"DEVOTED TO DESTRUCTION". A CASE OF HUMAN SACRIFICE IN LEVITICUS 27?

A.J.K. Hattingh & E.E. Meyer
Department of Old Testament Studies
University of Pretoria
E-mail: arend.hattingh@gmail.com
sias.meyer@up.ac.za

ABSTRACT

This article reflects on Leviticus 27:28–29 and the possible relation of this text to the practice of human sacrifice in ancient Israel. The article provides an overview of the current state of the debate on human and child sacrifices, before focusing on Leviticus 27. With regard to this chapter, it is argued that, although added later, it forms a suitable conclusion to the book of Leviticus. The chapter is analysed as a whole before the article focuses on verses 28 and 29. The article concludes that these verses are very vague about what is taking place, and that this vagueness was probably deliberate.

INTRODUCTION

This article focuses on Leviticus 27:28–29 in the light of the broader debate on human sacrifice in the Hebrew Bible. First, the article will provide a brief overview of the literature on the current state of the debate on child or human sacrifice in the Hebrew Bible. Second, the article offers a short discussion on the redaction history of Leviticus, and, third, the place of Leviticus 27 within the entire book of Leviticus. Fourth, a discussion on the two crucial concepts of נֶדֶר and חֵרֶם is presented. Finally, the article focuses on Leviticus 27:28–29.

SHORT LITERATURE OVERVIEW OF THE DEBATE ON HUMAN SACRIFICE

Any discussion on human sacrifice in the Hebrew Bible at some point touches on Molech. Over 80 years ago Otto Eissfeldt (1935) discussed Molech and child sacrifice. He started his argument by examining the phenomenon in the Phoenician-Punic

sphere (Eissfeldt 1935:1–30), but also provided an overview of how he thinks child sacrifice developed in Ancient Israel (Eissfeldt 1935:31–63). Eissfeldt argued that in Punic Molech (actually *molk*) was a sacrificial term and not the name of a deity (Eissfeldt 1935:31). For Eissfeldt (1935:36–40) *molk* was initially also a sacrificial term in ancient Israel similar to the one in Punic texts, which was eventually changed to the name of a deity. Eissfeldt (1935:40–43) believes that the motives behind this change could be found in the Deuteronomic reform of Josiah and he understands later texts as an attempt to distantiate the sacrifice of children from the YHWH cult by changing the meaning (*Umdeutung*) of the term to the name of a god. Eissfeldt (1935:46–65) also provides a broad overview of how he thinks the ideas around child sacrifice developed. In essence it was portrayed in a positive light before the Deuteronomic reform (Eissfeldt 1935:48–55), but things changed after this reform and later authors did everything in their power to put more distance between this embarrassing act and the cult of YHWH, and projected it onto Canaanite religion (Eissfeldt 1935:55–56).

Before Eissfeldt, the "interpreters of Punic inscriptions had read the *mlk*-references either as the name of a deity or as a title 'King,' in either case referring to the divine recipient of the offering commemorated by the inscription" (Heider 1985:35). In 1972, 37 years after Eissfeldt, Moshe Weinfeld engaged with Eissfeldt's material and reached different conclusions with regard to most of Eissfeldt's arguments on Molech.[1] Where Eissfeldt thought that child sacrifice happened in ancient Israel, Weinfeld (1972:141) argued that "making to pass through the fire"[2] meant passing through or between rows of flames as a means of purification and dedication. This rite was practised especially in circumstances of sanctification and designation for a cultic role. Thus Weinfeld (1972:145) thought that the burning of children should not to be

---

[1]   Moshe Weinfeld disagreed with Otto Eissfeldt on the influence from Phoenicia. Weinfeld (1972:140) says that "the most decisive argument against the theory that it was due to Phoenician influence that Molech was introduced into Judah is the fact that no hint of this cult is to be found in the Northern Kingdom [*sic*]". Weinfeld based his view of the Molech cult on references to it in texts from Leviticus (18:21; 20:2, 3, 4), Deuteronomy (18:10) and 2 Kings (14:4; 17:17; 21:6; 23:10).

[2]   This phrase is found in texts such as Deuteronomy 18:10, 2 Kings 17:17, 21:6, and 23:10.

taken literally, but rather figuratively, as it denotes dedication to the idolatrous priesthood. At the beginning of Weinfeld's (1972:133) article he makes an important "methodological comment" which we think is important to keep in mind:

> In discussion on human sacrifices a distinction has to be made between a sacrifice which, proceeding from an extraordinary situation (a crisis, calamity, and so on), occurs only rarely and at infrequent intervals, and, by contrast, a human sacrifice as a fixed institution.

With reference to sporadic human sacrifices, Weinfeld (1972:133–134) mentions the חֵרֶם, 2 Kings 3:27 and the daughter of Jephthah as examples from the Hebrew Bible. From the rest of the article it seems that Weinfeld has an axe to grind regarding the second category, within which "Molech worship" would fall, and he never mentions the former again. This seems to imply that Weinfeld does not question the fact that under extraordinary circumstances adults or children might have been sacrificed to YHWH. It also implies that Weinfeld actually saw some link between sacrifice and חֵרֶם, a debate we will engage with later. Yet he takes serious exception to the idea that human sacrifice might have been a "fixed institution" in ancient Israel.

In the 1980s two scholars revisited the issue of Molech and, consequently, human sacrifice. First, George Heider (1985:405–406) produced a study on Molech concluding that Molech was the name of a god and not a sacrificial term, as suggested by Eissfeldt (1935:401). Yet Heider (1985:402) agrees with Eissfeldt that the cult "was licit in Israel until Josiah's reform" and that it actually involved sacrificing children. Heider (1985:404–405) also disagrees with Eissfeldt in arguing that the cult of Molech is probably Canaanite and not Israelite, or could even be regarded as Phoenician, but was not part of the YHWH cult. Later John Day (1989:83) concluded that child sacrifice did occur in the Canaanite world and he sees no reason to doubt the Hebrew Bible's allusion to human sacrifice as actual physical sacrifices. Day (1989:83) agrees with Heider that child sacrifice as presented in the Hebrew Bible was practised in ancient Israel. Like Heider, Day (1989:82) also thinks that Molech possibly refers to a Canaanite god and disagrees strongly with Eissfeldt in this regard.

For Day (1989:85) the cult of Molech was about sacrificing children, although not necessarily the first-born.

More recently Francesca Stavrakopoulou has been the most vocal on the issue of child sacrifice. Stavrakopoulou (2004:318) agrees with Heider and Day that child sacrifice was practised in ancient Israel, but she also agrees with Eissfeldt that originally the term *molech* was probably a sacrificial term (2004:260–261). Stavrakopoulou (2004:299) actually argues that there were possibly three different kinds of child sacrifice, namely "the firstborn sacrifice,[3] the *mlk* sacrifice[4] and the sacrifice of the *šadday* gods".[5] Most of these cults were initially associated with YHWH worship, an argument which has a lot in common with Eissfeldt's original study and hence in this regard she differs from Heider and Day:

> This discussion has argued that the biblical portrayal of child sacrifice as a foreign practice is historically unreliable. It has been suggested that child sacrifice is instead better understood as a native and normative element of Judahite religious practice, including *Yhwh*-worship (Stavrakopoulou 2004:310).

This quote is from a chapter by Stavrakopoulou (2004:301–316) on "the distortion of child sacrifice" in which she argues that, although it was initially part of YHWH worship, most biblical texts portray it as a "foreign practice". We should also mention the even more recent work of Tatlock (2006, 2009, 2011), who continues this growing line of argument that the ancient Israelites did practise human sacrifice in the name of

---

[3] See especially Stavrakopoulou (2004:179–191), where she engages with texts such as Exodus 13:1–2 and 22:28–29. Prophetic texts such as the infamous Ezekiel 20:25–26 are also used along with texts that downplay or deny the fact that this cult was associated with YHWH, for instance, Micah 6:7, Jeremiah 7:31, 19:5, 32:35, and Ezekiel 23:39.

[4] For Stavrakopoulou (2004:288–296) this cult was akin to the Phoenician/Punic one and *molech* initially functioned as a technical sacrificial term. All the well-known *molech* texts witness to this possible cult. Stavrakopoulou acknowledges that at times there might have been some overlap between this cult and the first-born cult. The main difference is that the latter applies only to first-born male children.

[5] For a discussion of the *šadday* sacrifice see Stavrakopoulou (2004:261–282), where the Deir 'Alla texts are compared with biblical texts such as Job 19:28–29 and Deuteronomy 32:16–18 etc.

YHWH. Tatlock's focus, though, is on human sacrifice in general and not only child sacrifice; we will return to his work later.

Other scholars contributed by conducting research which closely relates to human sacrifice in the Hebrew Bible. Philip Stern (1991) conducted a study on the biblical חֵרֶם (ḥ-r-m), which is extremely relevant to this article. We will engage with his work later.

This article focuses on the possible reference to human sacrifice in Leviticus 27:28–29. Unfortunately, neither Heider and Day in the 1980s, nor Stavrakopoulou in the twenty-first century, discuss the seemingly clear reference to human sacrifice, or at least human killing, found in Leviticus 27:28–29. Other scholars such as Niditch (1993:29–30) and Stern (1991:125–135), whose work will be discussed later, did engage with these verses and it is fascinating that what Brekelmans (1959:1–2) calls "old Christian exegesis" (*oude christelijke exegese*)[6] actually engaged fully with this text. It seems that scholars working on human sacrifice usually disregard this text, but those engaging with the חֵרֶם engage with this text and then stumble into the debate on human sacrifice and have to acknowledge that some kind of human sacrifice was going on, as we will see later.

The article will now briefly establish the majority view on the dating of Leviticus. It will then proffer the view that Leviticus 27 comprises some of the last material added not only to Leviticus but also to the entire Pentateuch.

ON THE REDACTION HISTORY OF THE BOOK OF LEVITICUS

The dating of Leviticus and specifically of chapter 27 is not the main aim of this article, but we need to take a position on broad historical-critical issues. There is a fair amount of consensus that the book of Leviticus can be divided into at least two important sources, namely Leviticus 1–16, which is usually understood as part of P, and Leviticus 17–26, which is usually called the Holiness Code.[7] This study will build

---

6   See the footnotes in Brekelmans (1959:1–2). Publication dates of these old sources written in Latin vary from 1481 to 1697.

7   The name was coined by Klostermann (1877:416). It is clear why he chose this name, since

further on the emerging consensus that the Holiness Code (Lev. 17–26) is later than Leviticus 1–16 and was added to the latter by means of a process of inner-biblical exegesis. This is the position of scholars such as Otto (1999), Grünwaldt (1999), Nihan (2007) and Hieke (2014a), who all argue for a date in the second half of the fifth century/beginning of the fourth.[8] They are building on the work of an earlier generation of scholars such as Elliger (1966) and Cholewinski (1976), who changed earlier views (like those of Wellhausen) that the Holiness Code preceded the rest of P^g and P^s (Nihan 2007:3). There are dissidents from this view in the European context[9] and elsewhere,[10] but this position seems to be the dominant one.[11] This obviously means that when we talk of cult or sanctuary in this article, we are talking of the Second Temple in the Persian province of Yehud in the second half of the Persian period.

The issue is, of course, where Leviticus 27 fits in and most scholars would argue that it is a later addendum to Leviticus, thus later than the Holiness Code itself.[12] The obvious reason for this argument is that Leviticus 26:46 already constitutes an ending

---

the exhortation to be holy appears six times in the first few chapters: Leviticus 19:2, 20:7, 26, 21:6, 7, and 8.

[8] See Otto (2007:199–200) for the early fourth century, Nihan (2007:574) for late fifth century with Grünwaldt (1999:379–381) and Hieke (2014a:70) aiming more for the middle of the fifth century.

[9] Blum (2009:39), Crüsemann (1997:325), and Ruwe (1999:33) who would all argue that Leviticus 17–26 is too integrated into the rest of Leviticus to be regarded as something different.

[10] There are also some Jewish scholars in the Kaufmann school who would agree with the fact that Leviticus 17–26 postdates P, but who would like to date both much earlier. A good example of this line of thinking would be Knohl (1995:204–212), who dates Leviticus 17–26 to circa 743–701 B.C.E. Another important example is Milgrom (1991, 2001, 2002). See especially Milgrom (2001:1361–1364). Both would deny that the Holiness Code was using D as a source. Few European scholars have taken these arguments seriously. Exceptions include Joosten (1996:9–15), Krapf (1992), and more recently Zehnder (2005:323). We do not find the arguments of the Kaufmann school all that convincing (see Meyer 2010). See also Nihan (2007:563) or, more recently, Watts (2013:41).

[11] See also Schmid (2008:172–173) or Achenbach (2008:145–175). For arguments against Cholewinski see especially Braulik (1995:1–25). This study also takes note of the recent challenge by Kilchör (2015), but this is not the place to offer an extensive critique of his work.

[12] See, for instance, Otto (1999:181), Grünwaldt (1999:128), Nihan (2007:552), Hieke (2014:1106), etc.

to the book of Leviticus. More than a hundred years ago Bertholet (1901:97) had already said that Leviticus 27 "will nach v. 34 auch noch zu den Befehlen am Sinai gehören, kommt aber freilich hinter 26:46 nach Torenschluss". Nihan (2007:618–619), in the most recent monograph on the whole of Leviticus, understands three broad stages in the redaction history of the book, namely Leviticus 1–16 (as part of P), Leviticus 17–26 and then later chapters 10 and 27 were added. These additions take us, in terms of the historical development presented above, to the second half of the Persian period. We agree with Nihan in this regard. This dating however complicates things since most of the scholars mentioned above who argue for some kind of human sacrifice at some stage, would argue that it was not practised anymore in the Persian Period.[13]

THE PLACEMENT OF LEVITICUS 27 WITHIN THE BOOK OF LEVITICUS

If Leviticus 27 was added later, then why is it placed at the end? The obvious answer to the question is simply that it is often the easiest to add something at the end. Yet in Leviticus we have seen that Chapter 10 was probably also added later and that appears in the middle of the book, although it functions as the ending of a narrative, between smaller legal collections. Engaging with Leviticus 27, Willis (2009:229) thinks that "Leviticus 27 is a puzzle due to its placement". Willis's observation has a lot to do with Chapter 26, which is viewed as a "dramatic climax" to the book of Leviticus (Gane 2004:451). The closing verses in Leviticus 26, verses 40–45, deal with the conditions for Israel's restoration (Hartley 1992:457). Adding a chapter after these

---

[13] For Eissfeldt (1935:55–65) child sacrifices stopped during the Deuteronomistic movement of Josiah, but Eissfeldt is interested in child sacrifice specifically, and, as far as we can see, he is not that interested in human sacrifice in general. Heider (1985:375–383) speculates that the cult of Molek might have continued into the exilic and post-exilic periods, but his study is also only about child sacrifice. Heider mentions Isaiah 66:3 and the possible reference to human sacrifice, but most of his arguments focus on the cult of Molek which he thinks faded away in the post-exilic period. See also Tatlock (2006:237) who regards 586 B.C.E. as the "watershed moment in the history of innocent heir immolation in Yahwism".

verses might strike the reader as an anti-climax and indeed rather puzzling, something already pointed out by Bertholet (1901), as we saw above. Verses 40–45 of Chapter 26 could have formed a well-composed conclusion to the book of Leviticus from a literary point of view (Levine 1989:192).[14]

If the "dramatic climax" and the logical ending to the book of Leviticus is Leviticus 26, why then did the authors and/or the redactors of the book opt for a perceived "anticlimactic" ending in Leviticus 27 (Tidball 2005:317)? Milgrom (2001:2329, 2408–2409) provides an earlier view on the question later raised by Tidball. The genre of Leviticus 26 contains the blessings and curses by YHWH, a similar genre to Deuteronomy 28, and other extra-canonical covenant treaties from the ANE,[15] where the blessings and curses follow a covenant. The blessings and curses comprise a negative motivator, while Leviticus 27, and indeed Deuteronomy 30, comprise a positive motivator to obedience and loyalty to YHWH. Leviticus 27 thus adds some positive energy to a book that had previously concluded with much more negativity.

Thus, although Leviticus 27 is an appendix, we consider this appendix as a carefully placed and well-considered conclusion to Leviticus. This is followed by two links between Leviticus 27 and earlier chapters in Leviticus, links which are based on synchronic observations of the book of Leviticus.

---

14   Maarsingh (1974:257) sees Leviticus 26 and specifically verse 46 as the first conclusion to the entire Leviticus. The references in Leviticus 26:46 to the statutes (הַחֻקִּים), rules (וְהַמִּשְׁפָּטִים) and laws (וְהַתּוֹרֹת) and the placement of receiving these at Mount Sinai are the basis for Maarsingh's view, also argued by Gerstenberger (1993:396). Wenham (1979:327), Gerstenberger (1993:365) and Hartley (1992:459) argue that Leviticus 26 could be a conclusion to Leviticus in unifying the entire book and has parallels to similar extra-biblical texts. Grabbe (1997:83) views Leviticus 26 as the appropriate literary conclusion to the entire book of Leviticus. Tidball (2005:317) similarly supports earlier scholars in regarding Leviticus 26 as a fitting conclusion, but then asks why Leviticus 27 is necessary. Lange, Schaff and Gardiner (2008:199) regard Leviticus 26 as the closing to the entire book of Leviticus.

15   Code of Lipit-Istar, Code of Hammurabi, Sefire treaty, Shamshi-Adad treaty, Esarhaddon treaty (Hartley 1992:459). Milgrom (2001:2286–7) agrees with Hartley and adds as example the law code of Ur-Nammu, the Hittite, Assyrian and Aramaic treaties and finally the border stones as examples of common practice in the ANE to end law codes with curses and blessing, although the length may vary.

The first link is the *inclusio* constructed by the final redactor between Leviticus 1–7 and 27. Milgrom (2001:2409) says that the book of Leviticus ends as it started, with sanctuary regulations. Leviticus begins by explaining the sanctuary regulations (Leviticus 1–7) and ends by explaining additional sanctuary regulations. Milgrom (2001:2409) highlights the YHWH cult regulations as the subject of the *inclusio*. Nihan (2007:94) recognises the *inclusio* but calls it a "reverse" *inclusio*. Leviticus 1–7 deals with profane objects (mundane or everyday used items) being consecrated via a sacrifice. Leviticus 27 reflects on the process of taking sacred objects, which had been sanctified through the process described in Leviticus 1–7, and de-consecrating them, thus reversing their status in various ways back to a profane condition (Nihan 2007:617–618). The first common link between these chapters (1–7 and 27) is the fact that they deal with the sanctuary and describe rituals within the sanctuary. Thus both sets of chapters change the status of the objects, albeit in opposite directions.

Milgrom (2001:2383) highlights the second link between Leviticus 27 and Leviticus 25. The relation between Leviticus 27 (vv. 17–24) and Leviticus 25 (vv. 10–54) is based on the law of the Jubilee (Milgrom 2001:2383). Both chapters refer to the Jubilee and redemption (גָּאַל).[16] Leviticus 27:17–24 deals with immovable assets such as fields (v. 17). Whether and when the fields could be returned or not are calculated around the year of the Jubilee. Leviticus 25:13 and 28 and Leviticus 27:24 all speak of returning (שׁוּב) the land or field in the year of the Jubilee.

We view Leviticus 27 as a carefully placed appendix with links to earlier chapters of Leviticus such as chapters 1–7 and Chapter 25. Before our detailed discussion of Leviticus 27:28–29 we consider the "addendum" chapter as a whole and attempt to understand the overall message of Leviticus 27.

STRUCTURE AND HEADING OF LEVITICUS 27

Wenham (1979:336–337), along with the majority of other scholars, identifies the introduction (vv. 1–2a) and the conclusion (v. 34), while dividing the body into

---

16 See Leviticus 27:17, 18, 21, 23 and 24 for Jubilee and 27:13, 19, 20, 27, 28, 31 and 33 for redemption.

various sections. The difference of opinion amongst scholars has more to do with the divisions of the body (vv. 2b–33) of the chapter. Thus, Wenham (1979:336–7) divides the body into three sections: section one (verses 2–13) covers vows involving people and animals; section two (verses 14–24) deals with the dedication of houses and land, and section three (verses 25–33) addresses regulations on miscellaneous vows. Hieke (2014b:1107) proffers a similar structure to Wenham's. Milgrom (2001:2367) also follows this three-part division of the body: verses 2b–13 discuss vows of persons and animals; verses 14–25 deal with the consecration of houses and fields; and verses 26–33 conclude the divisions of body with restrictions on consecrated objects. Willis (2009:230) and Hartley (1992:480) make similar divisions of the chapter. In short, it seems clear that most scholars work with three units, with verses 28–29 always being part of the third unit and (mostly) read together as a sub-unit. The only difference between the above-mentioned scholars is where to place verse 25, but before we get there we first need to talk about verse 14.

It seems convincing to take verse 14 onwards as a new unit. Both verses 2 and 14 start with אִישׁ כִּי, although a *waw* is added in verse 14. In both cases the following units are divided into smaller units by means of וְאִם. Van der Merwe, Naudé & Kroeze (1999:300) point out that although in legal texts כִּי often introduces the protasis of a condition, אִם can function similarly, but this does not mean that they are exact synonyms:

> כִּי and אִם are sometimes apparently used as synonyms. However, כִּי normally precedes the *general conditions* and אִם *the details* of these general conditions (italics in original).

Casuistic law is often structured by means of these particles and Leviticus 25 would be another good example.[17] It is thus clear that both verses 2 and 14 introduce "general conditions" followed by more detailed conditions. As Milgrom rightly points out, verses 14–25 and 26–33 are about consecrating things and indeed the verb קדשׁ occurs

---

17   See discussion in Meyer (2005:92–93).

often in these verses, whereas it is totally absent from verses 2–13.[18] The topic thus seems to change somewhat from verse 14 onwards.

With regard to where verse 25 should fit in, one should note that verse 25 interrupts the flow of the text by pointing out which currency will apply to the whole chapter. It explains what should be understood by the term עֵרֶךְ, a term which occurs throughout the chapter.[19] This kind of text would probably have appeared at the beginning or the end of a modern-day legal document, where concepts used in the document are often defined. Furthermore, both verses 26 and 28 start with the particle אַךְ, which clearly steers the text into a different direction. Van der Merwe et al. (1999:312) describe אַךְ as a "focus particle", which indicates some kind of limitation and when used in the protasis of a condition it often places a "limiting condition". In this light Milgrom's (2001:2367) heading of "restrictions" seems accurate. It should also be clear that from verse 26 onwards we have a new sub-unit, with verse 25 as a verse which applies to the whole chapter.

It is furthermore illuminating to see the range of headings that scholars assign to the entire chapter. There is by no means any consensus on what the kernel of the chapter should be.

Table 1. Headings assigned to Leviticus 27 by scholars

Scholar	Heading for Leviticus 27
Spence-Jones (1909:427)	Appendix
Wenham (1979:334)	Redemption of votive gifts
Levine (1989:192)	Funding the sanctuary
Hartley (1992:476)	Laws on tithes and offerings
Gerstenberger (1993:398)	Nachtrag und Übergang
Wiersbe (1996:142)	Keeping our commitments to God
Gorman (1997:149)	Economics of the sanctuary
Rooker (2000:322)	Vows and tithes
Milgrom (2001:2365)	Consecrations and their redemption
Currid (2004:362)	Laws of the vow
Mathews (2009:239)	Promises
Willis (2009:xx)	Fulfilment of vows
Hieke (2014b:1102)	Einkünfte für das Heiligtum

---

[18] See verses 14, 15, 16, 17, 18, 19, 22 and 26 for קדש.
[19] See verses 2, 3(x2), 4, 5, 6(x2), 7, 8, 12, 13, 15, 16, 17, 18, 19, 23(x2), 25 and 27(x2).

From the headings listed in Table 1, it is clear that the overall focus of Leviticus 27 can be explained with the following keywords: economics, vows, and redemption. Three scholars (Levine, Gorman, and Hieke) focus on the economic implications for the sanctuary of the selling of vowed objects. Worshippers of YHWH pledge a gift to YHWH and Leviticus 27 explains the consequences of such a pledge and the possibility of backing out by way of redeeming vowed objects. Yet all of these laws would rightly have had rather positive financial outcomes for the sanctuary, although probably not in the case of verses 28–29. Before we take a closer look at these verses we need more clarity on two concepts.

TWO IMPORTANT CONCEPTS

The first concept is introduced in verse 2, namely נֶדֶר (vow). Fisher (1988:2128) holds that the making of a serious promise or pledge is a "vow" and it is not commanded by the Pentateuch. It is clear that vows were voluntary and usually made by people who were in "dire straits" (Wakely 1997:38, Keller 1976:42). Milgrom (2001:2409–2412) argues that vows are always conditional. The condition is then aimed at God and it entails getting out of "dire straits". In most cases one finds the verb נדר used with the noun נֶדֶר (Wakely 1997:37), what scholars call a "cognate accusative" (Milgrom 2001:2368), although this is not the case in Leviticus 27:2. Here we have the Hiphil of פלא, which Milgrom (2001:2369) translates as "make an extraordinary (vow)". In this regard he follows Wessely that the Hiphil of פלא is only used for persons, since the only other occurrence of this combination is in Numbers 6:2, where the Nazirite vow is mentioned. It is furthermore a question why this verse (27:2) is so vague about the conditions of the vow and, after providing a brief discussion of different opinions, Milgrom (2001:2369) comes to the following conclusion:

> A more plausible answer is that the verb is a vestige of the earlier practice of vowing persons, who were intended either as human sacrifices (e.g., Jephthah's daughter, Judg. 11:35–36) or as lifelong servants of the sanctuary (e.g., Samuel, 1 Sam. 1:11).

Obviously נֶדֶר is used in both the texts referred to in the quote and we know from the narratives that the people who made the vow needed something from YHWH and on the fulfilment of their wishes had to comply with the vow. For Milgrom (2001:2410) the very point of the laws in Leviticus 27:1–8 is to prevent things like the incident of Jephthah's daughter from happening. Jephthah should have had the opportunity to redeem his daughter. However, this explanation does not cover what we have in verses 28–29, since the term נֶדֶר is not used, but instead חֵרֶם, which brings us to the next term we need to discuss.

In Leviticus 27, another term is used in addition to "vow", specifically in verse 21 and verses 28–29, namely חֵרֶם. Levine (1989:198) thinks that חֵרֶם in biblical Hebrew always seems to have a negative connotation, by which he means that "it describes what is to be avoided, destroyed, or forbidden". The practice of חֵרֶם, however, is an ancient pre-Israelite practice reinterpreted by ancient Israel. In other Semitic languages חֵרֶם may have a positive connotation, by which Levine means "positive aspects of holiness". Although Levine does not pursue these positive aspects further we wonder whether חֵרֶם is such a negative term in Chapter 27. We have already noted that the term to sanctify (קדשׁ) is used often from verse 14 onwards. One constantly reads of things being consecrated and in verse 21 "consecrated to YHWH" seems to mean "like the field of חֵרֶם", which then becomes the possession of the priest. In verse 21 at least it seems positive in the sense of "holy". What is negative, of course, is the fact that a human being gets killed in verse 29.

Hieke (2014b:1125) attests to the antiquity of חֵרֶם as practised by ancient Israel's neighbours.[20] An inscription on the Mesha stele indicates king Mesha dealt with the Israelites at Nebo in a similar manner as the way חֵרֶם is described in 1 Samuel 15:3. Stern (1991:226), a student of Levine's, tried so show that the underlying value behind חֵרֶם was to bring order to the world, an understanding which Milgrom (2001:2417) agrees with: "*Ḥerem* does not evoke a crusader or 'holy war' mentality. *Ḥerem* involves acting as the Deity does: it is an act of creation, bringing order out of chaos."

---

[20]   See also Levine (1989:198), or especially Stern (1991:67–88), for a thorough discussion of ANE parallels.

Whether Stern manages to dilute the disgust of the modern reader at what these texts depict is another matter, but it might be true that ancient Israelites could have understood חֵרֶם in this manner. One should also add that this kind of creation through violence is more reminiscent of creation in the Enuma Elish, for instance, than creation in any of the two creation narratives we have in the Old Testament. In the Priestly creation narrative YHWH Elohim brings order by means of his word and not by means of violence.[21]

Many scholars agree that there are two kinds of חֵרֶם, with a few actually arguing for three.[22] We will only discuss the first two at this point and mention the third when we discuss verses 28 and 29 in more detail. The first and most common type was the "war"-חֵרֶם. The war-חֵרֶם is also regarded as the oldest form, out of which the peace-חֵרֶם then developed (Stern 1991:125–135).[23] The war-חֵרֶם is also the most attested in the Hebrew Bible. Milgrom (2001:2391) observes that the war-חֵרֶם could be invoked in three ways. First, it could be invoked by Israel against other nations as the result of a vow.[24] Second, it could be invoked by God's command,[25] or third it could be invoked against Israel's own rebels.[26] Hieke (2014b:1126) argues that it is important to keep in mind that it is highly improbable that war was really conducted in this destructive way. He thinks it is more a case of creating a mythical past where YHWH

---

[21]   Many scholars have pointed this out. See, for instance, Collins (2004:76).

[22]   Brekelmans (1959:163–170) divides the peace-חֵרֶם into two different ones, namely the חֵרֶם as punishment and the חֵרֶם as a gift. Most other scholars do not make this distinction, and although a case might be made for the fact that חֵרֶם functions like a punishment in Joshua 7, it does not seem very convincing in Leviticus 27. To do that one needs to regard verse 29 as a later addition and, as we will see later, there are quite a few problems with this interpretation.

[23]   Milgrom (2001:2392–2393) does not agree with Stern (1991:125–135) that the peace-חֵרֶם is a post-exilic development of the war-חֵרֶם. Stern specifically talks of the examples in Leviticus 27, which he discusses under the heading of "Priestly writings and the ḥerem". Milgrom (2001:2393) thinks that this development took place much "earlier in this history of the cult". This obviously has to do with the fact that Milgrom is a supporter of the Kaufmann school and would like to date the Priestly text in the pre-exilic period. See especially Milgrom (2000:1361–1363).

[24]   See Numbers 21:2–3 and implied in Joshua 6:17 (Milgrom 2001:2391).

[25]   See Numbers 25:12–18; 31:1–12; Deuteronomy 7:2; 20:16–17; 1 Samuel 15:3 (Milgrom 2001:2391).

[26]   See Exodus 22:19; Deuteronomy 13:13–19; Judges 20:48; 21:10–11 (Milgrom 2001:2391).

conquered the land and that Israel did not gain anything from the conquered people. Israel received only a cleansed land, one no longer contaminated by the influences of previous inhabitants. These texts are thus more about the theological ideal of being devoted to YHWH only.

One of the important questions is whether חֵרֶם should be regarded as some kind of sacrifice, which is obviously important for our larger argument. In this regard the interpretation of the confrontation between Samuel and Saul in 1 Samuel 15 is indeed an intriguing controversy. In verse 3 Saul is given the following command (NRSV):

> [3] Now go and attack Amalek, and utterly destroy (חרם) all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey.

As we know, Saul keeps the king and the best of the animals alive (verse 9, NRSV):

> [9] Saul and the people spared Agag, and the best of the sheep and of the cattle and of the fatlings, and the lambs, and all that was valuable, and would not utterly destroy (חרם) them; all that was despised and worthless they utterly destroyed (חרם).

This results in a confrontation between Saul and Samuel, to which Saul in his own defence responds as follows (verses 20–21, NRSV):

> [20] Saul said to Samuel, 'I have obeyed (שמע) the voice of the LORD, I have gone on the mission on which the Lord sent me, I have brought Agag the king of Amalek, and I have utterly destroyed (חרם) the Amalekites. [21] But from the spoil the people took sheep and cattle, the best of the things devoted to destruction (רֵאשִׁית הַחֵרֶם), to sacrifice (זבח) to the LORD your God in Gilgal.'

The text thus says that at least Saul understood חֵרֶם as something which is related to a sacrifice; why else would he keep something from the חֵרֶם to sacrifice (זבח)? In this regard, Milgrom (2001:2420–2421) is sympathetic towards Saul and thinks that the fact that Saul kept the best animals for sacrifice is in line with Leviticus 22:19. Stern

(1991:173–174) disagrees with this interpretation and takes a strong anti-Saul stance when he argues:[27]

> Talk of sacrifice was mere pretext. He had failed to obey YHWH in this vital matter of the Lord's enemies (so 1 Sam 28:18, when the spectre of Samuel relays God's verdict). For when in 1 Sam 15:3, YHWH of Hosts had commanded that Israel should have no pity on the enemy (וְלֹא תַחְמֹל עָלָיו), Saul and the people directly disobeyed.

Yet if Saul really intended to sacrifice the king, this is not a case of "having mercy", but simply attempting a sacrifice to YHWH. Samuel eventually kills the king before the Lord (לִפְנֵי יְהוָה) at Gilgal, which for Milgrom (2001:2420) sounds a lot like a sacrifice since Gilgal had a sanctuary (also Tatlock 2011:42, Niditch 1993:62). Milgrom (2001:2420–2421) also keeps on reminding Stern that this text is clearly anti-Saul and that one should give Saul the benefit of the doubt.

Other scholars like Nelson (1997:48) and Hieke (2014b:1127) would disagree with this interpretation of Saul's attempt to sacrifice. They argue that since the animals and the king were already possessions of YHWH, Saul had no right to sacrifice them. As Nelson (1997:48) puts it, "one cannot sacrifice to Yahweh which is already his". Furthermore, Nelson (1997:47–48) does not think that חֵרֶם is a sacrifice:

> ḥerem was not sacrifice. It involved no altar and no shrine. The foundational notion in sacrifice is a transfer in ownership from human possession to divine possession … The logic of ḥerem meant that no sacrificial transfer could be conceived of, because anything in the ḥerem state was already in the possession of Yahweh as spoil of war or by some other means.

---

[27] Although Stern's books was published ten years before Milgrom's, he actually engages with Milgrom's (1990:428–430) earlier commentary on Numbers, where he presented the same interpretation of 1 Samuel 15. Ten years later Milgrom responds to Stern's criticism of his earlier interpretation by sticking to it. For a similar interpretation to Milgrom's, see also Collins (2004:224).

In this light Nelson does not think that Saul had any right to sacrifice things that already belonged to YHWH. Yet as Tatlock (2006:173) has pointed out, Nelson (1997:44–45) had earlier defined the verb חרם as "'to transfer an entity into the *ḥerem* state' and 'to deal with an entity in a way required by its *ḥerem* state'". The problem is that his first definition of the verb חרם is basically the same as his definition of sacrifice above (transfer of ownership) and we agree with Tatlock (2006:173) that Nelson is trying to "create too fine a distinction between the roles of sacrifice and *ḥerem*, leading him to a contradiction in logic". From Saul's perspective one could also ask what the difference would be between killing the king immediately after capture or later, when Samuel performed something which sounded a lot like a sacrifice? The king belonged to YHWH whichever way and whenever you killed him. In this regard, we find the argument presented by Tatlock, Milgrom and others more convincing. In 1 Samuel 15 Saul at least thought that there was some kind overlap between the categories of חֵרֶם and sacrifice, even if Samuel and the authors of that story did not.

Other scholars such as Niditch (1993) and Tatlock (2011) present further arguments that חֵרֶם and sacrifices are related. Niditch (1993:28–55) has a whole chapter in which she argues that there is an underlying understanding of חֵרֶם as a sacrifice in the Old Testament, which is different from Priestly understandings of the ritual of sacrifice (1993:42):

> There is, however, truly a difference between a detailed priestly description of ritual and the larger concept of sacrifice implicit in the ban. The latter is not the purview of ritual professionals, but is a culturally pervasive notion of what soldiers are doing in vowing to eliminate all of the enemy or to kill certain individuals in exchange for victory of war. They are offering human sacrifices to the deity.

She is obviously talking of the war-חֵרֶם and what makes her quote so interesting is that although Lev 27 was probably produced by "ritual professionals", they seemed to share the notion with soldiers. For Niditch (1993:63) "the most literal reference to the ban as sacrifice" is found in Deuteronomy 13:16–17 (NRSV vv. 15–16):

> you shall put the inhabitants of that town to the sword, utterly destroying
> it (חרם) and everything in it – even putting its livestock to the sword. All
> of its spoil you shall gather into its public square; then burn the town and
> all its spoil with fire, as a whole burnt offering (כָּלִיל) to the LORD your
> God. It shall remain a perpetual ruin, never to be rebuilt.

Apart from the burning going on in this text, which could be regarded as a sacrificial act, the important issue here is of course how to understand כָּלִיל, a term which is fairly rare and appears only twice in the book of Leviticus (6:15, 16). Yet Tatlock (2011:43) reminds us that כָּלִיל is used side by side with עוֹלָה in 1 Samuel 7:9. Even if most of these texts just quoted are from the Former Prophets and the book of Deuteronomy, we think that there is in fact some basis for arguing that at some stage in Israelite history there might have been a certain amount of semantic overlap between the practice of חֵרֶם and some sacrifices. This is especially true of the war-חֵרֶם as described in the book of Deuteronomy and in the narratives of the Former Prophets. The question is obviously whether some of that semantic overlap is still present in Leviticus 27. We will return to this question later.

The second type of חֵרֶם is the "peace"-חרם, which, as already mentioned, probably developed out of the war-חֵרֶם (Stern 1991:132). One problem with the use of חֵרֶם in verses 21 and 28–29 is that like the use of "vow" at the beginning of the chapter, we have a very cryptic description of what it entailed or how it came about. How did the possessions spoken of in verses 21, 28 and 29 acquire the state of חֵרֶם? Levine (1989:198–199) shows that the process which led to חֵרֶם in Leviticus 27:28 has usually been understood in two ways:

> First, verse 28 may be speaking of a man who swore to devote his
> property. Or, second, it may be speaking of one who took an oath in
> another matter, swearing that if he failed to uphold that oath, his property
> would be forfeit as *ḥerem*. In either case, the oath, once taken, made of
> the act of devotion a binding obligation; it was no longer a voluntary act.

Levine (1989:199) prefers the second view, and continues, "In late Second Temple times, this was a common practice. One would state: *harei ʿalai be-ḥerem*, 'I owe this, under penalty of proscription.'" This obviously means that חֵרֶם in verse 28 is very close to the vow previously discussed, or more accurately it is the consequence of a vow. A person is in dire straits and makes a vow that if YHWH delivers them from their adversity, then certain possessions will be regarded as חֵרֶם. Or, if a person makes a vow, and YHWH delivers them, but the person does not uphold his end of the deal, then his property is חֵרֶם.

To conclude our discussion of חֵרֶם and נֶדֶר, we believe that in verses 28 to 29 חֵרֶם was the result of a vow as described by Levine above. This is a clear case of the peace-חֵרֶם, which developed out of the war-חֵרֶם. We also spend some time proffering the argument that we think there is some semantic overlap between a sacrifice and the war-חֵרֶם. The question is, of course, whether some of this overlap is still present in Leviticus 27.

COMMENTARY ON LEVITICUS 27:28–29.

Having considered some of the key terms relating to the text and clarifying how the "peace"-חרם functions in Leviticus 27, the focus can now shift to the text of Leviticus 27:28–29, which reads (ESV):[28]

> [28] "But no devoted thing (אַךְ־כָּל־חֵרֶם) that a man devotes (יַחֲרִם) to the LORD (לַיהוָה), of anything that he has, whether human (מֵאָדָם) or beast (וּבְהֵמָה), or of his inherited field (וּמִשְּׂדֵה אֲחֻזָּתוֹ), shall be sold (לֹא יִמָּכֵר) or redeemed (וְלֹא יִגָּאֵל). Every devoted thing (כָּל־חֵרֶם) is most holy (קֹדֶשׁ־קָדָשִׁים) to the LORD (לַיהוָה). [29] No one devoted, who is to be devoted for destruction (יָחֳרַם) from humankind, shall be ransomed; he shall surely be put to death. (כָּל־חֵרֶם אֲשֶׁר יָחֳרַם מִן־הָאָדָם לֹא יִפָּדֶה מוֹת יוּמָת).

---

[28]   Scripture quotations marked (ESV) are from the *English Standard Version*.

Crucial Hebrew words in verses 28–29 are displayed. We would like to highlight and reiterate in some instances the following observations from the text. The first observation is that the peace-חֵרֶם is made explicitly towards YHWH and not to some other deity. There is no confusion as to whom the vow is made; it is made explicitly to YHWH (לַיהוָה). This sounds like stating the obvious, but it has to do with the broader debate about human sacrifice in the Hebrew Bible. Some scholars, such as Heider and Day, would argue that human sacrifice did exist, but that it was not done in the name of YHWH. Whatever happens here, whether some kind of human sacrifice, or not, is happening for YHWH!

The second observation mentioned already underlines the importance of חֵרֶם as most holy (קֹדֶשׁ-קָדָשִׁים). The phrase קֹדֶשׁ-קָדָשִׁים appears 13 times in the book of Leviticus (2:3, 10; 6:10, 18, 22; 7:1, 6; 10:2, 12, 17; 14:13; 24:9, and 27:28). All references in Leviticus except Leviticus 27:28 have as the object the offering or the priest's portion of the offering. In most of the cases priests have to eat it. Leviticus 27:28 has as object חֵרֶם which is not prescribed in the cult rituals and yet is referred to as קֹדֶשׁ-קָדָשִׁים most holy.

The uniqueness of חֵרֶם as referred to as קֹדֶשׁ-קָדָשִׁים underlines the attention given to this specific text. We did mention before that from verse 14 onwards the chapter seems to take a new direction and part of that new direction is the appearance of the root קדשׁ. Thus in verses 14–15 a person consecrates a house to YHWH, and from verses 16–25 it is about אֲחֻזָּה which gets consecrated. From time to time (vv. 21, 23, and 25) the sanctified אֲחֻזָּה is described as "holy" by means of the noun קֹדֶשׁ. Verses 26 to 27 mention the first-born, but do not mention human first-borns specifically. Then in verses 28 to 29 human beings are mentioned, but now the verb קדשׁ is absent although they are described as קֹדֶשׁ-קָדָשִׁים. It seems clear that there is some kind of progression in the chapter, from things which are just holy to things which are most holy, which would then be the חֵרֶם-humans in verses 28 and 29. In the light of Nihan's earlier idea of a reverse *inclusio*, it seems to be applicable to most of the chapter, but not to verses 28 and 29. Things which are most holy cannot be de-consecrated.

A third important issue is the relationship between verses 28 and 29. Scholars such as Milgrom (2001:2396), Levine (1989:199), and Brekelmans (1959:59–66 and 164) think that verse 29 was added later and does not really have anything to do with verse 28. In their opinion verse 29 refers to a human being who is punished for some kind of crime, based on texts such as Exodus 22:19 and Ezra 10:8 where the Hophal of חרם is also used. Thus Levine (1989:199) would argue that this "law is cited here because of its topical relation to v. 28, although it has nothing to do with the subject of income for the sanctuary". This would mean that the person devoted to YHWH in verse 28 and the one being killed in verse 29 are not the same. It could mean that the one in verse 28 actually lives and only works for the sanctuary and the one who dies in verse 29 dies because of some crime. In response to these arguments Stern (1991:128–131) responded that, based on terminology, verse 29 fits quite well into the broader scheme of Chapter 27 and is especially closely linked to verses 27 and 28. It shares vocabulary with the earlier two verses. He also adds that without verse 29 the question as to what should happen to the human חֵרֶם in verse 28 would be left open. Verse 29 answers that question. Milgrom's (2001:2396) response to this debate also seems puzzling.[29] He acknowledges that the debate leaves us with two possibilities, one of which is what we have just explained, namely that we are talking about two different persons in verses 28 and 29, but then he formulates the second possibility:

> 2. Only one fate awaits a proscribed person: whether proscribed by his owner (a slave, v. 28) or by a court (an enemy of the state, v. 29), he is put to death.[30]

In this option Milgrom thus attempts to combine both a slave devoted to the sanctuary with somebody convicted by a court. Yet it still is difficult to imagine why the authors of this text suddenly added a criminal proceeding to a chapter which seems to be

---

[29] As we mentioned above, Milgrom (2001:2368) thought that one still finds the remnants of references to human sacrifice in 27:2. But now he seems to shy away from that possibility.

[30] See also Hieke (2014:1128–1129) for a similar position, but he mentions that neither possibility is ever attested in a narrative text. Hieke thinks one should rather focus on the parenetic force of the text, which is to convince the hearers that this kind of vow is serious and should not be made lightly.

mostly about voluntary vows. We think it is best to agree with Stern that verse 29 answers the question posed by verse 28.

We also mentioned above that the Hophal of חרם is only used in this text and in Exodus 22:19 and Ezra 10:8. In the light of these three occurrences Brekelmans (1971:638) would argue that the Hophal of חרם "wird zur Bezeichnung einer Todesstrafe gebraucht, die besonders bei Untreue gegenüber der Jahwe-Religion angewendet wird". Yet the only text where this happens is Exodus 22:19! In Ezra 10:8 the verb is not applied to human beings, but to other possessions, and there is nothing said about killing. Still, as in Exodus 22:19 the verb entails punishment. However, scholars simply presume that based on these two examples the Hophal of חרם takes the meaning of punishment, but is it really possible to argue that with just three examples around? Would it not be sounder to argue that the Hophal is simply the passive of the Hiphil and that "punishment" is not part of the meaning of the verb, but usually something determined by the broader context? Thus the LXX would translate the two occurrences of חרם in verses 28 and 29 with ἀνατίθημι, with the example in verse 29 translated as aorist passive compared to an aorist active in verse 28. Yet in Exodus 22:19 (ὀλεθρεύω) and Ezra 10:8 (ἀναθεματίζω) other verbs are used. For the author of the LXX the verb in verse 29 is simply the passive of the one in verse 28.[31] As Waltke & O'Connor (1990:447) argue, the Hophal stem represents "the subject as being caused to be acted upon or to suffer the effects of having been acted upon". Thus the subject of the verb in verse 29 is the poor person who was acted upon in the previous verse and will indeed soon "suffer the effects". We cannot help but agree with Gerstenberger (1993:407): "Daβ es sich bei so mit Unheil belegten Menschen nach Ex 22,19 um Jahweabtrünnige handeln müsse, ist nicht erkennbar."

Fourth, we should also underline the importance of the use of the term אֲחֻזָּה in Leviticus 27. The term is used often in chapters 25 and 27.[32] In most cases it refers to some kind of possession of land, but in 25:45–46 it refers to the possession of a human

---

[31] According to van der Merwe et al. (1999:88) "the primary function of the Hophal stem formation is to express the *passive sense of the Hiphil*" (italics in original).

[32] In the whole of Leviticus the term is found in 14:34(x2); 25:10, 13, 24, 25, 27, 28, 32, 33 (x2), 34, 41, 45, 46; 27:4, 16, 21, 22, 24, and 28.

being.[33] אֲחֻזָּה as referring to a kind of land possession has been debated by many and in verse 28 it seems to refer to a field (שָׂדֶה), as was the case in verses 16, 21, 22, and 24, and not animals or human beings.[34] Yet this raises a further very important question of who exactly were the humans dedicated to destruction in verses 28 and 29. If verse 29 is not about a convicted criminal, then what other human beings were owned by others? We are talking of ownership, as the clause, מִכָּל־אֲשֶׁר־לוֹ, shows and this thus excludes family members and other free people (Milgrom 2001:2393). Some commentators actually look for an answer in 25:44–45, where it says that non-Israelites may be owned as permanent slaves. Both Stern (1991:134) and Hieke (2014b:1128) think that the people devoted here are foreign slaves. Hieke (2014b:1128) refers to the Mishnah (*m. Arakhin* 8.4–5):

> Niemand kann seinen vollständigen Besitz als Bann geloben, auch nicht seinen Sohn, seine Tochter, seinen hebräischen Sklaven oder seine hebräische Sklavin, denn »niemand kann etwas bannen, was ihm nicht gehört«. Nur die »kanaanäischen« Sklaven »gehören« dem Israeliten (s. zu Lev 25, 44–46), sie kann er als »Bann« geloben (Raschi, 364).

It is not exactly clear what "Canaanite slave" would refer to in the Persian period, but Hieke is clear that we are talking of a non-Israelite slave. In conclusion, on humans as property an individual Israelite could only "vow" as חֵרֶם his own non-Israelite slave (Stern 1991:132). Stern (1991:134) attempts to soften the implications of these verses:

> The priests had nothing to gain by approving human slaughter; only real distress allied with true piety could have justified a man of property's devotion of a human being meeting with acceptance from YHWH and his priests.

---

[33]   Most of the examples in the previous footnote refer to possession of land; the only ones which refer to human beings are 25:45–46.

[34]   For an overview of the debate see Milgrom (2001:2171–2175). With regard to אֲחֻזָּה and possession of land, many scholars argue that it is not a case of possession in the modern-day sense of the word, but more the right to use the land (Gerleman 1977:315). This right to the land is conditional (Lev 25:23).

Thus out of desperation an owner of slaves devotes a human being as חֵרֶם and this human being is killed for YHWH. The fact that this human being was probably a non-Israelite slave does not really make this text more digestible for the modern-day reader. The kind of "true piety" found here reminds us too much of the story of Jephthah and his daughter, and even of Abraham and Isaac. We should also remind ourselves that Weinfeld thought that this scenario might have been plausible in certain extreme situations.

Lastly, it is clear from the text that חֵרֶם does not come via a command from either YHWH or a judicial body (contra Milgrom et al.), or from the prescriptive cult requirements. We therefore agree with Levine's understanding of this text as already mentioned. The status of חֵרֶם is the result of an earlier vow. It was probably made by somebody in dire straits, who now needed to make good on earlier promises.

CONCLUSION

This article started by providing an overview of the debate on child and human sacrifice in the Hebrew Bible. It showed scholars are increasingly arguing that some kind of human sacrifice did take place in ancient Israel and for some commentators (i.e., Stavrakopoulou, Tatlock) this was done in the name of YHWH. This overview was followed by a discussion of the dating of Leviticus 27, which we took as the second half of the Persian period. We also presented arguments that Leviticus 27 was well placed, even if it was one of the last chapters added to the book of Leviticus. It is clear that this chapter links to the cultic chapters of 1–7 and also by means of other concepts to chapter 25.

We then discussed the concepts of נֶדֶר and חֵרֶם. We mentioned that there are two kinds of חֵרֶם, with strong arguments that the war-חֵרֶם had some semantic overlap with the notion of sacrifice. We left the question open as to whether there is still anything left of the sacrifice idea in the peace-חֵרֶם. In our own interpretation of the peace-חֵרֶם we followed Levine in that it is regarded as the consequence of a vow. We then argued against the idea that verse 29 is not really related to verse 28 and in this regard

followed Stern. For Stern the act described in verses 28 and 29 is the result of a combination of "real distress" and "true piety" and it probably meant that a slave owner devoted one of his slaves to YHWH and that this slave was then killed.

The most important question is whether this killing of a human being, described as חֵרֶם and as most holy, could be regarded as some kind of sacrifice? To return to the previously stated question: if there was some overlap between the war-חֵרֶם and sacrifice, is this still true of the peace-חֵרֶם? Where does the killing of the חֵרֶם-victim take place? Is it at the temple? Are any priests involved, for instance? Priests are involved throughout the chapter, but the last mention of a priest is in verse 23, where he has to do a calculation of the value of a field until the next Jubilee. When priests are involved one could accept that the killing took place at the temple. Yet the involvement of priests in verses 28 and 29 is not spelt out.

We did mention before that both Milgrom and Nihan thought that Leviticus 27 formed some kind of *inclusio* with chapters 1–7 and one of the issues in common was an interest in "sanctuary regulations". Nihan thought that Chapter 27 formed a reverse *inclusio* by de-consecrating things which were consecrated in chapters 1–7, although we showed that this was not applicable to verses 28 and 29. The things under חֵרֶם were not de-consecrated – on the contrary! One should also add that whereas Leviticus 1–7 is concerned with sacrifices and the altar, these terms are not mentioned in Chapter 27. Yet the sanctuary is mentioned as well as the shekel of the sanctuary and most of the chapter clearly supports the sanctuary financially, although verses 28 and 29 do not, once again, fit this description. Thus much of Chapter 27 takes place at the sanctuary and involves priests, but the altar is apparently not involved.

But then the possessions devoted in verse 28 are described as קֹדֶשׁ־קָדָשִׁים and, as we pointed out above, this concept is only used (in the book of Leviticus) for the remains of sacrifices and offerings, which the priests are supposed to eat (Gerstenberger 1993:407). It is clearly associated with sacrifices, but here in verses 28 to 29 it is linked to חֵרֶם. Does that mean that some sacrificial meaning still lingers with regard to חֵרֶם? We think this is probable.

It seems that the text is describing some kind of ritualised killing, but shies away from calling it an outright sacrifice. Is it happening at the sanctuary? Probably, since most things in Chapter 27 happen there. Is the altar involved? We do not know; the altar never features in the chapter.

Does this mean that in a very late Persian text we still have some kind of description of the ritualised killing of a human being by somebody devoted to YHWH? We think the answer to the question would be "Yes", but we also think that the priestly authors of this text were probably ashamed by what happened, hence the vagueness.

BIBLIOGRAPHY

Achenbach, R 2008. Das Heiligkeitzgesetz und die sakralen Ordnungen des Numeribuches im Horizont der Pentateuchredaktion, in Römer 2008:145–176.

Bertholet, A 1901. *Leviticus*. KHAT 3. Tübingen: J.C.B. Mohr Paul Siebeck.

Blum, E 2009. Issues and problems in the contemporary debate regarding the Priestly writings, in: Schectman & Baden 2009:31–44.

Braulik, G 1995. Die dekalogische Redaktion der deuteronomischen Gesetze. Ihre Abhängigkeit von Levitikus 19 am Beispiel von Deuteronomium 22,1–12; 24,10–22*; 25,13–16*, in Braulik 1995:1–25.

Braulik, G (ed.) 1995. *Bundesdokument und Gesetz. Studien zum Deuteronomium*. HBS 4. Freiburg: Herder.

Brekelmans, C H W 1959. *De Ḥerem in het Oude Testament*. Nijmegen: Centrale Drukkerij.

_____ 1971. חֵרֶם *ḥerêm* Bann, in Jenni & Westermann 1971:635–639.

Cholewinski, A 1976. *Heiligkeitsgesetz und Deuteronomium*. Analecta Biblica 66. Rome: Biblical Institute Press.

Collins, J J 2004. *Introduction to the Hebrew Bible*. Minneapolis: Fortress Press.

Crüsemann, F 1997. *Die Tora. Theologie und Sozialgeschicht des alttestamentlichen Gesetzes*. Second edition. Gütersloh: Kaiser.

Currid, J D 2004. *A study commentary on Leviticus*. Darlington: Webster.

Day, J 1989. *Molech. A god of human sacrifices in the Old Testament*. Cambridge: Cambridge University Press.

Eberhart, C A (ed.) 2011. *Ritual and metaphor: sacrifice in the Bible*. Resources for Bible Study 68. Atlanta: SBL.

Eissfeldt, O 1935. *Molk als Opferbegriff im Punischen und Hebraischen und das Ende des Gottes Moloch*. Halle: Max Niemeyer.

Elliger, K 1966. *Leviticus*. HAT 4. Tübingen: Mohr.

Elwell, W A & Beitzel, B J (eds) 1988. *Baker encyclopedia of the Bible*. Grand Rapids: Baker Book House.

Fabry, H-J & Jüngling, H-W (eds) 1999. *Levitikus als Buch*. BBB 119. Bonn: Philo.

Fisher, M C 1988. Vow, in Elwell & Beitzel 1988:2128.

Gane, R E 2004. *Leviticus, Numbers*. Grand Rapids: Zondervan.

Gerleman, G 1977. Nutzrecht und Wohnrecht. Zur bedeutung von אחזה und נחלה, *ZAW* 89:313–325.

Gerstenberger, E S 1993. *Das 3. Buch Mose. Leviticus*. ATD 6. Göttingen: Vandenhoeck & Ruprecht.

Gorman, F H 1997. *Divine presence and community: a commentary on the book of Leviticus*. Grand Rapids: Wm. B. Eerdmans.

Grabbe, L L 1997. *Leviticus*. Sheffield: Sheffield Academic Press.

Grünwaldt, K 1999. *Das Heiligkeitsgesetz Leviticus 17–26. Urspüngliche Gestalt, Tradition und Theologie*. BZAW 271. Berlin: De Gruyter.

Jenni, E & Westermann, C (eds) 1971. *Theologisches Handwörterbuch zum Alten Testament. Band 1*. München: Chr. Kaiser Verlag.

_____ 1976. *Theologisches Handwörterbuch zum Alten Testament. Band 2*. München: Chr. Kaiser Verlag.

Hartley, J E 1992. *Leviticus*. Dallas: Word.

Heider, G C 1985. *The cult of Molek: a reassessment*. Sheffield: JSOT Press.

Hieke, T 2014a. *Levitikus 1–15*. Freiburg: Herder. (HTK)

_____ 2014b. *Levitikus 16–27*. Freiburg: Herder. (HTK)

Joosten, J. 1996. *People and land in the Holiness Code. An exegetical study of the ideational framework of the law in Leviticus 17–26*. VTS 67. Leiden: Brill.

Keller, C A 1976. נדר *ndr* geloben, in Jenni & Westermann 1976:39–43.

Kilchör, B 2015. *Mosetora und Jahwetora. Das Verhältnis von Deuteronomium 12–26 zu Exodus, Levitikus und Numeri*. BZAR 21. Wiesbaden: Harrassowitz.

Klostermann, A 1877. Ezechiel und das Heiligkeitsgesetz, *ZLThK* 38:401–445.

Knohl, I 1995. *The sanctuary of silence: the priestly Torah and the holiness school*. Winona Lake: Eisenbrauns.

Krapf, T M 1992. *Die Priesterschrift und die vorexilische Zeit. Yehezkel Kaufmanns vernachlässigter Beitrag zur Geschichte der biblischen Religion*. Göttingen: Vandenhoeck & Ruprecht.

Lange, J P; Schaff, P & Gardiner, F 2008. *A commentary on the Holy Scriptures: Leviticus*. Bellingham: Logos Bible Software.

Levine, B A 1989. *Leviticus*. Philadelphia: Jewish Publishing Society.

Maarsingh, B 1974. *Leviticus*. Nijkerk: Uitgeverij G F. Callenbach B.V.

Mathews, K A 2009. *Leviticus: holy God, holy people*. Wheaton: Crossway Books.

Meyer, E E 2005. *The Jubilee in Leviticus 25: a theological ethical interpretation from a South African Perspective*. EXUZ 15. Münster: Lit Verlag.

_____ 2010. Dating the Priestly text in the pre-exilic period: Some remarks about anachronistic slips and other obstacles, *Verbum et Ecclesia* 31/1:1–6.

Milgrom, J 1990. *Numbers*. JPS. New York: Jewish Publication Society.

_____ 1991. *Leviticus 1–16: a new translation with introduction and commentary*. New York: Doubleday.

_____ 2000. *Leviticus 17–22: a new translation with introduction and commentary*. New York: Doubleday.

_____ 2001. *Leviticus 23–27: a new translation with introduction and commentary*. New York: Doubleday.

Nelson, R D 1997. *ḥerem* and the Deuteronomic social conscience, in Vervenne and Lust 1997:39–54.

Niditch, S 1993. *War in the Hebrew Bible: a study of the ethics of violence*. Oxford: OUP.

Nihan, C 2007. *From Priestly Torah to Pentateuch. A study in the composition of the book of Leviticus.* Tübingen: Mohr Siebeck.

Otto, E 1999. *Innerbiblische Exegese im Heiligkeitsgesetz Levitikus 17–26*, in Fabry and Jüngling 1999:125–196.

_____ 2007. *Das Gesetz des Moses*. Darmstadt: WBG.

Römer, T (ed.) 2008. *The books of Leviticus and Numbers*. BETL 215. Leuven: Peeters.

Rooker, M F 2000. *Leviticus*. Nashville: Broadman & Holman Publishing Company.

Ruwe, A 1999. *"Heiligkeitsgesetz" und "Priesterschrift". Literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1–26,2*. FAT 26. Tübingen: Mohr Siebeck.

Sakenfeld, K D (ed.) 2009. *The new interpreter's dictionary of the Bible.* Volume 5. Nashville: Abingdon Press.

Schectman, S & Baden, J S (eds) 2009. *The strata of the Priestly writings. Contemporary debate and future directions*. ATANT 95. Zürich: Theologischer Verlag Zürich.

Schmid, K 2008. *Literaturgeschichte des Alten Testaments: Eine Einführung.* Darmstadt: WBG.

Spence-Jones, H D M 1909. *Exodus*. London: Funk & Wagnalls Company.

Stavrakopoulou, F 2004. *King Manasseh and child sacrifice. Biblical distortions of historical realities*. BZAW 338. Berlin: Walter de Gruyter.

Stern, P D 1991. *The Biblical HEREM. A window on Israel's religious experience*. Atlanta: Scholars Press.

Tatlock, J R 2006. *How in ancient time they sacrificed people: human immolation in the Eastern Mediterranean Basin with special emphasis on ancient Israel and the Near East.* Unpublished PhD. Dissertation. University of Michigan.

_____ 2009. *Sacrifice, Human*, in Sakenfeld 2009:19.

_____ 2011. The place of human sacrifice in the Israelite Cult, in Eberhart 2011:33–48.

Tidball, D 2005. *The Message of Leviticus*. Downers Grove: InterVarsity Press.

Van der Merwe, C; Naudé, J & Kroeze, J 1999. *A Biblical Hebrew Reference Grammar*. Sheffield: Sheffield Academic Press.

Van Gemeren, W A (ed.) 1997. *New international dictionary of Old Testament theology & exegesis*. Volume 3. Grand Rapids: Zondervan Publishing House.

Vervenne, M & Lust, J (ed.) 1997. *Deuteronomy and Deuteronomic Literature. Festschrift C.H.W. Brekelmans.* BETL 133. Leuven: Peeters.

Wakely, R 1997. נדר, in van Gemeren 1997:37–41.

Waltke, B K & O'Connor, M 1990. *An introduction to Biblical Hebrew syntax*. Winona Lake: Eisenbrauns.

Watts, J W 2013. *Leviticus 1–10*. HCOT. Leuven: Peeters.

Weinfeld, M 1972. The worship of "Molech" and of the Queen of Heaven and its background, *Ugarit Forschungen* 4:133–154.

Wellhausen, J 1963. *Die Komposition des Hexateuchs und der Historischen Bücher des Alten Testaments* (1899). 4th ed. Berlin: Walter de Gruyter & Company.

Wenham, G J 1979. *The book of Leviticus*. Grand Rapids: Eerdmans Publishing Company.

Wiersbe, W W 1996. *Be holy*. Wheaton: Victor Books.

Willis, T M 2009. *Leviticus*. Nashville: Abingdon.

Zehnder, M 2005. *Umgang mit Fremden in Israel und Assyrien: ein Beitrag zur Anthropologie des "Fremden" im Licht antiker Quellen*. BWANT 168. Stuttgart: Kohlhammer.