LEVITICUS 17 AS A BRIDGE BETWEEN P AND H, WITH A TWIST[1] OF D?

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ABSTRACT

There seems to be an emerging consensus that the Holiness Code is later than Leviticus 1-16. The latter is usually regarded as a part of the Priestly text (P). In the European context Pentateuch scholars such as Otto, Grünwaldt and Nihan currently seem to agree on this and they follow in the footsteps of earlier scholars such as Elliger and Cholewinski. Yet from a Jewish perspective the same seems to be true of the work of scholars such as Knohl and the late Jacob Milgrom. Both these groups would agree that the Holiness Code was written after P, but they differ on one important issue – the relationship with Deuteronomy. In the light of this broader debate this article focuses on Leviticus 17, especially as a kind of hinge between P and H, but also on its relationship with the book of Deuteronomy. The paper especially engages with the opposing views of Milgrom and Otto. For the latter there are clear signs of reception of Deuteronomy 12 in Leviticus 17. For the former the relation is the other way around.

INTRODUCTION

Eckart Otto could be regarded as a good representative of those European scholars who argue that Leviticus 17-26, also known as the Holiness Code (H), is later than the Priestly text (P). Otto follows in the footsteps of previous German scholars such as Elliger (1966) and Cholewinski (1976), who have both argued after their own fashion[2] that Leviticus 17-26 came after P. Other more recent European scholars include Grünwaldt (1999) and Nihan (2007). Before Elliger, most scholars understood the Holiness Code as an older independent code which was later incorporated into P (Ruwe 1999:26). In his *Introduction to the Hebrew Bible* Collins (2004:148) seems to support the view[3] held by Otto, while Ska

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1   Thanks to Mark Brett for suggesting "twist" instead of the original "touch".

2   According to Otto (1999:132-134), Elliger worked with a supplementary model of the development of H in which material was added in at least four phases. Cholewinski's model is more fragmentary and he argues that five smaller collections were combined to form the Holiness Code (Otto 1999:134-135).

3   The following statement from Collins (2004:148) makes it sound as if he also supports the view that H is later than P (my italics): "Most importantly, these chapters attempt to integrate ethical commands of the type found in the Decalogue, and

(2006:151-153) is also a clear supporter.[4] We also find plenty of European scholars who disagree, including Blum (2009)[5] Crüsemann (1997),[6] and Ruwe (1999),[7] who would all argue that Leviticus 17-26 is too integrated into the rest of Leviticus to be regarded as some kind of independent code. Some scholars from the English-speaking world would also disagree.[8]

 In support of his argument that H[9] is later than P, Otto (1999:138) would often refer to the work of Milgrom (1991, 2000) and Knohl (1995), who are probably not the best of allies for Otto, since they would argue that P is pre-exilic. In that regard they could be regarded as members of the Kaufmann School,[10] which represents a position that very few European scholars would support, with the exception of some such as Joosten (1996) and Krapf (1992). It would thus be premature to speak of a consensus on H and its relation to P.

OTTO

Otto is probably best known for his work on the book of Deuteronomy and his commentary on this book will soon appear in the Herder series. In Otto's (2008:694) understanding of Deuteronomy the earliest form of the book was a loyalty oath dating[11] to the seventh century and engaging with the vassal treaties

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emphasized in Deuteronomy and the Prophets, with *the more specific cultic and ritual laws of the Priestly tradition.*"

[4] See also Zenger (2008:173-174) for a further overview of this debate in the German-speaking world.

[5] After engaging with the likes of Milgrom and Knohl and their idea of a Holiness School, Blum concludes (2009:39) that "the much-discussed characteristics of Leviticus 17-26 are neither exclusive to this corpus nor do they demand diachronic solutions."

[6] Crüsemann (1997:325) agrees with Blum that H is so embedded in P that it is "nicht herauszulösen."

[7] Similar to Crüsemann and Blum, Ruwe (1999:33) also regards H as "integraler Teilkomplex, der priesterlichen Sinaitexte ist."

[8] An example of a very recent scholar who still holds to the older view that H is older than the rest of P would be Middlemas (2007:125-134).

[9] Otto never actually refers to Leviticus 17-26 as H. He consistently talks of Leviticus 17-26. In this article we will, for the sake of brevity, use H for Leviticus 17-26.

[10] See especially the debate between Milgrom (1999) and Blenkinsopp (1996).

[11] According to Otto (2008:694), this loyalty oath originally consisted of Deuteronomy 13:2-10* and 28:15, 20-44.

of Esarhaddon. Edited into the loyalty oath we find a reinterpretation of the Covenant Code, which leads to the production of large parts of Deuteronomy 12-26. As Otto (2008:694) puts it: "In den Loyalitätseid wird vorexil. die Reformulierung des Bundesbuches in 12-26* eingearbeitet".

Otto (2008:694) regards the laws on cult centralization in Deuteronomy 12:13-27 as a hermeneutical key (*Hermeneutischer Schlüssel*) which helps us to understand how the Deuteronomic Code reinterpreted the Covenant Code. Deuteronomy 12:13-27 corrected Exodus 20:24-26, and in the rest of Deuteronomy 14-26 many of the laws of the Covenant Code are rewritten in the light of the new law of cult centralization.

This is the kind of reading which Otto would often call "inner biblical exegesis" to describe the interaction between different law codes. When it comes to the Holiness Code, Otto argues along similar lines that, just as Deuteronomy corrected the Covenant Code by centralizing the cult, so the Holiness Code is also correcting Deuteronomy by banning so-called profane slaughter. For Otto (2009:139-144) the Holiness Code is also part of the redaction of the Pentateuch and Otto's argument with regard to Leviticus 17 is summarised below.

Otto (1999: 141) argues that Leviticus 17 unites the laws on the cultic slaughter of animals (17:3-7) and on the central sanctuary (17:8-9) with the prescriptions about blood (17:10-14). The three laws taken from Deuteronomy 12 (Otto 1999:142) are presented in a different order in Leviticus 11 (Otto 1999:143).[12] Deuteronomy 12 starts with the laws on the centralization of the cult (vv. 2-7), with the so-called profane slaughter concession following (vv. 15-16) later in the chapter. In Otto's (1999:143) understanding, the allowance of profane slaughter (in Deuteronomy) is a result of the centralization of the cult. In Deuteronomy 12 these two issues of centralization and profane slaughter are then followed by the blood taboo (vv. 24-26). Thus the order in Deuteronomy 12 is centralization, allowance of profane slaughter, blood taboo, whereas in Leviticus 17 it is prohibition of profane slaughter, centralization and blood taboo.

As said, Leviticus 17 starts with profane slaughter (vv. 3-9) and forbids it. Every slaughter is supposed to be a cultic act. If this is not done, these acts

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[12] Only later does Otto (1999:144) discuss Leviticus 17:15-16, which reinterprets Deuteronomy 14:21.

become heathen practices. There is no room for those who live far from the sanctuary. They simply have to present all offerings to the priest. For Otto (1999:143) this is a correction of Deuteronomy and with that purpose in mind the chapter *starts* with this legislation and thus corrects its Deuteronomic predecessor. In Leviticus 17 the prohibition of profane slaughter is followed by two short verses (vv. 8-9) accentuating the centralization of the cult and then the rest of the chapter (vv. 10-16) is basically about blood and animals which were not killed by humans. One could also say that the prohibition of profane slaughter is the innovative contribution made by H and therefore the chapter starts with that, whereas in Deuteronomy 12 centralization was the innovation and therefore the Deuteronomic law code started with that. Deuteronomy also started with that because it was correcting Exodus 20:24-26, which referred to multiple places where YHWH will cause his name to be honoured.

When it comes to blood, Otto (1999:142) argues that Deuteronomy 12:23 is taken up and (re)interpreted in Leviticus 17:11 and 14.

Deuteronomy 12:23 (BHS)

רַק חֲזַק לְבִלְתִּי אֲכֹל הַדָּם כִּי הַדָּם הוּא הַנָּפֶשׁ וְלֹא־תֹאכַל הַנֶּפֶשׁ עִם־הַבָּשָׂר׃

Deuteronomy 12:23 (NRSV)
[23] Only be sure that you do not eat the blood; for *the blood is the life*, and you shall not eat the life with the meat.

Leviticus 17:11 and 14 (BHS)

כִּי נֶפֶשׁ הַבָּשָׂר בַּדָּם הִוא וַאֲנִי נְתַתִּיו לָכֶם עַל־הַמִּזְבֵּחַ לְכַפֵּר עַל־נַפְשֹׁתֵיכֶם כִּי־הַדָּם הוּא בַּנֶּפֶשׁ יְכַפֵּר׃

כִּי־נֶפֶשׁ כָּל־בָּשָׂר דָּמוֹ בְנַפְשׁוֹ הוּא וָאֹמַר לִבְנֵי יִשְׂרָאֵל דַּם כָּל־בָּשָׂר לֹא תֹאכֵלוּ כִּי נֶפֶשׁ כָּל־בָּשָׂר דָּמוֹ הִוא כָּל־אֹכְלָיו יִכָּרֵת׃

Leviticus 17:11 and 14 (NRSV)
[11] For *the life of the flesh is in the blood*; and I have given it to you for making atonement for your lives on the altar; for, as life, it is the blood that makes atonement.
[14] For the life of every creature—*its blood is its life*; therefore I have said to the people of Israel: You shall not eat the blood of any creature, for the life of every creature is its blood; whoever eats it shall be cut off.

What does he mean by "re-interpretation" (*auslegen*)? Apparently, according to Otto (1999:142), Leviticus 17 takes up the Deuteronomic connection between blood and life (נֶפֶשׁ), but then makes a further connection between נֶפֶשׁ, blood and

the כפר function of the blood as stated in Leviticus 17:11. Yet between Deuteronomy 12:23 and Leviticus 17:11, Otto (1999:142) argues, one should also read Genesis 9:4 from the Noahitic laws as a kind of hermeneutical key.

Genesis 9:3-4 (BHS)	Genesis 9:3-4 (NRSV)
כָּל־רֶמֶשׂ אֲשֶׁר הוּא־חַי לָכֶם יִהְיֶה לְאָכְלָה	³ Every moving thing that lives shall be food for you; and just as I gave you the green plants, I give you everything.
כְּיֶרֶק עֵשֶׂב נָתַתִּי לָכֶם אֶת־כֹּל:	⁴ Only, you shall not eat *flesh with its life, that is, its blood.*
אַךְ־בָּשָׂר בְּנַפְשׁוֹ דָמוֹ לֹא תֹאכֵלוּ:	

For Otto (1999:142) Genesis 9:4 is a part of P^G[13] and he translates the nominal sentence, בְּנַפְשׁוֹ דָמוֹ, as "mit seiner *npš* ist sein Blut". The identification of blood and נֶפֶשׁ is taken over from Deuteronomy 12:23 and connected to the priestly formulation "with his *npš* is his blood". The words are a combination of the preposition בְּ and the Hebrew word נֶפֶשׁ. Thus the two ideas are combined, or rather the idea from Deuteronomy which connects blood and נֶפֶשׁ is combined with the Priestly way of putting it with the preposition בְּ added to נֶפֶשׁ.[14] But Leviticus 17 also added the theological connection between blood, life and כפר, which is not found in either Deuteronomy 12 or the flood narrative.

Otto (1999:142) argues that Leviticus provides some kind of correction to Deuteronomy 12, Leviticus 7:22-27 and Genesis 9:3-4. Deuteronomy 12 is corrected where so-called profane slaughter is allowed, but so is Leviticus 7:22-27, which for Otto (1999:142) is part of P^S. In Leviticus 7:22 only the eating of the fat of cattle, sheep and goats is prohibited and in verse 26 the eating of blood

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[13] In German scholarship one often distinguished 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. German scholars (obviously) sometimes differ on the extent of the two layers. See Otto (1997:1-50) for his own view on the matter. For our purposes these distinctions are not really relevant, since both precede the Holiness Code.

[14] Otto does not engage with the detail of how the three different examples of בְּ function in Leviticus 17:11 and 14. Milgrom (2000:1472-1484) does that, though. For Milgrom (2000:1484) the preposition in בַּדָּם (Lev 17:11a) should be translated with "in" and is thus indicating location. The preposition in בַּנֶּפֶשׁ (Lev 17:11b) should be translated with "by" and expresses instrument, while the one in בְּנַפְשׁוֹ (Lev 17:14a) is translated as "with" and is thus a kind of *beth comitantiae*. This last example is similar to the one in Genesis 9:4, where the same preposition is used in front of נֶפֶשׁ.

is prohibited, but Otto understands these verses to imply that the kind of profane slaughter in Deuteronomy 12 is still allowed. Leviticus 17 does not leave this possibility open. The so-called correction of Genesis 9:3-4 (for Otto part of P^G) is probably more a kind of supplement whereby the theological motivation of connecting the blood with the כפר function is added.

Furthermore, according to Otto (1999:143), Leviticus 17 implies that the blood of these animals is all used on the altar, and therefore there is no instruction to pour the blood of these animals into the ground as we have in Deuteronomy 12:16. In Leviticus 17 (vv. 10-14) this practice is only allowed for wild animals that may be eaten, but which are not allowed to be sacrificed. Otto (1999:143) states:

> Für alle Opfer aber gelten die Bestimmungen des Heilsopfers. Das Blut ist gemäβ Lev 17,6 an den Altar zu gieβen. Damit verbunden wird das Verbot des Blutgenusses, über Gen 9,4 (P^G) und Dtn 12,23 hinausführend, mit der Sühnefunktion des Blutes begründet.

With regard to the greater structure of the Holiness Code, Otto (1999:144) says that H is not only dependent on individual stipulations in P, Deuteronomy and the Covenant Code, but is in terms of structure also informed by the Covenant Code and Deuteronomy. Both H and the Deuteronomic Code start with chapters on the cult and both (Deuteronomy 28 and Leviticus 26) end with chapters on blessings and curses (Otto 1999:144). Similarly the Covenant Code also started with altar laws (Exodus 20:24-26) and concluded with blessings and warnings (Exodus 23:20-33). This is by no means a unique argument; it is often used to argue that H must have been some independent law code at an earlier stage.[15]

Otto (1999:144) continues that Leviticus 17 does not only function as an introduction to chapters 18-22, but is also (like Deuteronomy 12) the main law (Hauptgesetz) of the Code. It is not that clear what he means by this apart from stating that there are many links (*Klammern*) in Leviticus 17 which point forward to what follows in the rest of the Code. Another forward-pointing technique identified in Leviticus 17 has to do with the way in which Leviticus 17:15 re-interpreted Exodus 22:30 and Deuteronomy 14:21:

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15   A good example of this kind of argument would be Levine (1989:111).

Deuteronomy 14:21 (BHS)

לֹא תֹאכְלוּ כָל־נְבֵלָה לַגֵּר אֲשֶׁר־בִּשְׁעָרֶיךָ

תִּתְּנֶנָּה וַאֲכָלָהּ אוֹ מָכֹר לְנָכְרִי כִּי עַם קָדוֹשׁ

אַתָּה לַיהוָה אֱלֹהֶיךָ לֹא־תְבַשֵּׁל גְּדִי בַּחֲלֵב

אִמּוֹ: פ

Deuteronomy 14:21 (NRSV)

[21] You shall not eat anything that dies of itself; you may give it to aliens residing in your towns for them to eat, or you may sell it to a foreigner. For you are a people holy to the LORD your God. You shall not boil a kid in its mother's milk.

Exodus 22:30 (BHS)

וְאַנְשֵׁי־קֹדֶשׁ תִּהְיוּן לִי וּבָשָׂר בַּשָּׂדֶה טְרֵפָה לֹא

תֹאכֵלוּ לַכֶּלֶב תַּשְׁלִכוּן אֹתוֹ: ס

Exodus 22:31 (NRSV)

[31] You shall be people consecrated to me; therefore you shall not eat any meat that is mangled by beasts in the field; you shall throw it to the dogs.

Leviticus 17:15 (BHS)

וְכָל־נֶפֶשׁ אֲשֶׁר תֹּאכַל נְבֵלָה וּטְרֵפָה בָּאֶזְרָח

וּבַגֵּר וְכִבֶּס בְּגָדָיו וְרָחַץ בַּמַּיִם וְטָמֵא עַד־הָעֶרֶב

וְטָהֵר:

Leviticus 17:15 (NRSV)

[15] All persons, citizens or aliens, who eat what dies of itself or what has been torn by wild animals, shall wash their clothes, and bathe themselves in water, and be unclean until the evening; then they shall be clean.

In both texts from Exodus and Deuteronomy we find statements that the people are to be holy. This is not repeated in Leviticus 17:15, although 17:15 is clearly (for Otto at least) correcting these two earlier verses. One actually does not find any reference to "being holy" in all of chapter 17, which is after all the Holiness Code. For Otto (1999:145) this leaves a kind of gap in the text which points forward to the parenetic frame of the Holiness Code, which starts in chapter 18, although the actual command to be holy only starts to appear in chapter 19. Otto (1999:145) concludes his discussion of Leviticus 17 by stating that it is no real starting point (Eingang) to the Holiness Code, since we do not find any reference to holiness. This is a rather puzzling part of Otto's argument. Leviticus 17 is at the start of the Code and it is the main law, but it is no point of entry (*Eingang*).

Thus for Otto it is very clear that Leviticus 17 as the main law of H was correcting other earlier texts, especially the concession regarding so-called profane slaughter in Deuteronomy 12. Otto (1999:146) concludes his discussion of Leviticus 17 by saying:

> Die Richtung der Rezeption verläuft eindeutig vom Deuteronomium
> zum Heiligkeitsgesetz.

The "direction" (*Richtung*) is not clear to Milgrom, as we will see in a moment, but we need to address a few questions to Otto. How could chapter 17 be the main law, but not a real "Eingang"? This part of Otto's argument is rather confusing, although it says something about the complexity of the structure of H. It is true that chapter 17 is usually regarded as the start, but it is often acknowledged that the language of 17 is not always that similar to that of the rest of the Code. Related to this problem is the issue that Otto says a lot about Leviticus 17 pointing forward, but very little about it pointing backwards. Chapter 17 is certainly correcting older texts such as D and P, but Otto does not really acknowledge that Leviticus 17 has a lot in common with the first part of Leviticus. For instance, consider Otto's insight that Leviticus 17:11 combined the point of Deuteronomy that blood and נֶפֶשׁ go together with the כפר function of the blood as motivation. This root כפר does not occur that often in the rest of H,[16] but it occurs frequently[17] in Leviticus 1-16. It thus means that, although H adds this motivation and P[G] never uses this motivation, the content of this motivation (the fact that blood is used to כפר) is at the heart of P[S]. We thus have elements in Leviticus 17 pointing in both directions, although Otto seems to be looking only in one.[18]

MILGROM

Otto's kind of reading of the Holiness Code in particular and the Pentateuch in general could be described as a redaction-critical approach.[19] This approach is

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[16] One finds only two instances of כפר namely 19:22 and 23:28.

[17] See Leviticus 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, 19, 20, 21, 29, 31, 53, 15:15, 30, 16:6, 10, 11, 16, 17, 18, 20, 24, 27, 30, 32, 33, 34.

[18] The argument put forward by Zenger and Frevel (2008:41) that one should actually read both chapters 16 and 17 as a kind of *Zentrum* is probably a good one, since chapter 16 also tends to point in both directions. See also the far more extensive arguments offered by Jürgens (2001:126-170).

[19] Stackert (2009:195) describes Otto as belonging to the "redaktionsgeschichtliche Schule".

interested in the sources or layers behind a text and is thus partly diachronic, but it is also interested in how they were put together by redactors and therefore Otto[20] would often refer to the fact that his way of reading is also partly synchronic. It is more difficult to describe what Milgrom is doing. Milgrom (1991:2-3) describes his own approach also as "redaction criticism" but by that he means "synchronic rather than diachronic analysis". He does not deny that the text developed over time, but says that "variations must be supplemented by jarring and irreconcilable inconsistencies and contradictions" before he is willing to look of different layers. For Milgrom (1991:3) "source criticism is the last resort". 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 pre-exilic dating of P and H.[21] Milgrom is also interested in rabbinic literature and in the way that later rabbis interpreted Leviticus; one could describe this kind of reading as a kind of interpretation history of Leviticus in later Judaism.

For Milgrom (2000:1448-1449) the chapter 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 purity himself.

One important difference is the fact that Milgrom understands verses 8-9 as

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[20]   See, for instance, Otto (2009:284-420), where he presents a kind of appetiser for his new Herder commentary on Deuteronomy. Most of it is concerned with diachronic questions, but the last 10 or so pages are focused on reading Deuteronomy 1-3 synchronically.

[21]   A good example would be Leviticus 4:13, where we find both terms עֵדָה and קָהָל. For Milgrom (1991: 242-243) קָהָל is post-exilic and עֵדָה pre-exilic, and in 4:13 we have both in a text which Milgrom says is early. Milgrom (1991:243) concludes that this is due to later "editorial activity". See Meyer (2010) for a critical discussion.

prohibiting Israelites from sacrificing to other gods. For Otto these verses (also his second law) were about the centralization of the cult. Verse 9 reads (NRSV):

Leviticus 17:9 (BHS)	**Leviticus 17:9 (NRSV)**
וְאֶל־פֶּ֜תַח אֹ֤הֶל מוֹעֵד֙ לֹ֣א יְבִיאֶ֔נּוּ לַעֲשׂ֥וֹת אֹת֖וֹ לַיהוָ֑ה וְנִכְרַ֛ת הָאִ֥ישׁ הַה֖וּא מֵעַמָּֽיו׃	and does not bring it to the entrance of the tent of meeting, to sacrifice it to the LORD, shall be cut off from the people.

For Otto one could say the crux of this verse is found in "to the entrance of the tent of meeting" and thus about the one place where Israelites could sacrifice. For Milgrom the kernel of this verse is "to the Lord" and thus the *one* Lord Israel is supposed to serve. *For Milgrom H accepted multiple sanctuaries, whereas Otto understands H as presupposing centralization.*

With other scholars Milgrom (2000:1450) agrees that Leviticus 17 forms the start of H, but Milgrom acknowledges that it has much in common with preceding chapters. He eventually settles on the following position (Milgrom 2000:1451):

> The possibility exists, for the reasons mentioned above, that chapter 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.

One could thus describe Leviticus 17 as a kind of bridge or even hinge between P and H, expressing continuity, but also signalling a new beginning. As already said, Otto is more interested in Leviticus 17 pointing forward than pointing backwards and that was the weakest part of his argument.

With regard to the first law (vv. 3-7), Milgrom (2000:1452-1453) introduces us to the old debate between rabbis Akiba and Ishmael. The former argued that verse 3 is only about animals intended for sacrifice and that the command is that all *sacrifices* should be brought to YHWH. The Hebrew verb שחט thus only refers to the act of sacrificing and not slitting the throat in general. A Jewish scholar such as Levine (1989: 113) would side with rabbi Akiba and spells out the implications of this clearly:

> It is proper, therefore, to view the verb *sh-ḥ-t* in the verse as a term

for sacrificing and to conclude that there is basic agreement between
Leviticus 17 and Deuteronomy 12.

Thus for Levine Leviticus 17 actually allows profane slaughter just as
Deuteronomy 12 does and, if Levine were correct, then Otto's whole argument
for Leviticus 17 correcting Deuteronomy 12 would fall apart. Milgrom does not
agree with Levine. He eventually sides with rabbi Ishmael, who argues that all
animals must be brought to YHWH as sacrifices before they could be eaten and
this could thus be described as a prohibition of profane slaughter. Milgrom
mostly rejects Rabbi Akiba's position, although he thinks that it is true of P
before H. In this regard Milgrom agrees with Otto that H prohibited profane
slaughter.

Like Otto, Milgrom also argues that the Holiness Code, which he calls H, is
later than the Priestly Text, although both are pre-exilic and this is obviously
where the main difference between the two emerges. As the following quotation
shows, for Milgrom H is pre-Deuteronomic and Deuteronomy is mostly
correcting H (Milgrom 2000:1453):

> 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.

He thus agrees with Otto that H prohibits profane slaughter and Deuteronomy
allows it, but for him Deuteronomy is correcting H and not the other way around.
He also agrees with Otto that D had no choice: "it was mandated by
centralization" (Milgrom 2000:1454).

Milgrom (2000:1502-1503) also 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 Genesis 1:29 prohibited the eating of meat. He compares this tale
of vegetarians turned carnivores with Enkidu in the Gilgamesh epic. For Milgrom
(2000:1470) the blood taboo is a very important part of the priestly world view,
even more important than the Ten Commandments. The latter were given to the
Israelites, but the blood taboo is "enjoined on all humankind".

As already mentioned above, one of the cornerstones of Milgrom's argument

is his understanding that H has no knowledge of the centralization of the cult. This is one of the major ways in which Milgrom differs from Otto and this understanding is intertwined with Milgrom's pre-exilic and pre-Deuteronomic dating of H. For Milgrom (2000:1504) "P presumes both multiple sanctuaries and nonsacrificial slaughter". H also presumes multiple sanctuaries, but corrects P when it later bans non-sacrificial slaughter. Milgrom (2000:1504-1510) lists ten different arguments in favour of his position that H does not support centralization. Many of these arguments presume that H is pre-exilic and engages with other members of the Kaufmann School such as Haran and Knohl, who date H to the time of Hezekiah. Most of these arguments also seem to come from a totally different academic world than that of Otto, who presumes that both P and H inherited a central sanctuary after the Deuteronomic reforms.

Milgrom's (2000:1504) first argument takes us to the end of the Holiness Code, where Leviticus 26:31 refers to "your sanctuaries" and "your cities" which will all be destroyed if the Israelites do not follow the commands of YHWH. For Milgrom this reflects the reality at the time of H and it also means that in H's understanding YHWH sanctioned these multiple sanctuaries. There is a bit of irony in the fact that a verse from Leviticus 26 is used to argue against the idea of centralization and by implication also for a pre-Deuteronomic dating, since some of the verses following verse 31 towards the end of the chapter are otherwise very difficult to fit into a pre-exilic period. Milgrom (2001:2363) actually regards verses 33b-35 and 43-44 as a second layer probably added after the exile.[22] Be that as it may, it should be acknowledged that Leviticus 26:31 and the sanctuaries referred to there is a hurdle one needs to get over if one were not to agree with the followers of Kaufman.[23]

Milgrom's first argument is probably his best. If it is presumed, as Otto does, that H is post-Deuteronomic and post-exilic, many of the other arguments simply disappear. For instance, Milgrom's (2000:1509) sixth reason amounts to the following: there is no mention of where the single sanctuary is to be located, not

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[22] This is another example where Milgrom rather unconvincingly resorts to source criticism. See Meyer (2010:4-5) for a critical discussion.

[23] It is fascinating that, although the term מִקְדָּשׁ occurs seven times in the Holiness Code, it is only plural in 26:31. In 19:30, 20:3, 21:12 (x2), 21:23 and 26:2 it is singular. This makes one wonder whether 26:31 is not simply a sort of slip.

even anything like Deuteronomy's "place which YHWH will choose", which Milgrom calls a "subterfuge". If H presumed a single sanctuary, this would have been mentioned. Yet if we agree with Otto that H followed in the footsteps of D and presumed a single sanctuary, this whole argument simply evaporates. If this text was produced in post-exilic Judah, then there would have been no need to spell this out to potential readers. Readers would simply have identified the tent of meeting with Jerusalem.

CRITICAL DISCUSSION

We thus have two scholars who agree that Leviticus 17 is a kind of point of entry to the Holiness Code. Otto was reluctant to use the word "Eingang" but still described it as a kind of beginning. Otto identified links in the text that pointed forward to what followed in the rest of the Holiness Code. Milgrom identified forward-pointing and backward-pointing devices and it is especially Milgrom's description which sounded like a bridge or a hinge. Both scholars agreed on the fact that H came after P, but they differed about the relationship to D. They also differed on H's view of the centralization of the cult, but this fact is intertwined with other arguments. For Otto H was correcting P and D, while for Milgrom D was correcting H. In the rest of the paper I will argue that these arguments are not based on the texts of Leviticus 17 and Deuteronomy 12 as such, but rather on the two authors' broader views of the development of the Pentateuch. The question is whether there is any reliable way of comparing these two texts and deciding which one came first and which one last.

Recently Lyons (2009) has attempted to create some tools for evaluating textual dependence in a study which compared Ezekiel with the Holiness Code. Lyons is convinced that Ezekiel used the Holiness Code as a source – an interpretation which is fairly close to Milgrom's dating of H and quite the opposite of the way that Otto understands the development of the Pentateuch.[24] He distinguishes between "criteria for determining directionality" (Lyons 2009:59-67) and "criteria for determining purposeful use" (Lyons 2009:67-75). I am especially interested in the former set of criteria, of which some are more

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[24]   See Otto (1999:181-182).

convincing than others. He names four criteria for determining directionality.

The first criterion is "modification". As an example Lyons (2009:61-62) compares Leviticus 26:39 with Ezekiel 24:23; in both verses we read of people who will "rot in their iniquities". One important difference is that in the verse from Ezekiel we only hear that the addressees will rot because of their own iniquities, whereas in Leviticus 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 Ezekiel 18 and 33 and since Lyons can demonstrate "polemical intent" in Ezekiel, but not in H, Ezekiel must be later and be engaging with H. Lyons never really tries to demonstrate polemical intent in H, and the question still remains whether H was not correcting Ezekiel here, rather than the other way around, or whether H does not simply have a different view and is not that interested in correcting Ezekiel.

If one were to apply this criterion to Leviticus 17 and Deuteronomy 12, then our results would not be all that convincing either. Both Milgrom and Otto agree that Deuteronomy 12 allows profane slaughter and Leviticus 17 forbids it. There is clearly some modification going on, and clearly some "polemical intent" could be identified, one text is probably correcting another, but this does not really help us to determine which one is the oldest. Otto pointed out perceptively that Leviticus 17 started with the prohibition of profane slaughter, thereby correcting or supplementing Deuteronomy, which started with centralization that was followed with the allowance of profane slaughter as a result of that. If indeed H were correcting D, then that would have made perfect sense. But if Milgrom is correct that H supposed multiple sanctuaries and Deuteronomy starts with centralization, then one might as well argue that Deuteronomy was correcting H and therefore Deuteronomy 12 started with centralization. It is the same literary technique just the other way around. I simply do not see how the criterion of modification could help us determine in this case which one is the oldest.

Lyons (2009:62-65) refers to two further criteria, namely "incongruity"[25] and

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[25] Lyons (2009:62-64) uses the example of Leviticus 26:3-31 and Ezekiel 6:4-7. In both we find reference to destruction of high places, corpses, desolate sanctuaries, etc. The problem is, though, that in Ezekiel the text is addressed to the mountains and the use of the pronoun "your" then becomes rather incoherent. This incoherence in the text of Ezekiel then means, for Lyons, that Ezekiel borrowed it from Leviticus 26, where one

"conceptual dependence";[26] the examples he refers to are somewhat more convincing, but it seems difficult to apply them to Leviticus 17 and Deuteronomy 12.

Lyons' (2009:65-66) fourth criterion is called "interpretive expansion". This is a very old criterion, which "implies that the shorter of two genetically related or parallel texts is the original". A classic example of this criterion could come from the Synoptic Problem in the New Testament, where most scholars argue that the Gospel of Mark is the oldest, because it is, amongst other things, the simplest. Lyons (2009:66) is careful to note (by referring to the work of Carr) that it could be possible that the borrowing text might be doing the abbreviating and then 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.

The question, of course, is what he means by "interpretation". Later Lyons (2009:82) 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 synonyms 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)?

Would it not be possible to apply this criterion to Leviticus 17:11 and Deuteronomy 12:23? As Otto pointed out, Deuteronomy already made the connection between blood and life as motivation for the blood taboo. But in

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does not find this kind of incoherence.

[26] Leviticus 25:25-28 is contrasted with Ezekiel 7:12b-13a (Lyons 2009:64-65). In both texts we find commercial words such as sells, return, sold, sold item etc., but according to Lyons, the "context of Ezekiel does not explain anything about the nature of the commercial transaction". For Lyons this means that the text is dependent on Leviticus and that reader needs to have knowledge of Leviticus to understand Ezekiel.

Leviticus 11 a further motivation is added, namely that blood is given for atonement. The root כפר appears only three times in Deuteronomy.[27] Could this not pass as a kind of "attached explanation" in the words of Lyons? The explanation is added by H (if H were younger), but it is rather characteristic of the first half of Leviticus (or P). Atonement plays a crucial role in the priestly world view. One could, of course, argue that Deuteronomy left out this explanation simply because atonement is not one of its main issues.

But Otto helped us see another example where, if he were correct that H was later than D, then H was clearly abbreviating. He compared Leviticus 17:15, where all persons are forbidden to eat נְבֵלָה and טְרֵפָה, with both Deuteronomy 14:21 and Exodus 22:30. Both these earlier (for Otto at least) texts refer to the fact that the people addressed are to be holy or consecrated, and the root קדש[28] is used. In Leviticus 17 this term does not occur and only appears two chapters later at the beginning of 19. Why did the Holiness Code not refer to the fact that people had to be holy at the start of the Code, especially when the older texts H was apparently correcting did mention this? If I understood Otto correctly, this might have been another literary device pointing forwards, but one could also just turn the chronology of the texts around and say that the authors of Deuteronomy were extending that material by adding ideas about Holiness to the specific verse they were quoting.

I simply do not think that the criteria devised by Lyons will help us much in choosing between Otto and Milgrom and their readings of Leviticus 17 and Deuteronomy 12. Nor do I think that we will find any better criteria.

CONCLUSION

Lyons (2009:59) starts his discussion on "criteria for determining directionality" with the following problem statement:

> Disagreements about the direction of literary dependence exist

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[27] Deuteronomy 21:8 (x2) and 32:8.

[28] In Deuteronomy 14:21 the adjective קָדוֹשׁ is used and in Exodus 22:30 it is the noun קֹדֶשׁ.

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.

The difference between Otto and Milgrom ultimately lies with their "prior commitments to a particular theory of composition". Milgrom's reading of Leviticus 17 is so intertwined with his broader understanding of P and H as pre-exilic documents that to agree with his reading would mean basically to agree with Kaufmann. You thus need to accept Milgrom's broader understanding of the development of the Pentateuch but, as I said at the start of my discussion of Milgrom, very few scholars in the European context would agree to that.

The same goes for Otto. To agree with Otto you first have to agree broadly with Wellhausen's understanding of P as a product of the exilic/post-exilic period and you have to agree with De Wette's insight that Josiah's reforms were based on an Urdeuteronomium. You would also have to agree that P came after Deuteronomy, whether you think that H is very different from the rest of P or not. It should thus be clear that deciding on a specific chronological order between texts from D, P and H does not necessarily depend only on the details of these texts, but rather on broader schemes of how scholars understand the development of the Pentateuch.

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