006 was specifically devoted to the books of Leviticus and Numbers is another fine illustration of this newest academic concern.

<sup>2</sup> For a detailed *Forschungsbericht* on the so-called “Priestly” source in the Pentateuch in the first half of the 19th century, see in particular HOLZINGER, *Einleitung*.

<sup>3</sup> GRAF, *Untersuchungen*, 32–85. Graf’s choice of the D code as point of departure for an inner-biblical comparison is because since W.M.L. de Wette it was regarded as the only code for which a sure dating (i.e., under Josiah) could be found. However, Graf also observed that a few passages in Leviticus seemed to be presupposed in D; thus, Lev 11:2–20 has a parallel in Deut 14, while the identification of “leper” (Lev 13–14) as a priestly duty is presupposed in

than the narrative itself was not entirely new. It had already been suggested by a few scholars in the first half of the 19th century, starting with W.M.L. de Wette in 1807, and later C.P. Gramberg, W. Vatke, and J. George. But the novum brought by Graf resided in the attempt to give a literary-critical basis to this hypothesis.<sup>4</sup> Graf's argument was mainly based on the analysis of some specific laws, such as the festivals, the distinction between priests and levites, or the instructions for the wilderness sanctuary. However, it also included a more general discussion on the formation of Leviticus. In particular, he proposed distinguishing between Lev 1–17 and 18–26, the latter being part of an earlier, originally discrete collection which he assigned to the prophet Ezekiel because of the many parallels between the two works.<sup>5</sup>

Graf's demonstration was then adopted by A. Kuenen in his *Godsdiens van Israel* (1869–1870). However, Kuenen combined Graf's idea with the revised dating for the Priestly narrative already advocated by E. Reuss in a 1834 lecture.<sup>6</sup> He thus came up with three major stages in the composition of the P source: an originally discrete code in Lev 18–26\*, to be dated after Ezekiel;<sup>7</sup> the "Priestly" history of Israel's origins (or "Book of Origins"), already containing several laws; and later additions, mainly comprising ritual regulations.<sup>8</sup> This model forms the background for the entire discussion on "P" in Wellhausen's *Composition des Hexateuchs*, although Wellhausen also introduced some modifications of his own. In particular, he included for the first

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Deut 24:8. He thus had to admit that the relation between the two corpuses was not univocal, and that some of the laws in P, particularly in the collection on impurities in Lev 11–15, could actually go back to older, pre-exilic traditions.

<sup>4</sup> This was still obvious for scholars from Wellhausen's school at the end of the 19th century; see, for instance, the following comment by HOLZINGER, *Einleitung*, 53: "Bei Vatke und George liegt die Graf'sche Hypothese schon vor. *Was fehlte, ist die literarische Grundlage*" (emphasis added).

<sup>5</sup> GRAF, *Untersuchungen*, 75–83.

<sup>6</sup> On this, see KUENEN, *Religion*, 2. 149–152, 182–192, and particularly ch. 8 ("The Establishment of the Hierarchy and the Introduction of the Law"), 202–286, with the note on p. 291–307. Note further that several indications for the late (postexilic) dating of P are already suggested at various places in the first volume (for a summary of such passages, see p. 182 of the second volume). However, according to Kuenen, Graf also envisaged such a possibility in a letter dated November 1866. For the history of this scholarly discussion between Graf and Kuenen, see KUENEN, *Critische bijdragen* V, 407–412, where a reproduction of the relevant passage of Graf's letter (in French) can be found on p. 412. As is well-known, Reuss initially did not dare to publish his lecture (cf. on this the preface to the first edition of his *Geschichte der Heiligen Schriften*, 1881), although he publicly advocated his position in an entry on "Judenthum" for an encyclopedia published in 1850. (On this point, see HOLZINGER, *Einleitung*, 64; and on the whole issue, see especially VINCENT, *Leben*.)

<sup>7</sup> Kuenen rejected Graf's assignment of H to Ezekiel, see *Religion*, 2. 189–192. Note that he had been anticipated on this point by NÖLDEKE, *Untersuchungen*, 67–71.

<sup>8</sup> For a summary of this view, see for instance KUENEN, *Religion*, 2. 150.

time Lev 17 together with ch. 18–26.<sup>9</sup> Above all, much more than Kuenen, Wellhausen promoted the view that P (which he called *Q*, for “Quatuor”)<sup>10</sup> was originally a primarily *narrative* source and that most of the “legal” sections stemmed from the hand of later redactors. For Leviticus, this conception has radical implications since Wellhausen retained only Lev 9\*; 10:1–5, 12–15 and Lev 16\* as part of *Q*’s account of Israel’s origins. The collections of instructions found in Lev 1–7 and 11–15 are regarded as later interpolations;<sup>11</sup> similarly, the collection comprising Lev 17–26, albeit earlier than *Q*, was also introduced at a later stage. In this way, Wellhausen managed to hold simultaneously the newest view of P as the latest document in the Pentateuch and Graf’s conception of the chronological priority of the “narrative” sections over the so-called “legal” ones. However, the price to pay for this *tour de force* was that the introduction of the ritual complements had to occur within a very short period, since the composition of both “narrative” and “legal” sections is now located by Wellhausen in the early postexilic era.

As with many other aspects of the “New” Documentary Hypothesis, Wellhausen’s model for the composition of P was rapidly adopted by a majority of scholars and proved to be immensely influential. By the end of the 19th century, the distinction between three stages in P: first, Lev 17–26 (called “*Heiligkeitsgesetz*” = Ph, after a suggestion by A. Klostermann),<sup>12</sup> a narrative “*Grundschrift*” (Pg)<sup>13</sup> and various later additions (Ps, for “*sekundär*”), had become classical and could be found in most manuals and commentaries.<sup>14</sup> Wellhausen (as well as, for that matter, Graf and Kuenen before him) generally understood the so-called Priestly “laws” to reflect postexilic innovations in the ritual of the Second Temple which, after being codified, found their way into P’s account of Israel’s origins to be granted a greater legitimacy<sup>15</sup>. However, this last point was also regularly disputed by scholars who, while admitting the late origin of the *literary fixation* of the various rituals recorded in P, nevertheless held to the antiquity of these rituals themselves, particularly in

<sup>9</sup> WELLHAUSEN, *Composition*, 150. Note, however, that Kuenen already considered this possibility; see *Religion*, 2. 150–151.182–192.

<sup>10</sup> Following an initial suggestion by H. Ewald, Wellhausen believed that P was originally a “*Vierbundesbuch*”, a book reporting the conclusion of four successive covenants between God and humanity, corresponding to four successive ages of humanity (Adam, Noah, Abraham, Moses). The parallel with the four successive ages of mankind in Hesiod is explicit.

<sup>11</sup> See *Composition*, 134ff.; yet he hesitates in the case of ch. 11–15 (cf. on p. 148).

<sup>12</sup> KLOSTERMANN, *Ezechiel*, 385 (originally published in 1877).

<sup>13</sup> The designation “*Priesterschrift*” for what was formerly identified as the first “Elohistic” source (= E<sup>1</sup>) was introduced by Kuenen in a 1880 article (“*Dina en Sichem*”).

<sup>14</sup> Thus, in 1893, HOLZINGER, *Einleitung*, 334 can already write that the isolation of these three layers is a matter of “complete agreement” (“*völlige Uebereinstimmung*”).

<sup>15</sup> Thus, an entire chapter in Wellhausen’s *Prolegomena zur Geschichte Israels* was devoted to demonstrating that the sacrificial practice described there was unknown before the exile: *Prolegomena*, 52–82. For a restatement of this view, see e.g. HOLZINGER, *Einleitung*, 421.

the case of P's sacrificial system.<sup>16</sup> The "legal" supplements to P ("Ps") were unanimously acknowledged to betray a complex literary history; but (here again in agreement with Wellhausen) it was usually not deemed necessary to reconstruct the detail of this history.<sup>17</sup> The only real exception concerns the "Holiness Code" which, contrary to the rest of Leviticus, has been the subject of an ongoing discussion until today, in particular because of its obvious parallels with other legal "codes" in the Pentateuch as well as of its significance for the history of biblical legislation.

*Excursus I: A Brief Survey of Scholarship on the So-Called "Holiness Code"*

Several detailed reviews on past scholarship of H are available lately,<sup>18</sup> so that in the context of this study we can limit ourselves to sketching the major developments which have taken place since Wellhausen. After Graf, the idea that the material gathered in Lev 17–26 originally formed an independent, pre-Priestly code, integrated only at a later stage into Leviticus by the priestly editors, rapidly became the scholarly *opinio communis*.<sup>19</sup> It was seldom disputed, and with little success until recently. Instead, during most of the 20th century the scholarly discussion has focused on redaction- and form-critical issues.

The question of H's redactional history was raised for the first time by B. Baentsch in a 1893 monograph.<sup>20</sup> Basically, Baentsch questions Wellhausen's view according to which H was the work of a redactor compiling various independent laws.<sup>21</sup> Resuming the older observation that it is possible to isolate discrete sets of instructions sharing the same theme, such as

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<sup>16</sup> In particular, this position will frequently be voided by earlier scholars of religion. For instance, it was one of the most significant areas of disagreement between Wellhausen and W.R. Smith in his classical essay on *The Religion of the Semites* (see, e.g., on p. 216). Compare also HUBERT/MAUSS, *Essai*, 200–201 n. 10: "...l'âge du texte n'est pas, selon nous, nécessairement l'âge du rite" (emphasis added); or DUSSAUD, *Origins*, 4, with a very harsh polemic against the attempt by Wellhausen and his school to connect directly the evolution of the text with that of the rites. Actually, the whole issue was already disputed among the closer followers of Wellhausen. Thus, STADE (*Geschichte*, 1. 63–67) wants to situate the composition of the priestly laws between Josiah's reform and Ezekiel's final vision in ch. 40–48. REUSS, while holding that P's legislation as a whole was unknown in Jerusalem before Ezra, nevertheless argued for the presence of some ancient laws in Ex 25–Num 10\* (*Id.*, *Geschichte*, 1. 488), thus leaving open the possibility that some of these laws went back to the late pre-exilic period and were contemporary with Deuteronomy (*Ibid.*, 1. 385). Other, more conservative scholars accepted Wellhausen's redaction-historical scheme but maintained the great antiquity of these laws, which, for them, went back at least to the monarchical period (WURSTER, *Priesterkodex*, 127), if not to Moses himself (e.g., DELITZSCH, *Essays*, 227). This discussion has continued during the 20th century; contrast, e.g., NOTH, *Leviticus*, 15 (arguing for a setting in the late monarchic period) and ELLIGER, *Leviticus*, 32 (exilic setting).

<sup>17</sup> See already WELLHAUSEN, *Composition*, 144 n. 1, in the case of Lev 1–7; and for the restatement of this view, explicitly directed against Kuenen, e.g., CORNILL, *Einleitung*, 56.

<sup>18</sup> See in particular SUN, *Investigation*, 1–43; and GRÜN WALDT, *Heiligkeitsgesetz*, 5–22.

<sup>19</sup> As noted by SUN, *Investigation*, 9, Bertholet in his 1901 commentary on Leviticus could already present this result as an old scholarly achievement ("wie schon längst erkannt").

<sup>20</sup> BAENTSCH, *Heiligkeits-Gesetz*.

<sup>21</sup> A view still reflected, e.g., in BERTHOLET, *Leviticus*, x, where he lists the twelve independent "pieces" (*Stücke*) which H's redactor, Rh, used for his composition.

Lev 18–20 or 21–22, he suggests that the different laws composing Lev 17–26 were assembled in small collections before H's redaction: ch. 17 (Pha), 18–20 and portions of 23–25\* (Phb), as well as 21–22 (Phc).<sup>22</sup> Various attempts to identify groups of laws which comprised an intermediate stage between the earliest traditions underlying Lev 17–26 and the work of Hr (the redactor of H) have been made in the 20th century, usually with results partly compatible with Baentsch's proposal.<sup>23</sup> The most detailed reconstruction is found in the study by A. Cholewiński who identifies no less than five distinct collections: Lev 17:3–9 (H1), Lev 18:6–23\*; 19:11–18, 26–28, 30, 32 (?) (H2), Lev 20–22\* (H3), which he regards as the “*Urheiligkeitgesetz*”, Lev 23\* (H4; however, this calendar was possibly intended from the beginning as a supplement to H3), and Lev 25\* (H5).<sup>24</sup>

Yet this model, for all its complexity, still presumes that the H code itself is the work of a single redactor, as already was the case for Graf, Kuenen and Wellhausen. Instead, a few authors, especially R. Kilian, K. Elliger, and, more recently, H.T.C. Sun, have argued for the presence of several redactional layers in Lev 17–26. In a 1952 study on Lev 18, Elliger already suggested distinguishing two redactions in the exhortation framing Lev 18, v. 1–5 and 24–30. In particular, he noted that in 18:24–30 a chronological tension could be observed between v. 24 and 25–29 (in the first case, the nations occupying the promised land are about to be expelled from it, while in the following verses, they have apparently *already* been chased out before Israel) and held that 18:25–29, together with 18:5 (itself also probably secondary to 18:2–5), developed a more “individualizing” outlook than the original parenthesis found in 18:2–4, 24, 30.<sup>25</sup> Kilian, in a detailed monography published in 1963, accepted Elliger's idea of two redactors in Lev 18 and extended it to all of H.<sup>26</sup> Later, in his commentary on Leviticus, Elliger advocated an even more complicated model for the redactional history of Lev 17–26, discerning four successive stages.<sup>27</sup> Lastly, a different but no less complex

<sup>22</sup> BAENTSCH, *Heiligkeits-Gesetz*. Further ID., Leviticus, 387ff.

<sup>23</sup> See, e.g., FEUCHT, *Untersuchungen*, who identifies two main groups of laws. H 1, comprising Lev 18–22; 23:9–22 (as well as Num 15:37–41), is pre-Dtr; H 2, comprising Lev 25–26, is post-Dtr. Lev 17; 23:4–8, 23–28; 24 are still later supplements. Among recent studies adopting Baentsch's model, see MATHYS, *Gebot*, 85, following EISSFELDT, *Einleitung*, 315.

<sup>24</sup> CHOLEWIŃSKI, *Heiligkeitsgesetz*, 11–141, and the summary on p. 131–141. These collections were later unified by the H redaction, which was itself supplemented by several later additions and edited by the P school. The H2–H5 collections were composed within the same priestly circles, but did not really form a code before the work of the exilic H redactor.

<sup>25</sup> ELLIGER, *Leviticus 18*; see also ID., *Leviticus*, 231–235. The tension between 18:24 and 25 was already pointed out by WELLHAUSEN, *Composition*, 153, who did not really explain it.

<sup>26</sup> KILIAN, *Untersuchung*. The first redaction, Ru (“*Urheiligkeitgesetz*”), comprising Lev 18–25\* and collecting several different traditions, dates back to the 7th century BCE; it presupposes Josiah's cultic centralization and is contemporary with the D code. The second redaction, RH (“*Heiligkeitsgesetz*”, Lev 18–26\*), postdates Ezekiel and has parallels with the Priestly *Grundschrift*. Ch. 17 was added still later. Kilian also identified two successive Priestly layers (Rp), the second being probably responsible for the insertion of ch. 17.

<sup>27</sup> ELLIGER, *Leviticus*, 218ff. Cf. the synthesis of his views on this issue in the Introduction, 14–20. Elliger, who rejects the classical view of H's primitive independence, identifies a first H stratum (Ph1) consisting of a collection of various traditions including Lev 17\*; 18\*; 19\*; 25\* and 26\*. This collection was intended from the start as a supplement to the Pg layer in the Pentateuch. The work of Ph1 was then completed by Ph2 (whom Elliger describes as the “*Ergänzer*” of Ph1. Ph2 introduced various additions to the material collected by Ph1, partly on the basis of earlier traditions, as well as a few more laws in Lev 20 and 21:1–15



model was claimed in 1990 by Sun, who regards H as the result of a process of *Fort-schreibung* of a small collection initially restricted to ch. 18–20.<sup>28</sup>

Another major development during the 20th century concerned the use of form criticism to reconstruct small series of instructions, usually in the form of decalogues or dodecalogues, with a similar syntactic construction. This approach was initiated by G. von Rad in a 1947 essay included in his “*Deuteronomium-Studien*”<sup>29</sup> and dominated the study of H until the 1980’s<sup>30</sup>. In particular, it was von Rad who advanced the view that the teachings collected in H had their *Sitz im Leben* in the “community-instruction of a popular character carried out by the levites”,<sup>31</sup> a view that was to become quite popular for some time. Several similar attempts to reconstruct H’s genesis from a form-critical perspective rapidly developed after the publication of von Rad’s essay. In particular, they can be found in the works of scholars such as K. Rabast,<sup>32</sup> W. Kornfeld,<sup>33</sup> H.G. Reventlow,<sup>34</sup> R. Kilian,<sup>35</sup> K. Elliger,<sup>36</sup> C. Feucht,<sup>37</sup> A. Cholewiński,<sup>38</sup> and most recently H.T.C. Sun.<sup>39</sup> As in the works by Rendtorff and Koch on Lev 1–16 (see below), the use of the form-critical method was generally perceived as a means to correct the too exclusively *literary* approach characteristic of Wellhausen and his school, and thus to go back to the original forms and settings of these laws.<sup>40</sup> With the exception of Reventlow, however, it was not meant to replace the literary-critical analysis of Lev 17–26, and most scholars, such as Kilian, Elliger, Cholewiński and Sun, basically tried to fit their form-critical observations into the prevailing model for the literary composition of H inherited from Wellhausen.<sup>41</sup> On the whole, the form-critical approach gave rise to very elaborate

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(originally in the reversed order). A further redaction, Ph3, left untouched the collection composed by Ph1 and Ph2 (except that it changed the initial order of Lev 20 and 21:1–15 to its present order) but added 21:16–24; 22:17–25 and 23\*. Thus, the initial collection composed by Ph1 and completed by Ph2, including Lev 17–20; 21:1–15; 25–26, was already more or less achieved before the work of Ph3. A final redactor, Ph4, supplemented the work of Ph3 (very much as Ph2 had supplemented Ph1) by adding 22:1–16, 26–30, 31–33; 24:1–9, 10–22.

<sup>28</sup> SUN, Investigation; see his summary on p. 560–574. Ch. 18–20 were first supplemented by Lev 21 and incorporated into their present literary context when ch. 17 was inserted. To this corpus were successively added 22:1–16, 17–25, 26–33; 23:1–44; 24:1–9, 10–23; 25–26; 27. The placement of several of these late additions within Lev 17–26 has no other reason, according to Sun, than the chronological order of their literary insertion (ID., Investigation, 565). In particular his reconstruction implies that it is only in the case of Lev 18–20 that one can properly speak of a “Holiness Code”, because all the other laws were inserted at a post-stage. Nonetheless, all the texts in H made use of a considerable amount of traditions.

<sup>29</sup> See VON RAD, Holiness Code.

<sup>30</sup> The last major form-critical study of H is by SUN, Investigation, published in 1990.

<sup>31</sup> VON RAD, Holiness Code, 31.

<sup>32</sup> RABAST, Recht.

<sup>33</sup> KORNFELD, Studien.

<sup>34</sup> REVENTLOW, Heiligkeitsgesetz.

<sup>35</sup> KILIAN, Untersuchung.

<sup>36</sup> ELLIGER, Leviticus 18; ID., Leviticus, 218–379.

<sup>37</sup> FEUCHT, Untersuchungen.

<sup>38</sup> CHOLEWIŃSKI, Heiligkeitsgesetz.

<sup>39</sup> SUN, Investigation.

<sup>40</sup> See characteristically the statement by REVENTLOW, Heiligkeitsgesetz, 7–8.

<sup>41</sup> Reventlow’s purely form-critical approach, for its part, is explicitly intended as a response to Wellhausen. Reventlow considers a very long process of gradual development for

reconstructions of the original legal collections which were supposed to reflect the civic (Lev 18–20) and cultic (17; 21–22; 23) ethos of the Israelite tribes in the pre-state period. Lev 18, for instance, was commonly regarded as preserving an old “decalogue” (in 18:7–17a) on forbidden sexual relationships within the clan probably going back to the wilderness period.<sup>42</sup> Likewise, several ancient collections of ethical, social and economic prohibitions in the apodictic style, also grouped in decalogues or dodecalogues, were found behind Lev 19 (especially in 19:11–18, 26–28).<sup>43</sup> Other authors, in the wake of A. Alt’s seminal analysis of Israel’s laws,<sup>44</sup> investigated from a form-critical perspective the casuistic and apodictic laws of H, comparing them to the main legal formulations in ancient Near Eastern laws;<sup>45</sup> also, various studies similarly compared the legal forms of H to those of D.<sup>46</sup>

In the last two decades, however, the situation has radically changed. The form-critical approach has gradually been abandoned by the vast majority of scholars, and the attempt to reconstruct “pure” forms on the basis of general syntactic patterns underlying the present text of ch. 17–26 is only exceptional.<sup>47</sup> Similarly, recent studies have usually reasserted H’s redactional homogeneity, even if, here also, we do find a few exceptions.<sup>48</sup> K. Grünwaldt, in particular, offers a detailed source-, redaction- and literary criticism of Lev 17–26 and, though he acknowledges the presence of a few discrete sources used by the author of H (especially in Lev 18\* and 20\*) as well as several isolated additions, nevertheless denies the possibility of identifying either separate layers in the composition of H (e.g., Elliger, Kilian) or even earlier groups of laws (thus Baentsch), thus basically returning to Wellhausen’s view of H.<sup>49</sup> Similarly, E. Otto identifies a coherent structure in Lev 17–26 and seeks to account for most if not all the tensions traditionally identified in these chapters by the fact that the author of H consistently borrows from and even refers to other pentateuchal codes (“inner-biblical exegesis”).<sup>50</sup> Other major recent studies, such as the works by J. Joosten and A. Ruwe, are less concerned with discussing systematically the tensions found in the text of Lev 17–26 but also tend to interpret this code as a unified composition, with some possible exceptions such as ch. 24.<sup>51</sup> On the whole, one may observe a general concern for assessing the inner logic and the overall

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H in which the oldest instructions go back to the period of the wilderness and (following von Rad on this point) were gradually commented on and transmitted by levitical preachers in their sermons. In this model, even the elements classically assigned to P, such as the mention of Aaron and his sons, reflect ancient traditions and cannot be used for dating the texts. Nevertheless, Reventlow’s approach remained marginal, even at the time of the greatest enthusiasm for form criticism; see already ELLIGER’s criticism in *ID.*, *Leviticus*, 14–16.

<sup>42</sup> For this view of the original *Sitz im Leben* of Lev 18, see the classical analysis by ELLIGER, *Leviticus* 18; cf. also KILIAN, *Untersuchung*, 27.

<sup>43</sup> Cf. already VON RAD, *Holiness Code*, 27–30; and KILIAN, *Untersuchung*, 42ff.; ELLIGER, *Leviticus*, 244–255; CHOLEWIŃSKI, *Heiligkeitsgesetz*, 44–54, etc.

<sup>44</sup> ALT, *Ursprünge*.

<sup>45</sup> Thus in particular KORNFIELD, *Studien*, 13–68, and R. KILIAN, *Literarkritische und formgeschichtliche Untersuchung des Heiligkeitsgesetzes*, *Diss. Theol.*, Tübingen, 1960.

<sup>46</sup> Cf. for instance VON RAD, *Holiness Code*, and particularly RABAST, *Recht*.

<sup>47</sup> See, e.g., the recent commentary by GERSTENBERGER, *Leviticus*; and also MASSMANN, *Ruf*, in the case of Lev 20.

<sup>48</sup> Thus, e.g., SCHENKER, *Incest Prohibitions*, in the case of Lev 18–20.

<sup>49</sup> See GRÜN WALDT, *Heiligkeitsgesetz*.

<sup>50</sup> OTTO, *Ethik*, 234ff.; *ID.*, *Heiligkeitsgesetz*; *ID.*, *Innerbiblische Exegese*.

<sup>51</sup> JOOSTEN, *People*; RUWE, “*Heiligkeitsgesetz*”. In several respects, Ruwe’s monograph furthers a line of analysis initiated by BLUM, *Studien*, 287ff., and CRÜSEMANN, *Tora*, 350ff.

structure of Lev 17–26,<sup>52</sup> whereas earlier studies tended to regard this code as a rather awkward compilation, excluding the possibility of identifying a coherent pattern.<sup>53</sup>

In addition to H's literary and conceptual coherence, a major issue in recent research has been the code's relationship to other pentateuchal codes, especially to D and to the P legislation in Lev 1–16. The question is not exactly new (as noted above, it played a decisive role in the works of Graf, Kuenen and Wellhausen already), but it had gradually become blurred during the 20th century, especially under the influence of form criticism.<sup>54</sup> H's relationship to the CC and to D was the subject of a renewed examination by Cholewiński in 1976. Basically, Cholewiński sought to demonstrate that H was systematically dependent on the two other codes and should be viewed, more specifically, as a revision of D by priestly circles from the end of the seventh century BCE onwards. Those circles disagreed with some major aspects of the D legislation such as the permission of profane slaughter (Lev 17, see Deut 12), the cultic calendar (Lev 23 // Deut 16) and the law on debt remission and slave release (Lev 25 // Deut 15).<sup>55</sup> In many respects, his study can be regarded as signaling the return to an approach to the relation between D and H in terms of literary dependence instead of the concern for the isolation of common "forms"; also, it consistently emphasized the necessity of interpreting several laws in H not merely in themselves but primarily in relation to parallel laws in the other biblical codes.<sup>56</sup> In Germany, Cholewiński's thesis had a profound scholarly influence, though it also met with some opposition.<sup>57</sup> In recent studies, his detailed analysis of H's relationship to D has been pursued by scholars such as Grünwaldt and Otto who, despite their differences, basically confirm H's systematic dependence upon D.<sup>58</sup> For a majority of Jewish scholars, on the contrary, H precedes D, regarded as the latest pentateuchal source. For instance, J. Milgrom, in his work on Lev 17–27, usually maintains that it is H which influences D and not the reverse.<sup>59</sup>

Even more debated is the relationship of H to P. Since Graf's original proposal in 1866, the hypothesis of H's original independence has always raised some significant issues, in particular because of the absence of a clear introduction to this code, as in the case of the *mīšpatīm* in Ex 21:1; because of the importance of the Sinai fiction (cf. the divine addresses

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<sup>52</sup> See in particular OTTO, *Ethik*, 242–243; ID., *Gesetzesfortschreibung*, 386; GRÜN WALDT, *Heiligkeitgesetz*, 131–138; RUWE, "Heiligkeitgesetz", 79–89.

<sup>53</sup> However, this traditional view is still found in some recent works, see, e.g., BLENKINSOPP, *Pentateuch*, 224 ("little internal coherence"); GERSTENBERGER, *Leviticus*, 16.

<sup>54</sup> I.e., although for a majority of scholars the main redaction of H was still regarded as being post-D (but see ELLIOTT-BINNS, *Problems*, who dates H to the time of Manasseh), the reconstruction of older collections behind H implied the possibility that some portions of this code pre-date D's composition. See, e.g., BETTENZOLI, *Geist*, 51–104; ID., *Deuteronomium*.

<sup>55</sup> CHOLEWIŃSKI, *Heiligkeitgesetz*, esp. 145–327.

<sup>56</sup> Note that shortly before Cholewiński, THIEL, *Erwägungen* (1969), had emphasized the fact that the pareneses of the Holiness Code stood in the Deuteronomistic tradition.

<sup>57</sup> See in particular BETTENZOLI, *Deuteronomium*, arguing for a complicated model involving mutual interaction between D and H in the formation of these two codes; more recently, BRAULIK, *Dekalogische Redaktion*; ID., *Beobachtungen*, who holds more specifically that H is older, and not later, than Deut 19–25.

<sup>58</sup> GRÜN WALDT, *Heiligkeitgesetz*; OTTO, *Ethik*, 234ff.; ID., *Heiligkeitgesetz*; ID., *Innerbiblische Exegese*. See also most recently WAGENAAR, *Two Kinds*.

<sup>59</sup> MILGROM, *Leviticus*, esp. 1357–1361. The issue, however, is complicated by the fact that he nevertheless admits a late revision of H in the sixth century BCE (= H<sub>R</sub>), which then postdates D (if one keeps the traditional, Josianic dating of the latter code).

to Moses and Aaron, as well as the setting presupposed by several laws such as Lev 17 and 24:10–23; further, 19:23–25 and 25:2ff.); and because of the numerous parallels with P. Although H's precedence over P was occasionally questioned,<sup>60</sup> it is only recently that it was seriously disputed. In 1959, in a short notice for the third edition of the *RGK*, K. Elliger broke with the established scholarly consensus and asserted that Lev 17–26 had been conceived from the beginning as a sequel to the P narrative (Pg), before the introduction of other ritual supplements (Ps);<sup>61</sup> he basically restated the same view later in his commentary.<sup>62</sup> Although his suggestion was completely ignored at first,<sup>63</sup> the situation has changed in the last decades after it was adopted by Cholewiński, who was himself followed by some German scholars.<sup>64</sup> Others, on the contrary, have acknowledged that H was probably contemporary with or even slightly later than Pg but nevertheless regard it as an independent code originally, which was composed for itself and not as a sequel to Pg; in particular, this is the position argued most recently by Grünwaldt.<sup>65</sup> Gradually, Elliger's view that H, though later than Pg, was nevertheless older than Ps has also become disputed. In a seminal 1974 article, V. Wagner claimed, on the basis of an examination of the overall structure of Leviticus, that the collection formed by Lev 17–26 (27), which lacks a proper introduction, had been conceived from the start as a sequel to the first part of the book, ch. 1–16.<sup>66</sup> In particular, Wagner noted the close connection between ch. 17–26 and 11–16, with their distinctive concern for purity, and argued from this and similar observations that the traditional isolation of ch. 17–26 (27) from the rest of the book seemed unjustified. Basically the same position is found in the studies by E. Blum,<sup>67</sup> F. Crüsemann,<sup>68</sup> R. Albertz<sup>69</sup> and, most recently, A. Ruwe;<sup>70</sup> all want to understand ch. 17–27 as an integral part of the book of Leviticus and, more generally, of the Priestly stratum in the Pentateuch (which, following Blum, they regard more as a "compositional layer" than as a proper source). Finally, I. Knohl and J. Milgrom have argued in several studies that H not only presupposes P but is even later.<sup>71</sup> Their demonstration is based both on a comparison of the parallel laws found in P and H, such as the calendar of Num 28–29 and that of Lev 23, and on the observation of a significant evolution in H's theology vis-à-vis that of P, in particular as regards the extension of the concept of holiness to the entire community, a notion still absent from P. In addition, Knohl and Milgrom also include a detailed analysis of the phraseology found in Lev 17–27, which, according to them, is based on P's terminology but nonetheless frequently modifies it, thus blurring the distinctions established by P and introducing instead new features.<sup>72</sup> Lastly, a post-P dating for H is also argued by E. Otto,

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<sup>60</sup> See especially EERDMANS, *Studien* IV, 83–87; and KÜCHLER, *Heiligkeitsgesetz*.

<sup>61</sup> ELLIGER, art. *Heiligkeitsgesetz*.

<sup>62</sup> *Leviticus*, especially p. 14–20.

<sup>63</sup> Thus, in an article from 1969 W. Thiel could still regard H's original independence as an unquestionable result of pentateuchal scholarship; see THIEL, *Erwägungen*, 41.

<sup>64</sup> See CHOLEWIŃSKI, *Heiligkeitsgesetz*, especially p. 338; and further KORNFELD, *Leviticus*, 6; PREUSS, art. *Heiligkeitsgesetz*; most recently, KRATZ, *Komposition*, 114.

<sup>65</sup> GRÜN WALDT, *Heiligkeitsgesetz*.

<sup>66</sup> WAGNER, *Existenz*.

<sup>67</sup> BLUM, *Studien*, 318ff.

<sup>68</sup> CRÜSEMANN, *Tora*, 323–326.

<sup>69</sup> ALBERTZ, *Religion*, 2. 480ff. and 629 n. 100.

<sup>70</sup> RUWE, "Heiligkeitsgesetz".

<sup>71</sup> KNOHL, *Priestly Torah*; ID., *Sanctuary*; MILGROM, *Leviticus*, esp. 13–42 and 1319–1443; see also, e.g., ID., *Leviticus* 19.

<sup>72</sup> See KNOHL, *Sanctuary*, 108–110; MILGROM, *Leviticus*, 35–42.1325–1332.

although from a distinct perspective since for him H is not only post-P but also *post-D* and therefore belongs to a pentateuchal redaction.<sup>73</sup>

On the whole, it can be said that the traditional chronology for H and P has been radically reversed in recent decades. There is now almost unanimous acceptance that H presupposes at least a first form of the Priestly document; yet there is still significant disagreement as to the stage of development reached by P at the time of H's composition, as well as to the precise nature of the relationship between these two works. The various scholarly positions on these two issues have major implications for the exegesis of H. Thus, scholars who maintain that H was originally composed as an independent code, which would be contemporary with or slightly later than Pg (Grünwaldt, Mathys), tend to regard it as an ideal constitution of sorts composed in the early Persian period for members of the Judean community returning from the Babylonian exile.<sup>74</sup> To scholars who follow Elliger, the purpose of H's composition was rather to supplement the Priestly narrative with a legal code influenced by D but reinterpreted from a more distinctively "priestly" perspective.<sup>75</sup> Those authors regarding H as an integral part of the Priestly writing mainly emphasize the code's place in P's macrostructure. After Yahweh has come to reside within the portable sanctuary which the Israelites have built for him at Mt Sinai (Ex 40) and the Israelites have been taught how to offer sacrifices and deal with cases of impurity (Lev 1–16), they can eventually be taught how to become a holy community, entirely consecrated to Yahweh. This structural observation accounts, in particular, for the obvious change in topics suddenly occurring in Lev 17ff., namely, the new concern for everyday life and moral issues within the community; at the same time, the close connection with Lev 11–16, already observed by Wagner, includes Lev 17–27 in a larger complex concerned with "impurity" in general, physical and moral.<sup>76</sup> For their part, Knohl and Milgrom attribute H to a distinct priestly group in Jerusalem, which Knohl identifies as the "Holiness School" (HS), and whose origin they situate in the late eighth century BCE, probably under Hezekiah. Both authors consider that P's editing by the HS should be seen as an attempt to respond to the religious, social and economic problems of their time as denounced by the pre-exilic prophets (Hosea, Amos, Micah), whereas the authors of P were more concerned with strictly cultic issues, in particular the preservation of the sanctuary's holiness.<sup>77</sup> Interestingly, Knohl and Milgrom also identify the language and theology charac-

<sup>73</sup> OTTO, *Ethik*, 234ff.; *ID.*, *Heiligkeitgesetz*; *ID.*, *Innerbiblische Exegese*.

BLENKINSOPP, *Pentateuch*, 224, also opts for the view that H was never an independent code. Though he includes it, like the rest of Leviticus, in "P", he also observes that the parallels in Lev 17–26 with D and Ezekiel, strongly suggest "a very late date for the redaction of this part of the Sinai pericope", thus anticipating in a sense Otto's position.

<sup>74</sup> See MATHYS, *Gebot*, esp. 108; GRÜN WALDT, *Heiligkeitgesetz*, esp. 379ff.; and for this idea already JAGERSMA, *Leviticus* 19, ch. 5.

<sup>75</sup> CHOLEWIŃSKI, *Heiligkeitgesetz*, esp. 138ff. and 325ff.; similarly PREUSS, art. *Heiligkeitgesetz*, 714 ("[...] als Weiterführung und Korrektur des Deuteronomiums eingefügt"); KRATZ, *Komposition*, 114 ("[...] das Heiligkeitgesetz [...], welches das Deuteronomium im priesterschriftlichen Geist und Stil reformuliert [...]"); cf. also L' HOUR, *L'Impur*, II, 52–53.

<sup>76</sup> See WAGNER, *Existenz*; BLUM, *Studien*, 318ff.; and very similarly CRÜSEMANN, *Tora*, 323–326, esp. 324–325.

<sup>77</sup> KNOHL, *Sanctuary*, esp. 124ff.; MILGROM, *Leviticus*, 1352–1355; on P's theology, see further *ID.*, *Leviticus*, 42–51; on H's theology, *ID.*, *Leviticus*, 1368ff. Nevertheless, one should note that the two authors differ significantly on this point. Knohl emphasizes a sharp contrast between the conceptions of P and H regarding God and the cult; according to him, H polemicalizes against P and tries to correct the latter's exclusive focus on the sacred realm as

teristic of H in other passages of the P source outside Lev 17–27, although they disagree significantly on the nature and number of the texts attributed to the HS.<sup>78</sup> This leads Knohl to consider the possibility that the editorial activity of the HS extended over two or more centuries, down to the editing of the Torah, and that the HS should be basically identified with the pentateuchal editors.<sup>79</sup> In a certain sense, this proposal partly anticipates Otto's view, who considers that the H code, being both post-D and post-P, should be assigned to a "pentateuchal redactor" (*Pentateuchredaktor*) who, together with a "hexateuchal redactor" (*Hexateuchredaktor*) is responsible for the Torah's composition during the Persian period.<sup>80</sup> It is from this perspective that Otto, developing further Cholewiński's analysis, systematically interprets the reception of the other biblical codes (particularly D) in Lev 17–26. In his model, the legal hermeneutics reflected in H betray the outlook of the pentateuchal redactor, at a time when the grouping of the main legal traditions in a single document prompted the need for the elaboration of a new compromise between such traditions.

By contrast, the remainder of the Priestly legislation, and particularly chapters 1–16 of Leviticus, received very little attention in scholarly treatments of the formation of the Pentateuch during the 20th century. In Europe, and particularly in Germany, discussion of the "P" source has mainly been concerned with the isolation of "Pg" as a discrete document and the analysis of its main features (namely, its literary structure, its overarching themes, and its historiographical project).<sup>81</sup> This tendency became especially prominent after two seminal essays by M. Noth and K. Elliger in the 1950's, both of which radicalized the distinction within P between "narrative" (i.e., primary) and "ritual" (secondary) elements.<sup>82</sup> As a result, "Pg" is now usually understood as a narrative source exclusively, and the presence of ritual details is even regularly used as a literary criterion for identifying secondary material in P –

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well as the tendency, in P, to dissociate the cult from ethics and from the kind of expectations traditionally associated with "popular" religion (see Sanctuary, esp. ch. 3). Milgrom, for his part, has a more nuanced view. For instance, he strongly opposes the idea that cult and ethics are separated in P, although he admits that the concern for the connection between these two topics is greater in H.

<sup>78</sup> See KNOHL, Sanctuary, 59–110, with the summary on p. 104–106; and compare with MILGROM, Leviticus, 1337–1344.

<sup>79</sup> KNOHL, Sanctuary, 100–103. Milgrom has a related but nevertheless somewhat distinct view on this point, at least in his most recent publications; see especially MILGROM, Leviticus, 1345–1348; and ID., H<sub>r</sub>. Although he does accept that the H code in Lev 17–26 (27) is the work of one generation of priestly scribes in the eighth century BCE, he attributes the final redaction of this code as well as the interpolations in the style of H elsewhere in the Torah to a single redactor, H<sub>r</sub>, working in the exilic (or early postexilic) period and whom he basically identifies with the final editor of the Pentateuch (see ID., Leviticus, 1439–1443).

<sup>80</sup> As regards Otto's model for the Torah's composition, see in particular ID., Deuteronomium. See also now ACHENBACH, Vollendung, who applies the distinction between "Pentateuchredaktion" and "Hexateuchredaktion" to the book of Numbers.

<sup>81</sup> See, e.g., LOHFINK, Priestly Narrative; WEIMAR, Struktur; or ZENGER, Gottes Bogen. For further discussion of these issues, see below Chapter One of this study.

<sup>82</sup> See NOTH, Pentateuchal Traditions, 8ff.; ELLIGER, Sinn.