LIBRARY COPYRIGHT NOTICE
www.huc.edu/libraries

THE PRIESTLY SYSTEM OF THE HEBREW BIBLE:
A SYSTEMS THEORY APPROACH

A DISSERTATION
SUBMITTED TO THE FACULTY OF
THE PINES SCHOOL OF GRADUATE STUDIES
HEBREW UNION COLLEGE – JEWISH INSTITUTE OF RELIGION

BY
Caleb Allen Gilmore

IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

_____
First Reader: David H. Aaron, Ph.D

_____
Second Reader: Richard S. Sarason, Ph.D

February 2022

and aided me, I must attempt to thank here: I thank my parents, Randall and Beth, who have always supported my endeavors and demonstrated the value of learning; my brother, Seth, who often gave me peace when the rigors of study weighed heavily; Mark and Monica Nelson, who offered me their home to complete this thesis in a peaceful environment; and last, but not least, my children, Harvie Rose and Eliana Joy, who motivate me to carefully analyze religious systems and texts. I hope that this study can contribute to helping religious and scholarly systems optimize our understanding of how our beliefs affect and are affected by our social contexts and systems. I dedicate this work to them. May what we leave our children serve as foundation for better future systems.

ii

ABSTRACT

The Priestly Writings of the Hebrew Bible constitute a repository of texts written at different times, by different authorships, with different agendas. Scholarship has long debated the relationships among priestly compositions in the Pentateuch and priestly texts such as the prophetic scroll of Ezekiel. This study seeks to describe the intertextual relationship among these texts through the lens of systems theory. Such analysis requires a full paradigm shift regarding the priestly literature in its various forms as the products of a singular religious system. Previously, scholarly observations of shifts in terminology or emphasis have been understood as the activity of different "schools." This study emphasizes that these perceived differences in no way undermine the singularity of the system from which they draw. It proposes that scholars view priestly texts as referring to a particular cultic system from various perspectives within that system. The differences among the Priestly literature, the Holiness writers of the Torah, and the text of Ezekiel stem from different solutions among various priestly groups attempting to ensure the survival of their priestly system in new societal environments. These variations in nomenclature and application of systemic structures, introduced over time, do not suggest the system's alteration. Instead, they represent groups within the system seeking to preserve the same system in changing contexts.

The thesis employs a modified application of Niklas Luhmann's systems theory, in addition to other theorists in the field. By establishing that all priestly texts assume the same binary code (holy/common//pure/impure) and the same medium of communication (sacrifice) across different types of societies (social differentiation), the study reveals

how the Priestly Writings of the Hebrew Bible negotiated the ongoing challenges of

adapting the Israelite religious system to the crisis of Exile.

A systems-theory approach offers biblical scholars a method of intertextual study which

moves beyond micro-focused philological analysis to an understanding of the social

forces behind textual production. The present discussion seeks to reveal how texts are the

products of social systems, and do not constitute independent systems detached from

social circumstances. This understanding allows us to make sense of the traditions which,

on the surface, might appear to be at odds with the priestly corpus.

TABLE OF CONTENTS

INTRODUCTION

This study explores the social phenomenon of priestly textual production in the Hebrew Bible and why discrete priestly traditions sometimes seem at odds. I apply the method of systems theory to an array of priestly writings with the hope of offering a nuanced intertextual analysis of the corpus. This study will analyze the Priestly strata of the Pentateuch (P and the Holiness Code) to determine if the differences among those literary layers were the products of different religious systems at odds with one another, or whether they refer to the same religious system at different points in time, but with distinctive nomenclature or emphases. It will also contrast the system underlying the Pentateuchal literature with the Book of Ezekiel as a test case for understanding the variants among those corpora and the compositional history of the Priestly Writings. I submit that all of these texts refer to a single religious system and were produced as attempts to make it function optimally. Competing groups of priests *within the same, mostly stable system* developed different approaches for addressing system-flaws and pressing historical circumstances. This suggests that even by the middle to late sixth century (during the Babylonian exile and after) ever-changing social and institutional circumstances fostered distinct reactions among various priestly thinkers as to how best the religious system might accommodate historical exigencies. The redaction of Priestly texts in the Torah and Ezekiel appears to represent an attempt to create compromise and unity within a religious system, as opposed to comprising an authoritative text which constituted a system. The results of this study offer biblical studies a paradigm for understanding how social systems produce textual communication within their societal environments.

The Priestly Writings

Scholarly discourse on the "Priestly Writings" has evolved significantly since August

Klostermann labeled Leviticus 17-26 *das Heiligkeitsgesetz* in 1877.[1] Despite an

abundance of progress, scholarship appears to be at an impasse regarding ideological

differences within the various writings ascribed to priests. Israel Knohl memorably wrote

that the identification of the "Priestly Torah" (hereafter, P) and the "Holiness School"

(hereafter, H) as discrete strata within the Pentateuch would prevent us from speaking of

a single Priestly "theology." Instead, he suggested that we should "recognize two separate

Priestly theologies."[2] Most scholarship on the priestly writings has followed his lead.

     Others have challenged Knohl's stark dichotomizing of the priestly literature in

the Pentateuch. Such arguments highlight the interdependence and integration of the

various priestly sources therein.[3] Blum astutely questions whether the standards by which

some scholars differentiate H and P lead to a circular process of confirming the

---

[1] August Klostermann, "Beiträge zur Enstehungsgeschichte des Pentateuchs." *Zeitschrift für lutherische Theologie und Kirche* 38 (1877), 401-445.

    For the label "Priestly Writings" see Baruch J. Schwartz, "Introduction: The Strata of the Priestly Writings and the Revised Relative Dating of P and H," in *The Strata of the Priestly Writings*, eds. Sarah Shectman and Joel S. Baden (Zurich: Theologischer Verlag, 2009), 1-2. I favor Schwartz's label "Priestly Writings" to denote any text presumed to be written by "literate priests, trained to think, speak and write in a certain unmistakable style, creating, copying and circulating scrolls containing the teachings of the priesthood – the priestly tales and the priestly *tôrôt*." Such a label allows us to include texts outside of the Pentateuch, like Ezekiel, which are widely believed to derive from a priestly worldview.

[2] Israel Knohl, *The Sanctuary of Silence* (Winona Lake, IN: Eisenbrauns, 2007), 6.

[3] Erhard Blum, "Issues and Problems in the Contemporary Debate Regarding the Priestly Writings," *The Strata of the Priestly Writings* (Zürich: Theologishcer Verlag, 2009), 33-42; Jeffrey Stackert, "The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement," *The Strata of the Priestly Writings*, 187-201; Christophe Nihan, *From Priestly Torah to Pentateuch* (Tübingen: Mohr Siebeck, 2007), 549. Nihan believes, like Knohl, that H represents the redactional layer of the Pentateuch in the 5th century BCE and states: "Lev 17–26 was never intended as a self-contained legislation but was conceived from the beginning as part of a complementary reading of the biblical laws."

differences presumed by the method.[4] Challenges like the one put forth by Blum echo the observations of Thomas Kuhn who observed how researchers habitually give themselves to solving puzzles generated by a particular paradigm or mode of investigation.[5]

Employing systems theory, the present study approaches the Priestly Writings with a paradigm little explored among biblical scholars. Systems theory permits observations that are distinct from other methodologies. A full exposition of this methodology will occur in the following chapter. At present, I wish to situate this study within the context of recent scholarly discourse on the Priestly Writings. Following this summary, I will demonstrate the value of a systems-theory approach and endeavor to explain how such an approach can provide new insights and a path beyond current scholarly approaches.

Review of Scholarship on the Priestly Writings

The status of scholarly discourse regarding the Priestly Writings can be characterized by three thematic concerns: the degree of differences observed within the literature, the chronological relationship of priestly texts, and the methodological lens used to analyze the literature. Although these concerns intersect, I have separated them in order to problematize various contemporary methods of approaching these biblical passages while observing how the specific strengths of a systems-theoretical approach might shed new light on these texts.

---

[4] Blum, "Issues and Problems, 37-38.

[5] Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago, 1970), 18-38.

Degree of Differentiation between P and H

Knohl's publication of *The Sanctuary of Silence* has served for many as the foundation

for any discussion regarding the priestly strata of the Pentateuch. He sought to

demonstrate how a demarcation of two priestly sources in the Torah "clarifies and

sharpens the lines separating the theological and ritual conception of the Priestly Torah

from the cultic and theological conception of the Holiness School."[6] His model

acknowledges H's dependence on P but proposes that the two streams of thought are so

different that they must be represented as distinct ideologies. He portrays P as the utopia

of a small circle of professional priests, whereas H represents an appeal to the "popular

belief" of the Israelite masses.[7] Knohl's assessment of the terminological differences

between P and H represents a starting point for any consideration of the relationships

among the various priestly strata.

Jacob Milgrom's essential volumes on Leviticus largely affirm Knohl's work.[8]

Milgrom agrees that H radically expands and modifies P.[9] Many of Milgrom's

corrections of Knohl on terminological grounds, while accurate, do not undermine the

core thesis presented by Knohl. The stark differences between P and H, as stated by

Milgrom, are evident in attitudes toward the concept of holiness and in terminological

rigor. P limits holiness to the sancta while H extends holiness to include the entirety of

the Land. Contrary to P's static notion of holiness, H depicts holiness in dynamic terms

and requires priests and laity to exhibit vigilance against profanation and contamination

---

[6] Knohl, *Sanctuary*, 6.
[7] Knohl, *Sanctuary*, 200-224.
[8] Jacob Milgrom, *Leviticus 1-16* (New York: Doubleday, 1991); *idem.*, *Leviticus 17-22* (New York: Doubleday, 2000); *Leviticus 23-27* (New York: Doubleday, 2001).
[9] Milgrom, *Leviticus 17-22,* 1349-1352.

of the sanctuary and Land. Though P holds a strict notion of pollution via ritual

defilement, H metaphorizes pollutants to include non-ritual offenses, such as incest and

idolatry. Finally, H breaks with P on issues of profane slaughter by forbidding it

outright.[10]

Both Milgrom and Knohl expertly demonstrate the terminological and conceptual

differences between the different strands of priestly thought in the Torah. Milgrom

contends that a P ideologue could not abide the murkiness of H's articulation and

expansion of previous priestly thought; such a priest would have found its terminology

misleading.[11] The differences between P texts and H texts are sometimes so obvious that

we can clearly demarcate the two strata with little debate. Perhaps a P purist would

shudder at H's lackadaisical deployment of its language (if they were even around to

debate such inconsistencies). But how strongly should we emphasize these sharp

contrasts?

This study will attempt to elucidate the nature of those differences. It would be

helpful to discover whether the distinguishing factors among the P and H sources derive

from *different systems* or *different iterations of the same religious system* which produced

the texts. I will therefore, initially, endeavor to treat both P and H as discrete "systems."[12]

Systems theory can resolve the nature of some differences among priestly sources. This

approach pushes beyond the ideas and terminology at odds in the literature. As I will

demonstrate later, systems are not distinguished by the different ideas or terms they use,

---

[10] Milgrom, *Leviticus 1-16,* 35-42; idem., *Leviticus 17-22,* 1325-1332.

[11] Milgrom, *Leviticus 1-16*, 38*.*

[12] I use the term system loosely here. I will try to demonstrate that texts are not constitutive of systems, but instead are products of *programmatic systems* which function as a reference to an existing *social system* and its operations. I am treating P and H texts as discrete objects of study for systems analysis.

but by the operations they perform; the boundaries they draw between themselves and everything outside their perceived domain. This will help place terminological differentiation in a new light.

Several scholars have already expressed concern regarding how rigidly we demarcate between P and H. They doubt that linguistic and stylistic variance constitute enough evidence to differentiate the two literary strata. Erhard Blum and Jeffery Stackert both acknowledge the composite nature of the priestly traditions in the Torah, yet they caution against strongly differentiating these literary works.[13] Stackert argues that H "seeks to retain, supplement, and complete" P by appending its work to the former literature.[14] If any polemic exists between H and another Pentateuchal source, Stackert contends that H intends to marginalize Deuteronomic sources, not early Priestly documents.[15] Philip Peter Jenson also agrees that despite H's unique origin and character, its distinctive vocabulary, idiom and subject matter, scholarship should include H as a witness to the ideology of P, not its opposition.[16] Roy Gane, while acknowledging the composite nature of priestly texts like Lev 16, writes that the priestly rituals in the Torah represent "a system that is functionally integrated" and "would justify synchronic study" based on the text presented to us in the Masoretic traditions.[17]

Virtually every scholar acknowledges some level of distinction between P and H. The two sources use different terminology, or the same terminology differently, and on

---

[13] Jeffery Stackert, "Holiness Code and Writings," in *The Oxford Encyclopedia of the Bible and Law* (Oxford: Oxford University Press, 2015), 389-396. Erhard Blum, "Issues," 31-44.

[14] Jeffery Stackert, "The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement," in *The Strata of the Priestly Writings*, 187.

[15] Stackert, "The Holiness Legislation and Its Pentateuchal Sources," 188.

[16] Philip Peter Jenson, *Graded Holiness: A Key to the Priestly Conception of the World*, JSOTS Series 106 (Sheffield: JSOT Press, 1992), 24.

[17] Roy Gane, *Cult and Character* (Winona Lake, IN: Eisenbrauns, 2005), 36.

the surface, they appear to implement discrete ideologies. Scholars do not seem to agree, however, on the nature of the difference. Systems theory can uniquely resolve this impasse. As I will explain in the next chapter, systems are defined by the kinds of differences they employ to mark their own boundaries. Systems theory permits biblical scholars to analyze the literature of P and H separately to determine if the differences are indicative of opposing systems or different textual perspectives which reference the same system. After this analysis, our ability to discuss the relationship of P and H will be greatly enhanced.

<div align="center">Chronological Relationship of the Priestly Writings</div>

Knohl has established what is now a virtually unanimous assumption amongst studies of the priestly strata in the Pentateuch: H postdates P.[18] Both he and Milgrom posit that H served not only as the editor of priestly traditions, but of the Torah as a whole.[19] Christophe Nihan acknowledges that H postdates P and integrates Deuteronomic thought; however, he does not view H as the Pentateuchal redactor.[20] Eckart Otto also accepts the priority of P but "instead of inventing a Holiness school" sees the later material traditionally associated with H as the hand of the Pentateuchal redactors.[21] Despite disagreements regarding the nature of relationship between P and H, scholarly consensus maintains that P represents the earlier of the two strata of priestly traditions.

---

[18] Knohl, *Sanctuary of Silence*, 6.

[19] Knohl, *ibid*., 200, 224; Milgrom, *Leviticus 17-22*, 1439-1433. Milgrom explicitly makes a Holiness Redactor the editor of Exodus, Leviticus, and Numbers. He later includes Deuteronomy in the redactional process (p. 1439).

[20] Christophe Nihan, *From Priestly Torah to Pentateuch* (Tübingen: Mohr Siebeck, 2007), 395-575, 616.

[21] Eckart Otto, "The Holiness Code in Diachrony and Synchrony in the Legal Hermeneutics of the Pentateuch," in *The Strata of the Priestly Writings*, 144, 150.

Where consensus exists regarding the sequence in which P and H emerged as literature, scholars vehemently disagree regarding the historical origins of these texts. Menahem Haran dated the production of both corpora to the monarchic reigns of Ahaz and Hezekiah.[22] Knohl understands that both P and H represent "the result of literary activity spanning the course of several centuries."[23] Though he views portions of the literature as having originating during the time of the Judahite monarchy while other parts were written during the exilic and post-exilic periods, he contends that the reigns of Ahaz and Hezekiah are "a decisive period in the history of the Priestly writings."[24] He also argues that the priests behind H composed their work primarily under Ahaz's rule but before Hezekiah's centralization.[25] Milgrom locates P in a historical setting predating Hezekiah—possibly as early as priestly activity at Shiloh.[26] For the most part, he accepts Knohl's dating scheme for the literature.[27] Other scholars have supported a monarchic provenance for the priestly Pentateuch texts, based on linguistic arguments.[28] These scholars argue that since several lexemes in the Torah disappear in the exilic and post-exilic age, the Pentateuchal traditions emerged and were (mostly) completed in the monarchic period.[29]

---

[22] Menahem Haran, *Temples and Temple Service in Ancient Israel* (Oxford: Clarendon Press, 1978), 146-147.

[23] Knohl, *Sanctuary of Silence*, 200.

[24] Knohl, *ibid*., 201 fn. 4.

[25] Knohl, *ibid*., 209.

[26] Milgrom, *Leviticus 1-16*, 34.

[27] Milgrom, *Leviticus 1-16*, 26-27. Milgrom disputes Knohl's *terminus ad quem* for H in the early Persian period.

[28] Avi Hurwitz, *A Linguistic Study Between the Priestly Source and the Book of Ezekiel – A New Approach to an Old Problem* (Paris: J. Gadbalda, 1982); Mark F. Rooker, *Biblical Hebrew in Transition* (Sheffield: Sheffield Academic Press, 1990).

[29] Milgrom, *Leviticus 1-16*, 3-13.

Other studies adamantly contend that most of the priestly texts found in the Torah originated in the Babylonian exile or in the Second Commonwealth period.[30] Nihan refers to the priestly rituals and rulings as a legitimization of the rebuilt Temple in Jerusalem: "The temple, as the sole surviving *indigenous* institution in Persian Yehud, has definitively supplanted the palace as the center of the religious, social and political life in Jerusalem."[31] David H. Aaron has argued that proponents of a monarchic dating of Torah texts associated with law-giving Sinai should "justify how a monarchic world...could possibly have produced a set of documents that undermine all for which a monarchy *and* priestly oligarchy stood."[32] To my mind, scholars who maintain a monarchic dating for the text do not adequately address the absence of the monarchic political apparatus in the priestly literature or the ways priestly texts would undermine its power. Milgrom's attempt to justify "the missing king" in priestly texts constitutes an argument from silence, contingent upon the assumption that H presumes what Ezekiel makes explicit in Ezekiel 40-48.[33] His method relies on a circular reasoning which uses a presumed chronology of textual composition to fill in knowledge-gaps. But if the priestly literature arose during a time in which the monarchic political system reigned, the silence of the priestly system regarding this competing power is too loud. The monarchic system would never have allowed a competing system to emerge which did not accommodate its existence. A systems-theory approach offers a methodological explanation for this silence—the priestly system emerged when there was no longer a monarchic competitor.

---

[30] Peter Weimar, "Sinai und Schöpfung", RB 95 (1988), 337–385, argues for an exilic setting. Nihan, *Priestly Torah*, 383; Baruch A. Levine, *Leviticus* (Philadelphia: JPS, 1989), xxxiii.

[31] Nihan, *ibid*., 391. Emphasis original.

[32] David H. Aaron, *Etched in Stone* (New York: T&T Clark International, 2006), 282.

[33] Milgrom, *Leviticus 17-22*, 1415.

This study will suggest eras during which composition of the Priestly Writings would have been feasible, without assigning specific dates. The systems-approach adopted here prioritizes the sequencing and relationship among the texts, rather than attempting to locate a single causative event in Israel's past. Since most scholars accept the sequencing of the Torah's priestly texts (P then H), my implementation of systems theory on this corpus begins on the bedrock of shared assumptions about P's priority and H's belatedness. A chapter on Ezekiel (below) will serve to anchor the textual sequences and their intertextual relationships. Systems theory will not lead us to a specific date for the priestly literature's composition, but it can provide a stronger method for sequencing texts. Because the Book of Ezekiel was initially written in an exilic context, we can produce an assessment of the priestly literature which shows how the priests who redacted the literature might have imagined their religious system to operate and how it might insulate their society from a chaotic environment. These conclusions offer possibilities for the kind of societal setting in which priestly groups could have composed and redacted these texts.

Methodological Approaches to P and H

Pentateuchal scholarship has been dominated by linear models of textual composition since the Graf-Wellhausen hypothesis of documentary sources. This approach typically consists of identifying a "source" document among discrete texts and the historical circumstances which occasioned its composition and redaction with subsequent

materials.[34] Most of the studies regarding the demarcation between P and H operate using the documentary, source-critical approach. As Joel Baden argues, even if the legal materials originated independently from the narratives, "the law codes belong integrally to the narrative sources."[35] Some studies have attempted to supplement or supplant this model with social scientific theories.

Baruch Levine's commentary on Leviticus serves as an adequate bridge from Milgrom's redaction-criticism to a systems-theory approach. Levine asks whether "the closest we can come to a sense of historical reality regarding the laws and rituals of Leviticus is through an analysis of the institutions to which the book refers."[36] Unlike Knohl and Milgrom, Levine finds that an investigation of the sociological structures implied in the book of Leviticus suggest a post-exilic setting as the primary historical context for the book.[37] Sociological markers used to describe the Israelite community, such as עדה (*'ēdâh*), appear prominently in the Elephantine papyri in the Persian period.[38] Levine also cites the primacy of the משפחה (*mišpaḥah*) as a socio-economic unit that bound families together in contexts of finances and land ownership.[39] Finally, Levine notes that two of the primary terms for relating people to one another in Leviticus are רעה (*rē'āh)* and עמית (*'āmît*). These terms do not imply kinship but refer to close neighbors in an urban environment. The combination of these terms in texts such as Leviticus 25

---

[34] For a recent argument for the continuation of this approach see Joel S. Baden, *The Composition of the Pentateuch* (Cambridge, MA: Yale University Press, 2012). Although a "documentary" approach has been questioned and criticized in the last forty years, many still operate under its assumptions and terminology.

[35] Baden, *The Composition of the Pentateuch*, 26.

[36] Levine, *Leviticus*, xxxi.

[37] Levine, *ibid*., xxxiii.

[38] Cf. Milgrom, *Leviticus 1-16,* 6. Milgrom argues that עדה is a Hebraism and not from Aramaic.

[39] Levine, *ibid*., xxxii.

reflect an economically stressed and stratified community, which likely places much of the book in a post-exilic context.[40]

Though Levine does acknowledge that parts of the priestly texts in Exodus, Leviticus, and Numbers might derive from much earlier periods, overall, the books reflect a post-exilic milieu. Levine does not make ideological or terminological differences between P and H a major focus of his work. His understanding of the social dynamics and the institutions depicted in the biblical text contribute a great deal towards an understanding of the priesthood of the Hebrew Bible as a *system*. At one point, Levine insightfully asks: "Are we able to penetrate forms and actions to arrive at the dimension of their underlying meanings? Are we limited to statements about how religious devotion was expressed, or can we say something as well about why it was expressed in prescribed ways?"[41] These types of questions strike to the heart of a systems approach to reading text. Systems theory offers a mode for understanding the *function* of rituals, laws, social hierarchies, and claims to represent divine power within the distinctively *priestly* system. It explains the reasons a system would produce texts that look like the Priestly Writings in their various forms.

Several studies have approached the Priestly Writings with a sociological lens more explicitly. Most of these investigations attempt to understand the social hierarchy of the texts; how the texts inscribe the priestly status as distinct from the average Israelite. Though some employ the term "system" in a colloquial manner, they do not apply the distinct methods of systems theory to the biblical literature. For instance, Milgrom refers to the array of rituals in Leviticus 1-16 as "aspects of a symbolic system," while Frank

---

[40] Levine, *ibid*., xxxiii.
[41] Levin, *ibid*., xl.

Gorman questions whether "the priests wanted to produce a singularly consistent system of thinking and theology."[42] Both analyses, however, employ the word "system" colloquially to denote a consistent, coherent interrelationship of ideas, beliefs, or symbols among ritual acts. Gorman describes how many interpreters impose a "consistent system" upon the priestly texts: "The interpreter's ability to produce a coherent system on the basis of the priestly texts, however, does not provide proof that the system is in the texts themselves (or behind them or underneath them)."[43] He is correct on two fronts. Readers of biblical texts often supply coherence to a text whether it exists or not. More importantly, Gorman suggests that the system is not *in* the text; a text does not constitute a system. As much as he advances a better reading of priestly texts, he still never defines what constitutes a system. Systems theory acknowledges Gorman's points regarding the interpretive coherence provided by many scholarly studies and the notion that the system does not reside *within the text*. It does, however, go beyond Gorman's argument to suggest that systems, properly defined and understood, absolutely stand behind the texts they produce, even if they are not entirely apparent to scholarly observation. Systems theory aids in describing the terms under consideration and provides a conceptual apparatus for understanding the nature of systems within society and their ability to produce communications in the form of texts.

Biblical Scholarship and the Relationship Between System and Society

---

[42] Milgrom, *Leviticus 1-16*, 45. Frank H. Gorman, "Pagans and Priests: Critical Reflections on Method" in *Perspectives on Purity and Purification in the Bible,* eds. Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel (New York: T&T Clark International, 2008), 110.

[43] Gorman, "Pagans and Priests," 102.

Several scholarly works have sought to explain how the priestly texts established a divinely sanctioned social hierarchy. These studies all recognize the distinctiveness of the priestly literature's societal construction. Despite benefit provided by these works, there are several areas where systems theory could provide better clarification and nuance. An adoption of a systems-approach, for instance, problematizes the notion of "graded holiness" which appears throughout the discourse regarding priestly texts. I will briefly summarize how scholars arrive at this concept and how systems theory offers a more robust definition of the interaction between a concept like holiness and a social hierarchy.

Jenson's work *Graded Holiness* creates a useful chart of the Priestly narrative and the different dimensions of holiness as reflected in the texts. His work specifically seeks to uncover a "systematic theology" from the final form of the MT.[44] The study does not employ a critical methodology but instead seeks to uncover a unified theology of the Priestly text.[45] Jenson contends that the Holiness Spectrum—the foundational structure of the Priestly system—is represented by four Hebrew words: קדש (holy), חלל (profane), טהר (clean), and טמא (unclean). According to Jenson, the holy/profane dimension relates to the divine realm, while the clean/unclean corresponds to the human sphere.[46] Jenson insightfully notes that the cypher for understanding the priestly system lies within Leviticus 10:10 which states:

ולהבדיל בין הקדש ובין החל ובין הטמא ובין הטהור:
And you must differentiate between what is holy and what is profane; and between what is clean and what is unclean. (Lev 10:10)[47]

---

[44] Jenson, *Graded Holiness*, 32. See Gorman, "Pagans and Priests," as to whether that task can be accomplished.
[45] Jenson, *ibid*., 38.
[46] Jenson, *ibid*., 48-54.
[47] All translations of the Hebrew text will be my own unless otherwise noted.

In this verse, all four of Jenson's Holiness Spectrum terms occur as the specific job description of the cultic personnel. These lexemes are described, in order, as running from "very unclean," "unclean," "clean," "holy," and "very holy."[48] When defining this spectrum, Jenson uses the Hebrew term טמא twice, one meaning "very unclean" and the second use meaning simply "unclean." According to his spectrum, the lexical aspect appears as follows:

<div dir="rtl">

טמא ˗ טמא ˗ טהר ˗ קדש ˗ קדש קדשים

</div>

Jenson's spectrum suffers from at least two issues at once. First, as he acknowledges, it fails to include the term חל altogether—one of the core ingredients in Leviticus 10:10.[49] Moreover, a single Hebrew lexeme (טמא) accounts for *two* discrete points on the spectrum. This construction is a distinction without a lexical difference.

Jenson provides a survey of terms and process by which priests and laity might move from one status to another. He grounds his theological analysis in the findings of structural anthropology. In his effort to understand the priestly system on anthropological grounds, Jenson employs the concept of "grading" to explain his Holiness Spectrum. He writes:

> When an object (or person) is classified according to a particular trait, it is assigned to one of several classes or levels, and these are often ordered in a certain hierarchy or priority. At the simplest level, there are *only two alternatives*, comprising a *binary* opposition…If an object can belong to one of several binary classes, then a more complex classification is possible…However, other dimensions of experience are more nuanced,

---

[48] Jenson, *ibid*., 44.

[49] Jenson, *ibid*., 45. Jenson correctly notes that the term only appears here in the Torah, though it does feature in the text of Ezekiel (22:26, 42:20, 23; 48:15). Jenson cannot be faulted for failing to include a word that does not appear in his chosen textual corpus. However, one must question the importance of Lev 10:10 for his formula if a quarter of the spectrum is not textually apparent. If Lev 10:10 does present a key text to understanding the priestly system code, then perhaps we need another methodological tool which can account for a word that does not appear in the text. Systems theory can provide an account for the silence of one half of a binary such as holy/profane (see chs. 1 and 2).

and there may be several classes. As well as a black/white dichotomy, there can be a continuum or spectrum with several serially ranked elements. The complete spectrum will have two extreme poles, but there can be other levels in between. In certain cases, a nuanced grading may be unnecessary, in which case a simple binary class is formed. The Tabernacle exhibits several grades of holiness, but defilement threatened any or all grades of holiness.[50]

Jenson then details four dimensions of human experience within his Holiness Spectrum: Space, Personal, Ritual, and Time. Few scholars would dispute that the priestly texts of the Hebrew Bible convey a structured, systemic approach to classifying sacred time and space.

The problem with Jenson's approach lies with his grading of the concept *holiness*. I would argue that holiness is conceptualized in the Priestly religious system as a simple binary. An object or space is either holy or not. The Priestly Writings do, however, depict certain persons as having more *access* to sacred space in gradations. Jenson conflates the binary of holiness with the *social* stratification of the priestly hierarchy. I hope to contribute a clearer understanding of the priestly holiness system on the basis of systems theory later in this study.

Saul Olyan's work on binary oppositions has also contributed to our understanding of the priestly system.[51] Olyan analyzes the biblical text's representation of reality aided by a robust hermeneutic of suspicion. He argues that the biblical texts represent:

a set of discrete, socially constructed, and culturally privileged binary oppositions generat[ing] social difference in the sanctuary and in ritual

---

[50] Jenson, *Graded Holiness*, 62-63. Emphasis mine.

[51] Saul M. Olyan, *Rites and Ranks* (Princeton: Princeton University Press, 2000). Olyan goes beyond evaluating the holiness binary of the Priestly Writings, but his work is instructive for my study primarily with respect to his coverage of holy/profane and pure/impure.

contexts outside of the cult in which purity is required (=quasi-cultic settings) … Privileged oppositions *produce* hierarchy by bounding or restricting access…privileged oppositions *generate* unequal social relations by limiting access to particular ritual space, actions, and items that are associated with high status, prestige, and honor.[52]

Throughout his work, Olyan uses terminology from the social sciences. Regarding his statement that "privileged oppositions" produce or generate hierarchy, however, it is not apparent how a binary construction can generate a hierarchic system. Olyan, later, restates the issue by arguing that anthropologists suggest "binary oppositions may be employed by cultures to communicate totality and generate hierarchy."[53]

The priestly system of the Hebrew Bible, however, refers to hierarchical constructions more complex than a simple binary. The hierarchy portrayed in the texts consists of Priests, Levites, common Israelites, and foreigners, to name a few. Olyan explains that triadic constructions (Priest, Levite, Israelite) are *secondary* developments from original binaries. There is, however, an intrinsic problem here: How could a conceptual binary yield a nuanced social hierarchy with more than two components. This study will seek to retain a strong sense of the binary nature of holiness avoid theories of "triadic constructions" in which the elements of hierarchy are developed.[54] Systems theory, as I will explain in the text chapter, offers a means of sustaining a strong concept of the binary while explaining a multifaceted social hierarchy.

Howard Eilberg-Schwartz's anthropological approach has also contributed to an understanding of the social community which generated the Priestly Writings.[55] Based on

---

[52] Olyan, *ibid*., 4. Emphasis mine.
[53] Ibid.
[54] Olyan, *ibid*., 6-7.
[55] Howard Eilberg-Schwartz, *The Savage in Judaism* (Bloomington, IN: Indiana University Press, 1990).

the work of Michel Foucault, Talcott Parsons, and Edward Shils, he proposed that the

system of impurity in the Torah reflected the social system which produced it, and was

not a set of prescriptions imposed on a blank slate.[56] The connection between status in the

social hierarchy and the production of a binary code (pure/impure) within the religious

system is invaluable.[57] Eilberg-Schwartz's linkage between a religious system's mode of

expression and the kind of society it inhabits is confirmed by systems theory, as I will

endeavor to demonstrate.

Toward a Systems-Theory Approach

Scholarship concerning the priesthood already uses the language of "system" to refer to

the Priestly Writings, though this usage is less formal and more colloquial, as we have

previously observed.[58] E. Theodore Mullen, Jr. writes that the priestly strata of the

Pentateuchal texts produce "a particular symbol system that defines 'Israel,' in very

specific terms, as a special ethnic and religious group."[59] In a review of scholarship

regarding the priestly texts, Michael Hundley "examines the system designed to keep

---

[56] Eilberg-Schwartz, *Savage*, 192. Here he relies on Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan (New York: Vintage, 1979) for the concept of "cultural dominance" whereby a group dominates other groups, as well as those within their community, through cultural symbols. The priestly texts create an ever-present mode of observation akin to Foucault's "panopticon" in which the body is constantly observed but never sees its observers. The texts thus generate a mode of self-policing in which the Israelite laity constantly guards itself from the impurities described by the priestly caste. For notions of ascribed social status and its link to symbolic distinctions see Talcott Parsons, *The Social System* (New York: Free Press, 1951), 57, 84; Talcott Parsons and Edward Shils, "Values, Motives, and Systems of Actions," in *Toward a General Theory of Action*, ed. Talcott Parsons and Edward Shils (Cambridge, MA: Harvard University Press).

[57] Eilberg-Schwartz, *ibid*., 196.

[58] Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel, eds., *Perspectives on Purity and Purification in the Bible* (New York: T&T Clark International, 2008), 1.

[59] E. Theodore Mullen, Jr. *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch* (Atlanta: Scholars Press, 1997), 206.

YHWH on earth with a wider focus and through a broader interpretive lens."[60] Though he

reviews Gane's presentation of systems theory, the method of systems theory is not

formally incorporated in the study.[61] While I acknowledge these scattered insights, this

study endeavors to offer a formal analysis of the priestly corpus through the lens of

systems theory, as developed most prominently by Niklas Luhmann.[62]

Roy Gane should be credited with the first attempt to apply systems theory to

study the Hebrew Bible.[63] I know of no other scholarly work regarding the Hebrew Bible

using this lens. His work was helpful as I attempted to chart my own application of this

method to the Priestly Writings. The work of Gane and my own study differ in at least

three ways: (1) Gane mostly relied on the work of Brian Wilson and earlier systems

theorists, whereas I have used the work of Luhmann and more recent theories regarding

the nature of systems; (2) Gane used systems theory in order to supplement a theory of

ritual, whereas I intend to analyze both ritual and legal passages within the Priestly

Writings as products and reflections of the systems that produced them; (3) Gane focused

on discrete rituals (Day of Atonement and חטאת rituals), whereas I will attempt to cover

the gamut of all rituals and laws in the Priestly Writings and describe their system-

function.[64]

---

[60] Michael B. Hundley, *Keeping Heaven on Earth* (Tübingen: Mohr Seibeck, 2011), 4.
[61] Hundley, *ibid*., 33.
[62] Roy Gane, *Ritual Dynamic Structure* (Piscataway, NJ: Gorgias, 2004); *Cult and Character* (Winona Lake, IN: Eisenbrauns, 2005) has also employed a form of systems theory in his work, though his work mostly applies systems theory to discrete rituals and not the entire priestly system.

[63] Gane, *Ritual Dynamic Structure; Cult and Character*.
[64] By stating this, I do not mean that I will analyze every ritual and law ascribed to priestly authors in the Hebrew Bible. I only mean that I intend to cover the entire priestly system in the abstract, using examples from all corpora and strata of the literature.

Outline of the Study

Chapter One will explicate the basic components of systems theory. I will introduce the

basic tenets of the paradigm and offer observations regarding specific areas of the theory

that prove useful for the study of biblical texts. It will become apparent that I do not

completely adhere to systems theory as articulated by Niklas Luhmann but will provide

supplementation when useful. My methodology represents a "montage" of systems

thinking, drawn from various authors, with the aim of enhancing its applicability to

biblical scholarship.[65]

The following chapter (Chapter Two) will evaluate the priestly strata of the

Pentateuch (P and H) according to systems theory. I will endeavor to show that P and H

employ *the same system code*, albeit in different historical circumstances. The primary

focus of this chapter will be the book of Leviticus, but other texts designated P or H

occurring elsewhere in the Torah will be instructive for use. The description that systems

theory allows will offer a new way of thinking about the differences between P and H. In

some instances, this approach will affirm the work of previous scholarship; in other

regards, it will offer alternative perspectives.

Chapter Three will continue a systems-theory approach to PH but will deal with

issues regarding the social worlds in which these textual strata were produced. Religion,

politics, and the economy have all functioned as systems throughout history. The kinds of

society in which they existed, however, changed the ways those systems operated and

---

[65] Aaron, *Etched in Stone*, 11.

interacted with one another. In this chapter, I will explore how P and H differ, despite their functioning within the same system. I attempt to locate some semblance of a historical setting for the final form of the priestly system in the Pentateuch.

Because the book of Ezekiel serves as a linguistic control for the discussion of the Priestly Writings, particularly the chronology and sequencing of texts, Chapter Four will ask how Ezekiel's prophetic writings might factor into a systems-minded approach. The study will investigate the extent to which Ezekiel fit into the same system as the one described in the Torah. This chapter will examine popular theories regarding Ezekiel's relationship to the Holiness Code and other Priestly texts. The main thrust of this chapter will examine whether Ezekiel's intertextual connections to other Priestly Writings stems from textual dependence or whether these connections are due to Ezekiel's location within a particular version of the priestly system. I will evaluate whether Ezekiel constitutes a different system or participates in the dominant system from a slightly different perspective within it. Systems theory offers some useful heuristics regarding this question and could contribute to the scholarly discourse on this matter.

Some adherents to systems theory aim at a kind of grand, unifying theory of everything. My proposal is more modest. I do not suppose that systems theory solves all the problems that plague enterprises such as the historical-critical method, source criticism, or redaction criticism. Systems theory, however, does offer the possibility of asking questions yet to be posed within a given discipline. It fosters a description of a system on the basis of its own lexicon and inner logic. For these reasons, systems theory has the potential to provide useful perspectives for our understanding of Israelite society,

the Hebrew Bible, and our own meta-theoretical approaches to studying ancient culture

and the texts produced within it.

CHAPTER ONE: SYSTEMS THEORY

The dominant approach to study of the Hebrew Bible typically consists of identifying a "source" document among discrete texts and speculating on the historical circumstances which occasioned its composition. Most studies propose a certain historical event or era as the precipitating cause for a text's construction. Among the most famous of these theories are the claims that Josiah's reform (2 Kings 22-23) was either caused by the composition and public reading of Deuteronomy (at some early stage of the document) or that Deuteronomy was dictated to justify the religious reform carried out by the monarchic government. Thomas Römer summarizes this approach when he writes that "scribes...already active under the reign of Josiah...must be linked in one way or another to the concerns of the royal court" and calls the Deuteronomistic History "a literature of *propaganda*."[1] That scholars can identify *the* historical instance which necessitated the writing of a textual stratum is seldom questioned or doubted. Studies that make assumptions about the relationship between textual production and historical circumstance utilize a philosophy of history which sees a linear relationship between a historical event and literary production. By changing the paradigm by which we evaluate historical change, we create an opportunity to view the world differently.[2]

---

[1] Thomas Römer, *The So-Called Deuteronomistic History* (London: T&T Clark, 2007), 43. Emphasis original. Römer does not argue for a simple genesis of the literature under Josiah; rather, he views the redactional process of the literature as slowly developing over time in various historical contexts. This citation is not meant to be a criticism of his overall conclusions, which I find compelling. I only mean to demonstrate how easily connections between historical cause and textual production are linked in the scholarship.

[2] Thomas Kuhn, *The Structure of Scientific Revolutions*, 2nd ed. (Chicago: University of Chicago Press, 1970), 111.

Niklas Luhmann developed his systems theory over a massive *oeuvre*. Since his death in 1998, others have built on his insights. Systems thinkers resist the notion that events in society stem from direct, linear causality. The theory, instead, favors a complex assessment regarding the relationships among society, its multiple systems, and the production of material artifacts. Although a systems-theory approach would not dispute that texts emerge from unique historical circumstances and environments, systems theorists are skeptical that any outside observer (for our purposes, the Hebrew Bible scholar) can identify a single environmental factor as causative. Causation can only be understood internal to a particular system, or as a result of the interaction of multiple discrete systems.[3] A study utilizing systems theory thus favors an approach that can identify a system and describe how it works while understanding that descriptions of the system *are its own productions*. We cannot rely on texts to root their production in historical events because attributions of historical causation are designations or observations made from within a system. This study will assume that the textual claims of Priestly Writings regarding their causation are the products of the religious system which produced them, not "the things as they essentially happened."

Thus far, no comprehensive application of systems theory to the Hebrew Bible exists.[4] This sociological theory, however, has much to offer to the study of ancient texts and the societies within which they were composed. Systems theory replaces hypotheses that seek to reduce the complexity of ancient text production by asking new questions

---

[3] Niklas Luhmann, *Introduction to Systems Theory*, trans. Peter Gilgen (Cambridge: Polity, 2013), 65-66.

[4] Though see Roy E. Gane, *Ritual Dynamic Structure* (Piscataway, NJ: Gorgias Press, 2004); idem., *Cult and Character* (Winona Lake, IN: Eisenbrauns, 2005) for applications of the theory related to ritual theory and isolated rituals in the Hebrew Bible. His contributions and the differences between our applications are explained in the Introduction.

about the relationship between a religious system, like the one espoused by the priestly composers of the Hebrew Bible, and that system's broader social and political environment. The present study seeks to elucidate the interconnections between various social systems operative in biblical times and the texts they produced. The remainder of this chapter will introduce the major principles of a systems theory of society with a view towards its application to biblical studies.

I acknowledge that introducing Luhmann's systems theory is fraught with difficulty. His theory is complex, multifaceted, and riddled with common terminology to which Luhmann ascribes new, jargonistic definitions. Eva M. Knodt states that the theory "defies the linearity of the printed medium."[5] Luhmann hoped for his readers to "experiment with his theory" and arranged his work "to facilitate recombination" that could "progressively open up and explore…a given question."[6] My presentation of systems theory is thus designed to inform unfamiliar readers about the basic principles of Luhmann's theory while simultaneously aiming at a description which will have the most yield for biblical studies. To that end I supplement Luhmann's work with other systems thinkers and related social scientific theories where necessary. Many of the core concepts belong to Luhmann, but the opacity and rigidity of his theory requires expansion and modification from other sources. To put the matter in Luhmannian terms, I will be reducing the complexity of systems theory to a degree that the "system" of biblical

---

[5] Eva M. Knodt, "Forward," in *Social Systems*, trans. John Bednarz, Jr., with Dirk Baecker (Stanford: Stanford University Press, 1995), xix.
[6] Ibid.

scholarship can absorb the communication of a new theory about biblical literature and, hopefully, incorporate it.

What is a System?

Scholarship regarding the Priestly Writings frequently describes the literature as representative of a system. Despite this colloquial usage of the term, few, if any, have asked, "What is a system?" Donella Meadows succinctly describes a system as "an interconnected set of elements that is coherently organized in a way that achieves something."[7] This description implies that systems consist of (1) more than one element or agent, (2) the set of interrelations between those units, and (3) a function or purpose. Luhmann, as I will elucidate later, would state that a system is its function, and that function is to mark all its elements, operations, and functions in differentiation from everything that is *not* the system. A system is coequal to the drawing of a distinction.

Even though the decomposition of a system into parts does not provide an adequate description of any system, a brief, account of these components is helpful. To begin, we must consider the concept of a "stock." *Stocks* represent the foundational, individual elements within a system. Any "store...quantity...accumulation of material or information built up over time" serves as a system's stock.[8] A system's stock is perhaps the easiest factor to identify and the most likely to be the focus of the human mind.[9] The population of a city, the capital in a bank account, the faculty in a university, or the

---

[7] Donella H. Meadows, *Thinking in Systems* (White River Junction, VT: Chelsea Green Publishing, 2008), 11.
[8] Meadows, *Thinking in Systems*, 17-18.
[9] Meadows, *Thinking in Systems*, 22.

number of goats owned by a temple all represent a kind of stock. Though this study will attend to the stocks of the priestly system—how many animals are needed, how much passage of time the priests require, how impurity is measured—the process of listing system stocks can proceed *ad infinitum*. We must also heed the flows and relationships among the stocks.

Stocks do not remain static over time. The grocery sells out of avocados; people die and are born into populations; capital accumulates interest or is withdrawn; students enter and matriculate out of universities; goats are slaughtered and dedicated to the temple. Meadows designates the relationships and interconnections among the elements in a system as a *flow*.[10] Agents within systems track the flows of materials and information by means of observation. When some deficit or surplus is observed, operations are performed to redirect its stores to its desired state. This desideratum represents the *function* or *purpose* of the system. Every operation the system performs exists to enable the system to persist despite the frequent changes in its environs. Systems theory, however, realizes that observing how the system behaves serves as the *only* way to deduce the system's function: "Purposes are deduced from behavior, not from rhetoric or stated goals."[11] When a university claims that it functions to educate and equip students for professional careers, that does not mean that all of its operations directly concern student education. Many American universities would declare bankruptcy if their athletic programs ceased to exist. The university system consists of several subsystems which allow institutions to carry out their pedagogical goals, but this activity alone does

---

[10] Meadows, *ibid*., 13-14.
[11] Meadows, *ibid*., 14.

not support them. They require revenue-generating subsystems, like athletic programs, to persist. Universities exist at the intersection of political and economic systems in addition to functioning as education systems. That a system might perform operations which do not directly contribute to its *primary, stated function* is instructive when we consider how we analyze the combination of a system's elements, flows, and function.

The principle that behavior, not rhetoric, represents a system's function problematizes the analysis of the literature produced by the priestly religious system of the Hebrew Bible. Rhetorical goals and statements are the object of study when we analyze biblical texts. I will take the opportunity to state several times throughout this study that *the text is not the system*.[12] This work uses a theory of systems in society to explain how the system might be reflected in texts produced by the system, not to claim that the literature is an exact representation of the system or produced the system. We must take care to bear these observations in mind when we analyze the texts. These foundations of systems theory have laid the groundwork for a closer understanding of the work of Niklas Luhmann.

Niklas Luhmann's Systems Theory

Systems theory, as elucidated by Luhmann, represents a sociological turn away from classical notions of a society comprised of human individual agents toward a more

---

[12] For a similar concern regarding the relationship between rituals and texts, see James W. Watts, *Ritual and Rhetoric in Leviticus* (Cambridge: Cambridge University Press, 2007), 31. Rituals and texts that describe rituals are not equivalent. I am arguing the same concerning socials systems and texts that describe social systems, like a priestly religious system.

radical notion that society consists of various, inter-connected systems.[13] His theory

abandoned concepts, such as the whole/part distinction of older European sociology and

philosophy and pressed for a more radical conception of society *as a system* in which

humans exist as *sub-systems*. He argued that all systems, including society at large, are

greater than the sum of their parts. Systems represent the aggregate of all the

interconnections within them toward a specific end. As other observers of systems have

noted, this conception of systems "challenges the notion that by perfectly understanding

the behavior of each component part of a system we will then understand the system as a

whole. One and one may well make two, but to really understand two we must know both

about the nature of 'one' and the meaning of 'and.'"[14]

For Luhman, three primary systems converge to produce society: human bodies

(biological systems); human minds (psychic systems); and social systems (economic

systems, religious systems, etc.). This means that human minds and bodies, as discrete

systems themselves, do not form social systems, even though social systems depend on

the interaction of human beings. Luhmann clearly labeled his approach as "radically anti-

humanist" (*radikal antihumanistischen*) and "radically constructivist" (*radikal

konstructivistischen*).[15] Luhmann thus denied that society was *primarily* about

---

[13] This study will primarily use Systems Theory as envisioned by Luhmann but will seek modifications in a few areas: historical application of the theory (ancient as opposed to modern) and Luhmann's description of how communication takes place between human beings in a culture. For the former, Luhmann already provides some basic guidelines for examining societies other than modern, functionally differentiated societies like our own, Niklas Luhmann, *Theory of Society: Volume 2* (Stanford: Stanford University Press, 2013), 27-65. For the latter modification, regarding communication, I will unite Luhmann's project with the work of Dan Sperber in *Explaining Culture* (Oxford: Blackwell, 1996) and Dan Sperber and Deirdre Wilson in *Relevance: Communication and Cognition*, 2nd ed. (Oxford: Blackwell, 1996).

[14] John H. Miller and Scott E. Page, *Complex Adaptive Systems* (Princeton, PA: Princeton University Press, 2007), 3.

[15] Niklas Luhmann, *Die Gesellschaft der Gesellschaft* (Frankfurt: Suhrkamp, 1998), 35.

relationships among human beings. This foundational claim represents the rift between Luhmann and previous sociological approaches. Whereas classical sociology attempts "to describe a society on the basis of its *members* (that is: a group of people of a community), systems theory tries to describe society on the basis of its *events*: it looks at what actually happens."[16] These "events" consist of the system's production of *communication*, a concept which I will discuss later.

Following the lead of the biologist Humberto Maturana, Luhmann attempted to define social systems according to the operations they use to reproduce themselves.[17] Social systems, like cells in an organism, attempt to reproduce themselves by means of the creation of an external membrane. This membrane separates what happens inside the cell from everything occurring in its environment. Just as every operation a cell executes functions to reproduce the cell, so too with social systems. This realization led Luhmann to a foundational concept rooted in the system's relationship to its environment: *operational closure.*

That discrete systems are operationally closed is a primary feature of Luhmann's theory.[18] Discussions of open and closed systems permeate the literature regarding systems. If we described a system as "open," we would be saying that the system can directly interact with its environment; that it can exchange information with it; that it is

---

[16] Hans-Georg Moeller, *Luhmann Explained: From Souls to Systems* (Chicago: Open Court, 2006), 6. Emphasis original.

[17] Niklas Luhmann, *Introduction to Systems Theory* (Cambridge: Polity, 2013), 52.

[18] Luhmann, *Introduction to Systems Theory*, 25-43. Luhmann covers the problems of "closed" and "open" systems in the history of systems theory. He concludes that the *operations* of the system are closed to the environment, but that the system is *open* with respect to observation of environmental stimuli. This becomes the foundational premise of understanding the rest of Luhmann's conceptual apparatus.

"open" to it. A closed system, in theory, cannot directly interact with its environment; it is self-contained.

Luhmann's contributed the notion that a system's *structures* may be open to the environment, but their *operations* are closed. If we consider the brain, humans possess the structure of an optical lobe in their brain, the function of which is to receive and process visual stimuli from the environment. Our brains, however, cannot directly affect our environment, they can only process and send signals within the neuro-system. Systems possess structures to observe and receive information from their environment, but the system is limited to its own operations. Systems can pick up stimuli from their environment to which they might try to adapt, but they cannot use the machinations of the system to interact directly with their environment.[19] In this sense, the system is *operationally closed*. The concept of operational closure drastically reshapes our ability to analyze a system and intelligibly speak about its function. No system is ever completely open or closed. Systems contain mechanisms to receive from the environment and operate to make internal changes in symmetry with one another. Moeller writes that this tenet "allows for constant environmental 'irritation' of...systems. The systems, by means of their operational mechanisms, can then produce information about the environment within themselves."[20] Our analysis will consider *how systems change themselves on the basis of what they perceive in their environment*. What would it mean for a religious system like the priestly, temple-centered cult to function in an environment

---

[19] Luhmann, *Introduction to Systems Theory*, 64.
[20] Hans-Georg Moeller, *Luhmann Explained* (Chicago: Open Court, 2006), 18.

which just destroyed the central shrine? How would it evolve in an environment which

permitted its reconstruction?

Luhmann's theory is one of radical constructivism. The picture of the system's

relationship to the environment is constructed *by the system* based on the system's own

operations and nothing else. Systems produce a map of reality which allows them to

construct their relationship with their surroundings, but this is not reality *per se*.

Understanding operational closure allows us to introduce some of Luhmann's

foundational terminology: form, communication, autopoiesis, structural coupling, and

observation.

1. Form (Differentiation)

Systems theory for Luhmann primarily hinged on the notion of differentiation or

distinction. A system exists as "the unity of the difference" between the system and its

environment.[21]

> Systems theory is, strictly speaking, not a theory of systems, but of
> system-environment distinctions. A system, be it biological, psychic, or
> social, only comes to exist by distinguishing itself from its environment. A
> system exists by virtue of being distinct. The introduction of a system is,
> more precisely, the drawing of a new distinction.[22]

Luhmann does not merely describe the system as an object but instead asks *how the*

system maintains the difference between itself and its environment. Systems perform a

---

[21] Luhmann, *Introduction to Systems Theory*, 44.
[22] Moeller, *Luhmann Explained*, 40. Though there are different kinds of systems (biological,
psychological, and social), a social system is only metaphorically comparable to a biological or psychic
system.

kind of boundary maintenance by which they draw a distinction between what takes place on the inside of the system and its external environment. Elsewhere, Luhmann calls this operative boundary-drawing the system's *code*.[23] This code or distinction is always binary: system or not-system.

Luhmann based his understanding of the system as difference on the calculus developed by George Spencer-Brown in *Laws of Form*. Spencer-Brown's operational calculus deals with the transformation of the signs used over time, which he calls "marks." These "marks" increase in complexity as one adds more to the equation. When Luhmann discusses distinctions, he is translating Spencer-Brown's terminology of "marks" into a theory of how systems operate.

Luhmann also relies on Spencer-Brown's "law of calling" and "law of crossing" to explain how a system generates the difference between itself and its environment. The "law of calling" explains that if a system repeats the same distinction multiple times, then the value of the repeated distinctions equals the value of one single distinction. This mark, or distinction, can then be negated by Spencer Brown's "law of crossing" which states that "[a] mark can be crossed within the boundary it marks and...be negated."[24]

This commentary on distinctions represents a perfect example of Luhmann's persistent opacity. Essentially, Luhmann understands that systems operate by using distinctions, or codes, to mark what goes on inside the system versus everything else that occurs beyond its boundaries. Systems are grandiose labeling machines. The "law of

---

[23] Niklas Luhmann, *A Systems Theory of Religion*, trans. David A. Brenner with Adrian Hermann (Stanford: Stanford University Press, 2013), 37.
[24] Luhmann, *Introduction to Systems Theory*, 47.

calling" allows the system to repeat and reinforce its distinction and perpetuate itself. The "law of crossing" occurs if *the other side of the distinction* were to negate the system's distinctiveness. If the system boundary is "crossed" then the system loses its distinctiveness and dissolves.

To illustrate this, we should consider the fundamental priestly designation of טהר (*ṭahor*, "pure") as opposed to טמא (*ṭāmē'*, "impure") within the priestly system. Despite the persistent use of this distinction regarding humans, containers, lifecycles, or spaces, the priestly system generates the single distinction טהר for persons or objects permitted *within the system*. The continued use of this distinction means that distinct items can be distinguished טהר. On the other hand, טהר represents an existential value which can be "crossed" by the other side of the distinction, טמא. Once an item is "marked" by the designation טמא, the value of טהר is negated and that person or item no longer can function within the system. The system provides a means for cancelling טמא, but this will be considered later. I simply wish to demonstrate here how the priestly worldview clearly operates under the premises of differentiation and distinction between these "marks."

Luhmann understood that these concepts imply a certain degree of circularity and self-reference. The process of drawing a distinction necessitates the distinguishing of one side of that distinction "for the purpose of indicating one side and not the other." The form of distinction always contains two sides but is characterized by one instead of the other. Luhmann explains that this primary distinction is presupposed from the beginning:

> It is striking that a distinction contains both [values] ... If a distinction is supposed to become operational as a unity, it always already presupposes [itself] within the distinction…in the end it is made explicit that a

distinction had...already been present in the distinction. A unity is put into operation... Only later…does it become apparent that a hidden paradox had already been present at the beginning.[25]

What Luhmann introduces here and explains later is the notion that distinction between a system and its environment is always presupposed. A system makes a distinction between itself and its outside environment and then uses that very distinction as an operation. As a result of using that operation it then (re-)discovers that it is distinct from its environment. Elsewhere, Luhmann more succinctly states that "the relationship between inclusion and exclusion is regulated by social systems themselves."[26] Herein lies the circularity of all systems by nature. Luhmann, again borrowing from Spencer-Brown, calls this paradox "re-entry" because the distinction between the system and its environment occurs twice: the difference is produced *by means of the system* and then is observed *in the system*.[27] The system creates the criteria for defining itself against its environment, and then uses that criteria to prove its distinction. The realization that the system is produced by its own operations leads Luhmann to discuss a second foundational concept: communication.

2. Communication

Communication possesses a special meaning for Luhmann beyond its colloquial usage. Social systems are constituted by the distinctive codes they use identify to themselves.

---

[25] Luhmann, *Introduction to Systems Theory*, 50. This quote is part of a larger discussion about the nuances of George Spencer-Brown's theorem. I have redacted this passage from Luhmann for the purposes of intelligibility but interested parties will want to consult the minutiae of Luhmann's application of Spencer-Brown.

[26] Niklas Luhmann, *Theory of Society: Volume 1*, trans. Rhodes Barrett (Stanford: Stanford University Press, 2012), 14.

[27] Luhmann, *Theory of Society: Volume 1*, 19.

These codes are binary and exclude the possibility of a third option.[28] Codes then produce

programs which allow the system to operate and perform a specific function within

society.[29] Once the system generates its own function, it produces communication

through a medium particular to that system. Language typically represents the

communicative medium, but systems may use non-linguistic means to communicate.

Luhmann dubs these types of non-linguistic media "symbolically generalized

communication media" (hereafter SGCM).[30]

Money represents one such SGCM. I do not need to speak to purchase a gallon of

milk, I simply communicate by handing a sum of money to a cashier or swiping the

magnetic strip of a credit card and I can walk out of the store with milk. Understanding

that communication is not limited to linguistic utterances, we can evaluate the variety of

communicative acts of a religion beyond language-based locutions. Now is not the time

to analyze an entire textualized ritual complex, but we should note all the non-linguistic

communications that occur in the process of restoring a person who has recovered from

skin disease (המצרע, *hamměṣorāʿ*) in Lev 14: a bird is killed; a live bird with various

apotropaic items is dipped in the blood of the dead bird; the person being cleansed is

sprinkled with the blood; the live bird is released; the person shaves, bathes, and launders

his clothes. All these acts combine to communicate that the person is "pure" (טהר) and

yet none of the communication involves language. What does it mean that these ritual

---

[28] Luhmann, *Theory of Society: Volume 1*, 215-216.

[29] Moeller, *Luhmann Explained*, 27.

[30] Luhmann, *Theory of Society: Volume 1*, 186-238. Luhmann writes extensively about the constituent elements of symbolically generalized communication media, which he borrowed from Talcott Parsons. What follows represents a distillation of that content.

actions aggregate to produce communication within the religion?[31] What does the slaughter of sacrificial victims at a cultic site communicate? We could further ask what it means that we have linguistic communication about the meaning of sacrificial communication in the form of a text.[32] I will address these questions later in this work.

Luhmann posited that one could identify a system when one could discern its operative communication.[33] Unlike other sociological studies, Luhmann's systems theory relied on the fact that it does not need to use an overabundance of terms to define a particular system. One must only observe communication to know of a system's existence. Once the binary operation of the system's communication is identified, it can be described.

Luhmann defines communication as "the synthesis of information, utterance, and understanding" which means that communication occurs only when there is a comprehension of uttered information.[34] All systems, whether biological or social, exist because communication takes place. Cells communicate to reproduce and sustain the biological system; money communicates to establish the ongoing use of capital in the economy; voters communicate to elect a political party into power; religions communicate about a transcendent reality which gives meaning to a wordly reality.

---

[31] Here Gane, *Ritual Dynamic Structure*, 35-92 provides a way of explaining how this works using systems theory and ritual theory.

[32] For a more skeptical view of the relationship between text and ritual, see Gorman, "Pagans and Priests," 105-109. I agree with Gorman's assessment of Milgrom's assumption of a coherent, conceptual system in the priestly literature. I would differ with his negative statements about the presence of a system due to the "gaps" in the text. It is unlikely that a system would try to explicate every possible operation textually. Again, "the system" is a conceptual abstraction; it has no agency. It is the representatives of the system who textualize it. I know that is not how Luhmann phrases matters. It would, rather, textualize relevant operations to deal with specific concerns in the environment. The lack of comprehensiveness in a textual description does not mean that it was not produced by a system.

[33] Luhmann, *Introduction to Systems Theory*, 53.

[34] Ibid.

Luhmann writes that "[a] social system emerges when communication develops from communication."[35] Social systems only exist because of a continual recursive relationship to previously produced communication. If the society agrees to exchange money for goods, the economic system persists. If people participating in a religion perceive the blood of a sacrifice as efficacious for the removal of impurity, a system based on the communication of sacrificial victims can continue.

Luhmann also explained how communication incorporates a system's differentiation within itself. Systems constitute themselves through communication which distinguishes between the *medium* of communication (language, meaning, money, political power, etc.) and *form* (or the distinction generated by the system, see "Form" above).[36] When we communicate linguistically, we distinguish between all the possibilities our language provides and the specific words we choose. Economic communication distinguishes between capital (the medium) and not-capital. Try bartering for produce at the local grocery without capital; communication does not occur. The reliability of exchanging money for goods—the communication in the form of capital—allows the economic system to function.

Luhmann encourages us to view the medium as loosely coupled elements which exist contingently.[37] For example, a language contains endless possibilities for different word combinations which exist apart from any other words. One possesses abundant freedom to generate word pairings into sentences. The medium of language exists

---

[35] Ibid.
[36] Luhmann, *Theory of Society: Volume 1*, 116.
[37] Ibid., 118.

contingently as a means of communication. On the other hand, the form of communication, which involves distinction, consists of tightly coupled elements. This combination of elements and no other limits the possibilities of the loosely coupled elements from the medial substrate. The communication of a system uses the loosely coupled elements available within a given medium but produces a tightly coupled communication which reflects the distinctions it makes. One can say *this*, but not *that*. A system's communication produces the distinction between what is possible (medium) and what is necessary (form).

Communication, both as the production and operation of the system, is foundational to a system's description. Systems exist based on their ability to produce ongoing communication. They cannot relate to anything without relating to themselves recursively. What we must identify is the *form* of communication employed by the priestly system of the Hebrew Bible. What code does the system use to communicate? Can we observe other possibilities available in the society that were dismissed in favor of the priestly system's specific form? How does the system feed that communication back into itself to ensure that it keeps going? These questions will form the groundwork for the chapters that follow.

Systems theory in general, particularly Luhmann's theory of communication, have been criticized for dehumanizing the agency of the individual. Most notably, Jürgen Habermas disputed several of Luhmann's ideas.[38] While I acknowledge these perspectives, they do not undermine the value of the system overall. Humans and their

---

[38] Jürgen Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick Lawrence (Cambridge, MA: MIT Press, 1990), 368-385.

minds obviously have a place within society and systems. For this reason, I present a modified version of Luhmann's theory which attends to how communication takes place and the role of humans within a given system.

Communication, Psychic Systems, and Social Systems

Luhmann radically proposed that human beings do not communicate in the system; only communication communicates.[39] The human mind and the social system constitute environments for one another, but any interaction between the two is purely external. The concept of the "individual," the subject, or the unity of the human being is a reduction of the complexity of social existence according to his theory. Luhmann advocated for viewing individual humans as constitutive of a "population" in which the aggregate "is receptive to demographic and revolutionary developments."[40] This radical notion of communication does not suppose that human psyches do not take part in the communicative process, but it does relegate human beings to an "external condition" of communication, rather than having an operative role.[41] Moeller clarifies Luhmann's description of communication by saying that when humans participate in communication, they "can only connect to the communication of others, but never to their minds or brains, much less to the 'human being' as such in any given case."[42] Whenever one produces a communication, one does not reproduce a brain state, the flow of blood to the

---

[39] Niklas Luhmann, "How Can the Mind Participate in Communication? In *Materialities of Communication*, eds. H.U. Gumbrecht and K.L. Pfeiffer, trans. William Whobrey (Stanford: Stanford University Press, 1994), 371–87.
[40] Luhmann, *Introduction to Systems Theory*, 188.
[41] Ibid., 196.
[42] Moeller, *ibid*., 8.

brain, or even direct thoughts. One produces something that possesses the *connectivity* to connect with other communications. Another human, as an external condition, can receive a communication as the product of its environment and, in turn, produce its own communication outward in response. As such, Luhmann states that only communication communicates.

Meaning, for Luhmann, represents the fundamental medium in which all systems communicate because it cannot be negated.[43] Meaning, however, is unique to the system that makes attributions of meanings and is inherently self-referential.[44] The system attributes meaning to the things which allow it to perform its operations and ascribes non-meaning to the things which do not aid in the system's reproduction. One system's meaning-values will not work in another system, unless the goal is to influence and couple a system in the environment. One can exchange money to acquire something symbolic of power or status, but one cannot buy the power-function of a political system (or at least one is not supposed to). The meaning-function of a priest might be to officiate over dangerous, weighty responsibilities on behalf of the community (like dealing with impurity), but the economic system certainly attempts to assuage this responsibility with in-kind and monetary gifts for service. Meaning represents the foundation of communication before it is further elucidated into distinct forms of communication.

How individuals, as biological and consciousness systems, connect to society concerned Luhmann's systems theory a great deal.[45] Luhmann connected individual

---

[43] Luhmann, *A Systems Theory of Religion*, 8; idem., *Theory of Society: Volume 1*, 21.
[44] Luhmann, *Theory of Society: Volume 1*, 22.
[45] Luhmann, *Introduction to Systems Theory*, 186.

psyches to social systems via the shared medium of meaning. Just as the mind seeks

meaning to help a person adapt to her environment, systems similarly use the medium of

meaning to operate and function. The search for meaning allows human psyches and

social systems to deal with contingency in adaptive ways. In this way, minds and social

systems are united and share mutual goals.

Luhmann, however, radically places the physical and psychological system of the

human being in the environment of a system—not as a part of a system.[46] His placement

of the "individual" outside of the social system allows the human being to perform

observations of the system and to produce critiques of and modifications to the social

system. But the radical nature of this claim also leads Luhmann to state his terms starkly:

> One must state that a... social system can be produced *only through one
> kind of operation* and not through a mixture of all sorts of physical,
> chemical, biological, psychological, and other phenomena…[I]f you
> reflect on this theoretical constellation, you are compelled to accept *a
> complete separation of psychic and social systems* and, *a fortiori*, the
> complete separation of living, psychic, and social systems. One has the
> choice either of giving up the operation-based system concept or of
> accepting that man and the social system, human beings, individuals, and
> society are separate systems *that cannot possibly overlap in any way*.[47]

Luhmann did not want to leave any room for human individuals to steer or control

society, so he made definitive statements like this from time to time. But on other

occasions, Luhmann concedes that observers in a system may communicate about their

place in society and define operations in the system that occur in both the psychic and

social realms. The observer, depending on who she is, can order the world as she sees

---

[46] Luhmann, *Introduction to Systems Theory*, 187.
[47] Ibid., 188. Emphasis mine.

fit.[48] By saying this, Luhmann appears to suggest that psychic systems and social systems

cannot, in theory, overlap in anyway, but that we cannot help but imagine that they do in

our constructed versions of reality. After making such stark statements about the

relationship between the psyche and the system, Luhmann goes on to admit that

"communication is something that is negotiated in one's mind" and allows that all

communication, whether of a human being or a system, begins with a human mind.[49]

Although he rejects the notion that psychic systems and social systems "overlap," they do

relate through a process called "interpenetration" which means that "the active operation

of a system depends on complex achievements and conditions that must be guaranteed in

the environment, although these conditions cannot operationally participate in the

system."[50] Even though humans do not operate in the system, they guarantee that the

system can operate through its own communication.

Due to the complexity of the issue, we should feel free to question Luhmann's

radical assertion that "only communication can communicate." Luhmann paid so much

attention to the relationship of the human mind to communication that we should rightly

observe the complexity of this statement. I propose that we modify and enrich Luhmann's

understanding of the human mind's participation in communication within a society

based on more recent work in the field of cognitive anthropology, particularly that of Dan

Sperber and Deirdre Wilson.[51]

---

[48] Ibid., 188-189.
[49] Ibid., 190.
[50] Ibid., 196.
[51] Dan Sperber, *Explaining Culture* (Oxford: Blackwell, 1996); Dan Sperber and Deirdre Wilson, *Relevance: Communication and Cognition*, 2nd ed. (Oxford: Blackwell, 1996).

Sperber, Wilson, and Luhmann share several notions about the communicative process. Sperber and Wilson agree with Luhmann that transmission models of input/output do not apply to the communication between human minds. They also assume a functional utility of communication.[52] Neither believes that communication replicates exact brain states or thoughts.[53] And both assert the necessity to describe culture or society on an evolutionary basis.[54] What follows is a brief synopsis of Sperber and Wilson's work and its potential impact for improving systems theory.

Sperber and Wilson developed a theory of communication based on principles of *relevance*. Their theory asks how we evaluate communicative acts in the face of high degrees of ambiguity. Relevance involves sifting: "[I]t is the phenomena which are least likely to be relevant which get filtered out...perceptual mechanisms...are relevance-oriented."[55] Every single statement we make entails indeterminacy, but cognitive constraints permit us to evaluate relevance, thereby eliminating a vast body of "possible meanings" in favor of "most likely meanings."[56] Sperber and Wilson ask us to consider *what* is communicated in communication and *how* it is achieved.[57] Systems theory accommodates this notion nicely. Systems absorb contingent information from their environment, label it meaningful or not, and internalize it. The constraints of the system

---

[52] Sperber and Wilson, *Relevance*, 79.
[53] Ibid., 1.
[54] Sperber, *Explaining Culture*, 98-118 and passim; Luhmann, *Introduction to Systems Theory*, 29.
[55] Sperber and Wilson, *Relevance*, 152.
[56] Ibid., 124, 129-130. Here Sperber and Wilson describe how the mind goes through this process of selecting and processing information based on comparative effect. We select what we think is relevant based on context and the effort required to absorb the information.
[57] Sperber and Wilson, *Relevance*, 1.

limit it: "As the system develops, it interacts with and affects its own limits. The growing entity and its limited environment together form a coevolving dynamic system."[58]

In common with Luhmann, Sperber and Wilson reject any notion that communication involves the simple decoding of input and output. Communication entails more than receiving an input, decoding it, and fashioning an output in response. Semantic expressions do not correlate directly with thoughts.[59] The process of scanning the environment, developing symbolic codes, and adapting based on relevant stimuli is complex. Sperber and Wilson do not deny the existence of "codes." Codes play a role in the communicative process, but they do not *explain* it or why it succeeds.[60] Their theory of relevance offers proponents of systems theory a more robust manner of understanding how human cognition (psychic systems) communicate and couple with social systems. They argue that when communication takes place, the intention of that communicative production is to alter the cognitive environment of its addressees (other psychic systems). So far, Luhmann would not quarrel.

> Communication is a process involving two information-processing devices
> (human minds). One device modifies the physical environment of the
> other. As a result, the second device constructs representations similar to
> the representations already stored in the first device.[61]

Those representations rarely, if ever, consist of an exact duplication of the preceding communication. According to Luhmann's terminology, we would say that one psychic system irritates a second (or more) psychic system, and the second system modifies itself

---

[58] Meadows, *Thinking in Systems*, 102.
[59] Ibid., 9.
[60] Sperber and Wilson, *Relevance*, 6, 27.
[61] Sperber and Wilson, *ibid.*, 1.

in response. Each individual psychic system exists in the environment of the other and produces irritations through communication.

In this sense, both Luhmann and relevance theory would agree that communication takes place when a system (the human mind) receives stimuli and produces an adaptive response. The first psychic system in the communicative process does not reproduce a conscious state, but a communication based on "irritations" produced by one consciousness which seeking to modify another. The preconditions of a mutual cognitive environment and sufficient physical conditions (blood flow to the brain) are not explicitly reproduced in communication but are assumed as necessary preconditions.[62] Luhmann calls these preconditions which are explicitly excluded in the act of communication "interpenetrations."[63] Already we see that Luhmann's own theory allows for descriptions of the communicative process between minds and systems; relevance theory draws out these opportunities and clarifies them.

Human cognition, according to Sperber and Wilson, aims to improve a human's knowledge about their environment.[64] In systems theory terminology one might say cognition attempts to improve a psychic system's coupling with a social system which produces a communicative description about its own reality within its environment. Cognition is information processing. At this point, we should remember that Luhmann defines communication as the unity of information, utterance, and understanding. Thus,

---

[62] Luhmann, *Introduction to Systems Theory*, 191; Sperber and Wilson, *Relevance*, 39.
[63] Luhmann, *ibid*., 191-195.
[64] Sperber and Wilson, *Relevance*, 108.

cognition deals with making information which has been uttered comprehensible.

Independently echoing Luhmann, Sperber and Wilson write:

> When…interconnected new and old items of information are used together as premises in an inference process, further new information can be derived: information which could not have been inferred without this combination of old and new premises. When the processing of new information gives rise to such a multiplication effect, we call it relevant. The greater the multiplication effect, the greater the relevance.[65]

Relevant information improves one's overall representation of the world.[66] This assertion adheres nicely to the notion that systems create a constructed "reality" by the production of communication through their own operations. The one who produces a communication must make the correct assumptions about the use of code and the shared cognitive environment of the systems she wishes to irritate.[67] Sperber and Wilson explicitly posit that the deductive device of cognition in communication might work as "backwards reasoning" wherein a retrieval strategy enables one to find a set of premises from which the desired answer can be derived.[68] They conclude that humans, as cognitive systems, tend to generate a method for arriving at desirable, self-generated conclusions. This pairs well with Luhmann's notion that the form differentiation is primarily self-referential. One starts by making a distinction only to realize at the end that it was present all along. But how do humans communicate relevantly? How do the psychic systems which make up a social system produce new communications?

Sperber and Wilson provide conditions for relevance to answer this question. One major condition for relevance is the *contextual effect* it produces for those receiving

---

[65] Sperber and Wilson, *ibid.*, 48.
[66] Ibid., 71.
[67] Ibid., 43.
[68] Ibid., 101.

communication.[69] According to relevance theory, human minds constitute "deduction systems." All systems exhibit this behavior. All of this means that systems make assumptions and expect to see certain things in their environment based on old information and operations.[70] When receiving information about their environments, systems deduce how stimuli from their contexts strengthen or contradict their assumptions.[71] Contextual effects thus provide a condition for how a system might filter what information is relevant to its own operations and adaptations.

Systems, however, cannot process everything that occurs in the environment. If they tried, they would be overwhelmed. Systems can produce "answers" for specific "questions." Any given self-organizing system can perfectly solve at least one unique problem.[72] Organizations and systems "rather than having the ability to solve any possible problem that comes their way...instead can only exist in worlds that embody the right kind of solvable problems."[73] A merging of systems theory and relevance theory permits us to say that systems typically respond *only* in the context of an environment that provides stimuli *perceived as useful to the system's problem-solving function*. This is a selective process. The greater the system imagines its operations will have on its environment, the greater the relevance of the irritation for the system. Events in the environment of a system which have no bearing on the system will be rendered irrelevant and not produced in communication.

---

[69] Ibid., 119.
[70] Ibid., 107.
[71] Ibid., 115.
[72] Miller and Page, *Complex Adaptive Systems*, 137, 204.
[73] Miller and Page, *Complex Adaptive Systems*, 207.

Furthering the contextual definition of relevance, Sperber and Wilson advocate for a definition which includes effect and effort.[74] Relevance is determined by a perception that a piece of information has value (meaning) or will yield great contextual effect.[75] As stated above, the cognitive system of the mind will seek out instances of the highest degree of relevance based on the perceived impact it will have in its context. But relevance also entails a processing effort when incorporating added information from the environment. If a piece of information (irritation) has a high processing cost, it will possess little relevance.[76] Finally, Sperber and Wilson also describe relevance pertaining to information's applicability in multiple contexts.[77] Relevant phenomena represent the kind of events which can exist in multiple contexts and are perceived to have a maximal effect on the environment (internal to the system) and the cost of processing them is optimally small.[78]

Sperber and Wilson's theory of relevance can enhance systems theory by providing it with a framework tested in the cognitive sciences. Although communication may primarily function as an operation of and production of the system, communication does not directly produce communication in a *social* system. Human minds, which are coupled to a social system, participate in the production of communication by assessing the relevance of phenomena in the environment of the system and adapting previous communications to the benefit of the system. Human minds must be more than necessary

---

[74] Sperber and Wilson, *ibid*., 123-132.
[75] We must keep in mind that the notion of the system influencing its environment is a construction of the system. In this case, I am keeping the definition of relevance faithful to the way Sperber and Wilson define it without complicating it by making it more in line with Luhmann's thinking.
[76] Sperber and Wilson, *ibid*., 124.
[77] Ibid., 144.
[78] Ibid., 153.

preconditions for communication; they are participants in the communicative processes of systems and cannot be dislocated from them. Without human minds the system cannot operate or produce communication. Whenever one attempts to differentiate an individual psychic system from the social system, or vice versa, one realizes that both are contingent and dependent on the other. Though psychic states might be structurally determined by the systems in whose environment they participate, only the psychic systems of human beings in the environment of the social system can make wagers about which environmental factors are relevant to the system.

As I use the concept of communication to describe various components within the priestly religious system, I will differentiate between communication produced by the system for the society and the communicative effect on the human psyche that religious rituals and rites made. My assessment asserts that religious systems exist to impact the psychology of the human being through the medium of meaning-based claims.[79] Cognition is essential to this enterprise. The priestly system may "communicate" through various rituals of washing, sacrifice, or time observation, but these communicative acts only persist if human minds lend them plausibility as meaning-making operations. The religious communication of the priestly system both shapes the psyches of those who participate in it and is reciprocally given credence by those who remain within it. As Luhmann acknowledged, religious systems by nature of their attempt to reach something beyond "reality" (transcendence) rely on the more abstract parts of social systems theory.[80] He correctly observed that only the communications of a system can connect to

---

[79] Luhmann, *A Systems Theory of Religion*, 7-22. Here he makes the case that religion is primarily a meaning-making enterprise.
[80] Luhmann, *ibid*., 22.

communication (both past and future), but he overstated this in relation to the psychic

systems which make the production of communication possible. The tools provided by

Sperber and Wilson allow us to better understand the communicative process, as well as

the notion of autopoiesis and structural coupling, to which I now turn.

3. Autopoiesis (Self-Organization)

Autopoiesis describes the fact that systems produce communication and make

distinctions to maintain their own reproduction. Luhmann borrowed this concept from

biologist Humberto Maturana and writes:

> In the system, there is nothing but the system's own operations. These
> operations serve two distinct purposes. On the one hand, they are needed
> for the formation of the system's own structures…On the other hand, the
> system has only its own operations at its disposal in order to determine its
> historical state…which is the only point of departure for everything that is
> to follow. As far as the system is concerned, the present is determined by
> the system's own operations.[81]

Systems organize themselves based on previous system-communications. Luhmann

explained that the autopoiesis of the system "means that a system can generate its own

operations only by means of the network of its own operations."[82] The term, derived from

Greek, means "self-producing." If we apply this to the operation of communication, then

we must say that an instance of communication can only come about because of the

network of communication in which it exists.

---

[81] Luhmann, *Introduction to Systems Theory*, 70.
[82] Ibid., 76-77.

Another name for autopoiesis is self-organization: "[The] capacity of a system to make its own structure more complex is called self-organization."[83] Just a handful of principles within a system can result in these self-organizing behaviors.[84] Systems theorists have concluded that systems require a degree of chaos or noise to accomplish this.[85] One example given by Miller and Page in the realm of politics should suffice:

> Consider a landscape where the coordinates are positions on policy issues and the height gives the number of votes such a platform would receive. Adaptive political parties move around...in search of the (metaphorical) high ground. As one party alters its policy positions, however, the landscapes of the other parties are changed. Thus, the political process is one in which parties must actively seek the high ground, even as the landscape underneath them constantly undulates.[86]

We are all too familiar with the game of politics and the ever-shifting strategies parties use to retain governing power. The point, however, lies in the fact that despite constant fluctuations on the parts of political actors, the concern of voters "tends to be concentrated in a contained region of the policy space resulting in relatively stable platforms."[87] The political system self-organizes as its members use the operations of the system to jockey for power. The chaos generated by each strategy leads to constant change in how one group achieves their goals. Somewhere in-between the chaos and the status quo, the system, through its own operations, achieves a degree of stability.

---

[83] Meadows, *Thinking in Systems*, 79.
[84] Ibid., 80.
[85] Ibid., 80; Miller and Page, *Complex Adaptive Systems*, 137-139, 223-223.
[86] Miller and Page, *ibid*., 223.
[87] Ibid., 223.

One fascinating aspect of systems consists of their ability to cause their own behavior through feedback loops.[88] Meadows defines a feedback loop as a "mechanism (rule or information flow or signal) that allows a change in a stock to affect a flow into or out of that same stock. A closed chain of causal connections...through a set of decisions and actions dependent on the level of the stock, and back again through a flow to change the stock."[89] A thermostat functions as a leverage point for feedback loops. If a person desires a temperature of around sixty-eight degrees for their home, they will set the thermostat to that setting. But all homes leak and oftentimes the temperature outside could be considerably higher or lower than the desired state inside. Achieving the ideal climate for the home will involve accounting for air lost to leaks and the outside temperature. One might attain the desired temperature only by setting the thermostat lower or higher to accommodate the other variables. All these considerations and actions would represent feedback loops. Using the operations of the air conditioning system, a person can only adjust the mechanisms based on the environment of the home and the state of the system and home.

When Luhmann states that systems use their own operations to produce their behavior and survival, he was discussing the concept of feedback loops. Because systems develop their own loops to achieve their goals, they can sometimes function sub-optimally or even exacerbate the problem they are trying to solve.[90] To save a tree population from pests, spraying pesticides might kill

---

[88] Meadows, *Thinking in Systems*, 34.
[89] Meadows, *ibid.*, 187.
[90] Meadows, *ibid.*, 85.

other natural predators of the pest and worsen the plight of the trees.[91] A

struggling university which raises tuition and hires more expensive administrators

to solve their problems could attract fewer students and worsen the situation of

their budget. The possibility of circumstances like these obfuscates attempts to

find direct attributions of causality. Observers in the system might make such

attributions but those value judgments arise from within the system and may not

be grounded. Systems perform all their operations with the aim of perpetuating

themselves. Sometimes they achieve this goal and other times this goal of survival

and reproduction can lead them to make decisions which result in their downfall.

No system perfectly manages itself or correctly identifies to what environmental

irritations it should adapt itself.

From a larger perspective, autopoiesis, or self-organization, describes systems and

their communicative operations without explaining how or why changes occur within the

system. The principle simply observes how systems use their own mechanisms, despite

some degree of instability, to arrive at a perceived equilibrium. It serves as a point of

departure for further hypotheses.[92] Understanding these concepts will aid us as we study

biblical texts while avoiding the pitfalls of tying their production to particular historical

events by means of causality. I am interested in how the texts serve as witness to a

religious system negotiating adaptations to its environment. For the purposes of this

study, I will rely heavily on the notion of self-organization to describe how the priestly

---

[91] Ibid., 92-94. Meadows uses a historical example of a budworm problem in Canada and how a system worsened the problem they were trying to control. These examples of non-linearities should give pause to scholarly attempts to ground text production in historical events described in the texts themselves.
[92] Luhmann, *Introduction to Systems Theory*, 80.

system operates to achieve a desideratum amid the chaos of its environment. Like the example of political parties described by Miller and Page, I will attempt to demonstrate how we might understand the texts of the Priestly Writings as the manifestations of various organizations within the priestly caste who attempt different strategies of self-organization in competition with one another.

4. Structural Coupling

If systems can self-organize and produce communications internally, how do they devise strategies to best adapt themselves within their context? According to Luhmann, systems self-regulate and produce self-descriptions within their environments through the process of structural coupling. Structural coupling takes place when "two systems shape the environment of the other in such a way that both depend on the other for continuing their autopoiesis and increasing their structural complexity."[93] This coupling of systems exists on two levels: between the consciousness of psychic systems (human minds) and the communication of the social systems in which they take part (which I have already discussed) and between systems and their environment.

Although Luhmann seeks to eliminate human agency from the controlling of systems, the role of psychic systems is foundational to structural coupling. Social systems couple to their environment only through the consciousness of psychic systems.[94] Human consciousness may not steer the system omnisciently, but the way systems adapt to their

---

[93] Moeller, *Luhmann Explained*, 19.
[94] Luhmann, *Introduction to Systems Theory*, 87.

environments via coupling hinges upon the participation of human psychic systems in the system's communication. The coupling of psychic systems and communication primarily gains its complexity through language.[95] Without the human mind and communication, the system could not process stimuli from the environment and select the system's response.

On a larger scale, systems select (through consciousness systems) relevant events from the environment and couple themselves to various other systems within their environment if the coupling results in the system's own autopoiesis. The structural development of a system depends on the structural couplings with its environment.[96] Even though the development of a system is dependent on its structural couplings, it is not determined by it. Structural coupling only determines which irritations a system will process.[97] Luhmann again echoes notions of relevance theory when he states that "disturbances are always measured against the structures, or in the domain of meaningful [*sinnhafter*] occurrences against possible operations, or also expectations that have proven their worth in the system and thus provide information from that angle."[98] In other words, irritating events represent the triggering of a process that the system can perform. The system cannot guarantee the results from processing an irritation but can only offer a possibility based on its capability and past successes for the continuation of the system. A system can only "imagine" possibilities limited to the capacity of the system itself.[99] My

---

[95] Moeller, *ibid.*, 19-20.
[96] Luhmann, *Introduction to Systems Theory*, 81.
[97] Ibid., 88.
[98] Ibid., 89.
[99] Ibid., 91.

response to an oncoming car cannot involve the possibility of flying away because my biological system does not possess that capability.

The most important facet of structural coupling consists of the system's ability to adapt to the contingency of its environment.[100] Systems can couple with other systems in their environment if the conditions are conducive for their persistence.[101] The biological makeup of a living being must coordinate with gravity, climate, and other conditions if it wishes to survive. A political system must selectively couple with economic factors if it wishes to enact certain policies. Economic systems might "decide" to cut ties with certain businesses because of political stances. Religions ought to modify theological paradigms when scientific discovery challenges constructions of reality, though it would seem that this coupling has often been difficult historically. A system's survival depends on its ability to couple with other structures in the environment.

The notion of structural coupling should modify how we think about the religious system in the ancient world. Unlike our modern context, the ancient world tightly coupled the religious system to the political and economic systems. The palace and the temple were inextricable, as Ezekiel woefully recounts (Ezek 43:8). The king had access to temple funds but also needed the religious system for validation. The temple required monarchic (or Persian, Greek, or Roman) funding to persist. In our analysis of the Priestly Writings we must remain alert to religious descriptions of "interpenetration" between the political and economic systems. The dependency of the religious cult in Israel on the monarchic system and its economics of extraction represented a kind of

---

[100] Luhmann, *Introduction to Systems Theory*, 84.
[101] Ibid., 85.

Gordian knot until the Babylonian conquest of 586 BCE severed it. This study will consider the texts contained in the Priestly Writings as stratagems for finding new ways of coupling to a chaotic environment in order to survive.

The operation of coupling involves a reduction of complexity through "selection" so that the system can process stimuli from the environment in a way that allows the system to reproduce itself. The system cannot handle all the "noise" in its environment and develops selective patterns that allow it to process its relationship to the environment.[102] Structural coupling allows a system a means of creating order from chaos. These couplings can take many different forms as long as the coupling allows the system to continue its autopoiesis.[103] But because systems reduce their complex environments and selectively respond to irritations, they will inherently possess blind spots. Systems cannot see what they cannot see. This introduces the paradox of all observation within a given system.

5. Observation

The complexity and circularity of systems theory revolves around the notion that no world or system exists without observation.[104] This begins with the acknowledgement that the crafting of this study or any engagement in scholarship about the ancient world consists of an observation of the observations of ancient humans.[105] Our task consists of

---

[102] Luhmann, *Introduction to Systems Theory*, 86.
[103] Luhmann, *ibid.*, 85.
[104] Luhmann, *Introduction to Systems Theory*, 99.
[105] To some extent, biblical scholarship could, and perhaps does, consist of the observation of other's observations of ancient observation. Niels Peter Lemche makes this observation when he calls

describing the descriptions of ancient scribes. According to Luhmann, this process of observing the observation of another is called "second-order" observation.[106] As second-order observers, we should keep in mind that we ask questions about the distinctions made by biblical authors whom we observe. We thus have a view to their world which they could not have possessed.

Many of Luhmann's descriptions of observation entail earlier terminology, such as the fact that observing is an operation of the system and that the one who observes is a system.[107] The act of observation distinguishes one side of a distinction and not the other. Observation declares something this and excludes it from being that (though the distinction leaves the second half of the formula unstated). An observer produces observations in the same way that a system produces communication. In fact, the observer either is the system or a reflective entity within the system.[108] The notion of the observer serves, in a sense, as another way of conceptualizing the formal distinctions produced by a system which re-enter the system and allow its self-organization. Luhmann's meta-theoretical discourse about the notion of observation is instructive for biblical scholarship and the task of this study and deserves a full quotation:

> One has to specify an object from whose perspective one sees the world or in relation to which one wants to re-create how it (or she or he) sees the world. To put it in more precise terms, one must pose the question "With what distinctions does an observer whom I observe work?" I distinguish this observer from other observers, but he or she quite possibly draws entirely different distinctions…What is peculiar in this case is that we are

ancient Israel the "scholar's ancient Israel" in *The Israelites in History and Tradition* (Louisville: Westminster John Knox, 1998), 133-162.

[106] Luhmann, *ibid*., 111.

[107] Luhmann, *ibid*., 101.

[108] Luhmann, *ibid*., 108. Luhmann also describes the possibility of observation from the environment or self-observing systems. For the purposes of biblical literature, however, I am interested in observers within the Israelite/Jewish cultic system and their observations of *self* and *other*.

dealing here with a massive reduction of complexity…and concentrate on one observer. From that perspective we regain the world, as it were, when we become interested in the distinctions with which the observed observer works, and in how he divides up the world, and in what he considers important (or not) in which situations…Thus, we are dealing with a world in which everything that can be observed has all of a sudden become contingent, depending on the chosen distinction…From this viewpoint, it is then possible to reconstruct the entire world in the mode of contingency or of other possibilities of being observed.[109]

Systems theory explicitly acknowledges that observations of the world exist in a myriad of contingencies. When we select an object of study, we commit ourselves to a description of a system's observation but not to a description of ultimate reality. By foregoing other observations, we commit ourselves to the rationality of the system's communication and nothing else.[110] Independently echoing Foucault, Luhmann realizes that our investigation of another's observation occurs primarily on the level of discourse.[111] We do not have recourse to "reality," but only to the semantic constructions produced by the system. This realization also appears in the field of physics which must create physicists to observe it. The instruments by which we observe the world distort reality. We do not create the world *ex nihilo,* but we observe only that which our instruments allow us to see.[112] This process leads, finally, to a constructivist view of reality and rationality within the system.

Rationality in systems theory consists of the coherent depiction of the outside world produced by the system. Others call this concept "bounded rationality" since the system must work within its limits and the information it can observe.[113] Luhmann

---

[109] Luhmann, *ibid*., 112.
[110] Dan Sperber argues that anthropologists do the same thing which what he calls "interpretive resemblance" in *Explaining Culture*, 22-23.
[111] Luhmann, *ibid*., 117.
[112] Luhmann, *ibid*., 118.
[113] Meadows, *Thinking in Systems*, 106.

advanced the notion that rationality adheres to system distinctions and operations. Some

things are economically rational while others are scientifically rational; still others might

be religiously rational within a religious system. Westerners whose religion consists of

verbal truth assertions may not find the idea of animal sacrifice rational. But for those

who believed that blood, smoke, and consumption of sacred foods communicated with

the divine realm, their actions were entirely rational considering their system-context.

Regardless of the system, rationality refers only to the system—not the environment or

the world.[114]

> [S]ystem rationality means that one…denies the indifference of the system
> (the fact that whatever happens in the environment does not happen to us),
> and instead strengthens the irritability, sensitivity, or resonance (or whatever
> term may be used) of the system…[I]t is possible to conceive that a system
> whose rationality and complexity have been tested operates and organizes
> things differently than simpler systems that have not gone through the same
> evolution or planning stage. In other words, one may come to believe that
> among the patterns of complexity there are some that are more suitable than
> others for the processing of environmental irritations in the system.[115]

This definition of rationality also conforms to Sperber and Wilson's notion of relevance

on the basis that assumptions retrieved from memories that have proven useful multiply

the confidence with which they are held.[116] An observer within the system produces the

notion of rationality to which the system adheres, but there is not an objective notion of

rationality in the Weberian sense. The system produces a self-fulfilling criterion of

rationality for its operations.

---

[114] Ibid., 132.
[115] Ibid., 136.
[116] Sperber and Wilson, *Relevance*, 83.

I contend that the priestly scribes who produced our biblical texts functioned as "reflective entities" of their religious system.[117] This necessitates several observations on our part. The scribal production of a text represents an instance of system observation but does not constitute the system. Priestly textual production functioned as a kind of feedback loop for those who participated in that system. Luhmann astutely observed that textual productions "serve as a secondary medium for actual form [i.e., system code] formation" which requires knowledge about the system represented linguistically.[118] This means that the primary function of the system is to perform its operations (sacrifice, ritual, collection of taxes, etc.) but texts referring to that system secondarily intensify "the *differentiation* of the societal system...in a manner only possible in society."[119] The creation of a text "works only in retrospection on itself" while seeking to reach into the future "to be comprehensible even under hardly foreseeable conditions."[120] This dovetails nicely with how Meadows describes feedback loops:

> The information delivered by a feedback loop can only affect future behavior; it can't deliver the information, and so can't have an impact fast enough to correct the behavior that drove the current feedback. A person in the system who makes a decision based on feedback can't change the behavior of the system that drove the current feedback; the decisions he or she makes will affect only future behavior.[121]

As students of texts, biblical scholars must incorporate the observation that when a scribe produced a text they composed with a view toward the future, not the past. The feedback loops that permitted a priest to compose his work may well reach back into antiquity, but the intent of textual creation proposes a future path for the system.

---

[117] Luhmann, *Introduction to Systems Theory*, 39.
[118] Luhmann, *Theory of Society: Volume 1*, 156.
[119] Luhmann, *ibid*., 173.
[120] Ibid., 155-156.
[121] Meadows, *ibid*., 39.

According to Meadow's, such textual production *cannot change the behavior of the system which incited the scribal activity in the first place.* As possessors of textual observations, we read communications which were created by a system which the priestly authors observed and in which they participated. Their texts, including the text of the Pentateuch, represent a negotiation of perceptions of a shared past to address contemporary problems *with a view toward the future survival of the system.*

6. The Form of Social Differentiation

Systems operate and produce communication differently depending on their social environment. Luhmann primarily intended his systems theory as a description of the world that was emerging after the 16th century CE.[122] He did, however, describe what he imagined to be the history of society's emergence toward the modern, functionally differentiated society.[123] Historically, other forms of differentiation existed before our modern period. In these periods, the perspective of one subsystem of society (political system, religious system, etc.) articulates the character of other subsystems within the society and then defines itself on this fundamental difference.[124] These alternate forms of societal differentiation do not proceed linearly and can co-exist at times. I will briefly review the three types of differentiation Luhmann described as having preceded our modern era.

---

[122] Moeller, *Explaining Luhmann*, 41.
[123] Luhmann, *Theory of Society: Volume 2*, 1-60.
[124] Luhmann, *ibid.*, 11.

Segmentary Differentiation

Segmentary differentiation exists when society distinguishes itself based on similar and equal subsystems, which mutually constitute environments for one another.[125] This equates to what most scholars would call a tribal system. The family constitutes the distinguishing entity and differentiates between the family/tribe in question and other equal, similar family constructions. These groups define themselves through kinship relations and communal living environments.

> [T]here is no center of social power—no tribe or segment is generally perceived to be the core—and there is no established social hierarchy that has gained primacy over these structures. A person is primarily identified by the segment he/she belongs to, and not by the social stratum."[126]

As stated earlier, we should not think of forms of system differentiation in a linear developmental fashion. Segmentary differentiation does not necessarily represent one of the earliest forms of society. Our access to a purely segmentary society, however, is limited due to the nature of the received communicative literature. Moeller reiterates that "different types of differentiation normally co-exist."[127] This means that a society may possess elements of segmentary differentiation without being categorically defined by that distinction. The textual nature of the Hebrew Bible excludes the possibility of containing communication produced by a *purely* segmentary-differentiated society.

---

[125] Luhmann, *ibid*., 27.
[126] Moeller, *Luhmann Explained*, 42.
[127] Ibid., 43.

Center-Periphery Differentiation

Segmentary societies already contained an element of center-periphery in their

organization but did not fundamentally call the equality of all segments into question.[128]

Center-periphery differentiation functions on the basis of structural *inequality* and results

when a center differentiates outward to the periphery. The communication produced by

the center thus only obtains meaning for the center.[129]

> The increasing power and wealth of one social segment can lead to an
> overturning of segmentary differentiation. One segment may become so
> dominant that it establishes the difference between itself and the other
> segments as the new primary difference of this society.[130]

Luhmann himself imagines the emergence of this kind of society in the empires of

ancient southwest Asia after the 2nd millennium BCE.[131] In this society:

> …the center saw its task as cultivating the cosmic relations of society,
> performing the appropriate rites, and maintaining a corresponding
> politico-religious bureaucracy, leaving the regulation of economic
> relations and disputes to family economies and possibly to corporations
> specially established for the purpose (temples and guilds).[132]

The center-periphery society described here meshes well with what we know of the

ancient Egyptian, Assyrian, and Babylonian empires. In ancient societies the political

system was tightly coupled to the economic and religious systems. In some cases, the

monarch could proclaim debt cancellation or perform a religious sacrifice or ritual. But

the society functioned on the basis of a central administration system which exploited the

peripheral territories in its environment.

---

[128] Luhmann, *Theory of Society: Volume 2*, 42-43.
[129] Ibid., 43.
[130] Ibid., 43.
[131] Ibid., 43-44.
[132] Ibid., 45.

Luhmann later explains that this development of a center for the center results in a further differentiation within the center.

> One of the most important aspects of the center-periphery schema was that it enabled stratification in the center (whether in sufficiently large cities or in relation to empire building) far beyond what had been possible in small societies of an older type, in particular the possibility for a nobility to separate themselves off through endogamy, while retaining the exogamy precept of segmentary societies for the individual family. Since relatively few families could belong to the nobility if resources were to suffice and the distinction were not to be devalued through overextension, stratification required a sufficiently large marriage market, thus a larger territorial catchment area or a more densely populated capital. In this regard, one side of the center-periphery distinction, the center, also offered a chance for other forms of differentiation, above all stratification, to develop. It was, in brief, a differentiation of differentiation forms, with persisting segmentary differentiation in the country and established stratificatory differentiation in the city.[133]

This is ostensibly the kind of societal differentiation which would produce what we call the priestly literature of the Hebrew Bible. The communicative texts produced by the priestly caste model exactly what Luhmann defines here: a central cultic location, endogamous family requirements only for the center, and further stratified differentiation within the center for whom the communication functioned. These texts *describe* rather than *invent* the cultic system, even if the literature would appear to be mandating its formation. This is not to say that the priestly literature does not represent a picture of some ancient reality. The texts are clearly idealizations of how things *should* be working. They originate, however, from an existing system, even when they claim to describe its formation. Their prescriptions are communications produced by the system which observed the its environment and made distinctions. Since these texts describe

---

[133] Ibid., 48.

stratification within the cultic center a brief description of the stratified society is required.

Stratified Differentiation

Stratified differentiation in society shares the notion of structural inequality with center-periphery societies. Stratified society, however, does not depend so much on a central location and contains a greater degree of complexity because it contains more than two basic subsystems. Luhmann writes:

> I shall speak of stratification only when society is to be represented as a hierarchy in which order without differences in rank has become unthinkable. Since the upper class no longer recognized any family relations with members of the lower stratum or regarded them as embarrassing anomalies, society could no longer be described in terms of common descent as a kinship system. This notion was superseded by that of differences in rank necessary for social order—not least with regard to relations between different societies. A stratified society thus necessarily abandoned the idea that society itself was a kinship context. This enabled it to accept centralized political rule and a religion governed by a clergy, and to reduce their relationship with the hierarchy of families to recruitment issues.[134]

A person in this society can only belong to one stratum and no other part of the society. In fact, the basic unit within a stratified society consists of a household.[135]

To benefit the rank of a household unit, the subsystem must develop a structural coupling with other intra-social systems in its environment which "intensify contacts and hence mutual irritations between subsystems while excluding or marginalizing other

---

[134] Luhmann, *Theory of Society: Volume 2*, 51.
[135] Luhmann, *ibid*., 54, 59-60. Luhmann primarily describes the household within an economic system.

possibilities."[136] One rank needs the others to establish its differentiation in society as dominant or more dominant than another.

This kind of differentiation seems evident in the final redaction of the priestly texts in the Pentateuch, which not only assumes the primacy of the priests in society, but the differentiation of priestly families within the caste itself. Unlike the Deuteronomic designation of "Levitical priests" (הכהנים הלוים), texts of the priestly system rank priestly families and rely on genealogies to confirm placement within the privileged class. The system communicates that "Aaronides" (בני אהרן) receive pride of place while relegating the Levites to custodial duties. Different communicative texts within the system attribute various reasons for this hierarchy; nevertheless, the priestly caste consists of more than one rank. According to this system, קהל ישראל ("the assembly of Israel") represents a society made up of Aaronide priests, their Levitical assistants, elders, "the laity" (העם, *hāʿām*), and resident foreigners (גרים). Although the rest of the population could be further divided according to tribe, the priestly system does not attribute any inherent value (other than for the purposes of land tenure) to a tribal designation. No separate ritual exists for an errant Reubenite over a Judahite. The other tribes represent the "unmarked" space opposing the differentiation of the priesthood.

I will argue in this study that the priestly literature of the Hebrew Bible represents communication about the priestly system, its ancient environment, and how it should function within that environment. The priestly system functioned and communicated via textual production in a stratified society with strong elements of center-periphery relating

---

[136] Luhmann, *ibid*., 59.

to the central sanctuary. I will conclude by evaluating how this modified form of

Luhmann's systems theory applies to the religious social system which produced the

priestly texts of the Hebrew Bible.

Application for Biblical Studies

To summarize: The thesis of this study is that a systems-theory analysis of the priestly

literature of the Hebrew Bible permits us to reconsider the relationship between social

systems and texts and the intertextual relationships among the communicative texts

produced by systems. Systems theory allows us to realize what other scholars have

suggested: *texts are not identitcal to the social systems they depict*.[137] This frees us from

trying to force a single, totalizing conceptual apparatus on the text. It also means that

biblical texts may not corelate to or generate the practice of system-operations as

described in the literature. Instead of trying to perfectly "make sense" of the priestly

texts, a systems approach seeks to understand how the priests within the system

constructed "sense" through their production of texts. Their textual creations were not

intended to render every aspect of the system nor did they construct a new system. I will

endeavor to show how the texts *reflect* the operations of a religious system processing the

"irritations" in its environment which it deemed *relevant* for the system's successful

adaptation and persistence. We cannot construct the whole picture because the texts only

intended to describe the operations and adaptations which required re-description. I argue

that the laconic nature of the priestly texts presents no problem to a systems theory

---

[137] Gorman, "Priests and Pagans;" Hundley, *Keeping Heaven on Earth*, 17-20; Watts, *Ritual and Rhetoric in Leviticus*, 27-32.

approach because the theory presupposes that a system does not need to reproduce everything in its self-descriptions; only what is necessary for its survival in an environment. System-descriptions tend to be retrospective because "[t]he structural change of society is beyond the observation and description of its contemporaries."[138] The texts look back upon the system to attempt to describe the needs of the present moment and anticipate the future.

The notion that texts refer to systems, but do not constitute them, also has implications for intertextual methods of analysis. It is possible that some of the examples of intertextuality identified by scholars may be references to a shared system, but not shared texts. The form of the text was contingent upon already existing social and religious systems. They refer to previous iterations of the religion (and possibly earlier texts), but they do so to speculate on how to solve contemporary problems and establish future decision-programs. The texts then do not so much attempt to settle on an accurate account of their shared past as much as they seek to negotiate a shared future for the religion. Texts which share similar locutions or jargon do not necessarily depend on one another. Using systems theory allows us a conception of intertextuality in which the texts depend on the same system but not the same vision for how the system should adapt to its surroundings. The final chapter on the Book of Ezekiel will serve as a test case for this model of intertextuality.

One of the primary goals of this study will be to explicate how the priestly system differentiated itself from other social systems in its environment. Others have ably

---

[138] Luhmann, *Gesellschaftsstruktur und Semantik. Studien zur Wissenssoziologie der modernen Gesellschaft*, vol. 3. (Frankfurt: Suhrkamp, 1989), 8 translated in Moeller, *Luhmann Explained*, 52.

produced studies which describe the priestly ideology and its worldview.[139] Systems

theory refines and elucidates existing scholarship while providing us a different vantage

point from which to view the priestly literature. To borrow from Immanuel Wallerstein, a

systems-approach considers that the system under analysis contains several institutions

and organizations which allow "the system to operate but at the same time stimulates

both the conflicts and the contradictions which permeate the system…this system is a

social creation, with a history, whose origins need to be explained [and]

whose…mechanisms need to be delineated."[140] I contend that when we understand the

Priestly Writings as the products of a socially created system with structures,

organizations, operations, conflicts, and contradictions, we will arrive at a better

understanding of these textual descriptions. From the earliest priestly texts (which I do

not believe anyone can identify with confidence) to the redaction of the Torah's priestly

texts, with a systems-theory lens, we can assess how literary layers belong to the same

system even when they seem at odds with each other.

In the following chapters I will use the methodology described in this chapter to

analyze the priestly literature of the Pentateuch. I will strive to show that these texts bear

witness to a singular religious system dominated by priests. This system produced texts

as secondary operations to describe itself and negotiate internal conflicts as well as

external threats. I will first attempt to explicate this discrete system on the basis of its

operative codes and its programs. I will then explain how the differences we observe in

---

[139] Menahem Haran, *Temples and Temple-Service in Ancient Israel* (Oxford: Clarendon, 1978); Knohl, *The Sanctuary of Silence*.

[140] Immanuel Wallerstein, *World-Systems Analysis* (Durham, NC: Duke University Press, 2004), x.

the various literary strata reflect changes over time within that single religious system. Due to the unique function of the religious system, which differentiates the transcendent, other-worldly from the observable, mundane world, I will describe how the priestly religious system coupled with and mimicked other social systems in its environment. I will also offer an explanation for how the priestly system depended on and affected the human minds of its participants. An application of systems theory will allow us to see how the religious system of the priests constructed its "reality" and offered a form of "sense-making" to its devotees.

CHAPTER TWO: THE PRIESTLY SYSTEM OF THE PENTATEUCH

In this assessment of the Priestly Writings, I will analyze the system depicted in the

Pentateuch using systems theory. These texts favor the priestly Aaronide organization

(בני אהרן) whom most scholars assume collected and composed the literature.[1] By

assuming an underlying system for the production of priestly texts, I do not equally

assume that the literature *constitutes* an exhaustive, coherent system. I intend this analysis

to function as a map of the system.[2] Maps simplify the reality they represent. Maps also

reflect the ends for which they are constructed. People develop maps to represent the

topography of a landscape, the constructed boundaries of nation-states, the layout of

roads, businesses, and homes. Our purposes determine what kinds of maps we use. The

map of the priestly system in this study thus reflects both a simplification of the system

which produced the literature and a selection of texts which demonstrate the yield of a

systems-theory approach. This study will identify the core components of the priestly

system as they are depicted in the Priestly Writings.

By using systems theory, we can identify the core components of the religious

system in which the priestly texts of the Torah were composed. In this chapter, I will

endeavor to demonstrate how the literary strata created by priests provide us with enough

information to reconstruct the skeleton of the priestly system. I will argue that the same

---

[1] Frank Moore Cross, *Canaanite Myth and Hebrew Epic* (Cambridge, MA: Harvard University Press, 1973), 208. Cross reasoned that the Aaronide priests composed most of the priestly texts in the Torah. He wrote: "the Aaronids had come into sole power" evidenced by the fact that they represented "the Priestly designation of the legitimate priesthood in the history of Mosaic times (that is in the P Work)." Others have followed his lead, Stephen L. Cook, *Ezekiel 38-48* (New Haven, CT: Yale University Press, 2018), 16-18.

[2] Most systems theorists understand the models and descriptions they create as metaphorical "maps." See Donella H. Meadows, *Thinking in Systems* (White River Junction, VT: Chelsea Green Publishing, 2008), 22; John H. Miller and Scott E. Page, *Complex Adaptive Systems* (Princeton, Princeton University Press, 2007), 36-37.

system underlies all the Pentateuchal priestly texts, both in the Priestly materials and the Holiness Code. Understanding the texts as reflective of a singular system allows us to better analyze the nature of their contents and the social realities in which they emerged. The priests who composed these texts provided information which they perceived as *relevant* to their continued social function in an environment marked by the post-monarchic catastrophe. Their writings emerged from their participation in a religious system seeking survival at various points in history.

Once I have established the fundamental elements of the system reflected in the priestly texts of the Torah, I will also use systems theory to explain the nature of the changes the system underwent. By adopting systems theory, we can understand the behaviors of the priestly system as *emergent* from the interactions among its members and observation of its environment. This does not mean that the priests would have understood themselves to be taking part in a system as we are describing it. Systems theory permits us to make *second-order observations* that the Israelite priests would have never made themselves. Using systems theory permits us to explain how the priestly cadre tried to affect others in the system by offering them a "reality" which could be easily processed.[3] When Israelite priests composed their texts, they did so to adapt the performative environment of Israelite religious devotees to a centralized cultic system in which they held power.[4] The creation of these texts, however, emerged from the interactions within the system and the processing of its environment, of which the priests

---

[3] Dan Sperber and Deirdre Wilson, *Relevance*, 2nd edition (Oxford: Blackwell Publishing, 1995), 202.

[4] Ibid., 193. Sperber and Wilson contend that communication does not entail producing identical thoughts among the participants; instead, it creates a shared cognitive mindscape by which communicative intentions are achieved.

were not fully cognizant. This chapter will thus describe the discrete elements and interactions that coalesced to create the priestly system *as represented in the Pentateuch*. In the next chapter, I will demonstrate how the literature reveals a single system which served multiple functions as it interacted with other social systems and operated in different socio-historical contexts.

Systems theory benefits us by allowing us to transcend textual descriptions and discern the systems behind them. Knohl suggested that the Priestly strata of the Torah (PT) solely benefitted the "inner world" of the priests who had "little interest in what [took] place outside the Temple and the cult."[5] This is only true, however, if the extant texts in the Pentateuch articulated every priestly concern. The *texts* clearly convey the perspective of the priestly functionaries within the priestly religious system.[6] These idealized, internal documents only explicate a very narrow set of concerns among the group.[7] By using systems theory, we can confirm that the texts represent the observations of priests within a system, while also projecting the literature's content onto a larger social landscape of the systems in its environment. Even in the supposedly insular Priestly Torah, the authors are concerned about requiring incense (לבונה) that has only been acquired through economic trade with Arabia, and with obtaining capital for acts of sacrilege (Lev 5:14-26).[8] We possess enough biblical and extrabiblical data to know that the temple was inextricably coupled to the political and economic activities of ancient society. Even the small details about the elements required for sacrifice, the

---

[5] Israel Knohl, *The Sanctuary of Silence* (Winona Lake, IN: Eisenbrauns, 2007), 201.
[6] Jacob Milgrom, *Leviticus 1-16* (New York: Doubleday, 1991), 134.
[7] David M. Carr, *Writing on the Tablet of the Heart* (Oxford: Oxford University Press, 2005), 169-170.
[8] For the economic trade factors regarding incense, see Milgrom, *Leviticus 1-16*, 180.

communication of money to achieve religious meaning, and extractive economic methods

to support priestly infrastructure reveal the priests within the temple system to be

anything but insular.

This re-description of the priestly strata of the Torah in systems-theoretical

terminology will analyze the codes, function, communicative media, and feedback loops

of the Israelite priesthood according to the textual record. Though we cannot arrive at a

total description of this system or of Israelite society by merely isolating all the

constituent parts of Israelite society and showing how they form a whole, we can use the

premises of systems theory to say more than the texts articulate. Systems theory

maintains that society is greater than the sum of its parts; that isolated, local agents and

phenomena aggregate into global behavior that is not completely traceable to its origins.[9]

This means that the priestly system functioned only as one cog in the wheel of Israelite

society. Though my analysis will observe the texts concerning the system in which

Aaronide priests took part, systems theory will allow us to articulate implications that go

beyond the limited nature of the textual record.

Another implication of a systems-theoretical analysis of the priestly strata of the

Torah will be a re-assessment of the relationship between the so-called "Priestly Torah"

and the "Holiness School".[10] Source-critical analyses and linguistic studies have

unequivocally revealed that the Priestly writings reflect two "schools" of thought and we

are indebted to those approaches for revealing these different strata. After reviewing

---

[9] John H. Miller and Scott E. Page, *Complex Adaptive Systems* (Princeton, PA: Princeton University Press, 2007), 44.
   [10] Knohl, *The Sanctuary of Silence*, 6.

some of the scholarly literature regarding these differences, I will seek to demonstrate how these texts stem from the same system and how we should understand the textual peculiarities in light of this.

These two Priestly strata (P and H) represent iterations *within the same priestly system* rather than discrete systems at odds. Though they differ in terms of stylistic preference and in terms of nuance within the priestly ideology, the textual layers manifest the same system functioning, even at different moments in history. This priestly system was integrated within its larger social system, despite the appearance of its insularity in the text. Understanding how the religious system coupled with the economic, political, and ecological systems in its environment aids our efforts to comprehend changes to the system over time as evidenced by the redactional hands that shaped the literature. Before applying a systems-theoretical lens, however, I will briefly summarize some recent approaches to the Priestly strata of the Pentateuch and locate my work among existing scholarship.

Scholarship on the Priestly Strata: Priestly and Holiness Writings

Israel Knohl's *The Sanctuary of Silence* and Jacob Milgrom's three-volume commentary on Leviticus form the foundation for understanding the contemporary debate about the delineation of P and H. Each work deploys nearly exhaustive lists of terminology, syntactical construction, and ideational differences that separate the two sources. Milgrom, however, notes the difficulty in the distinction between the Holiness source and the Priestly source because they share so many locutions. Out of the forty-four Priestly

terms listed by Knohl, Milgrom notes only nine that differ between P and H.[11] They are as follows:

Priestly Stratum	Holiness Stratum
וְנוֹעַדְתִּי לְךָ, אִוָּעֵד לְךָ	וְנוֹעַדְתִּי לִבְנֵי יִשְׂרָאֵל, אִוָּעֵד לָכֶם
הַכֹּהֵן הַמָּשִׁיחַ	הַכֹּהֵן אֲשֶׁר יִמְשַׁח אֹתוֹ, הַכֹּהֵן הַגָּדוֹל
כְּהֻנָּה לְחֻקַּת עוֹלָם	כְּהֻנַּת עוֹלָם
בִּגְדֵי קֹדֶשׁ לְאַהֲרֹן	בִּגְדֵי הַשְּׂרָד לְשָׁרֵת בַּקֹּדֶשׁ
לִרְצֹנוֹ, לְרָצוֹן לָהֶם	לִרְצֹנְכֶם, יֵרָצוּ לָהֶם
כָּל־מְלֶאכֶת עֲבֹדָה לֹא תַעֲשׂוּ	שַׁבָּתוֹן, שַׁבַּת שַׁבָּתוֹן
חִטֵּא	הִתְחַטֵּא
קְהַל יִשְׂרָאֵל	קְהַל יהוה
שָׂטָה	זָנָה

Milgrom further adds distinctions between P and H wherein: (1) P uses the term מעל (*ma‘al*) as a term for the desecration of the sancta, while H makes the term more abstract in its application; (2) P precisely differentiates between שקץ (*šiqqēṣ*) and טמא (*ṭimmē'*), while H conflates the terms; (3) P claims that the קדש (*qōdeš*) represents the shrine, the אהל מועד (*'ōhel mô‘ēd*) denotes the Tent of Meeting, (Ex 26:33; Lev 1:1) and קדש הקדשים (*qōdeš haqqōdăšîm*) represents the inner sanctum, whereas H calls the inner sanctum מקדש הקדש (*miqdaš haqqōdeš*). (4) P distinctively differentiates between the משכן (*miškān*) and the אהל מועד (*'ōhel mô‘ēd*). Here, he differs with Knohl, who claims that Exodus 35:4-40:38 represents the work of H based on its expression משכן אהל מועד (*miškān 'ōhel mô‘ēd)*. Milgrom ascribes the pericope to P and asserts that H's unique term for the sanctuary is the anthropomorphic משכני (*miškānî*) with the pronominal suffix; (5) P distinguishes between the feminine form חקה (*ḥuqqâ*, "statute/law") and the masculine form חק (*ḥōq*, "due/assigned portion"), while H conflates the two; (6) P uses

---

[11] Milgrom, *Leviticus 1-16*, 35.

טמא (ṭāmēʾ) to refer to ritual impurity only, while H employs the term in non-ritualistic contexts; (7) P juxtaposes טמא (ṭāmēʾ) with טהר (ṭāhōr), the state of which is achieved through the proper sacrificial rites, while H uses this term to prescribe sacrificial rites for the purging of moral impurities; (8) H conflates the terms חלל (ḥillēl) and טמא (ṭimmēʾ); (9) P distinguishes between מות (mût) and כרת (kārēt), but H uses them indiscriminately; (10) P distinguishes terminologically between sacrificial law, where the person subject to the law is always referred to as נפש (nepeš), and the purity laws, where the subject is called איש או אשה (ʾîš ʾô ʾiššâ), while H does not make this distinction. Milgrom also lists H's unique vocabulary, including the attribution of first-person speech to YHWH, H's concept of חלל שם (ḥillēl šēm), and H's distinctive land ideology of אחזה (ʾaḥūzzâ) as factors that distinguish the two sources.[12]

Knohl, likewise, divides the Priestly writings into Priestly Torah (PT) and Holiness School (HS) by means of the same stylistic elements described by Milgrom. Knohl's "Priestly Torah" (hereafter, P) is comprised of the creation account (Gen 1:1-2:4a), the Flood narrative (Gen 6:9-22; 9:1-17), a smattering of other verses in Genesis and Exodus, the instructions for the Tabernacle (Ex 25-30), Leviticus 1-16, and a few passages from Numbers (Num 5:11-31; 6:1-21; 19; 28-29).[13] Though Milgrom disputes several of the passages Knohl assigns to H, he agrees that the Tabernacle instructions, along with Leviticus 1-16, belong to P.

These detailed lists and divisions of the texts made by Milgrom and Knohl are useful for discerning syntactical or terminological differences between the two strata.

---

[12] Milgrom, *Leviticus 1-16*, 36-38.
[13] Knohl, *The Sanctuary of Silence*, 104-106.

Some of the examples, however, depend on making distinctions among terms that appear on only a handful of occasions. H's deviations from P's phrasing about YHWH's theophany in the Tabernacle (וְנוֹעַדְתִּי לִבְנֵי יִשְׂרָאֵל and אִוָּעֵד לָכֶם) only occur a total of three times (twice in Exod 29:42-43 and once in Num 17:19). P's term for the anointed priest (הַכֹּהֵן הַמָּשִׁיחַ) appears in four verses in Leviticus (4:3, 5, 16; 6:15) while H uses a different phrasing only four times (Lev 16:32; 21:10; Num 35: 25, 28). The phrase קְהַל יִשְׂרָאֵל occurs exactly once in P (Lev 16:17) whereas H's קְהַל יהוה appears twice (Lev 16:3; 20:4). Though other examples given by Milgrom occur more frequently than these selected terms, how much weight should we give to terminological differences that only occur a handful of times in the Torah? If we can trace these differences to stylistics, might we say that they were driven by the preference of different scribes at different times drove the terminological differences? And if we are dealing with stylistic differences, could we consider that they are due to the different historical environments of the same cultic system operations?

Regardless of the stylistic differences between the two strata, a close look at the textual data reveals that no portion of the P literature has escaped the redactional hand of H. Both Milgrom and Knohl posit H as the redactor of both the Priestly texts and the Pentateuch as a whole.[14] Knohl assigns the entire pericope of the Tabernacle's construction to H.[15] He also lists eleven instances in which H supplements Leviticus 1-16, the largest continuous text ascribed to P.[16] At the very least, H acknowledges its

---

[14] Jacob Milgrom, *Leviticus 17-22* (New York: Doubleday, 2000), 1443; Knohl, *The Sanctuary of Silence*, 103.

[15] Knohl, *ibid.*, 104. Contra Milgrom, *ibid.*, 1338-1339. Milgrom admits some interpolation by H, but not the entirety of the unit.

[16] Knohl, *ibid.*, 105.

dependence on P and uses it to bolster its own agenda despite some phraseological and ideological contentions. If, however, H redacted all the priestly texts in the Pentateuch, as Knohl and Milgrom assert, we cannot know how many older "Priestly Torah" texts H excluded. We possess P texts only because H kept them.

Such evidence has led others to question how sharp a distinction one should draw between P and H. Stackert argues that although the Priestly literature of the Torah is composite, H "seeks to retain, supplement, and complete" P by appending its work to the former literature.[17] Nihan describes P as the "fusion of rites…founded upon a unique, comprehensive system of pollution and purification which…permeates all of [Leviticus] ch. 1–16."[18] He goes on to conclude that the Holiness writings never existed as a separate document but only served to supplement P which was conceived as "the center of a social and moral order that is divinely instituted" and represented an ethical model.[19] In short, H did nothing to change the religious functions of P; the priests still oversaw the sacrificial rituals, impurity still threatened the sanctuary and needed to be purged, the people were still obligated to provide for YHWH's sanctuary and the officiating priesthood. H represented a continuation of P with an expanded ideology of the place of Israel in the world and their relationship to the deity and the land.[20] Independently, Gane submits that even if P (particularly Lev 1-16) is a composite text with H redaction, the final form of the text still presents the "rituals together as a system that is functionally integrated

---

[17] Jeffery Stackert, "The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, eds. Sarah Shectman and Joel S. Baden, (Zurich, Switzerland: Theologischer Verlag, 2009), 187.
[18] Christophe Nihan, *From Priestly Torah to Pentateuch* (Tübingen: Mohr Siebeck, 2007), 614.
[19] Ibid., 615-616.
[20] Nihan, *ibid*., 617.

within the larger system of Israelite rituals" and therefore justifies a synchronic reading

of the texts.[21]

A middle position would realize the literary differences between the two sources

while seeking to understand them as different expressions of the same system under

different historical circumstances. David Wright suggests such an approach when he

writes that:

> The application of social-theoretical approaches to PH, however, must on
> a more detailed level take into consideration the differences between P and
> H as well as subdivisions of these literary strata…Even though H is an
> addition to a basic P narrative, includes legislation about sacrifice and
> purity, and is sympathetic to that source, it develops it in new directions
> and introduces new concerns. While it is possible for certain analytical
> purposes to approach the texts as a conceptual unity, to rigidly hold to a
> holistic approach ignores a chief feature of the text and may even skew
> analysis. The text contains multiple voices that must be considered.[22]

Systems theory allows us to expose how H achieved these new developments. The

method allows us to hold on to both the unity and the difference of the textual strata at the

same time. With those who maintain a synchronic, holistic understanding of the Priestly

strata of the Torah, I will submit that both P and H assume a single system according to a

systems-theoretical approach. With those who wish to draw strict boundaries between the

two strata based on literary, ideological, or chronological approaches, I will inspect the

ways that H adapts, transforms, and supplements P's portrayal of the cultic system to a

new socio-historical environment. Systems theory offers the opportunity to describe the

---

[21] Roy Gane, *Cult and Character*, 36. Here, Gane is specifically remarking on the Day of Atonement ritual complex.

[22] David Wright, "Ritual Theory, Ritual Texts, and the Priestly-Holiness Writings of the Pentateuch," in Saul Olyan ed., *Social Theory and the Study of Israelite Religion: Essays in Retrospect and Prospect* (Atlanta: Society of Biblical Literature, 2012), 209-210. I would contend, against Wright, that H is not merely an addition to a basic, preexisting P narrative, but that it curated P traditions into its redactional scheme.

cultic system's function(s), operations, and interaction with other societal settings. As Luhmann suggests, we can learn a great deal "by throwing new light from unusual, incongruent angles on what is known or by placing it in a new context."[23]

The Priestly System

Charting a new map of the priestly system requires a sequence for the analysis which is user-friendly. The non-linear nature of systems-thinking hinders us from choosing a clear starting point since systems, by nature, are circular. Not only do systems defy linear thinking, so do Luhmann's writings. Most of his studies lack any narrative development.[24] Luhmann concluded that one must simply begin by drawing a distinction, otherwise nothing will happen.[25] Identifying the defining distinction does not equate to finding the origin of the system. This study will begin by assessing the basics of the priestly system *qua* system. We must understand how the priestly system communicated and operated *as a closed system* before we can locate the historical and societal contingencies which shaped the literature it produced.

The Form of the Priestly System: Priestly "Codes" and Reality Doubling

At the outset we must keep in mind Luhmann's contention that systems are self-constructed and non-linear. Because of their circularity and their emergent nature, there is

---

[23] Luhmann, *Theory of Society: Volume 1*, 17.
[24] Hans-Georg Moeller, *The Radical Luhmann* (New York: Columbia University Press, 2012), 11.
[25] Luhmann, *Introduction to Systems Theory*, 49

no clear starting point to begin an analysis of a system. They exist because they have

drawn a distinction between themselves and their environments (which include other

social systems): "Systems cannot relate to anything without relating to themselves and

reflexively ascertaining themselves."[26] Systems maintain this self-constructed boundary

between themselves and their environments by means of a guiding distinction called a

code.[27] The code allows the system to balance itself and interpret events in its

environment for the benefit of the system. Cells in the liver use a selective code to

reproduce liver cells and sustain that particular organ in the environment of the body;

they cannot, however, do that job for the kidneys. The cellular system is open with

respect to the environment of the body, but the cell only performs its own operations of

reproduction.

All systems perform their operations of boundary maintenance (codes) because

their existence offers society a way of making sense of itself. Systems construct

themselves through the general media of *meaning* or *sense* (*Sinn*).[28] In the previous

chapter, I introduced the principle of *relevance*. Relevance dovetails with *Sinn* (meaning)

in systems theory because it explains how a system aims to improve its knowledge of the

environment and exponentially benefits itself by processing the stimuli produced by its

environment.[29] Moeller describes this process:

> Specific social systems operate by constructing specifically meaningful
> media (such as money in the economy). In this way, what the economy is
> all about, is making money. In the same way, the science system (in which

---

[26] Jürgen Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick Lawrence
(Cambridge, MA: MIT Press, 1990), 369.

[27] Niklas Luhmann, *A Systems Theory of Religion*, trans. David A. Brenner with Adrian Hermann
(Stanford: Stanford University Press, 2013), 45.

[28] Luhmann, *A Systems Theory of Religion*, 8; Moeller, *The Radical Luhmann*, 110-111.

[29] Sperber and Wilson, *Relevance*, 46-48.

theory and philosophy are housed) is all about making truth. The meaning of these systems is their specific construction of social sense. They provide society with unique sources of sense. Other systems do the same.[30]

All social systems attempt to offer society a form of meaning-making by their existence. Independently echoing relevance theory again, social systems couple with human consciousness through the medium of *Sinn* or sense-making. Meaning, however, is always relative to the system. What one system finds meaningful to make its operations work may not necessarily be meaningful for another. Meaning is contingent and systems selectively attribute meaning to things which allow them to operate. Sense-making for a system represents the selection, or actualization, of a particular kind of "sense" amid endless possibilities. Although the priestly system utilizes its own distinctive code for sense-making, it is also directly reliant and contingent upon other social systems in the environment to make its system manifest.

Religious systems, according to Luhmann, parallel the way the human mind searches for meaning but they produce their own *form* of communication to offer society a "religious sense."[31] The distinguishing factor for a religious system is its claim to access something unobservable. Religious "sense" (*Sinn*) emerges when one claims to observe the difference between the observable and the unobservable.[32] When Psalm 82 offers the description that "Elohim takes his place in the divine council room, amidst gods he judges (אלהים נצב בעדת־אל בקרב אלהים ישפט)," the author claims access to an unobservable realm in order to explain the injustices he witnesses in his observable,

---

[30] Moeller, *The Radical Luhmann*, 111.
[31] Luhmann, *A Systems Theory of Religion*, 25-26, 30.
[32] Luhmann, *ibid.*, 21.

earthly realm. Religion thus offers a paradox to society because the unseen realm bears

ultimate significance but can only be experienced in the realm of the observable (this

world). Throughout this analysis, I will point out ways the priestly system acts as a means

of converting the unseen into the observable through its system of exchange.

Forms of religion, according to Luhmann, emerge from the distinction of

immanence and *transcendence*.[33] Luhmann struggles with the question of how one can

distinguish religion within society. He ultimately concludes that:

> Religion can only be the subject of itself if it includes what is being
> excluded, if it is assisted by a negative correlate. The system is only
> autonomous if it is able to monitor what it is not. In light of this, religions
> can only (externally) be defined in the mode of a second-order
> observation, as an observation of its own self-observation—and not by the
> dictates of some external essence.[34]

What Luhmann proposes instructs the methodological limits of this study. By analyzing

priestly literature, we are studying (observing) the self-observations of the priests within

the religious system. The description of the priestly system offered in this study could not

possibly comport with the description an Israelite priest or layperson would have given

for their system because, as observers within the system they would be blind to what we

can see outside of the system.[35] The first step in forming this analysis begins in

determining how the priestly system monitors what it is not; how it divides the world

between itself and its environment. What is the code of the priestly system?

---

[33] Luhmann, *ibid*., 2, 53.
[34] Ibid., 7.
[35] Ibid., 51-52.

A system's code (how it labels what is or is not the system) is always a binary and will not tolerate an indeterminate third value.[36] Codes possess positive, marked values and negative, unmarked values in their binary scheme. The positivity and negativity of a code's binary have nothing to do with a moral judgment. Instead, the positive side of the binary represents the code's designative value—the marked reality—and the negative stands for the reflective value—the unmarked reality.[37]

As noted above, Luhmann proposed that religion's distinctive code is designated by the binary immanence/transcendence. Paradoxically, religious communication "observes immanence from the standpoint of transcendence" while simultaneously using a code whose positive, designative value stands on the side of immanence.[38] Religious systems claim that the matters of significance occur in the realm of transcendence, as in Psalm 82. These transcendent events, however, are the mechanism for explaining the lack of justice for the destitute in society. In this regard, Israel must be holy *in imitation* of YHWH's holiness (Lev 19:2), but the society cannot *equal* YHWH's holiness. YHWH's holiness is inaccessible and transcendent, yet it serves as the foundation for all that the religion of the priests embodies. Holiness thus serves as the marked space for the priestly system's code, to which I now turn.

The Priestly Code: חל/קדש

---

[36] Ibid., 45.
[37] Ibid., 45-46.
[38] Ibid., 53.

Because my adaptation of systems theory seeks to analyze biblical texts, I have translated Luhmann's code for religion (transcendence/immanence) into the priestly system's specific code found in the Priestly Writings. Systems theory provides the perfect tool for analyzing the Priestly Writings because the semantics of the literature provide the perfect linguistic conditions for the theory's use: differentiation (להבדיל) and a set of binaries. The formulation קדש/חל (holy/common) sets the limits of the priestly system and generates its form of communication.

YHWH commands Moses (Exod 19:10) to cause the people of Israel to enter a pure state (וְקִדַּשְׁתָּם) in order to approach the Deity.[39] Although this provides the conditions for the theophany to occur, limits exist (והגבלת את־העם, Exod 19:11). These boundaries are repeated in Exod 19:23 when Moses informs YHWH that the people cannot trespass the sacred mountain because Moses, as YHWH's requested, had marked Mt. Sinai off, thus making it holy (הגבל את־ההר וקדשתו). Already assuming the existence of the priesthood, YHWH proclaims that priests must first enter their pure state in order to draw near to the sacred (Exod 19:22, יתקדשו). The name of the Tabernacle itself (מקדש) implies the distinction between holy and common.

Nowhere does the priestly system's code emerge more clearly than Lev 10:10.[40] This verse commands the priests to "differentiate between the holy and the common, and

---

[39] Elaine Goodfriend, "Yitro," in *The Torah: A Women's Commentary*, Tamara Cohn Eskenazi and Andrea L. Weiss, eds. (New York: URJ Press, 2008), 414. The root קדש applied to humans approaching the Deity has been rendered "make pure" here. A place or object can be "sanctified" or made holy, whereas humans must be "purified" in order to approach God. The system code remains the same even if the nuances are applied differently regarding the object of קדש.

[40] Consensus determines this verse to belong to H; Milgrom, *Leviticus 1-16*, 617; Knohl, *The Sanctuary of Silence*, 51-52; Nihan, *From Priestly Torah to Pentateuch*, 569. As I will show, P/H, if such a

88

Because my adaptation of systems theory seeks to analyze biblical texts, I have translated Luhmann's code for religion (transcendence/immanence) into the priestly system's specific code found in the Priestly Writings. Systems theory provides the perfect tool for analyzing the Priestly Writings because the semantics of the literature provide the perfect linguistic conditions for the theory's use: differentiation (להבדיל) and a set of binaries. The formulation קדש/חל (holy/common) sets the limits of the priestly system and generates its form of communication.

YHWH commands Moses (Exod 19:10) to cause the people of Israel to enter a pure state (וְקִדַּשְׁתָּם) in order to approach the Deity.[39] Although this provides the conditions for the theophany to occur, limits exist (והגבלת את־העם, Exod 19:11). These boundaries are repeated in Exod 19:23 when Moses informs YHWH that the people cannot trespass the sacred mountain because Moses, as YHWH's requested, had marked Mt. Sinai off, thus making it holy (הגבל את־ההר וקדשתו). Already assuming the existence of the priesthood, YHWH proclaims that priests must first enter their pure state in order to draw near to the sacred (Exod 19:22, יתקדשו). The name of the Tabernacle itself (מקדש) implies the distinction between holy and common.

Nowhere does the priestly system's code emerge more clearly than Lev 10:10.[40] This verse commands the priests to "differentiate between the holy and the common, and

---

[39] Elaine Goodfriend, "Yitro," in *The Torah: A Women's Commentary*, Tamara Cohn Eskenazi and Andrea L. Weiss, eds. (New York: URJ Press, 2008), 414. The root קדש applied to humans approaching the Deity has been rendered "make pure" here. A place or object can be "sanctified" or made holy, whereas humans must be "purified" in order to approach God. The system code remains the same even if the nuances are applied differently regarding the object of קדש.

[40] Consensus determines this verse to belong to H; Milgrom, *Leviticus 1-16*, 617; Knohl, *The Sanctuary of Silence*, 51-52; Nihan, *From Priestly Torah to Pentateuch*, 569. As I will show, P/H, if such a

88

between the impure and the pure (לְהַבְדִּיל בֵּין הַקֹּדֶשׁ וּבֵין הַחֹל וּבֵין הַטָּמֵא וּבֵין הַטָּהוֹר). Thus, differentiation (לְהַבְדִּיל) by the cultic system is, by definition, the function which the priestly literature describes. Clearly, the system portrayed by the Priestly texts of the Torah assumes that the religion should primarily keep sacred space set apart from the common, which always threatens to contaminate and jeopardize YHWH's residency among the people. Problems of how to assign things emerge to the extent that the distinction between holy and common becomes *visible*.[41] This code allowed the religion to generate "a semantics of its coding, which can communicate and absorb uncertainty."[42]

The differentiation between common/holy became visualized in several instances in the religion. The Tabernacle's division into three zones of socially accessible sanctity emerged because of the code holy/common. Within the shrine, the distinction of holiness appears first in Exodus 26:33 with the פָּרֹכֶת (*pāroket*). The specific function of this physical barrier is to differentiate (וְהִבְדִּילָה) between space accessible only to the High Priest on the Day of Purgation (קֹדֶשׁ הַקֳּדָשִׁים) and the space accessible to all priests (הַקֹּדֶשׁ). Even spaces considered holy are distinguished with respect to social access. Except for one day a year (Lev 16), the adytum space belongs solely to the divine, whereas the rest of the sacred space may be accessed by priestly mediators.

The instructions regarding the priestly garments and their consecration also reveal the code value for holiness at work. The root קדש appears no less than sixteen times in

---

distinction is even helpful, both comprise the same system. Thus, H makes explicit what P implies throughout its texts.

[41] Luhmann, *A Systems Theory of Religion*, 64.

[42] Ibid., 37.

the description of the priestly garments and their distinctive function to set the group apart from the rest of the people. Again, the text differentiates between Aaron's clothing (high priest) and the clothing of all other priests. The sanctification of the priestly attire in some sense likely served as a visual representation of the priesthood's godlike function.[43] The Priestly texts labeled any non-priest or non-sanctioned object an "outsider" (זר/זרה). This designation may represent the closest that the Priestly texts (P) come to explicitly articulating the realm of the "common" (something alien that does not belong in the holy realm) with a linguistic marker.

Some may wish to suggest that the distinction חל/קדש could not apply to the P strata of the Priestly writings because the sphere of חל is nowhere linguistically marked therein. Both the designation חל and the verb חלל appear only in texts commonly assigned to H. Systems theory, however, preempts this objection when discussing a system's use of distinctions. Luhmann writes:

> In the operative use of distinctions, we cannot assume that the other side of the distinction is insignificant because it is not at all there. Although that other side has to be excluded from the respectively chosen signification, it also has to be accessible for additional operations. The boundary between one and the other side of a distinction cannot be imagined at all unless we think that it could be crossed and that the other side could be signified as well…The unmarked space is not observable, but it is not therefore a void.[44]

The religious system attempts to view the common, immanent world from the holy, transcendent perspective. In order to set the limits between common/holy, the P strata

---

[43] Carol Meyers, *Exodus* (Cambridge: Cambridge University Press, 2005), 244-5. Although the Priestly authors avoid anthropomorphism, the priestly wardrobe could reflect the cultural corollary of other ancient Mesopotamian cults in which the priestly class dress similarly to the deity as Meyers suggests.

[44] Luhmann, *A Systems Theory of Religion*, 23.

defined only the holy as opposed to the unmarked common realm. From that perspective, the boundaries of the sacred occupied attention, leaving the common space unmarked linguistically, but not absent. The binary קדש/חל does persist in the P literature, even if it is not represented by the vocabulary. Remarkably, the Holiness literature's elucidation of that unmarked space represents an unprecedented contribution to the system. Under normal circumstances, systems do well enough by focusing on marking their domain and leaving their environment unmarked. The question we will consider later is: Why did the later priests behind H feel compelled to make the unmarked space explicit?

Common space and its relationship to the holy emerges from the nested binary טמא/טהור. Holy spaces and objects cannot be impure by definition.[45] Priests, however, must guard themselves from impurity as mediators between the transcendent and the immanent, the holy and the common. Common space primarily can be defined by states of purity or impurity. To contract impurity does not necessarily mean that one has erred according to God's commands; the system assumes that contact with impurity occurs as a part of common life. The only concern with respect to impurity lies with how it affects the status of a person or a thing in relationship to the holy realm. Because items from the profane realm may cross over and become holy, the system requires an array of programs to accommodate this transference. Again, the system, though closed to its own operations, is contingent on legal, economic, and social systems in its environment to ensure its survival.

---

[45] Milgrom, *Leviticus 1-16*, 616.

The Priestly code, like all codes, exists as a linguistic distinction which allows

sacred space and objects to become visible.[46] The code's reduction of the world's

complexity into holy/common allows further order to emerge within the habitable world

of the common in the form of the distinction pure/impure.[47] The code holy/common

draws the system's boundaries whereas the binary pure/impure determines who or what

belongs to the system. These operations permit a system to construct relationships

between itself and its environment. This constructivist enterprise is called "reality

doubling."[48]

Reality Doubling

Reality doubling describes the process whereby a system constructs an externalization of

its relationship to its environment.[49] Systems filter all the possibilities that exist for

making sense (*Sinn*) of their environment and "double" reality by constructing their own

observations of how the system works in its environment.[50] Luhmann summarized by

saying: "Reality is produced within the system by means of sense-making."[51] When we

discuss the concept of doubling reality, we acknowledge that "reality" constructed by the

system in order to map out its operations; not *what really is or was*. The code of the

system generates a perception of reality by distinguishing "reality" from everything else.

---

[46] Luhmann, *A Systems Theory of Religion*, 62.
[47] Ibid., 71.
[48] Ibid., 40-44.
[49] Ibid., 40-42.
[50] Ibid., 40-41.
[51] Niklas Luhmann, *The Reality of the Mass Media*, trans. Kathleen Cross (Stanford: Stanford University Press, 2000), 6-7.

Religion's doubling of reality "constitute[s] reality by preparing something for observation that did not fall under the category of 'reality.'"[52] Making the unobservable visible constitutes a religion's function. As I have already observed, the codes קדש/חל and טמא/טהור permit the priestly "sense" of reality to become manifest. These codes also generate a cognitive model of space whereby they can operate and communicate. In the Pentateuch, the Tabernacle functions as the mental representation for this doubled reality. The Tabernacle, as doubled reality, also makes manifest the religion's coupling with the economic exchange system of its environment. In order for the system to maintain its priestly functionaries and sustain its properties, it uses forms of economic extraction (tithes) and sacrifice to perpetuate itself. The system creates a parallel sacred economy in this sense.[53]

One way the religious system distinguishes between the sacred and the common is through the production of space. This division of space marks a physical boundary wherein the familiar is duplicated and transformed into a different realm of meaning.[54] Because the "reality" of the divine realm is unknown, religion must translate it into the known. Luhmann writes about how religion assists us in accessing this "reality":

> One can be helped, for instance, by dividing up spaces or times—or by artificially making a part of the event unseen. The marking of the boundary has an ambivalent status: it belongs as much to one side as the other, and thus to both sides and none. It therefore symbolizes and realizes the unity of the distinction…To an extent, the sacred is concentrated on

---

[52] Luhmann, *A Systems Theory of Religion*, 41.
[53] Roland Boer, *The Sacred Economy of Ancient Israel* (Louisville, KY: Westminster John Knox Press, 2015), 140-145. Boer makes some helpful comments about how the religion regulates the economy for its purposes but does not analyze the priestly system found in the Pentateuch on this basis. Jacob Neusner, *The Economics of the Mishnah* (Chicago: University of Chicago Press, 1990). Neusner describes the Mishnah as doing something similar by adapting the common marketplace and establishing a parallel sacred marketplace.
[54] Luhmann, *A Systems Theory of Religion*, 54-55.

the boundary representing the unity of the distinction of transcendent and immanent.[55]

The enterprise of religious systems focuses its energy on maintaining the boundary between the holy and the common by making distinctions between sacred time versus common time, holy space versus common space, holy items versus common items. The religion's code constructs a double reality that is more easily distinguished and allows human minds the ability to absorb contingency.[56] This construction makes it possible to narrate a story and have transcendence as the origin or "sense" for the distinguishing among things in this world.[57] By doubling reality, religions constitute reality by creating something "unreal" to observe.

Reality doubling is *socially* controlled: "[N]ot just anybody can come and maintain just anything."[58] Historically grounded intuitions and social roles determine how a discrete system manifests these constructions. Systems theory is not primarily interested in how consciousness perceives the transcendent, doubled reality. A systems-theory analysis primarily seeks to understand how social conditions make possible a certain construction of reality doubling in religion. The production of an accessible visualization of transcendence becomes the religious system's purpose. This always results in the creation (and concealment) of a paradox. Luhmann writes concerning this paradox that:

> …there is not only symbolization...and representation [of the divine], but also something beyond the everyday that can still switch over from normal absence into presence...in the sacredness of objects, events, rituals, and cults…through invocations, sacrifices, and the like.

---

[55] Luhmann, *ibid*., 56-57.
[56] Ibid., 62.
[57] Ibid., 64.
[58] Ibid., 42.

…the doubling of reality can be represented more abstractly as a transcendent meaning correlated to everything immanently observable.[59]

Luhmann's terse and obfuscating writing needs some translation here. In the broadest sense, religion claims to "make sense" of the common world we inhabit by appealing to a "reality" that is beyond it. This abstract meaning/sense (*Sinn*) is realized in tangible objects and events like the sacrificial meat of the well-being (שלמים) offering, the twilight of Shabbat, and the threshold of the Temple.[60] Religion gives common people living in a world of immanence the ability to participate in this "reality" by enacting the sacrifices, praying the liturgy, or stopping work on sacred occasions. The analogy that the systematized visualization provides allows both this world and the doubled reality to appear as ordered. The system's code in operation permits the doubled reality to emerge into view, as with the Tabernacle in the Pentateuch.

Sinai and miškān as Doubled Reality in Space

That the Tabernacle plans revealed on Sinai represent a bridge between the transcendent sphere of God and the immanent sphere of humanity is not a new insight.[61] Meyers and Milgrom point to the fact that the Priestly tradition claimed that the Tabernacle was equivalent to the cosmic mountain Sinai, each with three graded zones of access.[62] In this sense the Priestly system proposes two visualizations of doubled reality in order to make

---

[59] Ibid., 43.
[60] Milgrom, *Leviticus 1-16*, 204. I follow Milgrom's designation "well-being offering" for *shelamim*.
[61] Thomas B. Dozeman, *Exodus* (Grand Rapids, MI: William B. Eerdmans Publishing, 2010), 569; Helmut Utzschneider, "Tabernacle" in *The Book of Exodus: Composition, Reception, and Interpretation* (Leiden: Brill, 2010), 272; Nahum M. Sarna, *Exodus* (Philadelphia: JPS, 1991), 154-156.
[62] Carol Meyers, *Exodus*, 224. Milgrom, *Leviticus 1-16*, 58.

the inaccessible divine realm a "reality." "Sinai" represents God's cosmic presence in narrative form which doubles both space and time (pre- and post-Sinai). The Tabernacle plans, revealed to Moses on Sinai, represent the material visualization to which Israel could look and observe a representation of holy transcendence in their midst.

The doubled reality of Sinai begins to emerge before the giving of the Decalogue (Exod 19:9-15). The conditions for the revelation of YHWH's transcendence are marked by boundary-making. God tells Moses to purify the people (וְקִדַּשְׁתָּם) and instruct them to launder their garments (וְכִבְּסוּ שִׂמְלֹתָם) for two days (Exod 19:10). On the third day, the transcendent YHWH will become immanently manifest (ירד יהוה לעיני כל־העם על־הר סיני). The paradox of YHWH's immanence, however, represents a risk. Moses must create a boundary around the mountain for the people (וְהִגְבַּלְתָּ אֶת־הָעָם סָבִיב) because encroaching onto the sacred mountain would result in their death (מוֹת יוּמָת).

Once the theophany has occurred, YHWH calls Moses up to the mountain to again stress the limits of this manifestation of both transcendence and immanence:

וַיֵּרֶד יהוה עַל־הַר סִינַי אֶל־רֹאשׁ הָהָר וַיִּקְרָא יהוה לְמֹשֶׁה אֶל־רֹאשׁ הָהָר וַיַּעַל מֹשֶׁה:

וַיֹּאמֶר יהוה אֶל־מֹשֶׁה רֵד הָעֵד בָּעָם פֶּן־יֶהֶרְסוּ אֶל־יהוה לִרְאוֹת וְנָפַל מִמֶּנּוּ רָב:

וְגַם הַכֹּהֲנִים הַנִּגָּשִׁים אֶל־יהוה יִתְקַדָּשׁוּ פֶּן־יִפְרֹץ בָּהֶם יהוה:

וַיֹּאמֶר מֹשֶׁה אֶל־יהוה לֹא־יוּכַל הָעָם לַעֲלֹת אֶל־הַר סִינַי כִּי־אַתָּה הַעֵדֹתָה בָּנוּ לֵאמֹר הַגְבֵּל אֶת־הָהָר וְקִדַּשְׁתּוֹ:

(Exodus 19:20-23)

[20] And then YHWH descended onto Mt. Sinai, on the summit of the mountain. Then he summoned to Moses from the summit of the mountain, so Moses ascended. [21] Then YHWH said to Moses: "Descend and warn the people, lest they break through to YHWH in order to see and many of

96

them fall. [22] Even the priests who approach YHWH must be sanctified lest YHWH break out against them. [23] And Moses said to YHWH: "The people are not able to ascend Mt. Sinai because you warned us: Set boundaries for the mountain in order to sanctify it."

The Priestly text labors to stress the limits of the manifestation of the divine. God warns that the people might become curious due to the appearance of what was previously invisible. The recursive nature of the text becomes apparent when YHWH warns that even the priests, who have not been introduced or consecrated, are not permitted to approach. Thus, God's presence on Sinai is perceptible but remains a mystery to Israel. Approaching the transcendent from the side of the immanent is a deadly taboo.[63] The function of the first doubled space (Sinai) is to demonstrate the necessity of another, more accessible space (Tabernacle) with mediators (priests) who allow religious communication to take place. Only Moses may ascend Sinai but the Tabernacle provides more access, though only to a class of priests.

Exodus 24:16 depicts YHWH giving the instructions for the Tabernacle in a second theophany in which the *kābōd* of YHWH temporarily inhabits Sinai in the form of a cloud (וישכן כבוד־יהוה על־הרסיני). The verb שכן plays a crucial role in the Priestly system's ideology, but also reveals the paradoxical nature of the newly doubled reality on Sinai—the contingent and temporary nature of God's presence.[64] The entire system reflects a dependence on the notion that YHWH's *kābōd* could depart at any time unless the system can continue to reproduce itself.

---

[63] Luhmann, *A Systems Theory of Religion*, 42.
[64] Dozeman, *Exodus*, 592.

The Priestly text reveals itself as the product of the religious system that produced it when it anticipates system rules, time designations, and personnel which have not yet been articulated. The literature describes the process leading up the revelation of the Tabernacle instructions; the cloud rests on the summit for six days and only on the seventh day—a cycle of time repeated throughout priestly rituals—does the voice of God summon Moses to receive the Tabernacle instructions. Consistent with Luhmann's notion of reality doubling, what occurs atop the mountain appears differently from the perspective of the people at the base of the mountain (לְעֵינֵי בְּנֵי יִשְׂרָאֵל). The entire revelation occurs on the basis of the *system's* constructed reality. Sinai represents the notion Luhmann discusses when he says that "God is not a definite appearance but he exists *in one*. A semantic and institutional reaction to the distinction between a this-worldly and an other-worldly world" occurs "by artificially making a part of the event unseen."[65] Such is the nature of the doubled reality according to systems theory: the transcendence that is normally absent and invisible emerges as visible but still not entirely accessible from the observational standpoint of those on the side of immanence.

Exodus 25:1-31:18 contains the instructions for the second visualization of doubled reality, the Tabernacle. The unit describes the duplication of "what is present, attainable, and familiar into a different realm of meaning" by means of the divine command to assemble the Tabernacle out of freely donated materials from the Israelites.[66] The Priestly system uses the term תרומה (*tĕrūmâ*) to communicate this transfer. In the Priestly Writings, all instances of this word denote a material gift set aside

---

[65] Luhmann, *ibid*., 56.
[66] Luhmann, *ibid*., 55.

at any time or place for dedication to God or a priest.[67] All the prestigious items listed for collection will contribute to the emergence of the Tabernacle and its vessels which allow the Priestly system to function. The most important concept for reality doubling occurs in Exodus 25:8-9:

וְעָשׂוּ לִי מִקְדָּשׁ וְשָׁכַנְתִּי בְּתוֹכָם:

כְּכֹל אֲשֶׁר אֲנִי מַרְאֶה אוֹתְךָ אֵת תַּבְנִית הַמִּשְׁכָּן וְאֵת תַּבְנִית כָּל־כֵּלָיו וְכֵן תַּעֲשׂוּ:

> [8] And they shall make me a Tabernacle so that I may dwell in your midst. [9] According to all that I reveal to you—the model of the Tabernacle and the model of all its vessels—thus you must do.

Of interest from a systems theory perspective is the concept of תבנית (tabnît). No consensus currently exits on the exact nature of the תבנית in this passage. One explanation maintains that the revelation of the Tabernacle plans as תבנית reflects the replication of a "heavenly temple" which the Tabernacle represents as an earthly copy.[68] Using Mesopotamian parallels, however, Hurowitz concludes that the תבנית of the Tabernacle and its furniture shown to Moses is most likely an "exact model" in miniature form.[69] He draws his parallel from Babylon in the early 9th century BCE in which king Nabu-apla-iddina seeks to renew the cult of Šamaš in the Ebabbar temple at Sippar. A statue of the deity had been destroyed and the model lost until his kingship and building initiative. The discovery was hailed as "divine intervention" and the model itself, Hurowitz concludes, represents "a link between the lost original statue and the new one

---

[67] Milgrom, *Leviticus 1-16*, 473; Sarna, *Exodus*, 157.

[68] Dozeman, *Exodus*, 610; Sarna, *Exodus*, 159; John I. Durham, *Exodus* (Waco, TX: Word Books, 1987), 355.

[69] Victor Hurowitz, "The Priestly Account of Building the Tabernacle," *JAOS*, Vol. 105, No. 1 (Jan. - Mar., 1985), 22.

to be made."[70] But if this account parallels the Tabernacle account, to what original does the model תבנית refer? The First Temple? If not, the model in Hurowitz's comparison must reflect some divine original, whether "real" or ideal. Regardless of which theory more closely conveys the cultural idea in Exodus, the term תבנית carries the idea of a "copy" which the Tabernacle should imitate. From a systems-approach, the historical referent is less important than the divine source ascribed to the plan of the Tabernacle. The authors of the Tabernacle texts were clearly looking at something in their world and "doubling" it for the sublime realm in which they claimed to participate.

A systems-theory reading of the opening to the Tabernacle pericope would clearly mark this text as the construction of a doubled space. The literature regarding the Tabernacle represents a priestly encoding of the world in which a "reality" is constituted and spaces marked are and filled with sacred accoutrements. In the space of the Tabernacle exists an immanent reflection of something that is believed to exist in the transcendent realm of YHWH. The discrete items contributed by Israel's laity combine to form the emergence of this space which allows the sacred *kābōd* of YHWH to abide with the people, even if they are forbidden from entering the space in which it dwells. Without the contributions of the people and the formation of those raw materials into holy items according to the divine model (תבנית) YHWH cannot inhabit the doubled space.

The Tabernacle as doubled reality, dependent upon a transference of items from the common realm to the transcendent world of the priestly system offers a different perspective from a purely literary focus on the priestly texts. The esoteric nature of the

---

[70] Hurowitz, "The Priestly Account of the Building of the Tabernacle," 22, fn. 4.

textual account clearly reflects the concerns of the priestly in-group; however, the distinctive, insular nature of the system is only maintained for those writing the texts. The system cannot continue without tight coupling with its environment's structures—particularly the economic system. The nature of the system is closed, and the biblical texts portray an inward focus but the system and the priests within it were actively involved in other areas of society which did not pertain to purely holy realm they inhabited. The texts reflect a deep concern for the inner workings of the temple and priestly function, but the system was not isolated. Intrinsic to its nature as a system, it needed to draw upon resources in its environment, as the Tabernacle texts suggest. This doubling of reality, through the priestly system and its organization of priests, offered a form of exchange in which it was presumed that the Israelites would be "receiving at least as much benefit from membership as [they] would from acting alone."[71]

The creation of the Tabernacle prescribes certain limits as to how the holy, transcendent God of Israel can live within the camp. When Luhmann said that "not just anybody can come and maintain just anything" regarding the boundaries of reality doubling, he meant that reality doubling, like the system that inscribes and constitutes it, serves to protect and is curated by an institutionalized stratum of the social hierarchy. The order and details of the instructions for the Tabernacle fully display this fact. As Meyers writes:

> For the Israelites too, access to the "most holy" was limited to the high priest; and the people themselves might approach the sanctity of the tabernacle or temple only at the outer zone of holiness (as at Sinai), in the court surrounding the structure itself, which is where most of the sacrificial activities took place. In any case, *the community's sacred*

---

[71] Miller and Page, *Complex Adaptive Systems*, 200.

structure was part of a three-part sacral system consisting of the building itself, the priestly bureaucracy, and the sacrificial service. The Israelite tabernacle (and temple) was similarly linked with the priesthood and a fixed set of rituals.[72]

The furnishing and spaces described in the instructions move outward from the tightly regulated center to the courtyard where social control is loosened.[73] The *měnorâ* (Exod 25:40), the tent (משכן) itself (Exod 26:8), and the outer altar (Exod 27:8) all receive their form according to the divinely revealed תבנית. The lampstand, made of pure gold, resides in the inner sanctum; the משכן covers and demarcates the entire sacred complex; and the outer altar forms the locus for the entire sacrificial system.[74] All these spaces require the mediation of a priesthood, differentiated by their anointing and their garb (Exod 28:1-29:37). I will describe the stratification of society presumed by the system in the following chapter. The present discussion demonstrates how the doubled space of the Tabernacle requires structures controlled by the priestly hierarchy of Israelite society, while also depending on external environmental factors.

The establishment of the Tabernacle's "reality" permits us to observe some aspects of the codes that allowed the priestly system to function. The theory of binary coding encourages a new description of all the elements of the tradition and shows how the system produced the marked space of the holy. Thus the priestly religious system can be described from at least two angles: the priestly system's relationship to other social systems in its environment and the priestly system's effect on human consciousness and cognition. Our method does not ignore how human consciousness participates in the

---

[72] Meyers, *Exodus*, 222. Emphasis mine.
[73] Dozeman, *Exodus*, 610; Meyers, *Exodus*, 224-5; Utzschneider, "Tabernacle," 292.
[74] Meyers, *ibid*., 227.

religion; the human mind and body are necessary preconditions for the religious system to emerge. Consciousness and the social system of religion are mutually reinforcing. The rest of this chapter will endeavor to elucidate both the social functions of the priestly system and the ways it sought to achieve relevance for human cognition.

Sacrifice as Symbolically Generalized Communicative Media

Notions of "reality" generated by the system's code חל/קדש enable everything in the religion to enter the realm of observability. YHWH's mediators, the priests, function as guardians who prevent members of Israel from crossing the boundary between the two sides of the distinction. The sub-binary טמא/טהור exists to inform all Israelites (including priests) of their location with respect to the sacred system. All the rituals and prohibitions within the priestly system operate based on their interconnectivity with the states of purity in relationship to the holy. The specific codes חל/קדש and טמא/טהור allow the system to perform its form of communication: sacrifice.

Niklas Luhmann defined "symbolically generalized communicative media" (hereafter, SGCM) as a type of systems-communication which rendered "expectable the acceptance of a communication in cases where rejection is probable."[75] In other words, highly specialized communications require equally specialized media in order to operate and secure their continued functioning.[76] SGCM require (1) a binary code, (2) variable

---

[75] Luhmann, *Theory of Society: Volume 1*, 190.
[76] Moeller, *Luhmann Explained*, 26.

programming, (3) structural coupling with the consciousness system of the human mind, and (4) dependence on an organization.[77]

As with the system's code, SGCM function along the lines of a binary construction. We can easily recognize the specific SGCM of money. Something is either money, which communicates in the economy to acquire goods, or it is not and there is no communication. The SGCM of sacrifice in the priestly system explicitly serves as communication in the biblical text of Leviticus 19:5: "When you sacrifice a well-being offering to YHWH, you must sacrifice it *so that it may be accepted on your behalf*" (וכי תזבחו זבח שלמים ליהוה לרצנכם תזבחהו). Like money, the sacrifices function as a medium of exchange in which divine appeasement is acquired. Milgrom specifically discusses the notion that לרצנכם expresses how sacrifice achieves accepted communication with the deity.[78] Whenever Israelites observe the rules for sacrifice established by the priests, communication (acceptance) occurs.

Variable programming refers to how the communicative code is conditioned.[79] The binary code represents a *fixed* value: money/not money, political power/not power, truth/falsehood, sacrifice/not-sacrifice. How the system applies its codes and its medium is, however, *variable*. The system may need to assess the strength of its communication by changing the conditions under which it applies its code. If it finds that its communications are not optimal, it can readjust the programs: the government may rewrite policy to entrench their power or seek equity; muster more scientific evidence to

---

[77] Luhmann, *Theory of Society: Volume 1*, 215-29.
[78] Milgrom, *Leviticus 17-22*, 1619-1620.
[79] Luhmann, *Theory of Society: Volume 1*, 217-218.

prove a hypothesis; slaughter more animals to ensure a clean sanctuary. This notion of variable programming will aid our assessment of the Priestly Writings greatly. I will argue that the various productions of literature at odds with one another represent various attempts to *reprogram* the system.

For SGCM to gain acceptance, they must couple with human cognitive processes. We have already related this notion to the theory of *relevance* developed by Sperber and Wilson. Communication must consider the contextual effect it would possess in each setting.[80] It would factor in physical and psychological needs, shared cultural representations like etiquette, ritual, myth, as well as the cognitive effort needed to process the exchange. The communication must work in tandem with the consciousness system of the human mind. A political leader could threaten physical violence to communicate to his subjects; the economic system promises to fulfill human needs (shelter, food, income) through the medium of money; a religious system might attempt to convince its followers that blood cleanses impurity from a shrine enabling the deity to dwell there and protect them; it might persuade them to achieve higher levels of piety by donating surplus goods to the sanctuary and bring further blessing to them. These serve as just a few examples of how SGCM might couple with or rely on human cognition to perpetuate the system.

Luhmann's work specifically helps us avoid the notion that religion could be exclusively isolated and insular. Though Luhmann defined religion as working through the medium of "making sense" of the unobservable, transcendent realm, he explicitly

---

[80] Sperber and Wilson, *Relevance*, 122.

notes that religious communication "is only possible…when certain structural couplings of a psychic, organic, chemical, or physical type have been preserved."[81] Even if a religious system, like the one reflected in the priestly texts, adopted a specific form of communication by which it functioned, *it still must borrow or couple from structures in its environment*. I will specifically explain below how the system required a very material, economic medium to translate its other-worldly "sense" for its devotees. Even when the texts describe incense, sacrifices, priestly labor, and the dangers of impurity, the system still couples with various economic, political, family, and agricultural systems to manifest its form of religious communication. We must both pay attention to the system's internal focus on perpetuating itself while also noting the many ways it reaches beyond its limits to incorporate structures from other systems in order to function. Despite the impressions we might receive from the texts, the priestly world is anything but a simple focus on the internal lives of the priests.

Keeping in mind the ways the priestly religious system penetrates into other system-structures, SGCM does depend on organization within the system to function. Police forces and military organizations emerge with the right to enact socially permitted (sometimes unacceptable) violence. Scholarly guilds evaluate truth claims to ensure a measure of control over legitimate theories and hypotheses. Advertising agencies manufacture "needs" for products to ensure that a population spends a percentage of its capital on certain products. The organization of priests (כהנים) in the Pentateuch attempted to control cultural perceptions about how their system would modify the chaotic environment of the Levant. This organization took older traditions, cultural

---

[81] Luhmann, *A Systems Theory of Religion*, 26.

knowledge, and a theory of relevance in order to refine sacrifice into a theory of communication with the divine realm for the benefit of Israel.

Even though the religious system of the priests uses its own form of media, we should not assume that sacrifice cannot overlap with other forms of communication media. The value code of a system is not interchangeable; "monetary wealth cannot be converted into love" but an economic organization might use the medium of money to suggest that rich people are easier to love.[82] Moshe Weinfeld was thus correct to suggest that the primary difference between the Priestly source and the Deuteronomist was primarily sociological.[83] Religious communication was not bound to take a certain form. The authors behind Deuteronomy conveyed their "religious sense" in political terms and forms.[84] The Deuteronomic command to "be loyal (*ahav*) to YHWH your God" (Deut 6:5) bypasses the cultic form of devotion and couples with a structure of political loyalty as seen in other ancient treaties.[85] The religion did not communicate only in rhetoric that claimed certain ideas possessed divine significance; it needed to borrow from other media in other systems to communicate its transcendence. As we will observe, the priestly system proposed that money could "talk" in the religious sense if sacred goods were damaged. SGCM thus behave differently depending on the circumstances and the problems to which they respond.

---

[82] Luhmann, *Theory of Society: Volume 1*, 119.

[83] Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Winona Lake, IN: Eisenbrauns, 1992), 180.

[84] Weinfeld, *ibid.*, 184-189. Weinfeld preferred the term "secular" for the work of the Deuteronomists and, perhaps, overstated their "humanistic" approach. His notion that the D material originated within a political setting, however, remains compelling.

[85] Ibid., 81.

Systems theory understands that historical systems have attempted to communicate by means of other discrete systems. The Soviet Union is a popular example in this regard.[86] Here, a political system attempted to communicate economically for the State's purposes. But systems theorists have also discussed "the political system [that] is forced to communicate religiously and…has, while still somehow functioning politically, only religiously, not politically, valid information concerning itself."[87] Such a description would seem to fit the Israelite monarchy, which performed political operations but used religious data to observe itself (or be observed by others). System-descriptions such as these demonstrate what we know to be true about ancient culture: that the lines between politics, religion, and economy were often blurred and co-dependent.[88] Carol Meyers affirms this when she writes that "[t]he temple (or tabernacle) as an institution was inextricably intertwined with the political and economic organization of the community in which it was located."[89] The Priestly system of Israel was no different from its cultural counterparts in this regard. Some might wish to conjecture that the line between religion and government in the ancient world is artificial.

Systems theory, however, maintains that the lines are not artificial at all. Based on the concept of SGCM, the religious system of the priests communicates quite differently from the political realm of the monarchy. They may have been tightly coupled at one point, but the distinction between them is anything but artificial. The survival of the

---

[86] Moeller, *Luhmann Explained*, 33-34.
[87] Ibid., 34-35.
[88] The distinction between the "religious" and political or economic realms is itself historically, culturally, and socially located in the emergence of the modern Western nation-state that had to accommodate "other" religions (Catholics in Protestant states, Protestants in Catholic states, and Jews in both) by decoupling religion and the state, making the former a matter of individual faith without communal/political implications for citizenship.
[89] Meyers, *Exodus*, 221.

priestly system *beyond the monarchy* demonstrates that while the priestly religion needed to interact with political and economic structures to survive, it did not require the specific Judean monarchic apparatus to determine itself. Because of its distinctiveness, the system could adapt to whatever its political environs happened to be at a given moment.

The priestly system described in the biblical text essentially represents an exchange system using the SGCM of property (agricultural produce, livestock, land, and money). The term *qorbān* makes manifest this fact since this term ultimately denotes any gift to the sanctuary.[90] Similarly, the term *'iššeh* represents a gift of food to YHWH.[91] The only sacrifice technically excluded from the "food gift" category is the *ḥaṭṭā't* (but see explanation below). Terms such as *tĕrûmâ* and *tĕnûpâ* denote "the transfer of the offering from the profane to the sacred, from the offerer's domain to God's" and the former specifically symbolized a gift intended for God or the priesthood.[92] All the sacrifices listed in Leviticus 1-7 thus require the offerer to bring an animal victim (or its monetary equivalent) or agricultural products to the sanctuary in order to gain the desired status within the system.

We cannot overstate what systems theory allows us to observe here: the religious system of the priests, which intended to mark and communicate about something completely unobservable *required* the interaction of the profane, common economic property-based system.[93] All the animals required for sacrifice are domesticated (מִן־

---

[90] Milgrom, *Leviticus 1-16*, 145.
[91] Ibid., 161.
[92] Ibid., 470-3.
[93] Perhaps the priests could have invented a medium outside of the monetary/property-based economy, but they did not. The system reflected in the Hebrew Bible never transcended the economic coupling with its environs.

הַבְּהֵמָה מִן־הַבָּקָר וּמִן־הַצֹּאן, Lev 1:2) and the produce offered comes from the yield of a person's field. The hand-leaning ritual (סמיכת ידים) symbolized an identification of ownership and a transference of that property to the divine realm.[94] This leads Milgrom to conclude that the Israelite theory of sacrifice essentially reduces to the "transference of property from the profane to the sacred realm, thus making a gift to the deity."[95] But after this admission his analysis stops. Scholarship has mostly shown interest in explicating the theology of Israel, the anthropological underpinnings of its culture, or ritual analysis of the individual rites. To my knowledge, only Gane has explored the fact admitted above: that in the sacrificial program of Israel's priestly system, individuals exchange various forms of property media in return for non-property.[96] How can a person exchange property, a form of economic media, to gain cognitive absolution from wrongdoing? How should we perceive the material benefit for the priest in the system? A systems-theoretical analysis of sacrifice as SGCM is required to explain how such exchanges could take place.

The priestly system, self-organized by the priests who controlled it, devised its binary system (holy/common//pure/impure) to accommodate the non-binary world it inhabited. It contrived law-giving mechanisms to fill a political lacuna in the post-monarchic age and coupled with the forms of sociological rank and economic divisions in its society. It borrowed and developed sacrifice as a means of communicating its system's

---

[94] Gane, *Cult and Character*, 59; Milgrom, *Leviticus 1-16*, 152.
[95] Milgrom, *ibid*., 441.
[96] Roy Gane, *Ritual Dynamic Structure*, 51-52, 79-94. Gane uses the burnt offering as a paradigm and explores the purification offering and atonement rituals. James A. Greenberg, *A New Look at Atonement in Leviticus* (University Park, PA: Eisenbrauns, 2019), 193 fn 12, poses this question but stops at asserting "the role of ritual to bridge the gap between the human and the divine".

operations on behalf of its society. By viewing the sacrificial materials as communicative media, we can describe how the priestly system transformed a negative outcome (the contamination of the sancta and subsequent divine withdrawal) into a successful outcome (appeasement of deity and purification of sancta).

The 'ôlâ Offering

The *'ôlâ* represents a transference and destruction of an animal victim for the effect of gaining YHWH's attention and favor.[97] Another function of the *'ôlâ* was to provide the officiating priest with the skin of the animal, which might then be used in scroll production or for some other personal benefit (Lev 7:8). Before the advent of the priestly system, Milgrom suspected this sacrifice was the offering *par excellence* to provide a means of expiation.[98] When the priests of the Jerusalem Temple initiated their programs centered on the *ḥaṭṭā't* and *āšām* offerings, they included the *'ôlâ*, but only as a means of securing divine favor. The sacrifice ultimately involves a physical transference of an animal to the deity as a gift. Human cognition alone, however, lends the plausibility that something material could transcendently communicate with YHWH.[99] The *'ôlâ* and the other sacrificial forms will thus be considered based on their immediate, intrinsic function in the social system (what they do in the society) as well as the role of cognition in this form of communication.

---

[97] Milgrom, *Leviticus 1-16*, 149.
[98] Ibid., 176.
[99] Gane, *Ritual Dynamic Structure*, 57-58.

A systems-theory analysis of this sacrifice can explain how the material media of the *'ôlâ* functioned to alleviate the psychological needs of a person. A person who wished to transfer a gift (*qorbān*, *'iššeh*) to YHWH would select the appropriate animal, according to their means, and bring it to the threshold of the sanctuary (Lev 1:3). The explicitly stated function of this gift was to achieve divine acceptance (לרצנו) which most commentators agree served to elicit divine favor.[100] The hand-leaning rite indicated the offerer of the sacrifice was the legitimate owner of the animal (Lev 1:4).[101] Without this act the sacrifice would not communicate. Gane demonstrates that the hand-leaning act not only determines the worshipper as the owner, but also indicates the termination of ownership and devotion of the property to YHWH.[102] The priest ritually slaughtered (שחט) the animal, removed its dangerous life-force (דם) which was dashed upon the altar, and flayed and quartered its carcass (Lev 1:5-6). Once the fire has been kindled and the wood arranged, the gift is consumed by fire on the altar. The aroma pleases the deity (ריח ניחח) thus indicating the success of the desired function of the offering. The offering is graded into socio-economic brackets so that every level of Israelite society might participate.

As Gane acknowledges, the activity described above seems absurd: humans offer a non-living being food, which it cannot eat, to appease it.[103] He posits that the system achieves this goal through the "cognitive task" component of the ritual system.[104] What his analysis does not include, however, is the notion of a religious system's doubled

---

[100] Milgrom, *Leviticus 1-16*, 149.
[101] Ibid., 152.
[102] Gane, *Cult and Character*, 56.
[103] Gane, *Ritual Dynamic Structure*, 57.
[104] Ibid., 79.

reality. *All systems construct externalizations of their environment to map out their operations*. Linguistic utterances of prayer do not differ from physical sacrifices in this regard from the perspective of systems theory. Hosea 14:3 expresses as much when the author states: כל־תשא עון וקח־טוב ונשלמה פרים שפתינו (Forgive all iniquity and accept what is good; we will pay with the bulls of our lips).[105] The text clearly articulates linguistic communication as a means of religious restitution with the divine when the author writes, "take words with you and return to YHWH" (קח עמכם דברים ושובו אל־ יהוה). We should not consider this form of communication any more or less absurd than the economic transfer of an animal to the temple and its subsequent slaughter. The system *must* use a medium by which it constructs "sense." The religious system *must* double its efforts since it is representing something which is not otherwise observable in the world of immanence. Property transference to the transcendent deity is possible because the system has created an immanent externalization of that "reality." We thus do not need extra justifications for explaining how this sacrifice works when we understand a systems-theory conception of communication.

All social systems require coupling with cognitive systems (human minds) to lend credence to their communicative acts. Within the priestly system, the communication of the burnt offering is consistent with boundaries drawn by the system and its encoded operations have been calibrated and coupled to interact with the economic "realities" of those who would participate in the religious act of communication. The *ʿôlâ* functions as

---

[105] Francis I. Anderson and David Noel Freedman, *Hosea* (New York: Doubleday, 1980), 645. Whether we adopt the bovine pun in the MT or read "fruit" (פרי) with the LXX, the author still intends to communicate how language is a means of communicating with a transcendent God.

a means of allowing a psychological release (the attraction of the deity to the offering) both according to the stated goal in the text and the nature of the system. I will discuss the interconnections between cognition and systems-communication more in the following chapter.

We cannot dismiss, however, the medium of the sacrifice—property. The use of property (livestock) as the official medium of the sacrifice implies an economic system at work. Ownership of an animal is acknowledged and transferred to the holy precinct and its agents for the benefit of receiving divine favor. The skin of the animal, which the priest receives, represents the transaction processing fee for mediating this exchange. *Thus, the Israelite exchanges a material possession in order to receive a psychological/relational benefit.* The only party that materially benefits (excluding YHWH) is the officiating priest. Though the text itself states that the function of the *'ôlâ* sacrifice is for the purpose of achieving divine favor, a systems-theory analysis reveals an *economic* coupling wherein the priests receive material benefit for facilitating an exchange of property for a psychological stimulus.

Milgrom calls the priest's receipt of the *'ôlâ* skin the "emolument" of the priest.[106] Levine highlights the fact that the officiating priest could profit from the value of the skin.[107] Finlan notes that "compensation, gift, or payment" for personal and collective atonement "is one of the underlying concepts in the Hebrew sacrificial system."[108] He submits that the sacrificial system was, at least partially, a system of exchange.[109] How

---

[106] Milgrom, *Leviticus 1-16*, 172.
[107] Baruch Levine, *Leviticus* (Philadelphia: JPS, 1989), 41.
[108] Stephen Finlan, *Sacrifice and Atonement* (Minneapolis: Fortress Press, 2016), 23.
[109] Ibid., 26.

should we conceptualize the fact that the system behaves in a way to produce (non-transcendent) material wealth for the priestly mediators? Regardless of whether payment to the priests amounts to a sub-optimization of the system's goals, the intrinsic, material behavior of the system functions to finance the priesthood. Removing the cognitive legitimization of what the system claims to do in the transcendent realm, the material social outcome is the preservation and funding of a priestly class—those people responsible for and operative in the maintenance of the system's functions. This priestly exchange system becomes even more evident as the remaining sacrifices are described.

The minḥâ Offering

The *minḥâ*, like the *'ôlâ* is voluntary.[110] The *minḥâ* functioned as an economic alternative to animal sacrifices on behalf of the poor. Milgrom claims that this offering is a surrogate for the more expensive *'ôlâ*.[111] Others have suggested that a notion of tribute to God underlies the offering.[112] The explicit mention of the burning of the "token portion" (אזכרה) while the priests consume the bulk of the offering distinguishes it from the former sacrifice. The *minḥâ*, along with the *'ôlâ*, *ḥaṭṭā't*, and *āšām*, is dubbed קדש קדשים ("most holy") which serves to designate those sacrifices which are eaten only by the priests (or consumed completely by fire in the case of the *ḥaṭṭā't* for the high priest and the *'ôlâ*).[113]

---

[110] Milgrom, *Leviticus 1-16*, 178.
[111] Ibid., 182.
[112] Richard Hess, "Leviticus" in *The Expositor's Bible Commentary Revised Edition Vol. 1: Genesis-Leviticus*, eds. Tremper Longman III and David Garland (Grand Rapids, MI: Zondervan Academic, 2017), 597; Gordon Wenham, *Leviticus* (Grand Rapids, MI: Eerdmans, 1979), 69; Levine, *Leviticus*, 9.
[113] Ibid., 182-183.

This designation signaled that the indication of an offering's holiness is characterized by the social hierarchy which had access to it.

The phrase "graded holiness," which commonly appears in scholarly literature is a misnomer from a systems-theoretical lens. Holiness in the priestly writings is a binary category. An object can only be distinguished as either holy or common—no third, mediating possibility technically exists. A graduated category of holiness is simply not present in the system's taxonomy. An object cannot be more or less holy. It is either holy or it is not. The cause of confusion lies not in the system's categories but in the gradations that populate *the social strata* in the environment of the priestly system of holiness. The system operates on a binary (holy/common) but must accommodate its non-binary environment with a variety of other social systems. As Miller and Page discuss, "[o]rganizations" within systems "must transform...information into a single, deterministic binary choice."[114] I will describe the misunderstanding which occurs when biblical scholarship uses the concept of graded holiness when I discuss the concept of social stratification in the next chapter. Now, I only wish to point out that the system linguistically marks items קדש קדשים when it wants to denote an object's limited access to a social stratum. The *minḥâ* offers to a lower economic bracket a means of paying tribute to YHWH, the majority of which goes to the priests.

The system distributes the *minḥâ* sacrifice in its raw form equitably amongst all priests, presumably because of the ease with which it is extracted from the population and distributed to all priests.[115] The fixed, prepared portion becomes the stipend of the

---

[114] Miller and Page, *Complex Adaptive Systems*, 201.
[115] Milgrom, *Leviticus 1-16*, 184.

officiating priest. In the legal fiction of the priestly view, the entire offering is presented to God who then redistributes the offering to his priests (Lev 6:10). Whether or not we should consider the priestly prescription that all the *minḥâ* sacrifices should go to Aaron and his sons (Lev 2:10) as a "reneging" on the Deuteronomic reforms, the Priestly system envisioned access to this sacrifice as the exclusive right of Aaronide priests.[116]

A minor detail, such as the combination of oil and frankincense (לבנה) reveals the interpenetration of the economic system with the religious system. According to Milgrom, the spice-manufacturing installations at Arad show that a secondary spice route cut through the Negev.[117] The offering assumes an ingredient made possible by the economic trade system, the price of which was not insignificant. In terms of the system, we must consider how the cult was coupled with the economic system of Israel. The system required this economic interaction. The structural coupling of systems to perform their operations in their context is a central tenet of systems theory. All systems must do this; the priestly system is not unique. Other religious communications outside of the priestly purview would have equally been dependent on some form of economic structure (private household, for example). We can observe how the system constructed the *minḥâ*. Using a precious spice transferred from the economic system in its environment, the text provides a rationalization for how that profane material could take on transcendent meaning and *communicate* within the system. For the grain offering to successfully communicate, the system assumes a mutual dependence on economic trade routes which supply this luxury ingredient.

---

[116] Ibid., 188.
[117] Ibid., 180.

The texts describing the *minḥâ* ban the use of leaven or honey on the altar (Lev 2:11). From a systems theory perspective, we should discuss why these substances are banned, since other commentators have presented these reasons. From the priestly perspective, these products are not suited for the altar, but may still be offered to YHWH as *reshit* ("first-fruits"). These items were required to be presented to God as the deity's due from the processed food items.[118] Implicit in this mandate is the ideology made explicit by H wherein the land belongs to YHWH, which he releases to his tenants. Levine calls this process "desacralization."[119] This operation released most of the crop for secular use after giving God the first portion of the new produce. Since the culture believed that YHWH owned the land, "desacralization" functions as a form of rent due to the landowner for the rights of using the farmland. As with the *minḥâ*, YHWH also releases these donated portions back to the priests (Num 18:12-13). Finally, the *minḥâ* passage also describes a *bikkurim* offering which consists of a mandatory barley grain offering.[120]

Like the *'ôlâ* and perhaps related to it, the *minḥâ* functions to appease God.[121] There is a strong political valence to the term *minḥâ* which entails reverence, homage, tribute and political friendship. In addition to being a discrete sacrifice on par with the *'ôlâ*, it also serves as the traditional side-dish to meat sacrifices.[122] Milgrom asserts that originally the entire cereal offering was consumed by fire, but that the Priestly tradents transformed the practice due to its association with non-Yahwistic worship.[123] If an

---

[118] Ibid., 190.
[119] Levine, *Leviticus*, 13, 157.
[120] Milgrom, *ibid*., 193-194.
[121] Milgrom, *ibid*., 196.
[122] Ibid., 198.
[123] Ibid., 201.

Israelite wished to perform this rite, they would now have to go to the legitimate altar in the Temple. The sacrifice would only be consumed in part, while the remainder went to the priests as their payment.[124]

Like the *'ôlâ*, the *minḥâ* relieved certain psychological anxieties regarding God's favor.[125] Specifically, this offering allowed the poorest in society to experience this relief. Because the system requires every member of Israel to participate, it must accommodate those who cannot afford the costly sacrifice of livestock. Unlike the *'ôlâ*, however, this sacrifice directly benefits the priesthood with food: "However much these offerings came to be understood as taxes in later Israel, there can be no doubt that they provided an important source of food and livelihood for the priestly families."[126] The priests, who lived in an urban environment without agricultural land grants, would at least be guaranteed bread for their services. I will resist ascribing any historical causation for this change from previous cultic practice in Israel. I will only state that the Priestly system innovates based on older conceptions of a grain offering to specifically feed the priestly cadre. This sacrifice obviously maintains the theme noted regarding the *'ôlâ*; it offers the human psyche a sense of well-being *in conformity with the system's constructed reality*. It accomplishes this by transforming an exchange of material produce to YHWH, and thus the priesthood, and in doing so possesses an economic valence.

The *šĕlamîm* Offering

---

124 Ibid., 202.

125 James A. Greenberg, *A New Look at Atonement in Leviticus* (University Park, PA: Eisenbrauns, 2019), 45-50.

126 Hess, "Leviticus," 598.

The *šĕlamîm* offering, like the *'ôlâ*, entails the hand-leaning rite which asserts ownership.

Scholars debate the precise meaning of the sacrifice's name.[127] Understanding the

ambiguity of the term *šĕlamîm*, I default to "well-being" in translation to capture the

broad range of benefits the system claims this sacrifice entails. The ritual slaughter begins

with a removal of the inedible fat which serves as YHWH's portion. In fact, the ritual

implies that "all meat for the table must initially be brought as a sacrifice, so that its suet

can be burned on the altar."[128] According to the Priestly worldview, non-sacrificial

slaughter is illegitimate. The text unequivocally says that this law proscribes fat and

blood as the divine possession of YHWH in perpetuity.[129]

The combinatory phrase *zebaḥ šĕlamîm* attests to its two functions: (1) as a "slain

offering whose meat is eaten by the worshipper," and (2) as an expression of good-will

and joy on behalf of the worshipper. The Priestly writings offer at least three subsets of

the *šĕlamîm*: (1) the *neder*, or votive offering, which is fulfilled after the completion of a

vow or the pronouncement of a future vow, (2) the *tôdâ*, which expresses thanksgiving,

and (3) the *nĕdavâ* which is completely spontaneous.[130]

Milgrom asserts that the "main function of the well-being offering is to provide

meat for the table."[131] He does not, however, offer any comment on the religious meaning

of the sacrifice. Levine defines the general religious purpose with more detail:

> Whereas the *minḥah* could be eaten only by priests, the eating of the *zevaḥ*
> was not so restricted. Thus it clearly represents a distinctive mode of
> sacrifice whose presentation expressed its purpose: *to afford the*

---

[127] Levine, *Leviticus*, 14-5; Milgrom, *Leviticus 1-16*, 217-225.
[128] Milgrom, *ibid*., 214.
[129] Levine, *Leviticus*, 15; Milgrom, *ibid*., 215.
[130] Milgrom, *ibid*., 218
[131] Ibid., 221.

worshipers the experience of joining together with the priests in a sacred meal...[132]

Levine's comment provides sharp relief for understanding the religious meaning of this meal considering the larger stratification of the society. The *šĕlamîm* serves as the only vehicle in the priestly system through which the laity may consume sacred flesh. If one wanted to eat meat, one must first return the fat and blood of the animal to its owner, YHWH. Meat consumption, however, would likely represent a momentous occasion for the average worshipper of YHWH. As Milgrom notes, these occasions would rarely take place for the commoner; only the wealthy could afford to dispose of their flocks for meat consumption.[133] The meal would have represented a communal event involving the offerer, their family, and invited guests. Though legitimate meat consumption may have represented an important function of the well-being offering, we should not neglect the *religious* meaning for the worshipper who joyfully parted with precious livestock to commemorate a religious expression to YHWH in the form of a vow, thanks for some perceived divine action, or spontaneous expression of joy. The system assumes that members of its society would willingly part with surplus property in order to express gratitude and share a communal meal. Offering a means for this expression to be made manifest implies that the system perceived acts like this as relevant within its society and important for the psyches of its members.

In this rite, not only does the system allow the commoner to enjoy access to the meat of livestock, but it also momentarily collapses the social hierarchy. Both priests and religious devotees share in the sacrificial meal (though not together). The *šĕlamîm*

---

[132] Levine, *ibid*., 14. Emphasis mine.
[133] Milgrom, *ibid*., 221.

supplies an avenue for commoners of a lower social grade than the priests to participate in the holiness of the sanctuary system. As such, the system does not designate the sacrifice קדש קדשים.

Although this sacrifice was enjoyed by the laity, a token portion also went to the priests. The breast of the offering (*těnûpâ*) becomes the privilege of all Aaronide priests whereas the right thigh is the "portion" due to the officiating priest (למנה) per Lev 7:33. Thus far I have observed the function of the well-being offering as providing meat for the table and a meaningful religious expression of joy and dedication to YHWH. But as with the skin of the *'ôlâ* and the majority of the *minḥâ*, the offering of well-being also functions as payment for the priests' services. In the public Pentecost *šělamîm* (Lev 23:19) the priests are the only ones who eat the meal as the representatives of the entire people. Milgrom speculates that the reason for this anomaly could be explained by the hardship on worshippers expected to bring lambs from long distances once a central sanctuary was assumed.[134]

Here we may come up against an instance in which the system incorporates older practices into its repertoire. Like the older expiatory function of the burnt offering, or the private home rite of paschal sacrifice, here too the system likely needed to accommodate older practices because of their relevance to their religious audience. The system did not invent these sacrificial forms; instead, they adapted the religious traditions already in practice and expected by the people in its environment. Regardless of how these practices were encoded by the system, the priests have devised a communicative mechanism by

---

[134] Milgrom, *Leviticus 1-16*, 225.

which people may legitimately consume the flesh of domesticated livestock. The system assumes that these meals represent the completion of other religious obligations such as the fulfillment of a vow to the deity or an expression of thanks for the blessing of a surplus. The cognitive environment of the system attributed efficacy to these practices which allowed the system's operators (the priests) to derive benefit by officiating over these transactions between the people and YHWH.

Sperber's notion of *metarepresentations* supplies a means for understanding how the system capitalized on the cognitive perceptions of its religious members. A representation consists of the *medium* of representation (language, symbol, ritual), the *object* of representation (idea, status, God), and the *user* of the representation.[135] These representations abide in the minds of human beings, but when they are shared with others, they become *public representations*.[136] Metarepresentations, though, are second-order representations—they are mental representations of other mental or public representations. Such metarepresentations allow people to make sense of things they do not fully understand or for which they have insufficient information.[137] The priestly system did not invent sacrifice for Israel. Through the production of priestly texts, however, the priests generated metarepresentations by which they sought to trigger and modify the cognitive representations already held by the populace. By re-encoding the well-being offering, the priestly system presents a new cognitive task, a new form of representation for the slaughter of an animal for religious purposes of expressing joy or

---

[135] Dan Sperber, *Explaining Culture* (Oxford: Blackwell Publishers, 1996), 32.
[136] Ibid., 24.
[137] Dan Sperber, "Metarepresentations in an evolutionary perspective," in ed. Dan Sperber, *Metarepresentations: A Multidisciplinary Perspective*. (Oxford: Oxford University Press, 2000), 117-137.

vow fulfillment. The system has taken older elements and re-programmed them to explain how the slaughter of animals in the material realm could communicate gratitude and obligatory fulfillment into the divine world.

The ḥaṭṭā't Offering

Chapters 4 and 5 of Leviticus represent the discrete invention of the priestly system.[138] In contrast to the previous voluntary offerings, any offending party *must* provide the ḥaṭṭā't and *'āšām* offerings to ensure the system-function of protecting the sanctity of the holy space and the physical protection of the people. These communications of the system deal with differing levels of indeterminacy and contingency within Israelite society. As with my comments regarding the well-being offering, these offerings *appear* to have multiple functions because the system has incorporated older traditions to construct the rationale of how the sacrifice worked.

According to the Priestly system, the ḥaṭṭā't offering provides a remedy for the unwitting violation of prohibitive commands. This act, from the perspective of the priest, unleashed a threatening impurity which magnetically attaches to the Sanctuary's altar.[139] The prescriptions for the ḥaṭṭā't indicate a dependence on the ability of the human mind in order for the system to function properly. The program only works for people who have inadvertently (*bišĕgāgâ*, בשגגה) erred regarding one of YHWH's prohibitive

---

[138] David Wright, "Atonement Beyond Israel: The Holiness School's Amendment to Priestly Legislation on the Sin Sacrifice (ḥaṭṭā't)," in *Atonement: Jewish and Christian Origins*, Eds. Max Botner, Justin Harrison Duff, Simon Dürr (Grand Rapids, MI: Eerdmans, 2020), 40-41. Wright explains that the rite could be an adaptation from previous blood-rites, but the complex as a whole is the unique creation of the Priestly corpus.

[139] Levine, *Leviticus*, 19; Milgrom, *Leviticus 1-16*, 229, 257.

commands and subsequently become conscious of their mistake and/or "feel guilt" (*wĕnôd'â haḥaṭṭā't, wĕ'āšēm*). The system assumes that people at all levels of society will become aware of their status within the system by means of revelation by priestly instruction or self-policing. For the system to work, the psychology of every Israelite must understand that they will bear the consequences (*nāsā' 'ăwōn*) and use the communication provided by the priestly system to avoid a negative outcome. Such a system requires an array of shared representations and metarepresentations about prohibitive commands of God, the consequences of violating these statutes, and the proper remedy for their violation. The priestly system thus expects everyone to accept the Aaronide priests as the authoritative mediators at the central shrine and their new program which includes sacrifices which replace the expiatory function of the *'ôlâ*.

Besides psychological factors, the *ḥaṭṭā't* prescriptions differ depending on social rank. Consensus amongst scholars maintains that two kinds of *ḥaṭṭā't* offerings exist: one for the inner-altar and one for the outer-altar.[140] Apart from the unique atonement ritual of Leviticus 16, the application of blood to the incense altar and sprinkling in front of the פָּרֹכֶת occurs only when the high priest has erred and/or when the entire community errs.[141] Because priests cannot benefit from their own error, they completely burn the inner-altar *ḥaṭṭā't* and dispose of its ashes.[142] Thus, the inner-altar *ḥaṭṭā't* only applies at the highest order of the social hierarchy—the leader of the priests, who occupies the top tier of the social strata and represents the society, which may imply that the error of the

---

[140] Gane, *Cult and Character*, 45-90; Levine, *Leviticus*, 18; Milgrom, *Leviticus 1-16*, 261-4.
[141] Milgrom, *ibid.*, 241. Milgrom asserts that the case of the high priest's error and the error of the entire community are concomitant.
[142] Gane, *ibid.*, 89-90.

priest and the error of the entire community represent the same case. The system realizes

that mistakes made by its primary operator (high priest) are the greatest threat to its

society. Gane acknowledges this when he writes that "the more serious the situation in

terms of the cultic status of the sinner, the more intimate and elaborate the transaction

with YHWH to make amends."[143] Milgrom speculates that the priest's error generates

impurity which acutely affects the sanctuary due to his social rank. The ancients possibly

believed such impurity might still exist in the flesh of the offering, which is why it was

burned.[144] Correct or incorrect, the fact remains that only this error, which affects or

represents the error of the society at large, can generate impurity which threatens the very

inner sanctum of YHWH's house.[145]

For all other applications of the *ḥaṭṭā't*, the priests apply blood on the horns of the

outer *'ôlâ* altar and receive the meat as a priestly stipend. Gane has proposed that

"consumption of purification-offering flesh serves to involve the officiating priest in the

process by which YHWH extends forgiveness to the offerer."[146] He has also convincingly

shown that the priests' consumption of the *ḥaṭṭā't* functions as part of the process to

purge the impurity, even if it is *post facto*.[147] Failure to complete the ritual by not

consuming the sacrificial flesh would have retroactively undone the operation to remove

---

[143] Ibid., 89.

[144] Milgrom., *ibid*., 239

[145] Of course, the atonement ritual also serves to cleanse the inner-sanctum of impurity generated by sins which may not have been expiated. My point here is that the singular error of the high priest/community in and of itself generates impurity which must be immediately remedied as soon as consciousness of the situation is attained because of the *sacred space* those errors alone threaten.

[146] Gane, *ibid*., 98.

[147] Gane, *ibid*., 105. I agree with Gane that the eating of the meat completes the ritual from an operational standpoint though I remain agnostic about whether the consumption itself secondarily purges the impurity. Contrary to Gane, but in agreement with Milgrom, *Leviticus 1-16*, 254-6, I see the function of the purification offering to be the removal of impurity from the altar alone and not the offerer.

the impurity, just as *šĕlāmîm* offerings which are not eaten during the appropriate timeframe are not accepted (*lō' yērāṣeh*).[148] The system's rationale argues that the priest's consumption of the *ḥaṭṭā't* functions to complete the operation.

James A. Greenberg has recently questioned the logical consistency of Milgrom's theory regarding the purging of impurity via the *ḥaṭṭā't* offering.[149] He mostly doubts the practical implications of a single purification sacrifice, offered for a single offense, to purge the entire sanctuary by means of the altar. He proposes a scenario in which three Israelites queue to present their offerings due to an inadvertent error. According to the theory of Milgrom, the first sacrifice should expunge the impurity altogether and make the following two unnecessary. Conversely, if the *ḥaṭṭā't* possessed some special coding to attack only the impurity produced by the offerer, the priest would slaughter the other sacrifices on a still-tainted altar, which should not occur. Greenberg concludes that Milgrom's theory consists of several correct ideas united under a single theory which does not work overall, despite the accuracy of its constituent parts.[150] His criticism rightly observes the practical inconsistencies which stem from Milgrom's desire to demonstrate the total coherence of the system in the text.

By adopting systems theory, however, we may additionally state that the text represents a first-order observation (that of the system) while scholarly studies constitute second-order observations. We must remember that the text does not intend to state everything about the system, nor can it see its totality. When we make scholarly, second-

---

[148] Milgrom, *ibid*., 429.
[149] Greenberg, *A New Look at Atonement in Leviticus*, 26-32.
[150] Ibid., 32.

order observations, we are seeing more than the priestly authors could articulate. Recognizing the character of second-order observations keeps us from forcing texts to conform to artificial expectations of comprehensiveness or absolute coherence. The system generates textual communication about itself to process specific problems, not to create a map of the whole system.

The picture generated by the system does not imply that the entire apparatus will halt if one single impurity affects its paraphernalia. Though the system would ideally maintain a completely pure sanctuary, the legal texts force observation to points of criticality to ensure that impurity does not reach a certain *threshold.* My car does not need to be at one hundred percent oil life to run smoothly. At a certain point, however, the oil will no longer be effective to ensure the proper running of the vehicle. Observation of the combustion engine in a car has led experts to suggest changing the oil every five thousand miles or so *before* the oil passes the point of no return. The priestly system works similarly. Though the texts never describe the exact number of errors which would trigger divine abdication of the Temple, it never presents God's dwelling there as a zero-sum game. The point of every inadvertent wrongdoer giving their payment for their mistake rests in the consciousness of the individual to do their part to prevent criticality from emerging. The texts use the relevant fear of divine abandonment to encourage self-policing among their adherents. The system deals with blood, altars, and impurity, but it relies on cognitive functions of humans to fear the system's failure, convict themselves, and make amends. We need not seek the "perfect" solution for making sense of the priestly system. We may simply acknowledge the system's inability to deal perfectly with the contingency of the world.

The *ḥaṭṭā't* (Lev 4:1-5:13) offering, like the earlier sacrifices, represents the transfer of agrarian-pastoral ownership to the holy realm whereby the priests use the essence or life-force (blood) to purge the altar of impurity. The wording of the previous sentence is crucial. The Priestly system does not assign the label *'iššeh* (food gift) to the *ḥaṭṭā't*. The system's avoidance of terminology related to gift-giving should not keep us from seeing the obvious: a party who errs regarding God's prohibitive commands brings their property (livestock) to the sanctuary whereby the hand-leaning rite is performed (identification and termination of ownership) and the priest uses the blood of the animal to purge impurity from the altar (and consumes the meat for himself). This stands for nothing less than an exchange of property to aid in the purification of the altar and (ostensibly) receive divine forgiveness. The system makes plain this exchange in property by grading the financial burden based on economic rank: "Greater ranks and status require a sacrifice of greater value."[151] From the perspective of the system, social and economic status determine the mechanism which allows the system to perform its function.

Systems-theory analysis posits that the "system's function or purpose is not necessarily spoken, written, or expressed explicitly, *except through the operation of the system*. The best way to deduce the system's purpose is to…*see how the system behaves*…Purposes are deduced from behavior, not from rhetoric or stated goals."[152] Inasmuch as the priestly system claims to remedy the problem of impurity and the contingency of YHWH's dwelling with Israel, the primary form of communication within

---

[151] Hess, "Leviticus," 616.
[152] Meadows, *Thinking in Systems*, 14. Emphasis mine.

the system consists of a structure of economic exchange and behavior. Even though the primary religious "sense" of the sacrifice deals with impurity, it also functions as payment for the priests.[153] On the material side of the equation, the system exists to support and feed the priests who run the system. The form of the system's communication is dominated and determined by the economic system in its environment. Far from being isolated and insular, the system *must* accommodate the economic structures and social hierarchies that enable it to persist. Even for the sacrificial offering which deals with the inner-most workings of the sanctuary, systems theory allows us to observe how integrated the system is with its social environment.

Contingency Formula: The Forced Purification Offering

In his treatment of religion as a social system, Luhmann maintains that religion's binary code allows the religious system to couple with human consciousness (individual psychic states).[154] This code, which for the Priestly system is holy/common//pure/impure, represents "nothing but a rewriting of the reality distinction into another form that is…more easily distinguished. It is then adapted to a new kind of experience of the world, making it more compatible with higher contingency."[155] The priestly system operated on binaries which excluded any third possibility. Within any given society, there are multiple complex social systems in tension. The relationships among these systems are far too complex for everything to fit neatly into a binary code. The Priestly Writings, as

---

[153] Brian D. Bibb, *Ritual Words and Narrative Worlds in the Book of Leviticus* (New York: T&T Clark, 2009), 85-86.

[154] Luhmann, *A Systems Theory of Religion*, 80.

[155] Ibid., 62.

the products of a religious system, developed "contingency formulas" for dealing with indeterminacy. A contingency formula seeks to untangle the paradox generated by the binary code and provide assurance that the system's operations will be successful; thus, it must suppress other possibilities.[156] God represents the ultimate contingency formula, specifically through divine revelation at Sinai or in the Tent of Meeting for Israel.[157] Within this larger idea of God as the ultimate contingency formula, systems theory reveals several operations in the Priestly system which function as contingency formulas.

Foremost, the entire ritual of the *ḥaṭṭā't* conceals a paradox regarding the binary of pure/impure. Milgrom notes the paradoxical nature of this sacrifice when he writes:

> It is the very mechanism of the purgation that helps clarify the paradox. In effect, the *ḥaṭṭā't* absorbs the impurity it has purged and for that reason, it must be eliminated by incineration. This means that anyone involved in the incineration of the *ḥaṭṭā't* is infected by it and must undergo purification…This, then, is the nature of the burnt *ḥaṭṭā't*: it transmits impurity from the purified to the purifier. Hence it purifies the defiled and defiles the pure.[158]

Divine revelation of the sacrificial system resolves and conceals the paradox about the nature of the pure/impure (and holy/common). The very rite which removes impurity transmits it. Objects which have not been consecrated can become holy (i.e. forbidden for common use) by dint of contact with sacrificial meat (Lev 6:20) The divinely ordained *ḥaṭṭā't* helps assure offerers that altar impurity has been removed, even if the boundaries of purity/impurity are crossed within the rite. The paradox is only unraveled by the notion

---

[156] Ibid., 106-7.
[157] Ibid., 111-120.
[158] Milgrom, *Leviticus 1-16,* 272.

that God commanded Moses and Aaron to perform it, thus ensuring successful

communication and removal of impurity.

A further contingency formula appears in the *ḥaṭṭā't* found in Leviticus 5:1-13 as

an appendix to the regular *ḥaṭṭā't* of Chapter Four.[159] The earlier prescription for the

ḥaṭṭā't allows for altar purification when someone unwittingly violates one of God's

prohibitive commands. But what about violations of performative commands like the

obligation to fulfill oaths or to purify oneself after the contraction of impurity?

The Priestly writers present four borderline cases in which a *ḥaṭṭā't* should be

presented: (1) the failure to provide testimony after receiving a public imprecation to do

so; (2) failure to purify oneself after contact with an impure animal's corpse; (3) failure to

purify oneself after contact with human impurity; and (4) failure to fulfill a vow.

Contracting impurity and oath-making are not illicit; they are presumed to be part of

normal life. The problem arose, however, when the prolongation of impurity occurred

outside of the prescribed timeframe needed for purification.[160] Unfulfilled oaths, parallel

to other ancient Near Eastern examples, also generated impurity within the priestly

system.[161] Test cases two through four deal with the violation of performative commands

which prolong an impure state.

The first test case (Lev 5:1), however, deals with a person who has deliberately

withheld testimony after hearing an imprecation.[162] The person is not liable for an *'āšām*

---

[159] Milgrom, *ibid*., 310. The designation of the purification offering as gradient is Milgrom's term. As I have already mentioned briefly and will describe in more detail later, a binary operation cannot possess gradience.
[160] Ibid., 298.
[161] Ibid., 313.
[162] Ibid., 314.

offering because they did not desecrate the divine name by taking a false oath. Furthermore, the priestly system does not overturn the imprecation outright; the guilty party bears the consequences (*wĕnāśā' 'ăwōnô*) of their inaction. Leviticus 5:4-5 gives a general impression of the sequence for all the remaining cases: the error somehow evaded the consciousness of the person (ונעלם ממנו), then the person realizes what happened (והוא ידע), the person remains in a state of guilt regarding one of these offenses (ואשם לאחת מאלה). Since such a person is guilty (וְהָיָה כִי־יֶאְשַׁם לְאַחַת מֵאֵלֶּה), they must make a confession at the sanctuary and offer a scaled-back version of the *ḥaṭṭā't* based on economic rank. By the public acknowledgment (confession) of intentional wrongdoing, the system creates a legal fiction which transforms conscious sin into unconscious sin.[163]

Luhmann claims that "the problem of the contingency formula is therefore conveyed as a need for supplements, auxiliary institutions, and finally professional assistance" to the degree that the system may forcibly impose itself by "transgressing boundaries" of its own creation.[164] Not only did the priestly system create a means of purging impurity for circumstances outside of the norm (Lev 4), but it allowed the sacrifice for the borderline case to consist of semolina, which was not comprised of the purging agent of blood! Milgrom guesses that the concessions reflect ambivalence in the priestly system regarding the impurity generated by these offenses.[165] In other words, because the offenses are borderline cases, the system's solution can also blur the program rules needed to purge the impurity. We should note that the mechanism for achieving this concession is an economic scale. The priestly purity system was so tightly coupled to the

---

[163] Ibid., 295, 369.
[164] Luhmann, *A Systems Theory of Religion*, 107-9.
[165] Milgrom, *ibid*., 315-6.

133

economic system of its environment that it scaled all forms of sacrificial communication on its basis. Just as the sacrificial communication ascended in price relative to the social rank of the offender, so too it grew based on the contingency relative to the binary construction. Offenses which did not neatly fit the binary were economically scaled to accommodate the contingency of the borderline cases.

Milgrom proposed a plausible explanation for the multiple concessions made within the contingent ḥaṭṭā't. I would like to supplement his speculation with my own. The priestly system created a structure that operated based on the binaries holy/common and pure/impure. The binary pure/impure, which operated in the sphere of the common could have effect on the realm of the holy. Willful violations of the covenant with YHWH (בְּיָד רְמָה) would result in kārēt, another contingency formula whereby the deity, not a human, executes the offender's punishment.[166] Only inadvertent violations and subsequent guilt allowed a person to provide the means for expiation. But one commonality exists between cases punishable by kārēt and the circumstances considered in Lev 5:1-3—the private nature of the act. Cases in which kārēt functions as the punishment "assume that the sin takes place in private so that only the deity is aware of the crime."[167] Similarly, the cases put forth in the prescription of the indeterminate purification-offering presumably take place outside of the public eye. Only the witness who hears the imprecation could know about their responsibility to supply testimony. Only the person who has contact with the corpse of an impure animal could attest to the fact. Though contact with human impurity could ostensibly be known by the person with

---

[166] Milgrom, *ibid*., 457-8.
[167] Milgrom, *ibid*., 460.

the source impurity, the contact likely happens in private and requires the person who contracted the secondary impurity to self-police and perform ritual purification. A person's vow to God stays between the individual and the deity; there is no need for the broadcast of unfulfilled vows by mistake. All the hypothetical situations in Lev 5:1-3 occur in the private sphere and require individuals to self-report their violations, which they may be unwilling to do due to uncertainty about their exclusion from the community and/or divine punishment. The contingent version of the *ḥaṭṭā't* offers individuals who have discovered guilt outside of the public sphere a way out; it transforms "the indeterminable into the determinable."[168] It also creates conducive conditions for people to confess their violations of borderline cases and remedy those offenses with the system's operations (sacrifice). The system has thus resolved a paradox through the contingency formula of the borderline *ḥaṭṭā't* and generated a means of socializing individuals into its system.

The *'āšām* Offering

The *'āšām* represents the final sacrificial offering in the priestly repertoire. It specifically redresses "sacrilege against the sancta or sacrilege involving oaths" characterized by the term מעל (*ma'al*).[169] The Priestly system designates this offering alone as convertible into monetary payment.[170] The "guilt offering" makes reparations for any damage caused to the sancta. Scholarly debate persists over how a person would compensate the damages to

---

[168] Luhmann, *A Systems Theory of Religion*, 111.
[169] Milgrom, *Leviticus 1-16*, 320.
[170] Ibid., 327.

sacred property. Following Milgrom, the most rational explanation would describe the

'āšām as making full restitution for the damages, in which the priest "assesses both the

equivalent value of the animal and the monetary equivalent of the involved

desecration."[171] This interpretation also receives merit based on the terminology יְשַׁלֵּם

(*yĕšallēm*) which denotes whole restoration. The sacrifice also entails a fine of one-fifth

of the principal value (Lev 5:16). Based on the *tôrâ* regarding the *'āšām* in Lev 7:1-6, we

may also assume that with the money brought to the sanctuary the offending party

purchased an animal from the priestly stocks, since the ritual essentially mimics the

ḥaṭṭā't.

Like the *ḥaṭṭā't*, the *'āšām* pericope also includes a contingency formula for

uncertain violations (Lev 5:17-19). If a person is ignorant (or not certain) that they have

transgressed a prohibitive command of YHWH (וְלֹא־יָדַע) they remain guilty (וְאָשֵׁם) and

will bear the consequences.[172] Ignorance is not a defense. The priestly system offers a

means of making restitution, however, once the perpetrator becomes aware of the fault.

The system demands sacrificial communication in this regard for the benefit of the

system (since the Temple and its administration receive the recompense) and for the

assuagement of the individual conscience.[173] Because systems are only *operationally*

closed (they deal only with their own function) any involvement of human beings and the

---

[171] Ibid., 326-327.

[172] Contra Milgrom, *Leviticus 1-16*, 343-345. Milgrom contends that ואשם must be rendered "feel guilt" because he perceived the concept of incurring guilt and standing liable for an offense as tautologous. Yet the priestly literature is replete with tautologies. Though biblical authors did not shy away from discussing the psychological distress of divine affliction for perceived offenses, no compelling biblical data exists to persuade me to render the stative verb אשם as a *feeling* of guilt. The plain sense of the stative allows us to render the term as "*is guilty*" and not complicate it with notions of emotive freight.

[173] Milgrom, *Levticus 1-16,* 342-345. Again, Milgrom makes much of the psychological component of feeling guilt. He is correct that consciousness plays a role in the awareness of a fault being committed, but he overstates the sacrifice's role in pacifying a tortured psyche.

indeterminacy generated by their participation forces the system to develop these

paradoxical contingencies. When we observe these contingency formulas, we are

witnessing the fact that the system is not entirely closed but affected and irritated by all

the possibilities that the human devotees might bring in from the outside. Though the text

reveals the concerns about damage to the system and its paraphernalia, it cannot remain

insular. It must consider all the ways human interactions might affect its operations. The

system deals with contingency accordingly.

Also, like the *ḥaṭṭā't*, the medium of the *'āšām* makes a concession for

transforming a private, willful violation and desecration into one mitigated by

sacrifice.[174] Milgrom, unintentionally using systems-theory concepts, again describes the

"paradox" by which a deliberate crime could be commuted to the realm of an error

repairable by sacrifice.[175] The religious system has no control over these private

situations in that it, like all real-world systems, cannot establish itself as a system closed

to the irritations in its environment. Levine comments on the system's ambivalence

toward the trustworthiness of oaths regarding fraud or stolen property in the secular

realm: "[T]here were no witnesses to the crime... [so] the usual laws of testimony were

not applicable. When sued, the defendant lied under oath and claimed no

responsibility...the aggrieved party had no further recourse and sustained an irretrievable

loss."[176] Because the system had no control over the information privy to the psyche of

the offender alone, it depended upon triggering the psychic system into confessing and

making restitution by dint of divine punishment. The offender would normally be subject

---

[174] Milgrom, *ibid*., 365-373.
[175] Ibid., 373.
[176] Levine, *Leviticus*, 32.

to divine punishment for such "high-handed" violation and implementation of the divine name to swear falsely about it. The system, however, devised a way in which the guilty party can have their sentence commuted from a willful violation to an inadvertent error. The system could not tolerate the indeterminacy generated by the un-apprehended thief who used God's name to falsely swear innocence. Instead of allowing the impurity to run amok until the transference ritual on Yom hakippurim (Lev 16), the system relied on rattling the psychic system of the individual toward confession and reparation by means of the *'āšām*. Thus, the person could obtain atonement for their intentional deceit while the sanctuary received compensation for the blasphemy of making God an accomplice to the crime.

Milgrom is a bit too apologetic when he dichotomizes the portrayal of the Priestly system as either "hounding the conscience of man" or bringing "its therapeutic balm" for the tortured psyche.[177] The system quite obviously performs both functions; it supplies both the irritation and the operation to provide remedy. If the guilty party makes restitution to God and the defrauded person, the system allows the transgression of its own boundaries for the sake of reducing indeterminate scenarios beyond its reach.

A systems-theoretical approach to the *'āšām* brings sharper relief to the coupling of the religious system of the priestly cult and the economic system. At the level of general description, the Priestly system is primarily concerned with rectifying damages to its sacred property. The crucial information that needs to be communicated within the system is that restoration, specifically with capital. The system even possessed its own

---

[177] Milgrom, *Leviticus 1-16*, 378.

means of valuation (בשקל־הקדש). Luhmann explained the need for religious systems, like the one which produced the Priestly Writings, to couple with a nonreligious system:

> [T]here was also a religion system...*that integrated several nonreligious activities and resources*, and that also had to *communicate about them*. There were matters of buildings and administrations, of subordinate personnel, and of relationships that were *external to the religion system but nonetheless still occurred within society*…On the one hand, the operations were determined in view of the current state of the system and of their capacity to connect with the system. On the other, their orientation derived *from a construction of the world aligned with the system*.[178]

With the creation of the official Aaronide cult, a priestly organization devised a religious system wherein entry into or use of certain spaces, roles, and objects became taboo. The religious system, reflecting the social hierarchy of its environment, assured its participants the resolution of indeterminacy through the special roles and knowledge of priests. Because the system reflected and re-enforced the dominant social hierarchy, it also had to supply protocol for the encroachment of the social demarcations. Holy objects or spaces differed from common objects or spaces only by dint of social access. Once a sacred object, demarcated by the priests' access to it, became corrupted by sacrilege, there was no ritual for re-consecrating it.[179] The priestly system borrowed contemporaneous legal and economic communications to repair damage done to cultic property.[180] It possessed an operation which dealt with a shortage within the state of the system (desecration of Temple property). To accomplish this operation, the system had to

---

[178] Luhmann, *A Systems Theory of Religion*, 138. Emphasis mine.
[179] Milgrom, *Leviticus 1-16*, 328.
[180] Hess, "Leviticus," 624. Hess remarks on the similarities and dissimilarities between Leviticus and the Code of Hammurabi. As to whether the authors of Leviticus modelled their legal rulings directly on other ancient law codes and how contemporaneous Leviticus was to Hammurabi, I remain agnostic. Of interest here is the priestly use of a form of law and economy to solve a cultic problem.

borrow an operation from its larger social system (the economic system and the legal system).

Systems theory thus changes the way we view the priestly caste's conceptualization of the Israelite Temple. Political, legal, economic, and religious systems are always contingent upon one another in a given environment. In antiquity, the political system of the monarchy exploited the religious system to gain legitimacy and exercise power beyond their political jurisdiction (Psalm 2); monarchs, as the divine representatives of power, had recourse to temple treasuries and functioned as temple patrons on behalf of the divine. Analysis of texts that originated outside of the priestly system instructs about just how intrusive the monarchy could be in exercising its power in cultic matters. The Deuteronomistic History contains multiple examples of monarchic control over the cult for political purposes. Solomon is described as the provider of temple building materials and provisions (1 Kings 6-7), specifically the deposit of monarchic *wealth* (economic system) donated to the Temple treasury (1 Kings 7:51). 1 Kings 8 also describes him as offering sacrifices (8:62-64) and officiating in prayer and communal blessings at the dedication of the sanctuary. Elsewhere Hezekiah could apparently dispatch agents to the Temple treasury for political payments (2 Kings 18:15-16), likely to the chagrin of the priesthood. Though 2 Kings 23 describes the "discovery" of the scroll of instruction by priests and scribes, it is king Josiah who declares observance of the Passover/Matzot festival.

Extrabiblical texts confirm the ability of the monarchy to fund and interact with temples for political purposes. The archives of Mari and neo-Assyria clearly demonstrate

the dependence of cultic spaces on the monarch to patronize them.[181] The political system

of the monarchy in Israel and elsewhere in the Levant was thus tightly coupled to the

religious and economic systems. Though kings owned the dominant political power in

Israelite society and control over most economic measures, they depended on the cultic

system for legitimacy and extending the reach of their power in society. These examples

of coupling among the monarchic, economic, and religious systems do not compromise

the integrity of any of those freestanding systems. Each are differentiated from the others

and perform their own unique function within the society. We should, however, focus on

the degree to which a system might rely on a coupling with other systems.

The Deutornomistic historical texts cited above depict a scenario in which the

monarchy required coupling with the religious system. Yet the Priestly literature of the

Torah never demonstrates a need for a monarchic system. From the observational

standpoint of the priests within the priestly system, we observe a tight coupling to the

economic system, but a deafening silence regarding a dependence on the political

monarchy. The missing king of P and H has received treatment by Milgrom who posited

that the absence is the result of the solely religious focus of the material.[182] But many

ancient Near Eastern textual corollaries focused on religious organizations (temples)

confess their dependence on monarchic patronage to function.[183] An application of

systems theory makes obvious that the priestly system could ignore the monarchy *only in*

the absence of the monarchic system. The priestly system was just as capable of adopting

---

[181] Martti Nissinen, *Prophets and Prophecy in the Ancient Near East* (Atlanta: SBL Press, 2003), 6, 16-17, 35, 49, 52, 55, 73, 120-1, 123, 143-4, 146. These records describe praise for a monarch's patronage, critique for neglect, and mention the monarch's role in supplying the means for ritual enactment.
[182] Milgrom, *Leviticus 17-22*, 1414.
[183] Martti Nissinen, *Prophets and Prophecy in the Ancient Near East*, 6, 16-17, 35, 49, 52, 55, 73, 120-1, 123, 143-4, 146.

and exploiting political structures to achieve its goals as the monarchy was able to construct its legitimacy by means of the cult. Both the political and religious systems always occupied the same social environments. They thus constantly required means of accommodating and taking advantage of one another's communications. But two separate systems, the political and religious, cannot have the same function in a society and coexist. Priests and monarchs could not prescribe laws about the building of altars, plowing of fields, and who can tenure land *at the same time* without massive confusion. The priests could only have envisioned such legal powers over the entire Israelite society in the absence of a political monarchy which normally held those powers.

The narrative about Joash's instructions for the repair of the Temple in Jerusalem (2 Kings 12) reflects the distinctiveness of the monarchy from the cult and demonstrates ambiguity about the monarch's control of the religious system and its economy. From the perspective of the Deuteronomic History, the monarch initiated the repairs to the Temple and mandated how sacred funds should be distributed, namely money brought to the Temple for the valuation of human being dedications and votive donations (כל כסף

נפשות ערכו כל־כסף אשר יעלה על לב־איש הקדשים אשר־יובא בית־יהוה כסף עובר איש כסף

להביא בית יהוה). The priests, however, disregard this directive which caused Joash to institute monarchic oversight to pay the workers directly for the desired repairs (2 Kings 12:7-15). The only money beyond the reach of the monarch was the funds from the sale of the *ḥaṭṭā't* and *'āšām* animals (2 Kings 12:16).[184] The Deuteronomistic History reflects

---

[184] I do not use this narrative as "historical proof" that P is pre-monarchic or otherwise. I only bring it into the discussion to demonstrate that a text outside of the Priestly Writings (and priestly system) depicts what the monarch ostensibly could or could not do with respect to the sacred system's property. Locating P in the pre- or post-monarchic age based on the information given in Leviticus 1-7 or the narrative in 2 Kings 12 would be an argument from silence.

a desire to preserve a role for both the monarchy and the cultic system's historical legacy. The priestly system reflected in the Torah, however, maintains no such concern.

We can characterize the priestly system better when we understand it as a distinct binary system (holy/common) adapting to the non-binary aspects of its environment. The version of reality generated by that system used political and economic structures available in its environment, without needing to explicitly call attention to them. Sacrifice was a means of communicating its system's operations on behalf of its society. The sacrificial materials as communicative media transformed an economic structure of exchange into a religious "sense" that both achieved its transcendental goals and funded the sanctuary and its personnel. Though its operations only functioned for the system, it remained open to its environment by coupling with other systems to transform ordinary transactions into sublime communications about, to, and on behalf of YHWH.

Summary

Systems theory's concept of SGCM permits us to understand that the priestly social system communicates primarily through the transformation of the exchange of property/money. It embellishes our descriptive powers, offering insights into the priestly theory of sacrifice. Without agricultural-pastoral inputs, the system cannot communicate; it cannot appease YHWH, purge impurity (attributions deemed culturally relevant to individual Israelites), feed its administration, or fill its coffers. When we reduce the unit of analysis to *the system*, we see that material exchange is *part of* the system's communication but *not the system itself*. The system also utilized other systemic

structures to operate, even if a large portion of its communication involve material exchange of some kind.

The acceptance of material transactions, *believed to accommodate a transcendent being*, is the backdrop for the priestly system's creation of religious sense-making. Thus far, I have elucidated that systems must create externalizations of themselves in a process of "doubling" reality. This externalization is the map on which the system charts its operations, the stage on which it acts. A religious system must work double-time to achieve this. It claims to make sense of the transcendent, invisible realm. The map it creates must make use of visible structures from other systems in its environment. The system-sketch outlined in this chapter revealed the system's code (holy/common//pure/impure) by which it makes manifest the other-worldly and draws the visible distinctions between the two. We have also analyzed the medium by which the system communicated and performed its operations. The means by which the system distinguishes itself from its environment and the media it uses to accomplish this all pertain to the actual domain of the system; how it sustains itself and persists. But as I have described, the closure of the system's function does not mean that it is entirely insular or cut off from the outside world. The system can only do what it does because factors in its environment provide the *possibility* for it to do so.

Our study must now turn to an evaluation of the priestly system's environment which provided the conducive conditions for its existence. We must consider cognition's role in allowing the system to function. Without human psychological systems, the system possesses no rationale for the conversion of material goods into a divine communication device. Through principles of relevance and shared cultural

representations, the human mind brokers the exchange of property as a transformed medium capable of acquiring a socially agreed-upon status of purity and absolution. This is a paradoxical aspect of religious systems.

With systems theory, however, we can offer a unique description of the priestly system. We can see how the cult is deeply integrated with a variety of other social systems. The environments which provide the conditions for the system range from cognitive states of the human mind to the economic system's communication by means of precious goods and property. The theory put forth in this chapter demonstrates how the priestly system *mediates* a mode of exchange whereby a person can acquire *a psychological state by means of property*. From the scholarly (second-order) vantage point, the simple behavior of the priestly system as described in the literature resembles an exchange system in which the top rung of the social hierarchy (the priestly mediators) gain material wealth and sustenance by divine sanction from the lower level of society (laity). The function of the priestly system consisted of marking objects as either holy or common, pure or impure *for the benefit of the system*.

The relevance of this priestly system for its society, however, is best described by making explicit the competing communicative systems within its environment: the cognitive systems of individual Israelites and the different political and economic environments in which it existed. By describing these environments and their relationship to the priestly system, we can arrive at a new understanding of the different linguistic usages and ideational shifts between P and H in the Pentateuch.

CHAPTER THREE: THE ENVIRONMENTS OF THE PRIESTLY SYSTEM

The previous chapter described the priestly system *as a discrete system* by revealing how the priests differentiated the system from its surroundings. The code which enabled this separation consisted of the binaries holy/common and pure/impure. From the intrinsic perspective of the system, the medium of sacrifice allowed the system to communicate and offer a form of "sense" to its society. On one intrinsic level, the system traded in and transformed property into system-communication. Priests slaughtered members of the flock or herd, disposed of innards and blood, and destroyed, consumed, or distributed the meat, depending on the sacrifice. Without any appeal to psychology, we would call this the intrinsic activity of sacrificial ritual; that is, what observably happens in an action without symbolic or meaning ascriptions supplied by cognition.[1] Burnt offering rituals, from the standpoint of intrinsic activity, entail the transformation of a live animal into a skin for the priest, blood and ashes for the altar.[2] Without cognition, *only* that basic transformation occurs.

The Hebrew texts which describe sacrifices, however, include the promise that successful adherence to its ritual programs will reduce the amount of contingency in the world and ensure divine protection. Burnt offerings will attract the deity. Purification offerings (חטאת) will remove impurity from the sanctuary and bring about forgiveness.

---

[1] Roy Gane, *Ritual Dynamic Structure* (Piscataway, NJ: Georgias, 2004), 34. Gane calls intrinsic activity the primary task of the ritual. In the case of the burnt offering, this means turning a live animal into bloodstains and ash. That represents the sum intrinsic activity of the burnt offering ritual because, empirically, that is all that occurs.

[2] Gane, *Ritual Dynamic Structure*, 41.

These ascriptions of the efficacy of sacrificial communication involve more than the intrinsic activities dealing with the blood and guts of an animal. Notions of invisible, but material, contagion, divine appeasement, or a transferral of purity status include human cognition to bring coherency and perceived efficacy to a sacrificial ritual. As Gane has stated, cognition ascribes meaning to ritual actions and unites that meaning to the intrinsic activity.[3]

Any system entails exchanges that move beyond what is communicated explicitly. This is true of human speech and systems-communication. Through implicature, we constantly go beyond explicit communication to provide the assumed context and implications by which we can make sense of the communication and perceive it as relevant.[4] A system's operations and communications always operate *for the system*, but that does not mean that the system's environments contribute nothing. The system requires its environment so that it can differentiate itself from it. In that regard, we must discuss the environments on which the system devised by the priests relied. Systems only operate successfully when they adequately couple with human minds and relevant social systems in their environment. I wish to elucidate further the cognitive environments the priestly system sought to persuade and the historical social systems with which it coupled.

The present chapter will address these "environments" which allowed the system depicted in the literature to persist. In the first section, I will deal with the parts of the priestly system which directly relied on human cognition—in the Luhmannian sense I

---

[3] Gane, *Ritual Dynamic Structure*, 79, 329-331.
[4] Dan Sperber and Diedre Wilson, *Relevance* (Oxford: Blackwell, 1986), 250.

will introduce later—to "make sense." The system devised operations commonly designated as "ritual," in which sacrifice does not occur at all or in which sacrifice represents only one constituent part of a larger ritual complex. Of relevance for this discussion are the Yom hakippurim ritual complex, kashrut laws, and time observance. This study does not intend to be a commentary on ritual theory. I have incorporated some recent discussions which use the discourse of ritual theory with the aim of supplementing these analyses with a systems way of thinking about ritual. I intend to offer a systems-theory approach to understand how certain ritual acts "communicate" with God and within society.

In the second section of this chapter, I will argue that analysis of the interaction of system and environs permits a rich description that can account for the stratification of priestly literature in the Pentateuch. That corpus, largely found in Exodus 25 through the end of Numbers, describes *a single system with a view to multiple historical environments*. The scholarly discourse regarding P and H often exaggerates the irreconcilable nature of the literary strata. While previous scholarship correctly divides the Priestly texts of the Torah into two observable strata (P and H), a systems-theoretical analysis reveals that the constituent parts of the cultic system *never fundamentally change* in the literature. I will strive to demonstrate how P and H use the same systemic *code* and *communication*. I will also attempt to explain how the ideational and rationale differences between the two strata represent a societal shift *in the system's environment*, to which the literature responded. Due to an intensification in the stratification of society, the system "updated" the literature in order to ensure its survival in a new social context. In this effort, I hope that I can supplement scholarly discourse regarding the textual development

of the Priestly literature of the Pentateuch. By focusing on the environment of the system, we can understand how the same religious system could produce literary strata which differ in several regards.

Cognition's Role in the Priestly System

Luhmann contended that the human mind constituted an external environment for social systems and vice versa. I have attempted to modify some of Luhmann's more radical notions regarding the complete separation of the human mind from social systems. I would contend that human consciousness and religious systems depend so heavily on one another that we cannot thoroughly decouple them. Earlier, I supplemented Luhmann's ideas with the work of other systems theorists and Sperber and Wilson's work, *Relevance*. Now I will briefly consider the role of human cognition in giving plausibility to the operations of the religious system which produced the Priestly Writings found in the Pentateuch.

The previous chapter confirmed that the operations of the system, at the social level, all took place on the empirical, observable, and intrinsic levels. A person who erred transferred a bull to a priest who took the meat, sprinkled the blood, and considered the errant person's obligation fulfilled. Material property exchanged for other material property constitutes an economic system. The process just described, however, consists of material goods exchanged for a psychological state—the idea that one has been forgiven, that an impurity has been removed, that indeterminate factors have been

resolved. No intrinsic, tangible objects return to the person offering a sacrifice. How does the existence of a system explain this exchange?

Scholars widely attribute supreme importance to the role of cognition in ritual actions like (but not limited to) sacrifice. Catherine Bell's foundational study has shown how theoretical discourse surrounding ritual structures the conversation according to "the differentiation and subsequent reintegration of...thought and action."[5] Roy Gane and Frank Gorman have also commented on cognition's task within the establishment and enactment of rituals.[6] We must be cautious at the outset of an inquiry regarding the interrelations between cognition and social systems. Different societies and systems use ritual communication differently.[7]

Ritual theory and systems theory tend to agree that ritual does not necessarily control cognition, so much as it presents a model of reality relative to the system's ritual.[8] Too much of a circular, recursive relationship exists among systems, ritual communication, and the human mind to favor any one over the other in dominance.[9] Consistent with our description of systems and their communication, I will expand upon how ritual functions as communication in the priestly system. This means that the ritual serves to orient an observer within the system's construction of reality. I will argue that the priestly system privileged a set of oppositions which it communicated through

---

[5] Catherine Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1992), 16.
[6] Gane, *Ritual Dynamic Structure*, 329-331; Frank H. Gorman, *The Ideology of Ritual* (Sheffield: Sheffield Academic Press, 1990), 24.
[7] Bell, *Ritual Theory, Ritual Practice*, 176.
[8] Bell, *ibid*., 170-175.
[9] Ibid., 140.

specific rituals and provided a meaningful map of reality for individual minds within its society.

That sacrificial and non-sacrificial rituals involve tangible exchanges of livestock or money for a cognitive pay-off does not imply that cognition is immaterial. Sperber has demonstrated that the brain states involved in cognition, the production of cultural representations, and the systems that underly them are in fact *material*.[10] This means that the psychological relief gained by believing that impurity has been removed from a sacrificial altar is just as material as the stones that make up the altar or the blood of the bull dabbed on its corners. A systems-approach to ritual realizes that even the exchange of costly livestock for the cognitive understanding of a purged sanctuary and absolved consciousness represents a material exchange. This brief investigation into the way in which the priestly system produced a body of knowledge about the world and located individual Israelites within that discourse seeks to define the extent to which the human cognitive system functions as a necessary environment for the social system of priestly religion.

Kashrut Laws

Leviticus 11 contains a substantial list of foods which the priestly system deems unfit for consumption and marks as unclean. This passage is a subset of the larger purity laws discussed in Leviticus 11-15 wherein a variety of purity laws define objects and states of being which disqualify persons from participating in the religious system and the

---

[10] Dan Sperber, *Explaining Culture* (Oxford: Blackwell, 1996), 25-26.

subsequent means of being readmitted into the system. Using the laws of kashrut, we will briefly remark on how the dietary restrictions found in Leviticus 11 assist in constructing a system-map of reality for human cognition to reify.

The text of Leviticus 11 begins by communicating that the laws of kashrut derive from a direct command from YHWH, mediated through Moses and Aaron (v. 1-2). The system assumes the incorporation of sacrificial animals as pure and thus only defines non-sacrificial animals in its categorization.[11] Such non-sacrificial animals deemed edible and pure are quadrupeds with cleft hooves which chew the cud (כל מפרסת פרסה ושסעת פרסת מעלת גרה שסע), water animals with fins or scales (כל אשר־לו סנפיר וקשקשת), and flying insects that walk on four legs with joints above their feet (־מכל שרץ העוף ההלך על ארבע אשר־לא כרעים ממעל לרגליו), while other exclusions are deemed as sources of impurity.[12]

Functionalist explanations of the purity laws have claimed that "the mirror of nature" lends credence to the social practices of dietary restrictions.[13] Such arguments propose that the "naturalization" of the rules which determine social relationships and practices function to socially dominate participants. Rituals and rules exist to produce social cohesion to reproduce the society and enculturate users into the system.[14]

---

[11] Milgrom, *Leviticus 1-16*, 647.
[12] Lev 11:3, 9, 21 respectively in Hebrew above. Note the *Q./K.* where אשר־לו is the reading.
[13] Mary Douglas, *Purity and Danger* (London: Routledge and Kegan Paul, 1966).
[14] John H. Choi, *Traditions at Odds* (New York: T&T Clark, 2010), 51; Valerio Valeri, *Kingship and Sacrifice* (Chicago: University of Chicago Press, 1985), 343-344.

Other theorists have suggested that functionalist interpretations do not explain the emergence of phenomena within systems or society.[15] Rituals and the rules that govern them allow for much more ambiguity than some explanations permit. Just as rituals integrate members into a system, they also distinguish them from other systems; they can establish traditions or subvert them; they can control social roles or negotiate them.[16] The dialectic of ritual communication reveals a non-linear relationship among minds, rituals, and systems.[17] Priestly religion suggests that Israelites *are* (metaphorically) flocks, herds, fields. The dietary laws impose the notion that how one behaves with respect to these animals reflects the order of society. The metaphorical animals constitute the model animals for establishing the system's binary codes.[18] Anthropologists and social theorists understand kashrut within the priestly system as an enactment of "the metaphorical structures that control Israelite thinking."[19]

The function of social cohesion in religious communication only serves as a description, not an explanation. As Sperber has established, an explanation of this functional power of the system can only arise once we can establish a feedback mechanism and show how the ritual encourages beneficial effects toward human survival in a context.[20] The macro-phenomena of something like the dietary rules within the priestly system only emerges from the multiple micro-mechanisms of individuals'

---

[15] Sperber, *Explaining Culture*, 47; Eilberg-Schwartz, *The Savage in Judaism*, 123-125.
[16] Bell, *Ritual Theory, Ritual Practice*, 130.
[17] Eilberg-Schwartz, *ibid*., 124; Bell, *ibid*., 23; Gorman, *The Ideology of Ritual*, 21.
[18] Eilberg-Schwartz, *ibid*., 125.
[19] Eilberg-Schwartz, *ibid*., 126. This comports with how Frank H. Gorman describes ritual as making "public the multiple and complex relationships embodied in society..." in, *The Ideology of Ritual*, 22.
[20] Sperber, *Explaining Culture*, 47-48.

cognition and the transmission of representations in inter-individual communication.[21] The system's distribution of clean and unclean animals then stems from ecological factors and the store of shared representations passed down through tradition. Thus, the ecological distribution of livestock raised within Israelite society, coupled with the psychological factors to which the priestly authors appeal by linking their laws to previous tradition (Deut 14:3-20), can explain why the system established the binary pure/impure along lines of the priestly kashrut as we have it.[22]

The fact that the priestly system incorporates older traditions into its own programs perfectly describes how the religion invents its own subversive tradition.[23] Gastronomy regulations pre-dated the priestly system, but the authors of Leviticus have subsumed the previous traditions to comport with their own ideology of society described in Genesis 1.[24] The re-invention of the dietary laws for the priestly system, however, provides a daily stage for "realizing" the system at work in their society. The act of eating becomes a dramatization of the dominant metaphors in the society.[25] Fishbane confirms this from a scribal perspective when he describes the priestly colophons which "reauthorized and personalized" older materials against the backdrop of *imitatio Dei* (Lev 11:44-45, 46-47).[26] Eating impure animals disqualifies one from participating in the

---

[21] Ibid., 50.
[22] Eilberg-Schwartz, *ibid.*, 219.
[23] Ibid.; Bell, *Ritual Theory*, 120.
[24] Milgrom, *Leviticus 1-16*, 720.
[25] Eilberg-Schwartz, *ibid.*, 125.
[26] Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 259.

system which ensures social order by imitating God and retaining God's protective presence.[27]

The priestly system functions as an institution to distribute these ideas about purity and diet among its members on the basis of ecological context and cognitive relevance. The authority of tradition ensures its relevance to Israelite society.[28] Cognition, along with ecological environment, explains the efficacy of the kashrut laws within the priestly system. They exploited the immediate physical environment of the people who would participate in the system and appealed to the cognitive mechanisms which already realized the relevance of past traditions. Observance of these purity laws and relevant dietary restrictions internalized the social values of purity and holiness.[29]

Yom Hakippurim

The textual depiction of the annual atonement ritual in Lev 16 is composite.[30] Some scholars presume that the composite nature of the text renders a ritual analysis moot since, apparently, the constituent, discrete, and previously unconnected components would not contribute to a coherent system of ritual.[31] Ritual theory and systems theory argue the opposite. This study maintains that systems incorporate, or "couple with," external, environmental constructions as a means of organizing themselves. Bell has

---

[27] Jonathan Klawans, *Purity, Sacrifice, and the Temple* (Oxford: Oxford University Press, 2006), 46.

[28] Sperber, *Explaining Culture*, 50, 75-76.

[29] John E. Hartley, *Leviticus* (Dallas: Word Books, 1992), 163-164.

[30] Milgrom, Leviticus 1-16, 1012; Fishbane, *Biblical Interpretation*, 259; J.R. Porter, *Leviticus* (Cambridge: Cambridge University Press, 1976), 124; Gorman, *The Ideology of Ritual*, 63-73.

[31] Gane, *Cult and Character*, 32.

shown how ritual theorists argue that ritual, as a system and used by systems, functions to invent tradition and subvert older meanings.[32] Luhmann argued strongly for the notion of "structural coupling" in which an abundance of pre-systematic elements existed for a system to incorporate for its own purposes.[33] Geertz similarly argued for this kind of differentiation when he stated that culture represents the set of all possible ideas while the specific forms of those ideas belong to the social system.[34] Israelites more than likely had mental and public representations of the scapegoat ritual, emergency temple purification, priests, sacrifice, and apotropaic properties of certain plants, spices, and blood before the priestly system unified them in its specific, prescribed systemic operations.

Before analyzing the text of Leviticus 16 in detail, we must recall that a system is a form of differentiation. The priestly system is a religious system which functioned as a means of demarcating YHWH's domain from the common domain. Within this larger priestly system existed different groups of priests—priestly organizations or families. The Priestly literature of the Torah appears to be the product of a particular organization called the Aaronides. It is this group that reflects the larger priestly system in its writing and seeks to legitimate a social hierarchy in which *they alone* control the priestly system. Another name for this is propaganda. That is, at the outset, it is important to remember that systems themselves may have competing organizations which seek to control them. This is the case in Leviticus 16. The annual atonement ritual newly created by the Aaronide priests functions to communicate within the priestly system *and* serves as a metarepresentation which legitimates the Aaronides alone as the proper functionaries of

[32] Bell, *Ritual Theory, Ritual Practice*, 120, 124.
[33] Luhmann, *Introduction to Systems Theory*, 164-165.
[34] Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973), 144.

the priestly system. None of the innovations of Leviticus 16 change the priestly system in any functional way; instead, they represent a group of priests vying for control of the system by creating a new ritual, comprised of adapted non-systemic elements, for the priestly system.

The text of Leviticus 16 hints at some existing religious metarepresentations which the priestly system would like to control or abolish: (1) non-priestly religion as described in texts like Deuteronomy 18:9-13 or Leviticus 17:7 ("goat demons," לשעירם), (2) non-Israelite, "Canaanite" religions, and (3) competing priestly families which are not of Aaron's line (Korah's Rebellion). Without knowing exactly from which group the system incorporated pre-existing rites and representations, it is apparent that the Aaronides are adopting these elements from the environment of the priestly system. They adapted and transformed these cultural representations *into a communicative ritual for the system*. The composite nature of Leviticus 16 thus does not present an obstacle to understanding how the system incorporated older traditions and texts to invent its new operational complex called יום כפרים (Lev 23:28).[35] This integration and accommodation did not actually influence they system at the *functional* level. It merely gave pre-existing content a new form within the system for the benefit of the priestly hierarchy.

The overall goal of the ritual in Leviticus 16, as specified in v.16, is to purge the inner sanctum of the shrine (הקדש) from the impurities of the Israelites (מטמאת בני ישראל), and from their rebellions (ומפשעיהם) of all their sins (לכל־חטאתם) thus ensuring

---

[35] Gane, *Cult and Character*, 36. Eventually, Gane comes to this conclusion, though his statement about the final form of the text making ritual sense is true even if the text of Lev 16 is composite.

a clean space in which YHWH may reside.[36] The purpose of the cleansing, made into an annual ritual (vv. 29-30), benefits the people by removing impurity from the sanctuary generated by willful rebellions of those who refuse to take part in the priestly system of rectifying impurity and protecting sacred space.[37] The priests clearly account for the reality that not every person in society would submit to its authority over the system. The creation of the Yom Hakippurim ritual provides assurances of annual protection to those who do abide by the system's programs as defined by the Aaronides.

That the Aaronieds have adapted the system to multiple non-systemic rites is obvious. The text clearly states that Aaron may not enter the inner sanctum where the Ark resides on a whim (בכל־עת), as perhaps a previous, non-systemic practice may have allowed.[38] The calendrical innovation of H to install multiple religious rituals into its system of sanctuary purification represents just one example of the system's coupling with the non-systemic options available in its culture. The need to prescribe a fixed time for this system operation implies that this act is not invented whole-cloth but transformed from previous understandings of the ritual. The composite ritual in Lev 16 reflects how the priests incorporated actions that were already in existence and transforming them into a communicative act that enabled these components to communicate in a new way within the priestly system.

---

[36] James Greenberg, *A New Look at Atonement in Leviticus*, 154-160. Greenberg clarifies some of the inconsistencies found in Milgrom, *Leviticus 1-16*, 1033-1034. Greenberg agrees with Baruch J. Schwartz, "The Bearing of Sin in Priestly Literature," in *Pomegranates and Golden Bells*, eds. David P. Wright, David Noel Freedman, and Avi Hurvitz (Winona Lake, IN: Eisenbrauns, 1995), 6, 18, that לכל־ חטאתם refers genitivally back to the rebellions (מפשעיהם).

[37] Greenberg, *A New Look at Atonement in Leviticus*, 160.

[38] Milgrom, *Leviticus 1-16*, 1012-1013.

The selection of two goats, one of which the priest releases to Azazel after casting lots, serves as another instance in which the ritual has incorporated a religious, though non-priestly, element into its program for protecting the sanctuary.[39] The priestly system, guided by the Aaronide guild, stitched multiple rituals together in order to achieve the goal described in v.16. In Lev 16:6, Aaron, wearing the proper vestments and toting the holy incense, must offer a purification offering of a bull (פר בן־בקר לחטאת) in addition to a ram burnt offering (ואיל לעלה), seemingly in accord with Num 15. This ritual complex achieves atonement (וכפר) for himself and the priesthood (בעדו ובעד ביתו). But Aaron is also instructed to extract two goats from the Israelite society (ומאת עדת בני ישראל יקח שני־שעירי עזים) specifically to function as purification offerings (לחטאת). Many studies have debated how these goats, one of which lives, can function as the distinct communication of a purification offering.[40] How can a living goat, the blood of which does not cleanse the altar, serve as a חטאת?

The answer provided from a systems theory perspective attenuates some of the arduous attempts to explain this phenomenon. In agreement with Levine, the priestly system has clearly invented a new ritual which contains elements of the kind of religious practice it viewed as illicit and with which it competed.[41] The reason the priestly system identifies both goats, including the living goat dispatched to Azazel, as a purification

---

[39] Milgrom, *Leviticus 1-16*, 1018-1023; David Wright, "Atonement Beyond Israel," in *Atonement: Jewish and Christian Origins.* Ed. Max Botner, Justin Harrison Duff, Simon Dürr (Grand Rapids, MI: Eerdmans, 2020), 40–63.

[40] Gane, *Cult and Character*, 262 argues that the goat of Azazel achieves atonement in a pseudo-function of the purification offering. Milgrom, *Leviticus 1-16*, 1018 rejects the notion of the scapegoat as a purification offering. Greenberg challenges both scholars asserting that the goat for Azazel symbolizes the rebellious people within Israel and ritually removes them from the community via the goat (*ibid.*, 174-177).

[41] Baruch A. Levine, *Leviticus* (Philadelphia: JPS, 1989), 252.

159

offering (חטאת) is to apply a system-communication *to something that originated external to the system*. What else could the system label such a communication? The realization that the priestly system innovated and subverted a "pagan" ritual by adapting it, however, does not constitute an explanation.

Cognition's role in assessing relevance is crucial for the efficacy of the Yom Hakippurim ritual within the system. The Israelites who would physically and mentally come to participate in the priestly system also participated in a wider society or culture which included systems beyond the one cultivated by the priests. We may define culture as the wide and durable distribution of ideas (representations) within a social group.[42] The priestly texts admit that its ostensible constituents at some point may have participated in cultic activity now deemed illicit by the system (Lev 17:7). These "forbidden" representations already resided in the minds of Israelites and had, apparently, been communicated among them on a cultural level for some time.

Dan Sperber offers a helpful way of explaining how to account for a system's adoption, adaptation, and distribution of ideas and representations. Institutions, like the priestly system observed by the Aaronides, "are causally involved" in distributing modifications of their environment like rituals, beliefs, and myths.[43] When we study a system, we are analyzing an institutionalized way of distributing a set of ideas, some of which are already at work in a culture. By selecting and adapting a ritual labeled illicit by the system, the priests within the cultic system generate a ritual which appeals to the dominant cognitive and ecological factors in its society. The use of previous tradition

---

[42] Sperber, *Explaining Culture*, 49.
[43] Ibid., 75.

160

draws on the relevance of the known ritual and transforms it. Sperber has established that

this linkage to known representations is highly attractive to the human mind.[44] Based on

our understanding of relevance, human cognition focuses on phenomena perceived to

have great effect on its context at minimal processing effort. These previously established

practices function as intense *attention-attractors*, particularly "manifest departures from

established practices" which "attract attention and achieve a high degree of relevance."[45]

The Aaronide priests accomplish this very thing when they depart from established

practices by transforming them into operations for their priestly system. The Yom

Hakippurim ritual complex surely attracted attention with its claim to annually purge the

sanctuary using these modified, pre-existing rituals.

Sperber also explains why older, repetitive cultural acts may retain relevance for

people:

> A repetitive practice may remain relevant because different individuals are
> in competition for the right to engage in it, and because success in this
> competition is consequential. This is this case with ritual practices
> marking promotion to some desired state.[46]

There were likely many religious competitors who wished to control the priestly system.

Likely, their rituals and concepts were all quite similar in that they sought to define

sacred space, time, and offer divine protection. In the Priestly literature, the Aaronides

attempted to argue for *their* right to mediate statuses which would affect YHWH's

residence among Israel by constructing its model for dealing with defiled holy space. In

this way, their manipulations of the priestly system sought to distribute the belief that

---

[44] Ibid., 50.
[45] Sperber, *Explaining Culture*, 116.
[46] Ibid.

they alone could contend with societal contingency. They also positioned themselves as the sole, legitimate distributor of metarepresentations within its culture, particularly with respect to transform economic materials for the appeasement of the deity.

This priestly system demonstrates dependence on cognitive factors when it claims to settle issues of environmental uncertainty by means of the Yom Hakippurim ritual. The ecology of the environment *determines* and *constrains* what will be relevant to the minds of the populace.[47] Leviticus 16 shows awareness that the issue of unresolved impurity affects the safety of the society because of the holiness that dwells in their midst (vv. 16-17). YHWH's presence and the subsequent blessing that presence entails is ubiquitous in the priestly system:

אם־בחקתי תלכו ואת־מצותי תשמרו ועשיתם אתם:

ונתתי גשמיכם בעתם ונתנה הארץ יבולה ועץ השדה יתן פריו:

והשיג לכם דיש את־בציר ובציר ישיג את־זרע ואכלתם לחמכם לשבע וישבתם לבטח בארצכם:

ונתתי שלום בארץ ושכבתם ואין מחריד והשבתי חיה רעה מן־הארץ וחרב לא־תעבר בארצכם:

ונתתי משכני בתוככם ולא־תגעל נפשי אתכם:

והתהלכתי בתוככם והייתי לכם לאלהים ואתם תהיו־לי לעם:

If you proceed in my statutes and heed my commands so that you perform them, then I will give your rains in their season, and the land will yield its produce, and the tree of the field will yield its fruits. So that your threshing will reach the time of harvest, and the harvest will reach the time of sowing, and you will eat your bread until you are satisfied, and you will rest in security in your land. So, I will grant peace in the land, and you may lie down and non will cause you to fear. And I will remove harmful animals from the land and the sword shall not pass through your land.

---

[47] Ibid., 113.

> And I will set my Sanctuary in your midst, and I will not abhor you. I will go about in your midst. I will be your God and you will be my people.
>
> (Lev 26:3-6, 11-12)

The priestly system appeals to common environmental factors which ravaged ancient societies. Famine, drought, war, and unrest were constant threats to undo Israelite society. Attracting and maintaining YHWH's presence would avert these contingencies so long as the society could keep the sacred space clean.[48] The priestly system codified texts which claimed that the Aaronide priests represented the sole arbiters of the mechanisms to protect society from destructive forces. Just as they appealed to traditions outside their system, they looked to their social environment for the ecological and political factors which threatened the survival of society and the system. Their system even incorporates a designation, פשע, for social ills which could contaminate the sanctuary but which the system had not previously labeled.[49] Clearly the system adapted cultural concepts and ecological threats into its reality so that it could attract attention to the relevance of its operations.

I must make clear that the observations and analysis offered here are *second-order observations*. We must remember that systems-analysis requires that understand a study such as this seeks to understand the system from the outside. At times it may be obvious how the priests incorporated an element external to the system but other times it may not be clear. The *tzitzit* on the corners of garments (Numbers 15:38-41) may not have had any religious meaning before the priestly system marked them as distinctive. Our detachment from the ancient culture and its systems prohibits us from speaking with certainty about

---

[48] Klawans, *Purity, Sacrifice, and the Temple*, 68-69, 72.
[49] Milgrom, *Leviticus 1-16*, 1063; Greenberg, *A New Look at Atonement in Leviticus*, 155.

these things. The point I wish to make is that the atonement ritual of Leviticus 16 appears to adapt environmental elements to create a system-communication by which a particular group claimed legitimacy to control the system.

The distinction we must bear in mind is that difference between the larger religious system and the organizations competing for dominance or legitimacy within it. Certain Christian denominations may at times claim to be the best representation of the Christian faith, while disparaging the ritual practices of another Christian denomination or polity. The purpose in doing this is to convince potential participants that they are the "true believers." In order to make such claims, they may adopt elements of American democracy or capitalistic economics to persuade their audiences. But people within this system may not be able to see the ways their religious organization has borrowed these environmental factors. To them, they are just following God. As second-order observers, we can see what ancient Israelites could not, but we are also blind to elements which may have been obvious to them.

Systems, like the one reflected in the priestly texts of the Pentateuch, do not generate rituals like Yom Hakippurim from the priestly center outward *ex nihilo*. This brief analysis has demonstrated that rituals and priestly culture *emerge* as the operators of a system try to adapt and transform communicative acts from its environment for their own benefit. Luhmann and Sperber both explain that macro-phenomena like the text of Leviticus 16 and its rituals emerge from a host of micro-level mechanisms—human minds and their communication in a social setting.[50] Priests could only create texts like

---

[50] Sperber, *Explaining Culture*, 50.

the Yom Hakippurim ritual text due to the *constraints* of the system, which had to couple

with multiple structures, including cognitive environments and the ecological/political

realities of the Levant. A better understanding of cognition and systems theory allows us

to conceptualize the priestly system behind the literature of the Torah *as an emergent*

response to the many features of its environment.

In the exilic period and after, the contingencies of Israelite society were

untenable. Religious, economic, political, and agricultural systems existed in an

environment that threatened their ability to survive. The codification of the priestly texts

presents a society in which authority has been transferred to the priests who control

access to the spaces inaccessible to the populace. The priesthood, as inscribed in the

priestly texts, may have provided a measure of stability needed in the tumult at the end of

the monarchy.[51] The priestly system, revealed by the texts it produced, thus demonstrates

the constant negotiations between individual psyches, the system, and other social

systems in the environment. The plurality of these relationships prevents causal

explanations of exactly how the texts were produced, but it allows us to understand the

contingency and constraints of the priestly system in its context. Through the production

of priestly texts, the system offered Israelites the same cognitive states and modes of

communication provided by other religious expressions through its own transformation of

those representations. Even if most of Israelite society could not actively participate in

the ritual to the extent of the priestly caste, the system construed a vehicle, comprised of

---

[51] Bell, *Ritual Theory*, 134-136.

pre-existing notions and materials, to dominate the distribution of religious "sense" in its

context.

P and H (PH) Represent One Priestly System

The final portion of this study will observe the stylistic and thematic differences between

the two strata of the Priestly Writings of the Pentateuch. These two textual layers are not

as irreconcilable as some descriptions would make them. From a systems-theory

perspective, both P and H functionally describe the same system. Before analyzing the

differences between the strata, we must first consider how the literary layers constitute

the same system. The primary codes of the system and its communication medium

remain consistent in both P and H. Since we have defined a system based on its primary

method of differentiation (code) and how it communicates in society, the persistence of

these two factors in both strata of the Priestly texts in the Pentateuch suggests the same

religious system at work.

Code

The distinction between holy and common is the binary code by which P operates. The

doubled reality of the priestly cult depends on the creation of boundaries which cannot be

crossed. At Sinai, Moses establishes the sanctity of the mountain by fencing it off from

encroachment (Ex 19:22). The *pāroket* of the Tabernacle (Ex 26:33-34) distinguishes

(והבדילה) the space accessible only to YHWH and the high priest on Yom Hakippurim

(הקדשים הקדש) from the space accessible to all priests (הקדש). The clothes of the high

priest and priests distinguish them and consecrate them for the priesthood (Ex 28:2, 41).

The ordination of Aaron and his sons officially transfers them to YHWH's realm (Ex

29:1; 8:30) and identifies their sacred right to the breast and right thigh of the well-being

offering (Ex 29:27). The Tabernacle, its altar, and the priests are defined by being made

holy (Lev 8:9). Access to sacrificial meat is delineated by the code of holiness (Lev 2:3,

10; 6:18, 22; 7:1, 6).

The Holiness writings do nothing to abrogate this code. The priestly cadre behind

H supplemented P (or incorporated P into their work) in an effort to reconcile their

innovations with previous priestly traditions.[52] As the scholarly title "Holiness Code"

suggests, this stratum of priestly texts explicates notions of holiness left implicit in the

previous literature. H's famous definition of priestly function in Lev 10:10 explicitly

states that the system functions to distinguish between holy and common, as well as clean

and unclean.[53] Whereas P focuses on the contamination of the holy, H adds concerns

about unacceptable and irredeemable profanation: the profanation of the divine Name

(Lev 18:21; 19:12; 20:3; 21:6; 22:32) as well as the desecration of holiness within the

sanctuary and priesthood (Lev 19:8; 21:9; 21:12, 15, 23; 22:9, 15; Num 18:32). P does

not discuss these matters which H makes explicit. Without the system code

holy/common, however, H would not function and could not exist. It thus reflects the

same system as P.

---

[52] Stackert, "The Holiness Legislation and Its Pentateuchal Sources," 187; Knohl, *The Sanctuary of Silence*, 168. Knohl acknowledges H's dependence on P but focuses on the "polemical" relationship between the two strata.

[53] Knohl, *ibid*., 68-69; Milgrom, *Leviticus 1-16*, 617; idem., *Leviticus 17-23*, 1340-1341.

Both P and H also share the sub-code pure/impure with one another. This distinction, which relies on the holy/common code, determines who or what may gain access to holiness. As already noted, H makes clear its use of this distinction to describe the priestly function in Lev 10:10. P relates purity/impurity within its system of holiness in describing the disposal of remains which have absorbed impurity (Lev 4:12; 6:11) or holy meat which has touched anything impure (7:19). Likewise, H describes YHWH's command to the priesthood to eat their portions of the *šĕllāmîm* in a pure place (Lev 10:14). P devises an entire ritual complex for resolving human impurity so that people might participate in its system (Lev 11-15). This particularly includes the identification of pure and impure animals (Lev 11:47) which H also supplemented (vv. 43-45; Lev 20:25).[54] H also dictates that the priests must share their dues only among those who are clean (Num 18:11, 13) and be on guard against corpse contamination, especially the high priest (Lev 21:1-4, 11).

That P and H use the same codes of holy/common and pure/impure should not surprise anyone. Although H may use the designations "profane" (חלל) and "defile" (טמא) differently than P at times, it employs the same system codes. Further investigation will demonstrate why the novel (perhaps less punctilious) usage of the code occurs. For now, we must simply establish that both strata use the same system codes.

Communication

---

[54] Knohl, *ibid.*, 105; Milgrom, *Leviticus 1-16*, 695-696.

P and H use the same terminology and symbolically generalized communicative media to operate. H assumes and uses the outline of these SGCM explicated in Leviticus 1-7. H, like P, assumes a network of offerings (Lev 17:4-7) allocated to a single sanctuary for the purpose of expunging impurity (Lev 17:15). It uses the same sacrificial communication media and terminology: *'ōlâ*, עלה (Lev 22:18-20), *šĕllāmîm*, שלמים (Lev 19:5-8), *'āšām*, אשם (Lev 19:21-22), *ḥaṭṭā't*, חטאת (Lev 19:22; 23:19), and the *minḥâ*, מנחה (Lev 23:13, 16, 18, 37). As Knohl has shown, H seeks to "expand on and reinforce" P's cultic calendar.[55] Though H innovates upon P's schema, namely making Shabbat a מקרא קדש (*miqrā' qodeš*), it can only do so by accepting P's concept of sacred time and the requisite sacrifices.

The unique tendency of the H strata to emphasize agricultural fortunes and historicizing explanations does not mean that H assumes a different, irreconcilable system from the system presumed by P. According to systems theory H merely represents the adaptations made by the priestly organization of Aaronides to allow their continued survival under different circumstances. As an organizational interaction system, the priests "are equipped with special sensibilities that allow them to pay heed to what occurs" in their society and make the necessary changes.[56] Once we adopt the premise that *function* defines the system and that systems function based on their communication and discrete code, we cannot claim that P and H represent different systems, even though their theological rationales may be at odds. If P and H presume the same religious

---

[55] Knohl, *ibid.*, 13.
[56] Luhmann, *Theory of Society: Volume 2*, 133.

system, then we must conclude that the differences between them arise from differing social and environmental contexts. To those differences I now turn.

The Forms of Societal Differentiation in the Priestly Pentateuchal Texts

The primary occasion for the differences between P and H arises from a change in societal differentiation. P and H (PH) constitute the same system, as I have argued. The variants between the strata with respect to stylistics and application of the system came about by adaptations devised by the priestly supervisors of the system in a new environment.

Society consists of and emerges from the interconnections among multiple "closed" systems which act as "environments" for one another.[57] The *operational* closure of each system is fundamental for systems theory. Systems operate based on their own codes and communications, but they are nonetheless able to observe other systems in the environment, while also influencing and being influenced by those other systems. *Operational closure* does not assume a completely closed system; it is constantly borrowing and coupling with structures in its environment. Systems constitute their own constructions of reality but have no direct access to their environment other than to offer "sense" or "meaning" by coupling with other systems that might allow them to persist. Systems differentiate themselves from their environments by constructing the binary of everything *inside* the system and everything *outside* of it. But the social systems in the

---

[57] Luhmann, *Theory of Society: Volume 1*, 40. "[T]he theory of society is the theory of the comprehensive social system that encompasses all other social systems."

environment of a discrete system (like the priestly religious system) produce an emergent society far more complex than the simple binaries within the system. We must watch out for the difference between the binary code of the system and its communication and the larger complexities of the social phenomena occurring outside of the system.

The social systems which constitute society include, but are not limited to, the political, economic, religious, legal, ecological, and mass media systems. In order to analyze one of these systems within society, such as the religious system that produced the priestly texts of the Pentateuch, what Luhmann calls the "form of differentiation" must be identified. Systems theory assumes that for a system to identify itself within the larger societal system, it must know how to draw the boundary between itself and all other systems in its surroundings.[58] As previously described, Luhmann formulates four historical forms of differentiation: segmentary, center-periphery, stratified, and functional differentiation.[59] The key to locating the priestly system's social setting, therefore, must begin by locating what kind of differentiation existed in its society and how it calibrated its operations to adapt itself to that society.

Though the metanarrative of the Pentateuch portrays Israel as the twelve tribes descended from Jacob, Isaac, and Abraham, the priestly system devised by the Aaronides does not primarily belong to a tribal, segmentary society. Previous scholarship has noted the problematic identification of which tribes should even be included under the title "Israel."[60] Levi and Joseph? Ephraim and Manasseh? Makir? Although the Priestly Torah

---

[58] Luhmann, *Theory of Society: Volume 2*, 11.
[59] Ibid., 12-13.
[60] Niels Peter Lemche, *The Israelites in History and Tradition* (Louisville, KY: Westminster John Knox Press, 1998), 97-104.

depicts a society comprised of tribes, clans, and family groups, these social units do not represent the primary form of differentiation. Instead, they are moderated by a more dominant distinction within of the Torah: the distinction between priests and commoners.

Systems theory maintains that multiple forms of differentiation may exist simultaneously for any system in a given society.[61] As such, we note that the priestly system of the Pentateuch reflects elements of both center-periphery and stratified differentiation, in addition to segmentary, tribal elements. What matters from the theoretical standpoint is which form of differentiation proves dominant. The Torah reflects a priestly religious system organized within the early stages of a stratified society. Stratification exists when more than two social ranks exist, and the society perceives its order as inseparable from that hierarchy.[62] Stratified statuses could relate to family group, wealth, geographic origins, or bureaucratic positions among a host of possibilities.[63] A religious system geared toward stratification would acknowledge differences in social strata because other systems (economy, politics, families) also distinguish themselves on this basis.[64] Stratification within the priestly system entails notions of access to space and sacred objects, endogamy within the priesthood, visualizations in dress, and economic extraction from tribes in the periphery of the central temple, based on the financial capabilities of the individual. The religious system which produced the Priestly Pentateuchal traditions mimicked the stratification in genealogical and economic systems in its environment.

---

[61] Luhmann, *A Theory of Society: Volume 2*, 43.
[62] Ibid., 51.
[63] Ibid., 54.
[64] Ibid.

Most of the stratification within the Priestly depiction of Israelite society emerged from a religious center which occupied the highest degree of social rank. The gravitational pull of the central sanctuary in Priestly Writings often frames the sharp distinction between holy and common within Israelite society. Luhmann claimed that the center-periphery schema "enabled stratification in the center...through endogamy, while retaining the exogamy precept of segmentary societies for the individual family."[65] Both P and H demonstrate this kind of stratification within the central priesthood. God commands Moses to present Aaron and his sons "from the midst of the Israelites" (מִתּוֹךְ בְּנֵי יִשְׂרָאֵל) in order to serve as priests (Exod 28:1).

Stratification within the central priestly family becomes visible through "differences in clothing, behavior, and accommodation" in the description of the priestly vestments.[66] The instructions about Aaron's clothing in Exodus 28:3 explicitly name the vestments as the element that distinguishes him as holy and allows him to function as YHWH's priest (וְעָשׂוּ אֶת־בִּגְדֵי אַהֲרֹן לְקַדְּשׁוֹ לְכַהֲנוֹ־לִי). The Priestly system makes a distinction between priests in general and the one, anointed priest—initially Aaron—who alone may enter the inner sanctum. Only he wears the ḥošen, the ephod and its robe, the unique tunic (כְּתֹנֶת תַּשְׁבֵּץ), and the distinctive headdress (מִצְנֶפֶת). The description of his garments spans thirty-five verses (Exod 28:4-39), compared to the single verse (Exod 28:40) detailing the items worn only by the rest of the priesthood. The more a person is

---

[65] Ibid., 48.

[66] Luhmann, *ibid.*, 56. Dozeman, *Exodus*, 642, also points out this function of ritual clothing.

integrated into the communicative ritual of the system based on their occupation in the hierarchy, the more the text provides details about the visual distinction.

The Priestly texts identify the Aaronide family as the hereditary bearers of the priesthood in Exod 29:9: *Priesthood shall be for them an eternal statute.* (וְהָיְתָה לָהֶם כְּהֻנָּה לְחֻקַּת עוֹלָם). According to P, the priesthood belongs solely to Aaron's family and only one of his descendants can receive the anointing oil to become high priest (Lev 6:16). Exodus 29:29 explicitly states that "the holy vestments which belong to Aaron shall belong to his sons after him, in order to be anointed in them and ordained in them" (בהם ולמלא־בם את־ידם ובגדי הקדש אשר לאהרן יהיו לבניו אחריו למשחה). The P strata's only concern is to distinguish between the anointed high priest, the rest of his brethren, and the layperson Israelite. Only these three social strata exist within P. The system's social environment in P involves mainly the differentiation between priest and laity (center-periphery), with small, but important distinctions within the priesthood (anointed high priest/priest). This stratification is reflected in the gradations of access within the sanctuary. The holiness binary, as discussed in the previous chapter, must accommodate the graded social strata within the society. The inner sanctum, in which YHWH's presence abides, can only be accessed annually by the high priest in his distinguished protective equipment. All priests, however, have access to the rest of the sancta; the non-priestly strata of society are prohibited from such access.

P focused primarily on the center (the holiness of the sanctuary) and looked out at the periphery (common space) from that vantage point. The distinction between the high priest and the rest of the priesthood represented the only stratification within the priestly

174

caste made explicit in the text. P's concern lay in the primary distinction between holy (priestly) and common (laity). Observing society from the centrally located shrine, the chief anxiety for P was the contamination of the holy altar and inner sanctum of the Tabernacle.[67] Knohl makes this point when he writes that "the activities of the priests take place in the Tent of Meeting and in its courtyard. The hangings of the courtyard of the Tabernacle are the border of the sacred enclosure; beyond it is the encampment of Israel. According to PT, the camp has no intrinsic sanctity whatsoever."[68] P reflected the concerns of a center-periphery society in which only minor stratification exists and then only at the center.

The priestly system reflects a stratified society only on the level of the H stratum. Only here do we read about explicit endogamy for the high priest who is elevated above his brothers in that he must marry a virgin of his own kin (Lev 21:10-4). Though other priests could ostensibly marry from other lay Israelite families, as with P, one could only be a *kohēn* by virtue of being born into the family, by having a father who was also a priest. This reflection of society comports with Luhmann's description of stratified differentiation wherein the society maintains segmentary differentiation in households and families (tribes) "to enable the nobility to practice endogamy and thus distinguish noble families from other families."[69] Furthermore, the H stratum of the Priestly system focuses on Israelite society writ large and specifically makes distinctions between citizens and aliens, between Israel and the surrounding peoples.[70] The society that H

---

[67] Knohl, *The Sanctuary of Silence*, 152.
[68] Ibid., 153.
[69] Luhmann, *Theory of Society: Volume 2*, 12.
[70] David Wright, "Atonement Beyond Israel*," in Atonement: Jewish and Christian Origins*. Ed. Max Botner, Justin Harrison Duff, Simon Dürr (Grand Rapids, MI: Eerdmans, 2020), 40–63. Wright concludes that one of the reasons H needed to remediate P was due to the presence of the *gēr* in society.

"realized" consists of priests, Levites, Israelite citizens, resident foreigners, and outsiders.

YHWH commands the community of Israel to attain a kind of holiness mirrored by, but

not equal to, the intrinsic holiness of YHWH's sanctuary and his priesthood. H clearly

observes a kind of society that can take pride in its "specifically human order" while still

basing its "distinction on a continuum of meaning grounded in religion or cosmology."[71]

The shift from a center-periphery focus to dominant social stratification is most evident

in the investiture of the Levites, to which I now turn.

The Creation of the Levitical Stratum of Israel

The distinctive group called "the Levites" (הלוים) and their genesis has received extensive

scholarly treatment in the last century.[72] I do not doubt that some socially distinctive

group associated with an eponymous ancestor Levi existed before the priestly authors

appropriated them. I will not speculate on pre-Priestly traditions regarding the group as I

continue to focus from a systems perspective. To that end, the limits of this study remain

focused on the literature produced by and observant of the priestly system (Exodus 25-

Numbers). Using systems theory, we ought to probe the following questions: What

should we make of P's silence regarding the Levites in its description of the Tabernacle

instructions? How does the emergence of the Levitical stratum of society fit within the

system since they are neither consecrated nor laypeople? Why do new social status

groups (Levites, *gērîm* "resident foreigners") only emerge when YHWH instructs the

---

[71] Luhmann, *Theory of Society: Volume 2*, 16.

[72] Most recently, Mark Leuchter, *The Levites and the Boundaries of Israelite Identity* (New York: Oxford University Press, 2017) attempts to trace the pre-history of the Levites underlying the narrative shaped by the priesthood in the Persian period.

entire Israelite society to strive for a distinctive holiness that differentiates them from other people groups?

In the portion of this study concerning the Levites, I will only deal with texts clearly associated with the Priestly Writings found in the Pentateuch—specifically the H stratum—and will not deal with other traditions such as Jacob's blessing for Levi (Gen 49:5-7) or the Deuteronomic traditions (10:8-9; 12:12, 18-19; 14:27, 29; 16:11, 14; 17:9, 18; 18:1, 6; 21:5, 24:8; 26:11-12; 27:9, 12, 14; 31:9, 25; 33:8-11).[73]

The recognition of the Levitical social stratum occurs primarily in the book of Numbers. I will also deal with the few mentions of the group in Exodus and Leviticus in short order; however, since the distinctive stratification of society into priests, Levites, and Israelites occurs predominantly in Numbers, I begin here. Levine nearly articulates what systems theory confirms about the Levites by saying that "the most significant announcement by the priestly school in Numbers 1-4 is *the stratification* of the priesthood into (a) priests, as strictly defined, and (b) the rest of the tribe of Levi."[74] I would add that the stratification does not take place *within* the priesthood, but *apart from* it. The innovators within the priestly system have adapted previous traditions to create a distinct stratum of society that the Levites will now occupy.

---

[73] For studies that include all Pentateuchal and Scriptural traditions regarding the Levites see S.E. Loewenstamm, החורה במסורות ה׳ לעבודת לוי הקדשת, *Eretz-Israel: Archaeological, Historical and Geographical Studies*, Zalman Shazar Volume (1971), 169-172; Leuchter, *The Levites and the Boundaries of Israelite Identity*; Jeremy M. Hutton, "The Levitical Diaspora (I): A Sociological Comparison with Morocco's Ahansal," in *Exploring the Longue Durée*, ed. J. David Schloen (Winona Lake: Eisenbrauns, 2009), 223- 234; idem., "The Levitical Diaspora (II): Modern Perspectives on the Levitical City Lists (A Review of Opinions)," in *Levites and Priests in History and Tradition*, eds. Jeremy M. Hutton and Mark Leuchter (Atlanta: SBL, 2011), 45- 82.
[74] Baruch A. Levine, *Numbers 1-20*, (New York, Doubleday, 1993), 65. Emphasis mine.

In the census of Numbers 1, the authors distinguish the Levites from all other

tribes in Israel by remarking in Num 1:47 that they were not included in the count (וְהַלְוִיִּם

לְמַטֵּה אֲבֹתָם לֹא הָתְפָּקְדוּ בְּתוֹכָם). The *raison d'être* for their separation follows in Numbers

1:48-51:

וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵּאמֹר:
אַךְ אֶת־מַטֵּה לֵוִי לֹא תִפְקֹד וְאֶת־רֹאשָׁם לֹא תִשָּׂא בְּתוֹךְ בְּנֵי יִשְׂרָאֵל:
וְאַתָּה הַפְקֵד אֶת־הַלְוִיִּם עַל־מִשְׁכַּן הָעֵדֻת וְעַל כָּל־כֵּלָיו וְעַל כָּל־אֲשֶׁר־לוֹ הֵמָּה
יִשְׂאוּ אֶת־הַמִּשְׁכָּן וְאֶת־כָּל־כֵּלָיו וְהֵם יְשָׁרְתֻהוּ וְסָבִיב לַמִּשְׁכָּן יַחֲנוּ:
וּבִנְסֹעַ הַמִּשְׁכָּן יוֹרִידוּ אֹתוֹ הַלְוִיִּם וּבַחֲנֹת הַמִּשְׁכָּן יָקִימוּ אֹתוֹ הַלְוִיִּם וְהַזָּר
הַקָּרֵב יוּמָת:

For YHWH had spoken to Moses:
Only the tribe of Levi you must not enroll, and you must not take a census
of them among the Israelites. But you should appoint the Levites over the
Tent of the Pact, its furnishings, and everything that belongs to it. They
shall carry the Tent and all its furnishings, they shall take care of it, and
around the Tent they shall encamp. And when the Tent sets out, the
Levites shall dismantle it and when the Tent encamps, the Levites shall
assemble it—but the outsider who encroaches must be put to death.

(Num 1:48-51)

According to this text, the Levites are distinguished for the care, transport, dismantling,

and assembly of the Tabernacle. As Num 1:51 hints, guard duty also comprises a part of

the Levitical function. This function is explicitly detailed in the camping arrangements in

which the Levites camp around the Tabernacle "so that wrath may not break out against

the Israelite congregation and so that the Levites may keep the guard of the Tent of the

Pact" (Num 1:53, והלוים יחנו סביב למשכן העדת ולא־יהיה קצף על־עדת בני ישראל ושמרו

הלוים את־משמרת משכן העדות). Levine notes that the cognate accusative (ושמרו...את־

משמרת) entails a sense of general maintenance rather than guard duty.[75] In agreement

with Milgrom, however, it seems more likely that in this context, the *mišmeret* of the

Levites involves protection from the encroachment of outsiders which would result in

divine rage breaking out against the Israelites.[76]

Thus far in Numbers it appears that the Levites have been distinguished for a

function related to the transport and care of the Tabernacle, but their position *vis-à-vis*

Israel and the priesthood is ambiguous. The textual corpus found in chapters 3, 8, and 18

of Numbers resolves some of this ambiguity by creating a separate class within the

society.

Numbers 3 provides both the description of the Levites' function (again), their

place in the society, and the systems rationale for the creation of this social stratum. We

begin by observing their function and social location:

וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵּאמֹר:
הַקְרֵב אֶת־מַטֵּה לֵוִי וְהַעֲמַדְתָּ אֹתוֹ לִפְנֵי אַהֲרֹן הַכֹּהֵן וְשֵׁרְתוּ אֹתוֹ:
וְשָׁמְרוּ אֶת־מִשְׁמַרְתּוֹ וְאֶת־מִשְׁמֶרֶת כָּל־הָעֵדָה לִפְנֵי אֹהֶל מוֹעֵד לַעֲבֹד אֶת־עֲבֹדַת הַמִּשְׁכָּן:
וְשָׁמְרוּ אֶת־כָּל־כְּלֵי אֹהֶל מוֹעֵד וְאֶת־מִשְׁמֶרֶת בְּנֵי יִשְׂרָאֵל לַעֲבֹד אֶת־עֲבֹדַת הַמִּשְׁכָּן:
וְנָתַתָּה אֶת־הַלְוִיִּם לְאַהֲרֹן וּלְבָנָיו נְתוּנִם נְתוּנִם הֵמָּה לוֹ מֵאֵת בְּנֵי יִשְׂרָאֵל:
וְאֶת־אַהֲרֹן וְאֶת־בָּנָיו תִּפְקֹד וְשָׁמְרוּ אֶת־כְּהֻנָּתָם וְהַזָּר הַקָּרֵב יוּמָת:

Then YHWH spoke to Moses:

Advance the tribe of Levi and subordinate it before Aaron the priest so
that they may serve him. They shall perform his guard duties and the

---

[75] Levine, *Numbers 1-20*, 141-142.
[76] Jacob Milgrom, *Numbers* (Philadelphia: JPS, 1989), 341-343.

guard duties of the entire congregation before the Tent of Meeting in order
to perform the labor of the Tent. And they shall guard the furnishings of
the Tent of Meeting and the guard duties of the Israelites in order to
perform the labor of the Tent. So, you shall give the Levites to Aaron and
to his sons; they are duly dedicated to him out of all the Israelites. But
Aaron and his sons you must charge so that they guard their priesthood—
and the outsider who encroaches must be put to death.

(Numbers 3:5-10)

Clearly the Levites occupy a subordinate position to the Aaronide priests.[77] Again, the

authors describe their role as guardians of the cultic tent and its furnishing, as well as the

protectors of the Israelites from encountering the dangerous holiness of the sacred

materials during transit and rest. As others have noted, YHWH does not instruct Moses to

consecrate or transfer holiness to the Levites; only to dedicate (נתונם נתונם) them for

service to the priests.[78] Whereas the Levites are charged with the Tabernacle's care in

Num 1:50 (הַפְקֵד אֶת־הַלְוִיִּם עַל־מִשְׁכַּן הָעֵדֻת), the priests, in contradistinction, are charged

with guarding their own priesthood in Num 3:10 (תִּפְקֹד וְשָׁמְרוּ אֶת־כְּהֻנָּתָם). This passage

differentiates the roles and responsibilities of the Levites and priests, with the former

occupying a subordinate position to the latter, who bear the responsibility for their role as

mediators.[79] Both the Levites and the priests receive instructions about their

responsibilities so that outsiders do not trespass upon the sacred. The Levites represent a

boundary at the edges of the sacred space (לִפְנֵי אֹהֶל מוֹעֵד) whereas the priests must

protect their office from being compromised both amongst themselves (by impurity) and

by the Levites who operate on the fringes of the holy space.[80]

---

[77] Milgrom, *Numbers*, 16. He notes that the phrase והעמדת אתו לפני אהרן הכהן represents an idiom of
subordination elsewhere in the Hebrew Bible.

[78] Ibid., 17.

[79] Levine, *Numbers 1-20*, 157.

[80] Milgrom, *Numbers*, 342.

The passage immediately following the description of the Levites' function and their distinction from the priests provides a systems rationale for the necessity of this innovation.[81]

וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵּאמֹר:

וַאֲנִי הִנֵּה לָקַחְתִּי אֶת־הַלְוִיִּם מִתּוֹךְ בְּנֵי יִשְׂרָאֵל תַּחַת כָּל־בְּכוֹר פֶּטֶר רֶחֶם מִבְּנֵי יִשְׂרָאֵל וְהָיוּ לִי הַלְוִיִּם:

כִּי לִי כָּל־בְּכוֹר בְּיוֹם הַכֹּתִי כָל־בְּכוֹר בְּאֶרֶץ מִצְרַיִם הִקְדַּשְׁתִּי לִי כָל־בְּכוֹר בְּיִשְׂרָאֵל מֵאָדָם עַד־בְּהֵמָה לִי יִהְיוּ אֲנִי יְהוָה:

Then YHWH spoke to Moses:

I now have taken the Levites from the Israelites in the place of the first-born son, the first of the womb from the Israelites; they shall be mine. Because every first-born son belongs to me. On the day I struck all the first-born in the land of Egypt I sanctified to myself every first-born in Israel, from human to animals they shall be mine—I am YHWH.

(Num 3:11-13)

The rationale of the text mirrors notions about the first-born's relationship to YHWH found elsewhere in the Pentateuch.[82] In Exod 4:22-23 YHWH declares that Israel is his first-born son (בְּנִי בְכֹרִי יִשְׂרָאֵל) and commands Pharaoh to release Israel so that they may serve him (וְיַעַבְדֵנִי). As retribution for Pharaoh's denial of this request, YHWH pledges to kill the first-born of Pharaoh (וַתְּמָאֵן לְשַׁלְּחוֹ הִנֵּה אָנֹכִי הֹרֵג אֶת־בִּנְךָ בְּכֹרֶךָ). Later in Exodus 11:5 YHWH makes good on this pledge when he tells Moses that he will go throughout Egypt "and kill every first-born in the land of Egypt from the first-born of Pharaoh who sits on the throne to the first-born of the slave-girl who is behind the millstones and all

---

[81] Knohl, *The Sanctuary of Silence*, 85. Here he refers to the entire complex he calls "The Levite Treatise" consisting of parts of the first eighteen chapters of the Book of Numbers.

[82] David H. Aaron, *Etched in Stone* (New York: T&T Clark International, 2006), 261, 299-301. Aaron argues that the passages in Exod 4 and 13 about the first-born constitute a harmonization planted by the priestly redactors when they edited the content.

the first-born of the livestock" (ומת כל-בכור בארץ מצרים מבכור פרעה הישב על-כסאו עד

בכור השפחה אשר אחר הרחים וכל בכור בהמה).[83] The merism indicates that YHWH's claim

on the first-born reached every stratum of Egyptian society.[84] But the claim to the life of

the first-born also extends to the animals which the merism in Numbers 3:13 (מֵאָדָם עַד־

בְּהֵמָה) includes. That exact idiom also occurs in the Passover instructions in Exodus

12:12 (וְעָבַרְתִּי בְאֶרֶץ־מִצְרַיִם בַּלַּיְלָה הַזֶּה וְהִכֵּיתִי כָל־בְּכוֹר בְּאֶרֶץ מִצְרַיִם מֵאָדָם וְעַד־בְּהֵמָה). At the

beginning of Exodus 13:2 we find the other element mentioned in Numbers 3:12 (כָּל־

בְּכוֹר פֶּטֶר רֶחֶם) when YHWH abruptly instructs Moses to consecrate the first-born

Israelites (קַדֶּשׁ־לִי כָל־בְּכוֹר פֶּטֶר כָּל־רֶחֶם בִּבְנֵי יִשְׂרָאֵל בָּאָדָם וּבַבְּהֵמָה לִי הוּא). Exodus 13:2, 12-

15 appears to be the intertextual reference in Numbers 3, as both passages reflect the

notion of the sanctification of the first-born in connection with YHWH's killing of the

Egyptian first-born:

קַדֶּשׁ־לִי כָל־בְּכוֹר פֶּטֶר כָּל־רֶחֶם בִּבְנֵי יִשְׂרָאֵל בָּאָדָם וּבַבְּהֵמָה לִי הוּא:
וְהַעֲבַרְתָּ כָל־פֶּטֶר־רֶחֶם לַיהֹוָה וְכָל־פֶּטֶר שֶׁגֶר בְּהֵמָה אֲשֶׁר יִהְיֶה לְךָ הַזְּכָרִים לַיהֹוָה:
וְכָל־פֶּטֶר חֲמֹר תִּפְדֶּה בְשֶׂה וְאִם־לֹא תִפְדֶּה וַעֲרַפְתּוֹ וְכֹל בְּכוֹר אָדָם בְּבָנֶיךָ תִּפְדֶּה:
וְהָיָה כִּי־יִשְׁאָלְךָ בִנְךָ מָחָר לֵאמֹר מַה־זֹּאת וְאָמַרְתָּ אֵלָיו בְּחֹזֶק יָד הוֹצִיאָנוּ יְהֹוָה מִמִּצְרַיִם מִבֵּית עֲבָדִים:
וַיְהִי כִּי־הִקְשָׁה פַרְעֹה לְשַׁלְּחֵנוּ וַיַּהֲרֹג יְהֹוָה כָּל־בְּכוֹר בְּאֶרֶץ מִצְרַיִם מִבְּכֹר אָדָם וְעַד־בְּכוֹר בְּהֵמָה עַל־כֵּן אֲנִי זֹבֵחַ לַיהֹוָה כָּל־פֶּטֶר רֶחֶם הַזְּכָרִים וְכָל־בְּכוֹר בָּנַי אֶפְדֶּה:

Sanctify to me all the first-born, *the first issue of every womb* in Israel—both human and animal, he belongs to me.

(Exodus 13:2)

You must transfer *every first issue of the womb* to YHWH and every first issue of an animal that belongs to you, the males belong to YHWH. And every first issue of a donkey you may redeem with a lamb—but if you do not redeem it then you must break its neck. However, *every first-born human among your sons you must redeem*. And so later, when your children ask you, "What does this mean?" Then you should say to them, "With a strong hand YHWH brought us up from Egypt, from slavery. And when Pharaoh stubbornly refused to send us away, then YHWH killed all the first-born in the land of Egypt, *from the first-born human to the first-born animal*. For this reason, I sacrifice to YHWH every first issue from the womb that is male, *but every first-born of my sons I redeem*.

(Exodus 13:12-15)

From these texts, Numbers 3:12-13 summarizes that YHWH now takes the Levites in the place of the first-born (תַּחַת כָּל־בְּכוֹר פֶּטֶר רֶחֶם) including the etiological narrativization of the claim in the Exodus story (בְּיוֹם הַכֹּתִי כָל־בְּכוֹר בְּאֶרֶץ מִצְרַיִם). And though Num 3:13 (הִקְדַּשְׁתִּי לִי כָל־בְּכוֹר) recognizes the same transference of first-born to the holy realm as Exod 13:2 (קַדֶּשׁ־לִי כָל־בְּכוֹר), the Levites themselves do not attain a *holy* status in their substitution for the first-born. YHWH takes them (לָקַחְתִּי אֶת־הַלְוִי) in Num 3:12 just as they were given to Aaron and his sons (וְנָתַתָּה אֶת־הַלְוִיִּם לְאַהֲרֹן וּלְבָנָיו) in Num 3:9. Systems theory can explain the functional exchange of the Levites, who do not qualify as holy, for the first-born, who do possess a status of sanctity. The priestly system has constructed a social map in which God defines the distinctions of a social hierarchy. It claims that the visible world appears as such because YHWH has communicated to his priestly mediators the kind of society in which he could dwell. That the system was able to accomplish this implies a multitude of shared concepts among the people which made such a priestly construction possible. The culture to which the priestly system appealed

must have held some conviction that the first-born held some intrinsic value to the deity; it believed that the social order reflected the divine (Psalm 82). We can also analyze the unique case of the Levitical stratum in Israelite society through two operations that emerged within the priestly system as expressed elsewhere in the Pentateuch.

First, the Book of Numbers describes a deficit between the number of first-born Israelite males and the Levites who take their place. In Num 3:39 the Levites register for a total of 22,000, but the Israelite first-born total 22,273.[85] In order to pay "the balance" (הָעֹדְפִים), the Israelites pay back 1,365 shekels (five shekels per first-born in the remainder) to balance the scales (Num 3:46-47). The money, however, went to Aaron and the priests because the Levites belonged to them by divine grant (Num 3:48). The priesthood acquired a significant amount of money by capitalizing on this discrepancy. This component in the initial exchange for the first-born becomes a larger operation in the formal dedication of the Levites in Numbers 8. The process described there allows us to explain how the exchange of the Levites functions and how the consecrated status of the first-born does not transfer in this process.

Num 8:5-26 describes the purification and dedication of the Levites to their religious duties. The ritual of the Levites' dedication in some ways reflects the consecration ritual of the priesthood (Lev 8-9); however, the semantic coding of the text clearly distinguishes the two ceremonies. First, the Levites are purified (וטהרת אתם) in

---

[85] Levine, *Numbers 1-20*, 161. He notes that cumulative total of the three Levitical houses, according to Num 3, is 22,300—27 more than the total of the Israelite first-born. He proposes that an error has occurred wherein שש מאות "six hundred" was mistaken for שלש מאות in Num 3:28. The Lucianic recension of the Greek text contains this reading, but it is uncertain whether it reflects a different version of the text or attempt to correct the mathematical error.

Num 8:6 and not consecrated (קדש). They come "from the midst of the Israelites" (מִתּוֹךְ

בְּנֵי יִשְׂרָאֵל) and thus, do not possess any intrinsic holiness. Moses sprinkles the Levites

with water, but not blood or oil, like the priests. The ritual for their purification in many

respects parallels that of a commoner with the *mĕṣorā'* skin disease in Lev 14.[86] The crux

of understanding the function of this ritual, however, lies in the execution of the

ceremony according to the system of sacrificial communication already assumed (Lev 1-

7) which I will briefly summarize.

First, in Num 8:9-10 Moses is told to "bring forth the Levites before the Tent of

Meeting and then assemble the entire congregation of Israel. Then bring forth the Levites

before YHWH so that the Israelites may lean their hands on them" (וְהִקְרַבְתָּ אֶת־הַלְוִיִּם

לִפְנֵי אֹהֶל מוֹעֵד וְהִקְהַלְתָּ אֶת־כָּל־עֲדַת בְּנֵי יִשְׂרָאֵל: וְהִקְרַבְתָּ אֶת־הַלְוִיִּם לִפְנֵי יְהוָה וְסָמְכוּ בְנֵי־יִשְׂרָאֵל

אֶת־יְדֵיהֶם עַל־הַלְוִיִּם:). This "hand leaning" ritual (סמך + על) takes place almost exclusively

within the sacrificial system as an identification of ownership.[87] Second, the Levites are

explicitly registered as a kind of sacrifice—*tĕnûpâ* (תנופה)—in which a person dedicates

property to God which becomes the property of the priests.[88] The food portions of the

priests (Lev 23:20; Num 6:20) represent *tĕnûpâ* which the system labels as *holy*. In

Exodus, however, the people donate gold and bronze to the construction of the

Tabernacle (Ex 35:22; 38:24, 29) and these gifts are labeled *tĕnûpâ* but are not explicitly

called holy—they belong to YHWH and make up part of the Tabernacle. The Levites

represent an exchange from Israel to YHWH in which the priesthood acquires a

---

[86] Levine, *Numbers 1-20*, 273.
[87] Milgrom, *Leviticus 1-16*, 152. The exception to occurrence of this idiom is in Moses'
commissioning of Joshua to replace him (Num 27:18, 23; Deut 34:9).
[88] Milgrom, *Numbers*, 369.

workforce.[89] They do not attain holiness *per se*; they are purified and qualified for sacred service at YHWH's discretion since they are his possession. They then become dedicated gifts (*nětunîm*).

This ritual operation, which normally transfers property, explicitly functions from the system's perspective to "create" a stratum of society in other than the priesthood and Israel as described in Num 8:14 (וְהִבְדַּלְתָּ אֶת־הַלְוִיִּם מִתּוֹךְ בְּנֵי יִשְׂרָאֵל וְהָיוּ לִי הַלְוִיִּם). Furthermore, they act as a protective "ransom" (*kofer*, כֹּפֶר) like the half-shekel Temple tax (Ex 30:11-16).[90] Num 8:19 describes the function of the Levites who "serve as atoning exchange on behalf of the Israelites so that there is not a plague against Israel when the Israelites approach to the holy space" (וּלְכַפֵּר עַל־בְּנֵי יִשְׂרָאֵל וְלֹא יִהְיֶה בִּבְנֵי יִשְׂרָאֵל נֶגֶף בְּגֶשֶׁת בְּנֵי־יִשְׂרָאֵל אֶל־הַקֹּדֶשׁ). This usage of a "proactive offering" or "mitigated penalty" which averts divine wrath clearly parallels the half-shekel tax in the Exodus census.[91] As Milgrom noted, the Levites "are literally sacrifices brought by the Israelites" in terms of the priestly system.[92]

In Exodus 30:12 YHWH tells Moses that when a census of Israel is taken each person must pay redemption money (כֹּפֶר) "so that there will not be a plague against them when they are enrolled" (וְלֹא־יִהְיֶה בָהֶם נֶגֶף בִּפְקֹד אֹתָם). The terminology and rationale are

---

[89] Levine, *Numbers 1-20*, 276; Milgrom, *Leviticus 1-16*, 464.

[90] See recent conversations about the function of כפר in the context of ransom/sin-purging (*kofer*) in Greenberg, *A New Look at Atonement in Leviticus*, 12-16; Jay Sklar, *Sin, Impurity, Atonement* (Sheffield: Sheffield Phoenix, 2005), 48-67; idem., "Sin and Impurity: Atoned or Purified? Yes!" in *Perspectives on Purity and Purification in the Bible,* eds. Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel (New York: T&T Clark International, 2008), 18-31.

[91] Greenberg, *A New Look at Atonement in Leviticus*, 16; Sklar, "Sin and Impurity," 21.

[92] Milgrom, *Numbers*, 369.

equivalent in both cases.[93] Just as the Levites are given to YHWH and the Aaronide priests to perform the labor of the Tabernacle in Num 8:15 (לַעֲבֹד אֶת־עֲבֹדָתָם בְּאֹהֶל מוֹעֵד), the half-shekel tax also contributes to the labor of the Tent of Meeting (עַל־עֲבֹדַת אֹהֶל מוֹעֵד) in Ex 30:16. The Levites function both as a *těnûpâ* donation to YHWH (and subsequently the priesthood), but also as a *kofer* redemption-payment for Israel in order to prevent a plague from striking them when they draw close to worship. The Levites function *economically* as dedicated workers in the priestly system, just like the money accrued during the census and Temple tax. The linkage between the ransom payment to avert a plague and YHWH's ownership of the first-born continues to function as the system-rationale for a tax on all first-born in Israel in Numbers 18.

Numbers 18 reveals both the differentiation of the *social strata* between priests and Levites as well as *the purpose* for integrating the Levites into the priestly system. We must bear in mind that systems construct mimetic realities of their external environments. The texts produced by the priestly system give the impression that the Levites represent a novel class created by the census commands and sacrificial communications. Scholars agree, however, that religious functionaries designated Levites likely had a pre-history before their acquisition portrayed in the texts generated by the Aaronide priestly system.[94] The priestly system behind the Pentateuch thus constructed a model of reality in which it could offer its function and operations. Its society was already stratified. Its culture already possessed a representation of who was a Levite. The novelty of the

---

[93] Greenberg, *ibid.*, 12.
[94] Leuchter, *The Levites and the Boundaries of Israelite Identity*, 2-3.

Levites in the priestly texts of the Pentateuch only represents the system's

accommodation of an already extant stratification in society.

Wallerstein describes something like this process when he discusses the

emergence of "status-groups" within society.[95] He describes how society produces "the

emergence of new, often barely articulated status-group identities that precisely reify

what began as a mixture."[96] Wallerstein's concept of an identity that emerges from a

mixture of previous social statuses fits aptly with our systems analysis of the Levites.

Clearly consisting of a former group within Israel's religious culture, the Levites are

reified by the priestly system as a novel stratum with a unique relationship to the system.

The priests who produced this literature did so to socialize its Israelite audience,

including the Levites, into their system-reality.[97] Whatever a Levite was before the

advent of the literature produced by the priestly system, "Levite" within the priestly

system represented an "ascribed" label "emphasizing how they are perceived by others"

as "an institutional reality."[98] The system incorporated the Levites as much as it

incorporated any other Israelite in its society; it did not, however, permit them to function

in the system as a part of the priestly cadre.

The priestly system mapped social stratification internally through the

establishment of boundaries "realized" by access to certain spaces and objects. In Num

18:1 the priests bear the sole responsibility for protecting the מקדש (the sacred precinct

---

[95] Immanuel Wallerstein, *World-Systems Analysis* (Durham, NC: Duke University Press, 2004), 36-41. A status-group or identity is an ascribed label by which individuals and households self-organize within society.
[96] Ibid., 36.
[97] Ibid., 37.
[98] Ibid., 36.

188

proper) as well as the sanctity of their own priesthood. In systems theory, this qualifies as "second-order observation" which entails watching how others observe the system in which they participate.[99] The university professor not only disseminates knowledge about subject matter but also observes how students incorporate and understand her lectures and assigned readings. The priestly system instituted a specific reflective function for the priests wherein they observe how the Israelites observe and participate in the sacred system. The priesthood constituted what Wallerstein called "cadres" which possess "leadership or supervisory roles" within systemic institutions.[100] Priests, according to the texts, must survey the feedback mechanisms of the system (sacrifices, ritual purifications, time observance) to ensure that everything continues to function in its societal context. This includes self-reflection on their own status within the system. Without the second-order observations of the priests, the system cannot produce the proper communications needed to rationalize its continued existence. If the priests do not identify impurity, demarcate sacred boundaries, or deploy the right sacrifices, the system loses its unique rationale to deal with society's contingencies; the system falls apart, fails to relevantly communicate with human minds, and ceases to make sense of the world.

After installing the Aaronide priests as these important system-observers, YHWH introduces the function of the Levites within the priestly system. Although Num 18:2 acknowledges kinship affinities to Aaron (וְגַם אֶת־אַחֶיךָ מַטֵּה לֵוִי שֵׁבֶט אָבִיךָ), the description of the ministerial duties as service to the priests (וְיִשָׁרְתוּךָ וְאַתָּה וּבָנֶיךָ אִתָּךְ לִפְנֵי אֹהֶל הָעֵדֻת) indicates their subordination. Furthermore, the rare phrase וְיִלָּווּ עָלֶיךָ "they shall be

---

[99] Luhmann, *Introduction to Systems Theory*, 111-112.
[100] Wallerstein, *World-Systems Analysis*, 40.

189

associated with you" seems to convey the artificiality of the relationship which did not previously exist. The name "Levite" may even derive from their function within the priestly system as represented by the verbal form לוה (*lāwāh*).[101] Genesis 29:34 uses the phrase etiologically to explain Levi's naming as Leah's hope that after bearing a third son, Jacob's affections would change for her. Late prophetic texts in Isaiah (14:1; 56:3, 6; Jer 50:5; Zech 2:15) also employ this terminology to describe foreigners who would choose to affiliate themselves with Israel and Israel's God.[102] It seems clear that though the priestly system knows of Aaron's descent from the eponymous ancestor Levi, it wishes to stress the fictive kinship of the Levites to the Aaronides within the priestly system. As the root לוה would suggest, the Levites are ancillary, a part of the system artificially but not a part of the system's cadre of priests.

Just as the Aaronide priests have charge over the sanctuary proper (מקדש), the Levites are responsible for guarding the outer Tent (כָּל־הָאֹהֶל), but on penalty of death, they must never encroach upon the sacred furnishings or the altar (v. 3). The Levites' social movement within the religious system falls under the auspices of the priests who must guard against the Levites trespassing into their territory and causing both the death of the Levites and the priests who are responsible. The Levites' association and service to the priests (v. 4) lies only in their guard duty (וְשָׁמְרוּ אֶת־מִשְׁמֶרֶת אֹהֶל מוֹעֵד) and the manual labor (לְכֹל עֲבֹדַת הָאֹהֶל) of dismantling, transporting, and assembling the

---

[101] Levine, *Numbers 1-20*, 441.
[102] Ibid.

190

Tabernacle.[103] They exist on the boundary of the common/holy distinction like the membrane of a cell. They guard the sacred space from outsiders and perform necessary, menial maintenance, but they must never presume to cross (לֹא יקרבו) the boundary reserved for priests. Matters regarding the altar (לְכָל־דְּבַר הַמִּזְבֵּחַ) and what lies behind the *pāroket* (וּלְמִבֵּית לַפָּרֹכֶת) represent the spatial boundary identified by the system that separates the priests from the Levites (v. 5).[104] They are YHWH's property which he gives as a gift (מתנה) to the priesthood in the same way he gives the breast of the well-being offering. By both terminology and access to space the priests are distinguished from the Levites who occupy a separate social stratum.

The text of Num 18:8-32 differentiates between priestly access and Levitical access to sacred property in more detail. The priests guard, or are responsible for, *těrûmâ* (vv. 8, 11), the "most sacred offerings from the fire" (מִקְּדֶשׁ הַקֳּדָשִׁים מִן־הָאֵשׁ), that is, all *kōrbānôt* to which only the priests (or YHWH) have full access (*minḥâ, ḥaṭṭāʾt, ʾašām*) and must eat in the sacred precincts (vv. 9-10).[105] These are mentioned first because, hierarchically, they may only be consumed by males of priestly lineage in a pure state and in a pure place. The rest of vv. 11-19 describe the dues of the priests which enjoy a wider distribution among priestly circles both among all genders and in a location of purity rather than holiness. YHWH gives the priests "gift offerings" (תְּרוּמַת מַתָּנָם) and *těnûpâ* (to which category the Levites belong, see above) (v. 11). The priestly stratum of

---

[103] I am fully convinced by Milgrom, *Numbers*, 343-344, that the priestly system makes a sharp distinction between "guard duty" (שמר את־משמרת) and physical labor (עבודה). I do not, however, follow him in making this distinction a linguistic dating mechanism; it merely represents the distinctive semantics of the priestly system.

[104] Ibid., 148, 315.

[105] Ibid., 150. Priests occupy the highest stratum of society designated by their ability to consume sacred meat in a sacred location.

society also receives the best and first portions of all processed and raw agricultural products (כל חלב...ראשיתם...בכורי כל־אשר בארצם), proscribed materials of conquest (*hērem*, חרם), the first-born of animals, and the redemption money for the first-born of humans and unclean animals; first-born sacrificial animals must be slaughtered, and their meat belongs to the priests (vv. 12-18).

Embedded within this section lies a secondary function of creating the Levitical social stratum—the generation of a tax. The Levites *de jure* represent a social group elevated above the rest of the Israelite laity, who serve as temple laborers and guards. As previously discussed, the system rationalizes their initial creation as the substitution for the first-born. Numbers 3:46-49 describes how the discrepancy between the number of Levites and Israelite first-born was resolved *monetarily* at the rate of 5 shekels per head, seemingly in accordance with Lev 27:6. This operation generates a feedback mechanism in which Israelites redeem all future first-borns *through a monetary payment*. Whereas previous traditions would have suggested the redemption of the first-born by means of a sacrificial rite, H in Num 18:16 accomplishes redemption through money. The system has thus generated a mechanism by realizing stratification in its environment also observed within the economic system. In this way the creation of the Levitical class by H provides the rationale for taxing the first-born of every mother in Israel. The system's recognition of stratification in Israelite society permits the system to "couple" with its economic environment and rationalize a means of extracting capital from peripheral households not within the priestly cadre. This operation functions to enrich the priestly system itself and allows it the finances to continue in a period in which it could not rely on monarchic provision.

The Levites, though subordinate to priests, benefit within the priestly system and its control of the economic dimension (vv. 21-24). They receive the tithes of the Israelites (כָּל־מַעֲשֵׂר בְּיִשְׂרָאֵל) as an inheritance grant (לְנַחֲלָה) in exchange for their services to the divine (חֵלֶף עֲבֹדָתָם אֲשֶׁר־הֵם עֹבְדִים אֶת־עֲבֹדַת אֹהֶל מוֹעֵד) (v.21). They cannot have their agricultural territory but receive the tithes as their recompense (vv. 23-24). But the benefits which belong to this social stratum come with strings attached. Because the tithes of the Israelites (better, the 10 percent tax on Israelites) belong to YHWH (לַיהוָה תְּרוּמָה) the Levites themselves must "desacralize" Israel's tithe in order to benefit from it, since they are not priests entitled to *těrûmâ* straightforwardly. They must offer a tithe of the tithe (מַעֲשֵׂר מִן־הַמַּעֲשֵׂר) as a gift to YHWH (v. 26), which would then go to the priests (וַהֲרֵמֹתֶם מִמֶּנּוּ תְּרוּמַת יְהוָה) since the previous passage established that YHWH gave all *těrûmâ* to priests (v. 28 makes this priestly destination explicit). The tithe of the Levites to the priests, however, is not merely ten percent, but the top ten percent of the donations qualitatively (מִכֹּל־חֶלְבּוֹ), as stated in v. 29. Much like the *šěllamîm* offering, once the transfer of the sacred portion occurs (אֶת־מִקְדְּשׁוֹ מִמֶּנּוּ) the tithes move to the common realm and may be enjoyed in any place (בְּכָל־מָקוֹם) (vv. 29-32).

This arrangement fits perfectly within the priestly system's precise code. It allows a portion of sacred donations to go to the Levitical stratum of the population as their wages (כִּי־שָׂכָר הוּא) by using other analogous operations with the system as its template. This new stratum of society enjoyed close association with the holy realm of the priests but needed provisions in return for not possessing land holdings and not performing profane work. The priestly system devised a system of taxation by which the Israelites

gave ten percent of their agricultural yield to the Levites, who then desacralized the

sacred gift by giving the top ten percent of the tithes back to the priests, whom they

served.[106]

Knohl remarks several times on the appearance of egalitarianism in the H stratum

of the Pentateuch.[107] The priestly system as portrayed by H privileges the priestly stratum

of society, but also extends itself to include tangible and perceptible benefits to Levites

and the Israelite laity (as opposed to non-Israelites). The priestly organization of

Aaronide priests must offer a "synergistic" system to its society so that "each member

must be receiving at least as much benefit from membership as she would from acting

alone."[108] Luhmann describes this situation perfectly when he says that "there is no

disputing that there was an upper stratum and that its existence and distinction was

honored in communication" but it still depended on the other social strata to participate in

order to function.[109] He defines formal differentiation by stratification as occurring "only

when society is to be represented as a hierarchy in which order without differences in

rank has become unthinkable."[110] Though the priestly system did not abandon the notion

of fictive kinship amongst "all Israel" or between priests and Levites, the system clearly

limits access to sacred space and property based on stratified groups within the "kinship"

construct.[111] As in the P stratum of the Priestly literature, H too grapples with the danger

---

[106] Levine, *Numbers 1-20*, 451-453. He notes that the tithe of the tithe did not include livestock, only agricultural produce.
[107] Knohl, *The Sanctuary of Silence*, 180-196.
[108] John H. Miller and Scott E. Page, *Complex Adaptive Systems* (Princeton, PA: Princeton University Press, 2007), 200.
[109] Luhmann, *Theory of Society: Volume 2*, 50.
[110] Ibid., 51.
[111] Jeffery M. Hutton, "The Levites in Diaspora (II): Modern Perspectives on the Levitical Cities Lists (A Review of Opinions," in *The Levites and Priests in History and Tradition*, eds. Mark A. Leuchter

of YHWH living among the people of Israel. But H cannot imagine the Israelites' safety without the respective roles and responsibilities of *both* the priests *and* the Levites.[112]

Systems theory exposes much about the emergence of H's new statuses of stratification. The "new" stratum of society was the result of the system accommodating and adapting to changes which had already occurred within Israelite society, many of which are only implied in the texts. Previous scholarship sought causal relationships between priestly text production and historical events, such as the monarchic initiative of Hezekiah, Josiah, or the crisis of the Exile and restoration period.[113] Our method permits us to claim that a textual corpus, like the one that spans Exodus 25-Numbers, could emerge only under certain conditions. The system that created these texts would need to reflect and adapt to "irritations" from its larger societal environment in order to continue its function in the society. The H literature of the Torah illustrates a radical incorporation of elements from its environment into the system which appeared plausible to its audience. Though these innovations appear to be a radical transformation of the system, the adaptations do not go to the core of the system. This study's analysis of the Levites within the system demonstrates a host of implicit representations which the system exploited to manifest the inclusion of the Levite stratum.

The priestly system, as depicted in H's redaction (PH), participated in a society in which the religious, cultic system could *plausibly* control every aspect of land

---

and Jeffery M. Hutton (Atlanta: SBL Press, 2011), 81. Hutton, who asserts some historicity to Levitical traditions admits the possibility of historical details being subsumed by a central administration in a "pious fiction."

[112] Levine, *Numbers 1-20*, 442.

[113] Knohl, *The Sanctuary of Silence,* 200-212; Milgrom, *Leviticus 1-16*, 13-35; Mark K. George, *Israel's Tabernacle as Social Space* (Atlanta: SBL Press, 2009), 9; Nihan, *From Priestly Torah to Pentateuch,* 610.

management in Israel, collect taxes in-kind and in capital from every level of society, incorporate a "middle-class" of workers who belong to neither the sacred nor secular realms, and assert that its own ruling class functioned as YHWH's mediators. A systems theory approach suggests, with other biblical scholarship, that these texts most likely emerged from the new reality of the Second Commonwealth period in which Israel had no supporting monarchy and the priesthood was the political authority *de jure* of a small territory.[114] The Aaronide "creation" of the Levitical class relegated a broad group of formerly functional religious intermediaries to cultic security guards and tax collectors based on the need for the system to survive the post-monarchic environment. By weaving traditions together, the system generated a means of socializing "Israel" to this new "reality" by means of its own system-operations.

The observations made by this study's use of systems theory have not emerged from merely connecting Pentateuchal texts and attempting a linear history of the texts' construction. Textual communications about a system do not constitute the system in its entirety. The biblical text is just the tip of the iceberg. Using systems theory allows us to posit all the shared mental and cultural representations which would have allowed the system to argue for its place in the society; it allows us to explicate the implicit. The priestly system would not need to accommodate the Levites within its operations unless members of the society already thought they knew a Levite when they saw one and knew what was their cultic function. The system could not transform the Levite unless the culture already attributed special value to first-born males, believed sacred institutions could acquire human beings, and that humans possessed a monetary equivalent. That the

---

[114] Leuchter, *The Levites and the Boundaries of Israelite Identity*, 1-3, 230, 249.

system communicated any of this through a text demonstrates its reliance on these pre-existing concepts and its need to incorporate and transform them. The system's concept of holiness, as it relates to YHWH and the priestly realm, is primary. Adapting that binary system to its non-binary environment in which multiple social strata exist requires the system to create a gradient social map on which its binary code would work. This analysis offers a new way to discuss how the system worked in its society and should shift us away from a designation widely used in the scholarly discourse about the priestly literature—"graded holiness."

The Misnomer of "Graded Holiness"

Systems theory offers a corrective for an often-misconceived idea —the concept of "graded holiness."[115] This nomenclature became prevalent following the publication of *Graded Holiness* by Philip Peter Jenson. In his study, Jenson suggests that one of the keys to understanding the priestly worldview lies within the concept of a "holiness spectrum."[116] Throughout the work Jenson makes cogent comments about the nature of what we are calling "the priestly system." He correctly notes that representations of sacred spaces and social groups parallel one another, but he gives pride of place to the spatial dimension.[117] Jenson also aptly describes the priestly view of Israelite society as hierarchical, which comports with the systems-theoretical designation of stratification.[118]

---

[115] Jenson, *Graded Holiness*, passim; Milgrom, *Leviticus 1-16*, 321; Olyan; *Rites and Rank*, 19, 22-25.
[116] Jenson, *ibid*., 36-39, 62-66, 88, 210-212.
[117] Ibid., 114.
[118] Ibid., 116.

Jenson's approach "grades" holiness within four dimensions of human experience: spatial, personal, ritual, time. Gradations of space and social hierarchy do not present a problem for systems theory. The problem is that holiness, in the priestly literature, exists as a binary code with its opposing value "common" or "profane," as recognized by Olyan.[119] A binary, by definition, cannot be "graded." But binaries can be nested within one another; a binary can generate another binary set. At one point, Jenson comes close to this realization when he writes that:

> [H]oliness (and its opposite, the profane) represents the divine relation to the ordered world, and the clean (with its opposite, the unclean) embraces the normal state of human existence in the earthly realm. The holy-profane pair represents (positively and negatively) the divine sphere, and this may be distinguished from the human sphere (which is marked by the opposition between clean and unclean).[120]

We should understand the related, but not synonymous binaries of holy/common and clean/unclean as *nested* binaries—the latter being nested within the former as Jenson appears to suggest in the quote above. But Jenson does not follow the precision of his statement in his analysis, choosing instead to "grade" holiness instead of placing the holiness binary *within* gradient categories of space, people groups, ritual, or time.

Olyan also uses the phrase "graded holiness" in his study *Rites and Rank*. His aim "is to investigate the manner in which hierarchical social relations are realized in biblical cultic and quasi-cultic contexts."[121] He argues that the binaries found in cultic contexts of

---

[119] Olyan, *Rites and Rank*, 15.
[120] Jenson, *Graded Holiness*, 47.
[121] Olyan, *Rites and Rank*, 3.

the Torah *generate* social difference by constricting access to experiences in which that difference is realized.[122]

Regarding these concepts, systems theory offers a more accurate and appropriately complex understanding of the coded binaries in priestly literature. Distinctions expressed by binary constructions do not *generate* social distinction. *Pre-existing* socially differentiated groups require systems to encode binaries that confirm the privileges they already enjoy. The priests at the top of the hierarchy are "part of [the] systemic mix out of which they emerged and upon which they act."[123] The binary code keeps the existing system alive and functioning, no matter the circumstances. It only creates the impression of reality within the system which reinscribes power on behalf of those privileged to surveil the system's operation. "Graded holiness" is thus a misnomer. What we are actually attempting to account for is the fact that the system applies a binary construction to other *social* structures (hierarchy, economic brackets, etc.) which are implicit in the text. Systems theory assists us by providing a conceptual framework in which the system is largely invisible to those within it—especially those composing literary communications within and about it. Scholarly descriptions of "graded holiness" take biblical texts to be a comprehensive statement about the system by the priestly authors, rather than a small part of the system's communication. Only a fraction of the system is visible within the text. The system is greater than the sum of its parts, including the biblical texts which to communicate about it.

---

[122] Ibid., 3-4.
[123] Wallerstein, *World-Systems Analysis*, 21.

Olyan observes these non-binary features in the text. He introduces the notion of "triadic constructions" to deal with the complexities of the priestly religion that seem to extend beyond a simple binary. These triads are dependent on binary constructions, but ultimately constitute a three-tiered hierarchical opposition.[124] He writes that "access to privileged cultic space, privileged rites, or privileged items is a cult-specific way that biblical texts represent the realization and communication of social differentiation."[125] This neatly accords with a systems-theory approach. As we have just seen in the investiture of the Levites, social privileging usually results in economic wealth.[126]

Recent studies regarding the nature of holiness in the priestly system are inconsistent in their nomenclature. Often this occurs due to a lack of specificity as to "who" is talking about holiness (P? H? Non-priestly literature?) or a lack of explicit method for evaluating textual claims about holiness. The latter tend toward face-value readings of the texts without asking questions about power dynamics in the discourse or the implicit assumptions of the texts which are brought to light using various critical theories. This leads scholars to both acknowledge the social significance of access to resources, power, and privilege based on a binary (like holy/common) while also claiming that there exist secondary or tertiary expressions of a binary. They also tend to express the notion that the social distinctions emerge from the text's use of a particular binary, rather than the binary's ability to reenforce preexisting social distinctions to the benefit of the higher levels of the hierarchy.

---

[124] Olyan, *Rites and Rank*, 6-7.
[125] Ibid., 8.
[126] Ibid., 9.

Olyan is correct when he states that priestly status "is realized and communicated by means of elite ritual action, exclusive access to restricted ritual sites, the attribution of holiness to priests only, access to holy foods" among other things.[127] The priestly group who authored these texts plausibly wielded enough power to draw on the economic structures, legal system, and theology of their context to invoke threats regarding improper participation in the cult. Reading the priestly texts through lens of systems theory, however, allows us to be as punctilious as the priestly texts themselves when describing their society. "Gradations" appear in sacred contexts not because the binary of holy/common somehow possesses more than two components. They appear because the system's binary code attempts to incorporate and make sense of the multi-layered stratifications of the society in which they participate—layers that cannot be collapsed into a binary. Whether those stratifications are limited to a society with stronger elements of center-periphery distinctions (P), or an explicitly stratified society (H), our scholarly descriptions are most useful when they reflect how the system constructs its code within its social environment.

I argue that scholarly descriptions of the priestly literature would be better served by adopting the analytic posture of systems theory. The binaries found in the literature *are the codes of a system*. Even if a formal adoption of the method is not espoused, the rules of a binary cannot be broken to accommodate the complexity of a text. The intersection of the priestly code with the stratified spaces, economic structures, and social

---

[127] Olyan, *Rites and Rank*, 23-24, 36, 116.

hierarchies represents aspects of the literature which are best described using systems theory.

<div style="text-align:center">The Stratification of Israelite Citizen and Resident Foreigner</div>

Luhmann observed that society achieves integration *through forms of differentiation*.[128] The perception of an integrated society *emerges* from the ways various systems (like the priestly system under consideration) distinguish themselves from each other and offer a unique "sense" to the world. This means that the priestly system refers to and depends on the other systems in its environment.[129] How the priestly system managed to integrate itself into the larger society depended on who it excluded and included—to whom it permitted access.[130] A society may impose all kinds of inclusive criteria for how individuals interact within it. An urban dweller may have access to many resources a rural farmer does not enjoy. Many historical societies centered men which created structures that excluded women. The priestly system offered a binary code of holy/common to its society—a way of making a transcendent God tangible in an immanent world. In order to be integrated into that society, however, it had to defer to its social environment to determine means of exclusion and inclusion in its system.

The Holiness stratum of the Pentateuch included the social distinction גר/אזרח (*gēr/'ezrāḥ*), the citizen and the resident foreigner, as a means of achieving integration

---

[128] Luhmann, *Theory of Society Volume 2*, 16.
[129] Ibid., 17.
[130] Ibid.

with its society.[131] The distinction between these two social classes never occurs in P.[132]

It occurs more than thirty times in H.[133] This distinction expands the social map of the

system beyond priests, Levites, and the laity. It now attempts to distinguish "native"

Israelites from the resident foreigners as potential participants in the system from the

society.[134]

The definition of a *gēr* largely depends on the ideology of the authors who wrote

about them. I accept the general depiction put forth by Olyan, who describes the *gēr* as "a

long-term, foreign, male resident in Israel who is…outside of the lineage-patrimony

system and therefore potentially in a position of dependency on an Israelite patron."[135]

Johannes Pederson notes that they comprise "a limited social class…not wholly but

nearly assimilated."[136] They formed an intermediate position in society in which they

lived as non-natives and did not enjoy the privileges afforded to native-born citizens.[137]

Harold V. Bennett, largely focusing on Deuteronomic materials, classifies the *gēr* as a

person who had "proximity with the in-group but maintained cultural distance from this

entity."[138] Sara Japhet concurs when she describes this entity as an outsider who depends

---

[131] Olyan, *Rites and Rank*, 63-102. The Holiness writers did not invent the concept of *gēr*. The term symbolizes an external reality within the social environment. Its existence in the Deuteronomic corpus proves that this mostly political term did not originate within the priestly system. My remarks are specifically directed at the cultic incorporation of the binary which pits the *gēr* against the Israelite native. This usage is distinct from Deuteronomy.

[132] Wright, "Atonement Beyond Israel," 40-63. The single occurrence of the word pair in Lev 16:29 is widely regarded as belonging to H. See Knohl, *The Sanctuary of Silence*, 105; Milgrom, *Leviticus 1-16*, 1056.

[133] Lev 17:8-16; 18:26; 19:33-34; 22:18-20; 23:22; 24:16, 22; 25:23, 35, 47; Num 9:14; 15:14, 26, 29; 19:10; 35:15.

[134] I do not wish to suggest that these represent the only strata within society. For instance, I could include the economic binary free resident/chattel slave. My selections are not exhaustive.

[135] Olyan, *Rites and Rank*, 68.

[136] Johannes Pederson, *Ancient Israel: Its Life and Culture, vol. 1* (London: Oxford University Press, 1927 [1973]), 41.

[137] Diether Kellermann, "גור," in *TDOT* 2:443.

[138] Harold V. Bennett, *Injustice Made Legal* (Grand Rapids, MI: Eerdmans, 2002), 46.

on the local population but whose access to land, marriage, and religion remains limited.[139] The problem with this group, from the perspective of the priestly system, pertains to their inclusion in the system which claims to negotiate between YHWH and Israel, in which the *gēr* exists as part of the society. The non-native, a part of the society but perhaps not integrated into the religious system, could present a serious foil to the priestly organization's authority.

All mentions of the *gēr* in the Hebrew Bible fail to produce any comments about the religion of the outsider. The authors are seemingly interested in the "social rather than religious terms" of the foreigner's existence.[140] Japhet, however, opines that

> it seems unquestionable that the (non-Israelite) *gerim* adopted the religion
> of Israel and followed its forms of worship. It should be emphasized,
> however, that the adoption of the Israelite religious practices was not the
> motive for their coming to live in the land of Israel or for their joining the
> people of Israel, but rather its result. Their adoption of the religion of
> Israel should be seen as an outcome of their residency in the land—which,
> however, did not affect their peculiar social status as aliens.[141]

Based on descriptions throughout the Hebrew Bible, Japhet argues that the biblical authors seemed convinced that the stranger who relocates would be expected to adopt the religious customs of the land to which he or she moved.[142] The *gēr* must respect the customs of their new location. Their full participation in the religion would be voluntary, provided they submitted themselves to their host society's requirements (such as undergoing circumcision to celebrate Passover). Though they are not strictly "converts"

---

[139] Sara Japhet, "The Term Ger and the Concept of Conversion in the Hebrew Bible," in *Bastards and Believers: Jewish Converts and Conversion from the Bible to the Present* (Philadelphia: University of Pennsylvania Press, 2020), 27.

[140] Japhet, "Ger," 28.

[141] Ibid.

[142] Ibid., 30.

to the religion of YHWH, they do function as a part of the society and might be integrated into the religion as a result.

Japhet highlights one passage from Isaiah 14, a late post-exilic prophecy, which stresses the *potential* religious devotion of a *gēr*. Isaiah 14:1-2 states: "But YHWH will have compassion on Jacob and will again choose Israel. So, he will lead them to their land *and the foreigner will accompany them and attach themselves to the class of Jacob*." The text cites הגר as one who is joined to Israel (ונלוה) so that they are attached (ונספחו) to the collective. Elsewhere, the notion of religious "accompaniment" (נלוה) is applied to foreigners who seek to worship YHWH. Isaiah 56:3-7 describes the foreign element as בן-הנכר instead of *gēr* while using the language of attachment. Similarly, Zechariah 2:14 describes "many nations" joining themselves (ונלוו גוים רבים) to YHWH. Japhet suggests that these depictions of *gērîm* define foreigners attaching themselves to Israel through religious devotion, *even in diaspora*, and regard them as converts to the religion of YHWH.[143]

Japhet's thesis has direct implications for the priestly system. Ezekiel 14:7 understands the socio-religious repercussions of infidelity to YHWH when he includes the *gēr* among Israel as those who may cut themselves off from observance of YHWH's statutes (כי איש איש מבית ישראל ומהגר אשר־יגור בישראל וינזר מאחרי). Even though these *gērîm* do not possess the same social status as Israelites, the priestly organization must account for them in system because of their ability to affect the systemic operations and threaten priestly power. That is, the disobedient *gēr* who disregards priestly authority

---

[143] Ibid., 36-37.

could cause the entire society to suffer God's wrath since they constitute part of Israel. The totalizing priestly trope explicitly found in Exodus 12:49 (and elsewhere) includes them in the system: תורה אחת יהיה לאזרח ולגר הגר בתוככם. Thus, the inclusion of the *gēr* necessitated that the priestly system, reflected in H's redaction, encode foreign individuals who had access to and could affect the "reality" of the cult from the socio-political binary of its environment.[144]

The need to assimilate foreigners likely did not emerge until at least the 7th century BCE. Yifat Thareani has shown that the settlement system in the Negev flourished during the Neo-Assyrian empire where a variety of artifacts from Judah, Edom, Arabia, and Assyria were discovered.[145] Her work demonstrates the blurry relationships on Judah's frontier and how non-egalitarian relations between seminomadic people and sedentary populations could lead to conflict.[146] Archaeological excavations in the Negev demonstrate exactly how Israelite society could be integrated in one locale *through differentiation* in material culture.

Though the material evidence from the 7th-6th centuries BCE may serve as a *terminus post quem*, most scholars assume the literary development of the *gēr* occurred later. Levine suggests that this inclusion most likely occurred after the crisis of exile.[147] Olyan tentatively speculates that the early Persian period would serve as the environment in which H sought to incorporate outsiders into the cultic realm.[148] Ehud Ben Zvi has

---

[144] Olyan, *Rites and Rank*, 64-68.
[145] Yifat Thareani, "Forces of Decline and Regeneration: A Socioeconomic Account of the Iron Age II Negev Desert," in eds. Marvin Lloyd Miller, Ehud Ben Zvi, Gary N. Knoppers, *The Economy of Ancient Judah in Its Historical Context* (Winona Lake, IN: Eisenbrauns, 2015), 207-235.
[146] Thareani, "Forces of Decline and Regeneration," 224.
[147] Levine, *Leviticus*, 273.
[148] Olyan, *Rites and Rank*, 72-73.

suggested the Persian II period (450-333 BCE) as more likely due to the surges in the population of Yehud and its literate elite.[149] The political distinction between the "native" and the foreigner (גר/אזרח) presents an opportunity to discuss the integrated religious function that H texts sought to offer their political, economic, and social environments. A host of biblical texts demonstrate this tension and offer means of attempting to solve this problem.

Due to the possibility that the *gēr* might wish to participate in the religious aspect of Israelite society, the priestly system offered inclusion through the ritual act of circumcision.[150] The Holiness writers manifest this reality in the commands regarding the Passover (Exod 12:43-49). The passage begins by generally excluding all non-Israelites (לכל־בני נכר) from participating in this quasi-cultic rite. Only non-native, circumcised chattel slaves owned by Israelites can partake of the meal (וכל־עבד איש מקנת־כסף); uncircumcised foreign residents (תושב) and wage laborers (שכיר) may not (vv. 44-45). Here the system merges a socio-political distinction (non-native) with the economic (slave). But what of the free foreigner? The text concludes:

כי־יגור אתך גר ועשה פסח ליהוה המול לו כל־זכר ואז יקרב לעשתו והיה כאזרח
הארץ וכל־ערל לא־יאכל בו:

תורה אחת יהיה לאזרח ולגר הגר בתוככם:

If a foreigner resides with you and wants to observe YHWH's Passover,
all his males must be circumcised. Then he may approach to observe it and
will be like a native of the Land. But all who are uncircumcised must not

---

[149] Ehud Ben Zvi, "The Urban Center of Jerusalem and the Development of the Literature in the Hebrew Bible," in eds. Walter E. Aufrecht, Neil A. Mirau, and Steven W. Gauley, *Urbanism in Antiquity* (Sheffield: Sheffield Academic Press, 1996), 194-195, 197, 203-204.

[150] Olyan, *Rites and Rank*, 64.

eat of it. There must be one teaching for the native and for the foreigner who resides in your midst.

(Exod 12:48-49)

The pious foreigner, through the ritual of circumcision, may participate in this cultic holiday. From a systems theory perspective, the priestly organization has adopted a mechanism that transforms a stratum of society (non-Israelite) into a participant in its system as a cultic operator. The system imbues Passover with a religious "sense" in that the society of Israel historicizes its unique origins as a distinct people group. Here, however, H has innovated a means of granting access to groups which would otherwise be excluded.

The admission of circumcised foreigners attempts to represent the totality or universality of the system within its society.[151] The system's claim of universal access through circumcision offers "enormous comfort to those who are benefitting from the system."[152] The self/other binary of native/foreigner, while technically exclusive, actually represents a form of inclusion; albeit an inferior version of inclusivity. Wallerstein explains these kinds of inclusion as "norms [that] exist to justify the lower ranking, to enforce the lower ranking, and perversely even to make it somewhat palatable to those who have the lower ranking."[153] By opening the door to cultic participation, the priestly writers behind H intend to socialize Israelites and non-Israelites into their system by manifesting and reinforcing a hierarchy which favors the religious mediators. The

---

[151] Olyan, *Rites and Rank*, 69; Wallerstein, *World-Systems Analysis*, 38-39.
[152] Wallerstein, *World-Systems Analysis*, 40.
[153] Ibid., 41.

inclusion of the *gēr* consists of an attempt to totalize the system for the social context in which it is situated after the sixth century BCE.

We observe another manifestation of the system's attempt to account for the entire society in Num 15. The text of Num 15:15 states that the *gēr* constitutes part of the total Israelite society (הקהל/העדה) for which there is a single, comprehensive religious statute (חקה אחת).[154] Remarkably, the circumcision status of the foreigner does not explicitly preclude one from making an offering: "Just as you do, so he must do" (כאשר יעשה תעשו כן) (v.14). The system further accounts for the errant behavior of the society regarding YHWH's commands. Num 15:25-26 states that the priest can atone on behalf of Israelite society (עדת בני ישראל) through the *purification offering* (לחטאת) on this occasion. YHWH's forgiveness extends to Israel but also to the foreigner (without qualifications) because the entire people had inadvertently erred (כי לכל־העם בשגגה). Just as before, the system incorporates the foreigner, but at an inferior rank. Here it may make sense to follow Milgrom's suggestion that the people (העם) represent the larger society while only Israelites count as העדה, members of the community.[155] The later textual stratum of H thus modifies provisions offered in P (Lev 2:4) to potentially broaden the scope of the system within its society.[156] This inclusion has the upshot of dealing with all kinds of impurity and covenant disobedience within a complex society with multiple

---

[154] Timothy R. Ashley, *The Book of Numbers* (Grand Rapids, MI: Eerdmans, 1993), 287 and Milgrom, *Numbers*, 124, disagree on the extent of the inclusion of the *gēr* into the community (עדה). Ashley counts the foreigner's inclusion into Israel functionally as the recipient of forgiveness whereas Milgrom draws a sharp distinction between the outsider's inclusion in the people (העם) and being counted in the covenantal community (העדה). Regardless, the system here is modifying its mechanisms and operations to account for a group of people in its society who, up to this point, had not been registered in the textual communications of the system.
[155] Milgrom, *Numbers*, 124.
[156] Ashley, *The Book of Numbers*, 276.

social strata. If the system did not account for the *gēr*, it would lose any sense of relevance or rationality for the environment to which it offered "meaning."

The Holiness writings add the distinction of גר/אזרח to the Yom Hakippurim ritual complex to account for impurity which might affect the sanctuary throughout the course of a year. Wright argues that H redacted earlier forms of the ritual which represented an "ad hoc emergency rite for sanctuary purification" into a yearly, repeatable operation to account for greater contingency within society, such as the intentional sin of a *gēr*.[157] Milgrom earlier confirmed H as the only textual source concerned with the non-Israelite's actions regarding the holy realm.[158] The rituals on Yom Hakippurim functioned to eliminate impurity from the shrine and the people from moral offenses (Lev 16:33), intentional defiance of divine law, and unaccounted-for acts of omission.[159]

The prohibition of work constitutes the explicit reason H includes the foreigner in a commandment regarding Yom Hakippurim observance.[160] Wright suggests that H added the command for the *gēr* to stop working, equivalent to the Israelite, in order to include all people living in the land of Israel within the scope of the priestly religion.[161] Despite the composite nature of Lev 16 on a textual and ritual level, H has established a totalizing ritual whereby the system absolves errors committed by the community provided that all actors within the ritual complex take part, including the abstinence from work.[162] The system mandates for all levels of society to outwardly express observance of

---

[157] Wright, "Atonement Beyond Israel," 56.
[158] Milgrom, *Leviticus 1-16*, 1065.
[159] Gane, *Cult and Character*, 230-231; Milgrom, *Leviticus 1-16*, 1056.
[160] Milgrom, *Leviticus 1-16*, 1055.
[161] Wright, "Atonement Beyond Israel," 56-58.
[162] Gane, *Cult and Character*, 275.

Yom Hakippurim by this form of self-denial.[163] By dictating this inclusion in the yearly

atonement rite, the system sought to socialize even foreigners into its purview. It

attempted to communicate that all persons could contribute to the contamination of the

sanctuary and that all persons needed to participate in order to derive the benefit of the

ritual to ensure their safety in the land. The stratification of society in the priestly

system's environment forced the inclusion of these new categories within the priestly

literature (H). Without such inclusions, the system risked irrelevance and internal

incoherence.

Much of the scholarship regarding the *gēr* focuses on their political status within

Israel and the accommodations Israel made to either include or exclude them. But the

priestly attitude towards foreigners was not inclusive for the sake of inclusivity. At its

core, the system feared the threat of Israel's assimilation, particularly in diaspora. The

priestly system emerged out of an effort by priestly authorities to retain their power over

their constituents. The system itself exists to create an integrated society *by means of*

religious differentiation. Several priestly texts reveal this goal.

In the Priestly Decalogue of Exodus 34:10-27, the authors begin with a warning

against religious assimilation. Exodus 34:15-16 warns the Israelites: "You must not make

a covenant with the inhabitants of the land, for they will lust after other gods and sacrifice

to other gods and invite you, and you will eat their sacrifices. And then you will take

from their daughters for your sons. Their daughters will lust after their other gods so that

---

[163] Gane, *ibid*., 312-315; Frank H. Gorman Jr., *The Ideology of Ritual* (Sheffield: Sheffield Academic, 1990), 63.

your sons will lust after their other gods." It is precisely the foreign element of other

peoples that threatens priestly authority. David H. Aaron writes

> The Exodus 34 Decalogue is establishing cultural, cultic, and theological
> loyalty on the basis of ideas for which objects are metonyms. While the
> priests' goals may focus first and foremost on the cultic level, they are
> cognizant that assimilation begins at a social level. Thus, the cultic
> accoutrements and their associated rites are grasped as potential metonyms
> for...a broader form of cultural and religious differentiation and...the
> dangers of complete assimilation. The greatest fear is intermarriage.[164]

Aaron's suggestion that intermarriage constitutes the primary concern of Israelite contact

with foreigners is largely ignored when scholars consider the impact of the *gēr* in Israelite

society. The Priestly Decalogue only prohibits covenants with foreigners on the basis that

sacrificial feasting would be entailed. The logical conclusion would be that this covenant-

making would logically lead to intermarriage, even though intermarriage is not explicitly

forbidden by the text. Although Exodus 34 does not mention *gerim* as the target cause of

assimilation, it does point to foreigners in the midst of Israel as the locus of a religious

crisis. If the priestly text of Exodus 34 represents the concerns of a *golah* community

returning to the land of Israel, in addition to Israelites still in diaspora, we should

consider the foreignness of the *gēr* both as a problem to be solved and a tension to be

negotiated.

An acknowledgement of intermarriage in Israelite society is tacitly admitted by

the priestly prohibitions for marriage regarding the high priest. In both Leviticus 21:14-

15 and Ezekiel 44:22, the high priest and Zadokite priests must engage in endogamous or

Israelite-only marriages respectively. Leviticus 21:14, part of the Holiness Code, states

---

[164] David H. Aaron, *Etched in Stone* (New York: T & T Clark International, 2006), 296.

that the "priest who is exalted above his fellows, on whose head the anointing oil has been poured" must marry "only a virgin of his own kin" (כי אם־בתולה מעמיו). Ezekiel mandates that the legitimate Zadokite priests "may only marry virgins from the lineage of Israel" (כי אם־בתולה מזרע בית ישראל). The very prohibition for sanctified priests to engage in non-Israelite marriages implies the social reality of its occurrence among the larger Israelite society. The priests, in accordance with their holy encodement in the system, must be different.

A final text must serve as evidence for priestly system's management of the tension intermarriage posed. The pericope of the blasphemer in Leviticus 24:10-23 offers a perfect test case.

> ויצא בן־אשה ישראלית והוא בן־איש מצרי בתוך בני ישראל וינצו במחנה בן הישראלית ואיש הישראלי
>
> ויקב בן־האשה הישראלית את־השם ויקלל ויביאו אתו אל־משה ושם אמו שלמית בת־דברי למטה־דן

> There came out a man whose mother was an Israelite and whose father was an Egyptian from Israel. And the man whose mother was an Israelite and a full-fledged Israelite fought in the camp. The man whose mother was an Israelite intoned the Divine Name in order to pronounce a curse. So, they brought him to Moses. Now his mother's name was Shlomit, daughter of Debri of the tribe of Dan. (Lev 24:10-11)

For the purposes of this study, it does not matter the nature of the blasphemy in question—whether the man invoked the Divine Name in order to curse *the Israelite man* or *YHWH*.[165] The problem from the perspective of the priestly writers is: is the half-

---

[165] Milgrom, *Leviticus 23-27*, 2108; Samuel Greengus, *Laws in the Bible and in Early Rabbinic Collections* (Eugene, OR: Cascade Books, 2011), 259 state that the object of the cursing was the deity himself. John E. Hartley, *Leviticus* (Dallas: Word Books, 1992), 408-409 and Levine, *Leviticus* (Philadelphia: JPS, 1989), 166, leave open the ambiguous nature of the *waw* consecutive *nkv + qll* in order to render something along the lines of "pronounced the Name in blasphemy."

Israelite subject to punishment under the divine injunction against blasphemy and if so, what is the nature of the punishment?[166] Milgrom also points out that the Holiness writers might be dealing with the question about what to do regarding the *deliberate* desecration of the Tetragrammaton.[167] Regardless, the text reveals a crisis within the system regarding the authority of the priestly powers over non-Israelites (or half-Israelites). The association of this man of mixed linage, and his association with Dan, a tribe linked to intermarriage and assimilated worship practices, further adumbrates the issue of foreign elements which threaten the system.[168]

The story is resolved by a divine oracle which instructs the community to "take the blasphemer outside the camp and let all who heard (the man) lay their hands on his head (וסמכו כל־השמעים את־ידיהם על־ראשו) and stone him" (Lev 24:14). In accordance with the Yom Hakippurim ritual in Leviticus 16, the hand-leaning rite, using both hands, likely serves as a means of transferring the pollutant generated by hearing the blasphemy back on to the man who spoke it.[169] The priestly system thus invokes operations formerly elucidated within P and H to solve the problem of the half-Israelite's blasphemy.

The priestly *tour de force*, however, occurs in the conclusion of the pericope. Leviticus 24:16 states, "As with foreigners, so too with citizens, when they blaspheme the Name, they shall be put to death" (כגר כאזרח בנקבו־שם יומת). Implicitly, the priestly authors behind this story *equate* the man of mixed lineage to a *gēr*. As noted above in the

---

[166] Hartley, *Leviticus*, 406; Fishbane, *Biblical Interpretation in Ancient Israel*, 101; Milgrom, *Leviticus 23-27*, 2111.
[167] Milgrom, ibid., 2106.
[168] Milgrom, ibid., 2110.
[169] Milgrom, *Leviticus 1-16*, 1041; idem., *Leviticus 23-27*, 2113.

laws of sacrifice and the prohibition to work on Yom Hakippurim, the system determines

that *gerim* are subject to Israelite religious law.[170] Fishbane states that "extending the law

to strangers would be one way to regulate their behaviour and guarantee that no ritually

impure person was resident in the land."[171] The text clearly struggles with the *gēr* and his

integration into the system but *with specific reference to the problem of intermarriage*.

As such, the priestly system offers a particular method of managing its own authority in a

post-monarchic context. Its solution clearly differs from competing ideologies as revealed

in Ezra-Nehemiah. Rather than seeking to exclude foreigners and the offspring of

intermarriage, the priestly system attempts to socialize them and exercise authority over

them *by means of integration* which they accomplish by means of the binary

foreigner/citizen. Despite this effort, the texts produced within the priestly system reveal

the complicated and dangerous situation posed by intermarriage. Even if texts like

Exodus 34 depict intermarriages as "an abandonment of allegiance in the eyes of the

priest whose goal is to uphold the integrity of his religious community," they realistically

attempt to negotiate that tension by integration through an exclusionary binary so that

"Israelites will stay within the religious community that worships Yahweh through the

appropriately designated religious leaders."[172] Since the *gēr* constitutes part of the

Israelite community, texts like this attempt to modify the behavior of political outsiders

who might have access to or affect the cultic system.[173]

---

[170] Milgrom, *Leviticus 23-27*, 2119.
[171] Fishbane, *Biblical Interpretation in Ancient Israel*, 103, n. 46.
[172] Aaron, *Etched in Stone*, 298.
[173] Douglas A. Knight, *Law, Power, and Justice in Ancient Israel* (Louisville, KY: Westminster John Knox Press, 2011), 247.

Scholarship on the priestly strata of the Pentateuch has previously confirmed many of the assertions that H postdates and updates older Priestly literature (presumably called P). Systems theory affirms these claims and many of the speculations as to why the literature incorporated the changes to older traditions. This study suggests that a systems-oriented methodology yields the insight that the priestly system operated on binaries (holy/common//pure/impure) but also adapted its binary communications to accommodate its environment. The admission of Levites into the system with neither a priestly nor a lay role within the system represents one of these adaptations. The binary designation citizen/resident foreigner also acknowledges an external "reality" which the system needed to internally calibrate in order to account for a changing social landscape. The concept of structural coupling, along with the notion of the form of differentiation defined by social stratification aids us in more accurately diagnosing and explicating priestly texts. The system reflected in the priestly literature operates based on the binaries holy/common and pure/impure in order to function. No third options or "gradations" of those binaries exist. Gradation, when it occurs within the system, exists due to *external* environmental factors, such as social categories, political designations, or economic scales.

Self-Description and Self-Observation

The religious system represented by the priestly Aaronide organization produced a literary model of how the religion functioned in its society, otherwise known as self-

description.[174] This self-description logged an account of the system's own horizons–who was in and who was out. The Priestly system communicated in the writings preserved in the Torah offers one perspective about what it means to participate in בני ישראל (Israelite society) and what actions or states ensure the presence of their deity as well as the ones which threaten that continuing presence. To sustain older priestly traditions in its new environment, the priestly system developed a re-description of tradition.[175] The priestly system's self-description does not constitute the actual practice of the religion per se but displays its reflective capacity "to adapt to different local and social-structural demands, different types of audience, and different conditions for inclusion and exclusion."[176] Self-descriptions cannot create a complete picture of their environments, but they can construct a simplified model that removes every factor it cannot reasonably incorporate. They are the internalized responses to environmental irritations that the system had not previously considered.[177]

Most scholars now acknowledge that the priestly system which composed and redacted the literature of the Pentateuch accomplished this task sometime during the Second Commonwealth. Though the literature likely contains ancient practices and formulations, the redaction achieved by H serves as the "re-coding" of the older traditions contained in the earlier strata of P *without altering the binary codes and forms of communication of that religious system*.[178] Thus, the lens of systems theory allows us to

---

[174] Luhmann, *System Theory of Religion*, 232.
[175] Ibid., 237-238.
[176] Ibid., 252.
[177] Ibid., 256-257.
[178] Knohl, *The Sanctuary of Silence*, 6 argues that H redacted the entire Pentateuch and is largely supported by Milgrom, *Leviticus 1-16*, 13-15, passim. Christophe Nihan, "The Priestly Covenant," in *The Strata of the Priestly Writings*, eds. Sarah Shectman and Joel S. Baden (Zürich: Theologischer Verlag

perceive the Priestly system as a single system (same code, same form of communication, same deity) being redeployed in a new social environment in the Achaemenid period.

Summary of Findings

The Aaronides constructed and participated in a religious system that self-organized. The system envisioned in the literature generated its own operations only by means of its own network of existing operations.[179] This fact becomes clear as the system depends on presumed or pre-established operations to define other operations.[180] The self-organization of the priestly system allowed the system which existed in the monarchic period, exile, and reconstruction to make its own structures more complex to adapt within its environs.[181] Systems theorists realize that simple organizing principles, like the simple binaries of holy/common and pure/impure, can lead to complex new structures; simple rules can generate complex and diverse actions.[182] Examples from the priestly system range from the transference of one category into another, like converting a willful violation of deception into an inadvertent error (Lev 5:1-6) or the lease of tenured land into a permanent holding of the priesthood "analogous to *ḥērem*" (כִּשְׂדֵה הַחֵרֶם) (Lev 27:20-21). The simple concept that YHWH owns the land and Israel leases it

---

Zürich, 2009), 126-128, suggests three phases of development, but still places H after P as a "reinterpretation" of P. Stackert, "The Holiness Legislation and its Pentateuchal Sources," 201, denies that H represents the final redactional hand in the Torah, but agrees that the primary purpose was to supplement and complete P. This function of the H stratum is virtually indisputable in scholarship today.

[179] Luhmann, *Introduction to Systems Theory*, 76-77.

[180] For similar notions from an anthropological view, see Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 23 where she writes that in the analogous thinking of Leviticus, a thing "has its meaning only in the relations it has within a set of other things."

[181] Meadows, *Thinking in Systems*, 79.

[182] Meadows, *ibid*., 80; Miller and Page, *Complex Adaptive Systems*, 233.

generates great complexity when the various agents of different wealth, social status, and ethnicity enter the equation.

The priestly system attempted to "make sense" of the environmental "realities" that affected Israelite worshippers by promising to reduce contingency in their social context. This strategy only worked because of the relevance it held in the minds of individual worshippers.[183] The deity's residence (Ex 25:8; 29:45-46; Lev 15:31) protected the people from the danger of being unprotected and provided them with material blessings conditional on their obedience (Lev 26). The upper level of the social hierarchy (the priesthood) existed to ensure that YHWH's presence remained and that daily provisions would continue to flow to the society.[184] The priesthood also constructed a system which directly benefited and supported them in meeting these needs by feeding them and generating monetary wealth. This likely resulted in the suboptimization of the temple's purpose in the late Persian/early Hellenistic period in which priests exploited their material privilege and social position for political gain.[185] From the perspective of the bottom strata of the priestly system, the rules were simple, and one only needed the direction of the priest. The literature of the Torah that reflects the complexities of these simple rules demonstrates just how chaotic was the interaction between these simple premises and their society. Eilberg-Schwartz summarizes this process of socialization when he writes that "the theory of contamination validates the way that social status is

---

[183] Klawans, *ibid*., 73.
[184] Meadows, *ibid*., 84. "The original purpose of a hierarchy is always to help its originating subsystems do their jobs better."
[185] Ibid., 85. Meadows gives examples of systems damaging themselves by serving only the upper-tier levels of the system in the process called sub-optimization.

assigned in a given community...By reflecting on the rules of purity, members of each group come to believe that the way society operates is in fact part of the natural order."[186]

The priestly system supporting the Aaronide priests generated the texts which proposed a relationship between Israel's commodities, its social hierarchy, and a set of feedback mechanisms devised to regulate those relationships. The elements which the system tried to monitor include various mental states of worshippers, agricultural produce (both raw and processed), livestock, prestige items, silver, land, homes (urban and rural), sacred buildings, cultic paraphernalia, labor, people (priests, Levites, Israelites, foreigners), and the abstract, physical contagion of impurity. The interactions among these elements produced feedback loops wherein the common Israelite might bring a *ḥaṭṭ'āt* offering to a priest to purge impurity from the altar and receive forgiveness, a woman might be re-socialized into the community after childbirth, oil might be extracted from the populace, and so on. *The aggregate of all the constituent elements, their relationships to one another, and their purpose produced the system that is irreducible to its parts*. If we removed the priests from the system, or the element of ritual bathing, or the specific form of the purification offering, the system would cease to function in the same way removing the engine from the car renders it inert.[187] Despite the trauma of losing its monarchic benefactor when Babylon sacked Jerusalem in 586 C.E., the priestly families still maintained their traditions and ritual texts into the exile and sought to face the new challenges (and advantages) of a cultic system without a monarch. Eventually

---

[186] Howard Eilberg-Schwartz, *The Savage in Judaism* (Bloomington, IN: Indiana University Press, 1990), 216.
[187] Miller and Page, *Complex Adaptive Systems*, 9.

they would trade a domestic monarch for a foreign emperor, but their autonomy and authority increased in their post-monarchic environment.

Previous scholarship has produced several models or explanations of the Priestly worldview and its system. Systems theory offers refinement in the way we discuss the priestly literature. The binary nature of holiness and purity does not allow for "gradations." Explanations of phenomena represented by phrases like קדש קדשים should incorporate the concept of nesting and social stratification, not as indicative of a graded category of holiness. Proximity to the Deity (space) may be graded, but the access to space is marked by social status. Gradations may occur on the basis of social rank, economic scale, or political designations, but these are external factors to the system's holiness binary code.

Systems theory thus offers biblical studies a new lens with which to view the map of the priestly religious system. Existing maps, like the one proposed by Wenham in his commentary on Leviticus, though helpful, contain some of the missteps described above. He begins well by defining the interplay between the binaries:

> Everything that is not holy is common. Common things divide into two groups, the clean and the unclean. Clean things become holy, when they are sanctified. But unclean objects cannot be sanctified. Clean things can be made unclean, if they are polluted. Finally, holy items may be defiled and become common, even polluted, and therefore unclean.[188]

Two of the above statements are problematic. Foremost, clean and unclean do not solely relate to things in the common realm. Priests, who must maintain a status of holiness, can be defiled by corpses or other bodily functions/conditions (Num 19, Lev 22:3). His

---

[188] Wenham, *Leviticus*, 19.

221

contraction of impurity does not de-sanctify him as a priest, though he must remove himself from sacred duties until he undergoes purification. Though most instances of the binary clean/unclean occur in the common arena, the case of the priesthood presents a foil for Wenham's model. Furthermore, the final statement made by Wenham borders on incomprehensible without further elucidation. Holy items may indeed undergo de-sanctification either illegitimately (Lev 5) or legitimately (Lev 27). But pollution by impurity does not need to be the parade example or the only example. Wenham also does not explain what the difference between a holy item being "defiled" and "even polluted" might mean, let alone the "unclean." The Hebrew word טמא can reasonably represent all three words in translation, but he gives no indication as to how one might differ from another.

Following his verbal model, Wenham also creates a visual representation of the priestly system based on holy/common and pure/impure.[189] The following recreates that image:
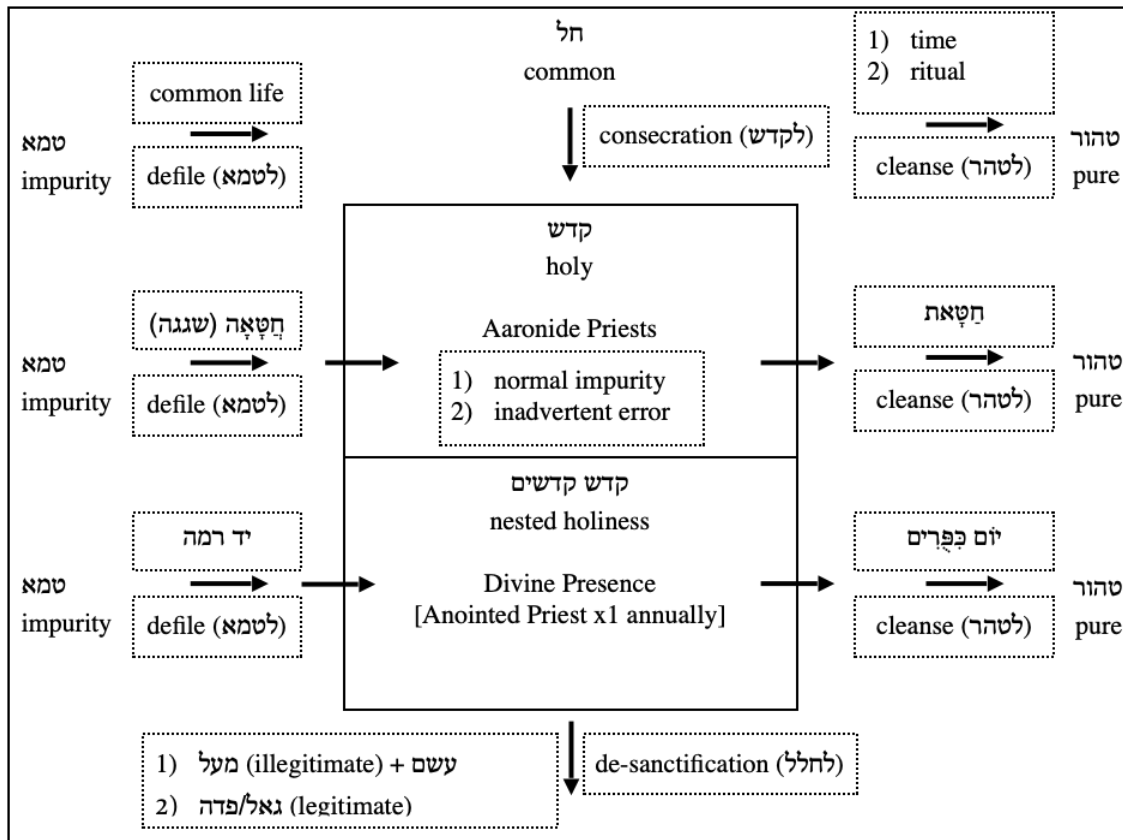
---

[189] Wenham, *ibid*., 19.

222
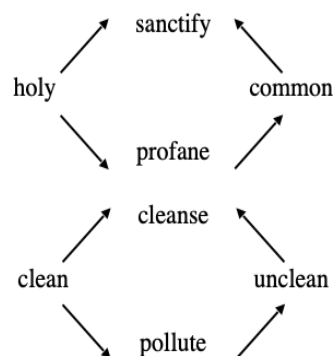
He then combines both diagrams to produce this visual relationship:

← sanctify ←   ← cleanse ←

holy   clean   unclean
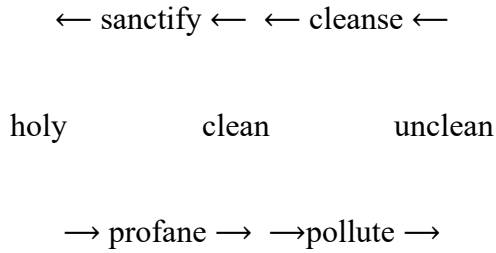
→ profane →   →pollute →

We must point out two things: (1) the cycles represented in the first chart use the status holy/common and clean/unclean on the x-axis while using the verbal forms sanctify/profane and cleanse/pollute to indicate the transformation of one state into another. Especially with the holy/common designation, the chart appears to suggest that the transformation of holy states into common states can occur cyclically *ad infinitum*. While common objects (and people) can be consecrated to the holy realm and subsequently de-sanctified, the process stops there. A holy item once profaned cannot be restored to a holy status; the sancta have been desecrated and a reparation offering or penalty fee of 1/5 the principal applies. (2) the second diagram does not contain a designation for "common". One side of a binary cannot disappear. One might wish to exclude it, but it is necessarily present even in the act of exclusion as a possibility, especially with respect to religion.[190] The realm of the common is always implicitly present in the Priestly system's discussion of holiness because without the designation holiness is meaningless.

---

[190] Luhmann, *Systems Theory of Religion*, 63. Wenham, *ibid.*, 19, tries to explain the sole mention of חל in Leviticus 10:10 as the result of being "between holiness and uncleanness." But graphically he has represented "clean" in that position, not "common." He even says so a few sentences later when he writes that "cleanness is a state intermediate between holiness and uncleanness." The diagram contradicts the verbal representation.

Until now, no model has graphically or verbally represented the Priestly system completely. Based on the composite analyses of the Priestly writings of the Torah above, I suggest the following as a new map of the Priestly system of holiness based on systems theory.

חל
common

1) time
2) ritual

common life

defile (לטמא)

טמא
impurity

consecration (לקדש)

cleanse (לטהר)

טהור
pure

קדש
holy

Aaronide Priests

1) normal impurity
2) inadvertent error

חַטָּאָה (שגגה)

defile (לטמא)

טמא
impurity

חַטָּאת

cleanse (לטהר)

טהור
pure

קדש קדשים
nested holiness

Divine Presence
[Anointed Priest x1 annually]

יד רמה

defile (לטמא)

טמא
impurity

יוֹם כִּפֻּרִים

cleanse (לטהר)

טהור
pure

1) מעל (illegitimate) + עשם
2) גאל/פדה (legitimate)

de-sanctification (לחלל)

The visual representation above possesses several qualities which have previously been left out of basic models of the priestly system or given false categories. The chart acknowledges and models that impurity does not reside solely in the common realm, but also affects the priesthood. It also accounts for impurity's penetration in the social and/or

sacred realm based on social status or intentionality of the person who violated the law.[191]

I have also factored in the different means of transferring from a state of impurity to

purity. Someone who experiences a normal sexual flux attains purity status differently

than the *zāb*. This model also demonstrates how activity outside the sanctuary affects the

sacred space and the different rituals for remedying that danger.[192] Finally, my

representation includes a depiction of both legitimate and illegitimate de-sanctification.

This systems-theory model of the Priestly system graphically represents another

realization: much of the system's operations deal with actions and states taking place

outside of the sacred center. The priests maintain responsibility for eating their sacred

meals in purity and observing the correct operations to deal with impurity and error in

their own ranks. Everything else in the system either influences the system from the

outside, flows from the common to the holy, or occurs exclusively outside the sanctuary

but requires priestly observation. Though violations of commandments release impurity

which threatens the holiness of the altar and the inner sanctum, the expiation comes from

the commoner's stocks of quadrupeds and produce as the means for purging the impurity

(except for a priestly sin). These interconnections and flows from the common sphere to

the holy sphere do not occur linearly but represent dynamic processes which require other

system-operations to function—the very definition of a self-organizing system.

---

[191] This is likely where Jenson, *Graded Holiness*, 44, feels compelled to generate the two forms of טמא and label them both impure and most impure. Impurity can penetrate deeper levels of the sanctuary based on the rank of the person who has erred. Impurity also depends on a kind of folk epidemiology (source impurity, second degree, impurity generated by unintentional error, impurity generated by "high-handed" disobedience). Things or persons cannot be somewhere between impure and pure. Instead, we must discuss the system's binary טמא based on the social levels it penetrates and/or the level of intentionality of covenant violation perpetrated by the cognition of the human being.

[192] Gane, *Cult and Character*, 162. Gane disputes Milgrom's account of aerial pollution and argues we must seek alternative explanations for how the sanctuary becomes polluted.

A systems-theory approach to the Priestly texts requires more than the tidy chart above. The first diagram deals directly with the model generated by the priests who claim to control dangerous impurity, transitions from holiness to common (and vice versa), and observations of purity conditions. As I have endeavored to show in this study, however, the priestly system does not merely deal with impurity. It represents the ambitions of a singular organization—the Aaronide priesthood—to deal with the organizational flows needed to perpetuate the system's recapitulation. In addition to the perceived "material" threat of impurity, the organization's system also describes a flow of goods and money into the sanctuary to fund the systemic organization of priests.

The primary stated goal of the priestly organization's system was to protect the sanctum from contamination and ensure divine residence. At one level, provided that the Israelites perceived these operations as relevant and were socialized into the rationale of the system, the priestly operations did just that. The priests claimed that if Israel subscribed to their system, they could eliminate contingency (foreign invaders, droughts, crop failures, etc.). The regulation of the purity of holy spaces can be compared to a thermostat system. The system functions to control the temperature of the room, in this case, the purity of the sanctuary. Like a thermostat, the priests have set the "room temperature" to absolute purity in their idealistic literature. Discrepancies, however, always exist between the ideal setting and the actual situation of the system. Impurities and errors in following the instructions in the priestly system are bound to occur. Just as cool or warm air leak out of a house, there are always contingencies that prevent the system from achieving its desired status. What can the system do about Israelites who willfully flout the regulations in the Torah? What about ambiguous or unconfessed

errors? What happens when it appears that the system's code is followed but the desired result still does not occur?

The desired state of the sanctuary from the priestly perspective is always attainable, but never permanent. This fact guaranteed that Israelite society would depend upon the Aaronide organization to ensure that the critical mass of impurity never occurred. Eilberg-Schwartz, citing Foucault, has called the social "sense" which the priestly system offers a kind of "cultural domination."[193] The system communicates by means of operations regarding holy versus common domain or pure versus impure statuses, but it accomplishes this feat by appealing to the cognitive mechanisms in human beings so that "the abstract ideals of social life are turned into practical realities."[194] The Israelites (and priests) would always contact (and generate) impurity while living their lives. Environmental chaos and contingency would always exist on the horizon. For this reason, the system engages in a series of feedback loops, foremost of which are the sacrifices. As I have shown earlier, the sacrifices do not exist in a vacuum and do not emerge from the ether. Israelites present animals and produce to the priests, Levites extract tithes from the people. The priestly system is thus not a "one-stock" system meant to deal with impurity alone, but a system which depends on ecological (agricultural) inputs as well as a dependence on the economy and psychological mechanisms.

Minimally speaking, the system devised by the Aaronide organization is best described as a renewable stock system (purity/impurity) constrained by another

---

[193] Eilberg-Schwartz, *The Savage in Judaism*, 191; Michel Foucault, *Discipline and Punish*, trans. Alan Sherridan (New York: Vintage, 1979).
[194] Ibid.

renewable stock (agro-pastoral produce and capital) and Israelite psychology. The system required coupling with agriculture, pastoralism, a money economy, and cognition to survive in its changing environment. In addition to using objects of property to function as sacrificial communication, the system also extracted taxes for its cultic supervisors and workforce. As a system, the priestly texts discuss the function to mark sacred space and objects and deal with the sources and transmission of impurity which threatened those domains. From the perspective of a religious organization, however, the texts function as a means of providing funding for the structures and mechanisms of the organized priesthood. Such is the hierarchical nature of the system, which must benefit the top while providing benefit to all layers of the society.[195]

The regeneration of agricultural and pastoral produce, however, is not constant. If the farmers exhaust the soil by trying to create larger yields, the entire system could collapse. If the people do not pay tithes or bring wealth to the sanctuary (who might then pay their tribute to their foreign overlord) then they will suffer the consequences and the system will be replaced. The priestly system represents an attempt to find a Goldilocks mode of existence between funding the sanctuary, its staff, and expenses to be paid within an imperial political system without overextending the land or impoverishing the people necessary for the system to work. The "blessings and curses" of Leviticus 26 all reflect the real agricultural and economic dependency of the system in order to work. Leviticus 26:3-13 specifically point to "rains in their season, and the land shall yield its surplus" (v. 4) and the political security of "dwelling in their land with security" (v. 5). The entire system of purity, beyond controlling the status of and access to the sanctuary,

---

[195] Miller and Page, *Complex Adaptive Systems*, 199-201.

attempts to communicate within a contingent environment and provide economic and political security.[196]

Previous maps and verbal models of the priestly system up to this point have not adequately represented the complexity of that system. They either portray the system as one-dimensional and linear, create inappropriate categories, or exclude domains from the scope of the frame. It is unlikely that a grand unified theory of everything for explaining and representing the priestly worldview exists. Despite this, systems theory allows biblical scholarship to at least be more precise and map the priestly system in more than one dimension. The priests who composed this literature existed within the bounds of a system which they believed offered a measure of control for their small society. Whether or not this system ever existed or functioned as the priests imagined, the texts were written by an organization which drew from its environment and produced communicative literature which offered a proposal for dealing with the contingencies of its day. This study has attempted to create a map of that proposed system as well as offer a rationale for locating the emergence of this total system in the Second Commonwealth period.

This study has employed systems theory to demonstrate how a religious social system produced meaning by creating the texts studied by biblical scholars. In their particular context, the texts communicate religious "sense" or "meaning" to a society which would have ostensibly received it as relevant. The Priestly literature in the Pentateuch, though textually composite, reflects the codes and communication of a *single*

---

[196] Levine, *Leviticus*, 182-184.

system. The unity of the literature, achieved through redaction, rhetorically claims the same function throughout. The differences between the priestly strata and the non-binary "gradations" represent cases in which the binary of the system attempted to couple with and adapt to other social institutions (political hegemony, economic structures, social ranks, previous religious mechanisms outside the organizational system under discussion). Attempts to historicize inciting events which generated the authorship of the priestly texts make arguments based on linear, evolutionist notions of text production and sociology. Systems theory disavows the certainty that these arguments assert. Instead, this study's method has been to argue broadly for the social environment within which the priestly authors would have composed their literature. The strong redactional hand of H (or PH) obfuscates our attempts to identify or pinpoint the occasion for a "document" called "P." We can be certain that H incorporated, amended, and modified older literature into its description of the priestly system. We cannot be sure how much of that literature was forgotten, excluded, or framed by the redactors. Systems theory understands that written texts, produced by the system modify "the memory of psychic and social systems" and "[do] not recall writing, but *only the texts that are used as communication*."[197]

That written communication, such as the Priestly Writings, "remembers" as much as the system wishes to recall should push us to question the certainty with which we approach the text of the Hebrew Bible. We should reconsider the notion that textual layers developed in a linear fashion, occasioned by historical events depicted in the texts. Systems theory provides a way of considering the complexity of society and the social

---

[197] Luhmann, *Theory of Society: Volume 1*, 162.

systems that aggregate to produce social worlds. Current documentary approaches either

endlessly stratify the texts using circular logic or seek literary solutions which avoid

comments on the society which produced the textual puzzles. This study has attempted to

demonstrate how a social system like the organized priesthood of Aaronides could

incorporate within the system older traditions (even those at odds with its own stylistics

or themes!) to ensure the survival of the integrity of the system within a new

environment. In the final chapter, I will endeavor to explain how systems theory offers a

more compelling case for the differences within the Priestly Writings beyond the

Pentateuch. The Book of Ezekiel often functions as a linguistic control for the debate

regarding the linear development of the textual tradition. In the conclusion of this study, I

will marshal evidence which points to the reality that the literature produced by priests

represents both heated debate and attempted compromise between competing parties

within the religion's system.

CHAPTER FOUR: EZEKIEL AND THE PRIESTLY SYSTEM

The Book of Ezekiel serves as an excellent test case to determine the extent to which the

Priestly system is shared with other books of the Hebrew Bible. Numerous studies have

mined Ezekiel to establish some form of relationship between the priestly prophet and the

Pentateuchal traditions. Some have utilized Ezekiel as a historical-linguistic case study in

the development of the Hebrew language and the chronology of the Priestly Writings.[1]

Other studies have attempted to discover the intertextual connections between Ezekiel

and the priestly texts of the Pentateuch, particularly whether Ezekiel depended upon a

textual source (P and/or H).[2] These intertextual analyses have contributed significantly to

the scholarly discourse regarding the relationship of Ezekiel to the Torah. They tend to

focus, however, on linear, chronological developments within textual traditions.

The present study attempts to examine Ezekiel's relationship to the priestly texts

of the Pentateuch by utilizing systems theory. Such an endeavor prefers to compare

priestly compositions by asking whether they perform the same function in society and

operate based on the same code. In this chapter I will simply address if and how Ezekiel

fits into the same kind of religious system found in the Pentateuch. The variants between

Ezekiel's vision of Israelite society and its religious system and those portrayed in the

Torah will be treated according to the concept of (self-)organization within systems—

---

[1] Mark F. Rooker, *Biblical Hebrew in Transition* (Sheffield: Sheffield Academic Press, 1990).

[2] Joseph Blenkinsopp, *Ezekiel* (Louisville: John Knox, 1990), 7; Risa Levitt Kohn, *A New Heart and a New Soul* (London: Sheffield Academic Press, 2002); Michael A. Lyons, *From Law to Prophecy* (London: T&T Clark, 2009).

how systems adapt and respond to changes in their environment.[3] Rather than arguing for

or against textual dependency, I will investigate whether a priestly sub-group *internal to*

the system is observing the cultic system and attempting to respond to its environment in

order to preserve that system. I argue that Ezekiel reflects the vision of reformers within

the priestly system who suggest a new *program*—the conditional application of system

codes and operations—is needed for the system to function properly.[4] I will endeavor to

demonstrate how this change in methodology might allow us to see beyond some of the

conclusions produced by linear-model textual analyses and observe the texts as the

products of communication *within* a broader religious system.

Review of Scholarship: Ezekiel, P, and H

I am using Ezekiel as a test case. Consequently, I am interested in its possible intertextual

relationship to the priestly texts of the Pentateuch. I will only review the scholarship

focused on Ezekiel's connection with Pentateuchal traditions and not Ezekiel *qua*

prophetic text or hypotheses about its redaction history.

Several scholars approach Ezekiel as a linguistic watershed for dating the priestly

literature of the Torah to the monarchic period. Avi Hurvitz and Jacob Milgrom have

cited terminology appearing in the Pentateuchal texts but absent in Ezekiel as evidence of

---

[3] Niklas Luhmann, *Introduction to Systems Theory*, trans. Peter Gilgen (Cambridge: Polity, 2013), 70-83; Niklas Luhmann, *A Systems Theory of Religion*, trans. David A. Brenner with Adrian Hermann (Stanford: Stanford University Press, 2013), 162-179; John H. Miller and Scott E. Page, *Complex Adaptive Systems* (Princeton, PA: Princeton University Press, 2007), 200-210; Donella H. Meadows, *Thinking in Systems*, (River Junction, VT: Chelsea Green, 2008), 75-85.

[4] Luhmann, *Theory of Society: Volume 1*, 217-218. The concept of "variable programming" was introduced in the previous chapter.

the priority of the priestly materials in the Torah.[5] Mark Rooker's study locates Ezekiel as an intermediate stage between classical biblical Hebrew and late biblical Hebrew.[6] Since Ezekiel presumably wrote his prophecies in the exile, these studies posit that the abandonment of "archaic" terms reveals Ezekiel's belatedness.

More recent studies have attempted to determine the relationship between Ezekiel and Pentateuchal texts by means of intertextuality. Risa Levitt Kohn has helpfully compiled a list of shared locutions among Ezekiel, the Priestly source, and the Deuteronomic source.[7] She concludes that "contacts between P and Ezekiel are undeniable" and proposes "some level of literary dependency."[8] Her work categorizes the shared terminology into ten categories in order to exhibit both the linguistic and thematic overlaps between the corpora: (1) YHWH's Relationship to Israel, (2) Covenant, (3) Land, (4) Social Structure, (5) Law, (6) Holy Days, (7) Tabernacle/Temple and Priesthood, (8) Ritual, (9) Humans, Animals and Plants, and (10) Miscellaneous.[9] Levitt Kohn's sensitivity to the Deuteronomic elements within Ezekiel also makes her work invaluable. Ultimately, she posits a form of literary dependency in which "Ezekiel knew and quoted the language and concepts of both P and D. The resemblances detected specifically between Ezekiel and P are not the result of common heritage or the use of contemporary language."[10]

---

[5] Avi Hurwitz, *A Linguistic Study Between the Priestly Source and the Book of Ezekiel – A New Approach to an Old Problem* (Paris: J. Gadbalda, 1982); Jacob Milgrom, *Leviticus 1-16* (New York: Doubleday, 1991), 3-8; *idem.*, *Leviticus 17-22,* (New York: Doubleday, 2000), 1362.

[6] Rooker, *Biblical Hebrew in Transition*.

[7] Levitt Kohn, *A New Heart and a New Soul*, 30-95. Levitt Kohn does not differentiate between P and H in her work.

[8] Levitt Kohn, *New Heart*, 84.

[9] Ibid., 30.

[10] Ibid., 104.

Michael A. Lyons has helpfully supplemented Levitt Kohn's work by specifically examining Ezekiel's relationship to the Holiness Code (Lev 17-26).[11] His work offers an intertextual criterion for determining textual dependencies, in addition to analyzing how Ezekiel adapts Holiness Code material rhetorically.[12] Borrowing from the work of R. Schultz, Lyons proposes a specific methodology to determine literary dependency between the Holiness Code and Ezekiel.[13] He determines that Ezekiel borrows from the Holiness Code to compose his prophetic texts by assessing a combination of shared locutions, context, and interaction with the assumed source text.[14] He also provides helpful appendices of shared locutions between Ezekiel and the Holiness Code. At one point, however, Lyons asserts that Ezekiel "regarded H not just as a repository of words which could be borrowed, but as an *authoritative* and paradigmatic text."[15] This statement is perplexing because elsewhere Lyons deals with texts which disagree with H.[16] How could Ezekiel hold a tradition as authoritative if he deemed it fundamentally flawed and in need of revision, as he does in his utopian vision (Ezek 40-48)? Though Lyons provides a useful compilation of references and offers a reassessment of intertextual approaches, some of his conclusions can be criticized from a systems-theory perspective.

Daniel Block and Milgrom's commentaries both presume Ezekiel's dependency on the Torah.[17] Milgrom explicitly argues that Ezekiel possessed a copy of H in a form

---

[11] Michael A. Lyons, *From Law to Prophecy* (London: T&T Clark, 2009).
[12] Lyons, *From Law to Prophecy*, 10
[13] Lyons, *ibid*., 58-75.
[14] Ibid., 68-75.
[15] Ibid., 158. Emphasis mine.
[16] Ibid., 85-88, 113.
[17] Daniel I. Block, *The Book of Ezekiel: Chapters 1-24* (Grand Rapids, MI: William. B. Eerdmans, 1997); idem., *The Book of Ezekiel: Chapters 25-48* (Grand Rapids, MI: William. B. Eerdmans, 1998);

that looked something like what we have in the Masoretic text.[18] Block argues for a "heavy influence of the Mosaic Torah on Ezekiel" throughout the book.[19] Despite "radically revisionist reconstructions" he still asserts that Ezekiel never fully flouted Pentateuchal traditions.[20] He offers a series of alternatives to the linear model, including the possibility that Ezekiel might represent "competing exilic priestly traditions" but stops short of hailing any substitute theory to a linear model of Torah-dependence.[21] The works of Block and Milgrom exhibit excellent attention to linguistic resonances and theological development within Ezekiel; however, they do not adequately explain how a priestly tradent could maintain respect for the traditions in the Pentateuch while thoroughly reinventing them and citing their implementation as a reason for the departure of YHWH from the Jerusalem Temple. Ezekiel was, after all, a member of the supposed ruling class of priests who maintained "a continuous Zadokite high priest" throughout the period of the monarchy.[22] How could Ezekiel represent both a faithful believer in the priestly Torah and simultaneously oppose some of the practices it describes? Their answers are not always clear.

Stephen L. Cook's commentary on the final chapters of Ezekiel (38-48) represents the latest attempt to reconcile Ezekiel's final visions with his supposed source texts from the Torah.[23] He assumes the position that Ezekiel "brims with intertextual echoes of preceding scriptural material" when claiming that the authorship relied on H for

---

Jacob Milgrom (in conversation with Daniel I. Block), *Ezekiel's Hope* (Eugene, OR: Cascade Books, 2012).

[18] Milgrom, *Ezekiel's Hope*, 59.
[19] Block, *The Book of Ezekiel: Chapters 25-48,* 500.
[20] Ibid., 501.
[21] Ibid., 500.
[22] Milgrom, *Ezekiel's Hope*, 59.
[23] Stephen L. Cook, *Ezekiel 38-48* (New Haven: Yale, 2018).

composing the literature.[24] Following Casey Strine, Michael Lyons, and Nathan

MacDonald, Cook understands Ezekiel as companion literature to H.[25] His commentary

aims to distinguish the Ezekiel literature as an intra-priestly dispute wherein a Zadokite

group behind Ezekiel which favored the Holiness writings differed with the priestly

group behind Isaiah 40-66.[26] He specifically juxtaposes the Zadokites (H and Ezekiel)

with the Aaronide circle (P and deutero- and trito-Isaiah). When discussing the Temple

vision of Ezekiel 40-48, Cook describes the literature as "a hierarchical matrix of holiness

centered in the temple" which "organizes and orients surrounding territory as sacred

space."[27] This comes close to a systems-understanding of the holiness binary which

conceptualizes a holy/common binary throughout a stratified society, or as Cook calls it,

a hierarchical matrix. Unfortunately, he also calls the vision a "tiered system of graded

holiness," which I earlier argued represents an impossibility, since a binary cannot

possess more than two gradients.[28]

Cook's commentary contributes a great deal to our conception of the final eleven

chapters of Ezekiel. A systems-theoretical approach, however, would avoid concepts of

"graded holiness," as well as the presumptive alliance between Ezekiel's Zadokite

authorship and the authorship behind H in the Pentateuch. Despite Cook's sensitivity to

the tensions between Ezekiel's Temple vision and the priestly literature of the Torah, we

---

[24] Cook, *Ezekiel 38-48*, 1.
[25] Cook, *ibid*., 16. For reference, see Casey A. Strine, *Sworn Enemies* (Boston: de Gruyter, 2013), 168; Nathan MacDonald, *Priestly Rule*, (Berlin: Walter de Gruyter, 2015), 19-54. Note that MacDonald posits that the material of Ezek 44:6-17 relies primarily on Isaiah 56:1-8 (post-exilic) and was secondarily redacted to reflect Pentateuchal material. If MacDonald is correct, Ezekiel's reliance on priestly texts from the Torah stems from a post-exilic environment and does not prove that any exilic part of Ezekiel borrowed from the text of H as we have it in its final form.
[26] Cook, *ibid*., 16-17.
[27] Cook, *ibid*., 7, 21.
[28] Cook, *ibid*., 22.

should ask why the Zadokites would need to envision a new society centered on their own metrics and stratification if they authored and were comfortable with the system proposed in H. I will return to this specific question when addressing Ezekiel's marked differences from the systemic programs proposed in the Pentateuch.

Other analyses of Ezekiel and the priestly literature of the Pentateuch argue for more ambiguity regarding the direction of dependence. Georg Fohrer has argued that Ezekiel may have inhabited a priestly culture in which nascent priestly traditions were emerging without having direct literary dependence on a priestly text found in the Torah as we have it today.[29] His proposal that H and Ezekiel shared a common source has not been widely accepted.[30] Haran also argued that Ezekiel and P contain many affinities but maintained that "they do not *directly* depend on each other."[31] He posited that P was not accessible or in practice when Ezekiel was composed.[32] Though he makes this assertion based on a very early date for P in the monarchic period, I agree with him that Ezekiel's literature could have derived from a priestly milieu without being textually dependent on Pentateuchal traditions.

Zimmerli's two-volume study on Ezekiel cautions against making stringent distinctions between direct dependence and common sources. He concluded that "Ezekiel has been influenced by detailed material built into H" while also acknowledging that "the prophecy of Ezekiel has exercised a reciprocal influence on the development of H."[33]

---

[29] Georg Fohrer, *Introduction to the Old Testament*. Translated by David E. Green. (Nashville: Abingdon, 1968), 142.

[30] Georg Fohrer, *Die Hauptprobleme des Buches Ezechiel* (Berlin: A. Töpelmann, 1952), 144-148, 154. See Lyons, *From Law to Prophecy*, 41-42 for critique of Fohrer's hypothesis.

[31] Menahem Haran, "The Law-Code of Ezekiel XL-XLVIII and Its Relation to the Priestly School," *HUCA 50* (1979), 62.

[32] Haran, "Law-Code," 66.

[33] Walther Zimmerli, *Ezekiel 1*, (Philadelphia: Fortress, 1979), 52.

Like Haran, he associates the circles that produced the textual corpora without declaring that the similarities between the two are unidirectional. The problem of intertextual dependence is complicated by the two separate redactional histories. We cannot know whether apparent references to the priestly literature of the Torah might have been added to Ezekiel at the redactional level of the book.

This brief survey of the discourse regarding Ezekiel and Pentateuch traditions is not exhaustive but serves as a basic representation of the scholarly positions over the last several decades. Most studies, whether form-critical, source-critical, tradition-critical, linguistic, or intertextual assume a level of textual dependency. Arguments for reciprocal influence or shared sources (or different sources!) do not currently enjoy any kind of consensus. Some have been willing to challenge that consensus.

John H. Choi recently argued for a more complex appreciation of the relationship between Pentateuchal and non-Pentateuchal traditions in the Hebrew Bible and Second Temple literature.[34] His study pushes against linear models of text composition and proposes a model of intertextuality which appreciates what Wolfgang Iser calls the "repertoire" that represents "the whole culture from which the text has emerged."[35] By focusing on the cultural repertoire and the ideology of textual traditions, Choi demonstrates how lexical and thematic similarities do not demand a relationship of textual dependence. Two texts may have lexical similarities regarding a common theme without unidirectional dependency.[36] The present work shares many of the conceptual

---

[34] John H. Choi, *Traditions at Odds* (London: T&T Clark, 2010), 9, 238-239.

[35] Choi, *Traditions*, 9. For quote see Wolfgang Iser, *The Act of Reading* (Baltimore: The Johns Hopkins University Press, 1978), 69.

[36] Choi, *Traditions*, 32; David H. Aaron, *Etched in Stone* (New York: T&T Clark International, 2006), 39-40.

underpinnings found in Choi's work, along with that of David H. Aaron, as they pertain to Ezekiel. I assume the interpretive posture that the variant traditions in the Pentateuch and in Ezekiel reflect "the existence of free-standing, competing documents" as "literary repositories" which biblical composers used to form their literature.[37] In that respect, methods like systems theory facilitate recognition of a more complex model of textual composition.

The linear model of intertextuality is therefore tenuous when applied to Ezekiel. According to an index provided by Lyons, Ezekiel contains 148 references to the Holiness Code in Leviticus (Lev 17-26).[38] Roughly two-thirds (94) of these references to the Holiness Code belong to Lev 26. The remaining one-third (54) predominantly occur in Ezek 18, 20, 22, and 40-48 (33 references). Many of these references refer to small lexemes or phrases: "my statutes and my ordinances" (חקתי, משפטי), profaning God's name (חלל שם קדשי), defiling the sanctuary (טמא מקדש), animal corpses (נבלה, טרפה), or sacrificial flesh not eaten in the appropriate time (פגול), to name a few. Many of these phrases could simply represent stock phrases or technical terms, a possibility Lyons considers with references such as פגול (*piggûl*).[39] That Ezekiel knew of elements of Lev 17-26 (such as Lev 26) without knowing the entire corpus as a cohesive document is also a distinct possibility.[40]

---

[37] Aaron, *Etched in Stone*, 22-23.
[38] Lyons, *From Law to Prophecy*, 162-165.
[39] Lyons, *ibid*., 171.
[40] Milgrom, *Leviticus 17-22*, 1361-1362. He suspects that parts of Lev 26 are from the period of the exile. Levine, *Leviticus* (Philadelphia: JPS, 1989), 281 writes: "[The Epilogue to the Holiness Code] reflects the influence of the prophets Jeremiah and Ezekiel on the thinking of the Israelite priesthood, in exile and during the early period of return." The preponderance of shared lexemes between Ezekiel and Lev 26 thus represents contemporary literary compositions, at best.

We must also allow for the fact that the priestly literature in both the Torah and Ezekiel represents composite texts with different redactional histories. The incorporation of the Priestly texts into an H redaction is assumed by a host of scholars.[41] Despite attempts to read Ezekiel as a cogent unity, most scholars also recognize that several of Ezekiel's prophecies have undergone expansion by later hands.[42] If, as some scholars contend, some expansions entered the text in conformity with emerging Pentateuchal traditions, we cannot assume that shared terminology in the Torah and Ezekiel stems from the authorship of Ezekiel interpreting Torah. We might even conclude that Pentateuchal traditions and verbiage entered Ezekiel to make Ezekiel's literature more acceptable. Regardless of how one stratifies the text, arguments based on the linear model eventually amount to an alluring house of cards; remove one element and the whole edifice, no matter how well-constructed, falls apart.

The most interesting examples of shared locutions between Ezekiel and the Holiness Code occur in Ezekiel 20; 40-48, which I will investigate at the end of this chapter. My point in addressing linear models of dependence in Ezekiel is to highlight the very thin nature of the data. Most of the "references" to Leviticus in Ezekiel occur in fourteen chapters. In many of these instances only a few words may be shared. The sections which sustain multiple shared locutions, ironically, represent the strongest occasions in which Ezekiel goes beyond measures described in the Holiness Code,

---

[41] Jeffery Stackert, "The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement" in *The Strata of the Priestly Writings*, eds. Sarah Shectman and Joel S. Baden (Zürich: Theologischer Verlag Zürich, 2009), 187 where he concludes that "H seeks to retain, supplement, and complete its literary forebear." I would also add that H primarily included priestly traditions which served to benefit its ideological goals, even the priestly traditions somewhat at odds with its goals.

[42] Daniel Frankel, "Ezekiel 20: A New Redaction-Critical Analysis." *HUCA 90* (2020), 1-25; Aaron, *Etched in Stone*, 141; Cook, *Ezekiel 38-48*, 8-16; Zimmerli, *Ezekiel 1*, 41-52.

particularly in Ezekiel 40-48. Studies which employ a linear model of textual dependency to emphasize shared locutions between Ezekiel and the priestly literature of the Torah do well to reveal commonalities between texts. They typically fail to explain, however, why Ezekiel contains so many unique contrasts to the Torah—especially when many proponents of this approach hold that Ezekiel held this literature to be authoritative.

Systems theory does not require an argument based on textual dependency. Instead, it offers an approach to the relationship between Ezekiel and the Pentateuch based on their compatibility within the same system. I will endeavor to demonstrate how the similarities between the two textual collections represent participation in the same social system which requires altars, a sanctuary, priests, and sacrificial victims. Both texts operate using the binary of holy/common and pure/impure. Both texts also define participation in Israelite society based on a religious system centered on the priestly control of a temple. After mustering the textual data that supports this thesis, I hope to show how systems theory explains the differences among Ezekiel and the priestly traditions in the Torah. Using the concepts of organizational reform and program, I will observe how some passages from Ezekiel argue for a different ordering of society and cultic program than the texts preserved in the Pentateuch. I will also offer a proposal as to why the priestly paradigm of the Torah emerged as the regnant position while retaining the dissenting perspectives contained in Ezekiel.

Ezekiel within the Priestly System

Just as I previously endeavored to demonstrate that P and H represent the same system, I will locate Ezekiel within the same priestly system. In doing so, I do not presume that

Ezekiel's observations within the same system required him to have priestly texts like P or H at hand. We must remember that systems are essentially defined by how they differentiate themselves from their environments.[43] Systems are organized relationships between certain elements to a certain end.[44] An application of systems theory to the Priestly Writings must focus not only on shared tropes and motifs, but the end to which the authors communicated. Even if two biblical passages appear to contain conflicting ideas, they may still inhabit the same system if their function is the same. Conflicts may arise within systems regarding how the system should behave in a context or how it should adapt, *but those varying positions still occur within the same system*. One only needs to think of American politics. It is the *kind* of difference that makes the difference when applying systems theory.

Ultimately, I will argue that Ezekiel represented a single agent (or organization of priests) within the priestly system but did not stand for all that was. The constituent parts of the priestly system (differentiations between holiness and profanity, for example) clearly existed at the time the Book of Ezekiel was composed. The ideas, themes, stylistics, and vision for the goals of the system, however, were emerging within the chaos of the Babylonian exile. The idiosyncrasies and discursive distinctiveness of Ezekiel's text offers a window to a stage of development within a raging debate about the application of the system's mechanisms within a changing society. *The* Torah with a capital "T" had not yet developed any sort of "final form" at the time Ezekiel offered its vision for the future. Using systems theory concepts, I will analyze the system underlying Ezekiel according to its codes, communicative media, social stratification (to an extent),

---

[43] Luhmann, *Introduction to Systems Theory*, 38.
[44] Meadows, *Thinking in Systems*, 11, 14.

and function in order to demonstrate the singularity of Ezekiel's participation in the priestly system described in the previous chapters, even if the texts that described them had not yet attempted to form a compromise among priestly factions.[45]

Ezekiel's System Code

Ezekiel's prophecies assume the same priestly codes found in the Torah. We will recall that a code, in systems theory language, presupposes a binary relationship between the system and its environment.[46] The code marks and differentiates things as either inside the system or outside of it. In doing so, codes "realize" (make real) the system's own operations.[47] This process of applying the code allows the system to create a map of reality in which it locates itself on one side and everything else on the other.

Leviticus 10:10 defines the code by which the priestly mediators operate as a command "to distinguish between what is holy and what is common and what is pure and what is impure" (ולהבדיל בין הקדש ובין החל ובין הטמא ובין הטהור). As previously discussed, the function of the priestly system is to mark spaces, objects, or people according to its codes as either holy or common, pure or impure. Three passages in Ezekiel (22:26; 42:20; 44:23) utilize the same locutions as Lev 10:10 to define the function of the priestly religious system. I will analyze these three texts before moving to Ezekiel's miscellaneous use of the terminology from the code קדש/חל and טהור/טמא.

---

[45] By claiming that Ezekiel and the priestly system of the Torah assume the same kind of social stratification, I do not mean that they are identical. Both Ezekiel and the Torah require priestly mediators to the exclusion of all other Levites and lay Israelites. The system requires similar social stratification, in the abstract, in order to function.

[46] Luhmann, *A Systems Theory of Religion*, 38.

[47] Ibid., 41.

Ezekiel 22

Ezekiel 22 consists of several critiques of Jerusalem's authority figures whose actions result in the city's defilement (22:3, 15, 24, 26). The city becomes impure (לטמאה) due to the presence of גִלּוּלִים (*gillûlîm*) (Ezek 22:3). Jerusalem is also not being cleansed (Ezek 22:23, לא מטהרה היא). In Ezekiel 22:26, we see the clearest expression of Ezekiel's participation in the same religious system as the one reflected in the Pentateuch.

Ezekiel lambasts the priests for doing violence to YHWH's instruction and failing to distinguish YHWH's holy items.

<div dir="rtl">

כהניה חמסו תורתי ויחללו קדשי <u>בין־קדש לחל לא הבדילו ובין־הטמא</u>
<u>לטהור לא הודיעו</u> ומשבתותי העלימו עיניהם ואחל בתוכם:

</div>

Her priests have done violence to my instruction and have profaned my holy things; <u>between holy and common they have not distinguished,</u> <u>between impure and pure they have not made known,</u> and my Sabbaths they have hidden from their eyes, so that I am profaned among them (Ezek 22:26).

Lev 10:10 defines the priestly function and code in the same terms. For the purposes of this study, we are not necessarily interested in whether Ezekiel is directly borrowing from Leviticus or not; we only need to note that both Ezekiel and Leviticus define the function of the system *in exactly the same terms*. Ezekiel places a portion of the blame for the downfall of Jerusalem on the priests' inability to maintain the religious system's code. This code appears throughout the prophetic units in Ezekiel 22: illicit religious images (גלולים) defile the city (לטמאה) in v. 3-4; YHWH's holy things are despised (קדשי בזית) and the Sabbath is profaned (ואת־שבתתי חללת) in v. 8; YHWH will "consume" their

impurity, ostensibly by purging them with fire, (והתמתי טמאתך ממך) in v.15 and will be

considered as profane (ונחלת בך) in v. 16.[48] The evidence is particularly strong with

respect to the גלולים (as I will argue later). This term only appears once in Leviticus and

once in Deuteronomy, but with great frequency in Ezekiel. A difference in terminological

preferences does not point to a substantive difference in ideology *if* both Ezekiel and the

Pentateuchal writers are functioning with the same system. This example should calibrate

our enthusiasm for lexical differences between literary works when the systemic

functions of the religion remain stable. There can be no doubt that Ezekiel criticizes

Jerusalemite society in chapter 22 based on the same system-code found in the

Pentateuchal texts.

Ezekiel 44:23 (42:20)

The temple vision of Ezekiel 40-48 represents a pointed critique of the failed religious

system by means of a utopian revelation.[49] In Ezekiel 44, YHWH instructs Ezekiel to

inform Israel about a restructuring of the priesthood. I will discuss this passage in depth

later when I observe the differences between Ezekiel's observation of the priesthood and

that of the Torah. For now, I simply want to demonstrate that Ezekiel's imagined

---

[48] Leslie C. Allen, *Ezekiel 20-48* (Dallas: Word, 1990), 32. Allen, following an ancient manuscript and ancient versions, reads נחלתי בך. Either way, the city's actions lead to a state of profanation, either of themselves or of YHWH in the sight of the nations.

[49] Cook, *Ezekiel 38-48,* 6. I agree with Cook, who argues that the vision is a literary referendum on the status quo and not a blueprint for actualization.

restructuring of the priestly stratum of society still entails the same religious coding. Ezekiel does not envision a *different system*, but a *reformed* system of the same kind.

In vv. 15-31, the text defines the role and regulations of the Zadokite priests who, alone, may approach the altar and minister before YHWH. Ezekiel reports in v.23 that the Zadokites "shall teach my people (the distinction) between holy and common and shall make known (the distinction) between impure and pure" (‎וְאֶת־עַמִּי יוֹרוּ בֵּין קֹדֶשׁ לְחֹל וּבֵין־‎ ‎טָמֵא לְטָהוֹר יוֹדִעֵם‎). As with Lev 10:10 and Ezek 22:26, the same binary pairs appear as the codes which allow the system to operate.

The utopian architecture of the temple also reflects the system's code. In Ezekiel 42:20, after Ezekiel's guide has finished addressing the measurements of the temple, the text describes an encompassing wall around the temple-compound. The express purpose of this wall is "to differentiate between the Holy place and common (space)" (‎לְהַבְדִּיל בֵּין‎ ‎הַקֹּדֶשׁ לְחֹל‎). The priestly writers behind the text of Ezekiel do not or cannot envision a world in which the operative code is anything other than holy/common. They do not imagine an ideal future where YHWH's holiness engulfs the entire world nor do they attempt an idealistic description in which Israelites no longer need to sacrifice or engage in purification rites, as we shall soon see. The authorship of Ezekiel, likely belonging to a class of Zadokite priests, observes the priestly system and its function in society as essential, but in need of internal fine-tuning. Their critique of society (including corrupted priests) centers on the failure to properly perform the operations of the system; they do not articulate any notion that their system cannot fundamentally achieve its goals.

Miscellaneous Use of the Codes Holy/Common or Pure/Impure

We should acknowledge the plethora of occasions in which the lexical components of the

code appear implicitly within Ezekiel. The previous passages explicitly address the

function of the priestly system in Ezekiel by using the same terminology as Lev 10:10.

Systems, however, do not always operate based on their stated goals.[50] The following

excerpts from Ezekiel reveal that the authors assumed that their religious system

operationally functioned along the lines of the codes holy/common and pure/impure in

symmetry with the system of the Torah.

1. 1) קדש ליהוה *Holy to YHWH*: Exod 16:23; 28:36; 31:15; 39:30; Lev 27:14, 21, 23,

    30, 32; Deut 26:19 // Ezek 48:14.[51] This expression denotes a time, item, or space

    that belongs to the sacred realm. The priestly system applies this designation to the

    Sabbath (Exod 16:23; 31:15), one instnace in the instructions on gathering manna

    and the other at the end of the Tabernacle instructions. The ציץ worn by the high

    priest (Exod 28:36, 39:30) also qualifies as קדש ליהוה. The inscription on the

    golden plate serves as a signal that the priest bears responsibility for the proper

    treatment of the people's sacred donations (מתנת קדשיהם) so that they might be

    accepted by YHWH (לרצון להם ליפני יהוה), as described in Exod 28:37. Likewise,

    Lev 27 deals with homes, land, and tithes donated to the sanctuary. These items, or

---

[50] Meadows, *Thinking in Systems*, 14.

[51] Levitt Kohn, *New Heart*, 32, who states that this locution only occurs in the Priestly passages mentioned above and Ezekiel, but nowhere else in the Hebrew Bible. This is inaccurate. As I show, the phrase occurs in Deut 26:19, as well as in other biblical texts: Is 23:16; Jer 31:40; Zech 14:20; Ezra 8:28. Though Deuteronomy does not use the phrase with respect to possessions, as do the other texts, the phrase certainly occurs elsewhere. The Isaiah and Jeremiah texts clearly have in mind dedicated items or land. Zechariah also displays cognizance of priestly ideas and chapter 14 represents a utopia with a sharper critique than that of Ezek 40-48.

their monetary value, belong to the divine sphere in the charge of the priests. The priestly system in the Pentateuch consistently applies this phrase to sacred time or sacred items designating YHWH's ownership which the priests managed. Both Sabbath observance and proper treatment of sancta operate on a specific code of distinction (holiness) and are the religious foundation of Israelite society according to the priests.[52]

Ezekiel's vision of redistributed land, centered on the Temple, considers the territory occupied by the sanctuary, priests, and Levites as "holy to YHWH" (קדש ליהוה) and prohibits them from selling or exchanging it (48:14). Just as Lev 27:21 treats an unredeemed field as חרם which is under priestly control (Num 18:14) as קדש ליהוה, so Ezekiel views the entire sacred precinct in 48:8-14 in the same terms. Despite Levitt Kohn's assertion that the priestly literature of the Torah abstains from ascribing this designation to land, we can clearly see it applied in Lev 27 and, by analogy, in Num 18.[53] Ezekiel's land allotment reflects a system code of holiness in which land and other items belong to YHWH, priests, and temple personnel who derive direct benefit.

2. חלל *Profane*: Exod 31:14; Lev 18:21; 19:8, 12; 20:3; 21:4, 6, 9, 12, 23; 22:9, 15, 32; Num 18:32 // Ezek 7:24; 13:19; 20:9, 13, 16, 21, 24, 39; 22:8; 23:38-39; 24:21; 38:7; 44:7. This expression in the priestly system denotes the mistreatment of something holy thus triggering a system malfunction. The opposite of observing

---

[52] Cook, *Ezekiel 38-48,* 130.
[53] Levitt Kohn, *New Heart*, 32.

the sanctity of the Sabbath results in its profanation. A priest who eats of the holy sacrifices in an impure state treats the meat as common, not as YHWH's gift. The priests must protect all of YHWH's sacred gifts from being treated as other-than-holy (Num 18:32). The name of YHWH might be profaned by the actions of the people and/or priests.[54]

Ezekiel understands the reversal of the binary in the same terms. A person can profane something designated as holy (a sanctuary) and render it invalid (Ezek 7:24).[55] Ezekiel 13:19 accuses the prophetic women of causing the people to treat YHWH in a profane manner (ותחללנה אתי אל־עמי). YHWH withholds punishment in order that his name might not be profaned in the sight of the surrounding nations (Ezek 20:9, 14, 22, 39) while the people profane the Sabbath by not observing it (Ezek 20:13, 16, 21, 24; 22:8). These expressions comport with the system described in the Pentateuch. Ezekiel 44:7 claims that the admission of outsiders (בני־נכר) into Jerusalem Temple resulted in its profanation (לחללו את־ביתי). The text blames the Levites (and the people) for the desecration which then relegates them to custodial duties and bans them from approaching the holy things (44:13). The evidence compiled thus far should be sufficient to acknowledge that Ezekiel views the priestly system as operating by means of the same code of קדש/חל and views the undoing of holiness as an act of profanation designated as חלל.

---

[54] Levitt Kohn, *New Heart*, 31-32. Ezekiel and H interchange profanation/defiling (חלל/טמא) of the divine name. See Milgrom, *Leviticus 17-22*, 1327-1330.

[55] Moshe Greenberg, *Ezekiel 1-20* (Garden City, NY: Doubleday, 1983), 155. The vocalization of מקדשיהם in this verse does not present a problem for this interpretation. The sites being made profane are considered holy by someone, whether rightly or wrongly in the sight of the priestly observers.

3. טמא *Defiled/Impure*: Ezek 4:14; 5:11; 9:7; 14:11; 18:6, 11, 15; 20:7, 18, 26, 30, 43; 22:11; 23:38; 36:17-18; 37:23; 43:7-8; 44:25.[56] As demonstrated in the previous chapters, the priestly system of the Torah relies on the code טמא/טהור in order to function. Only a person or item bearing the designation טהור can operate within the religious system, while those under the category of טמא cannot participate and threaten the sanctity of the system. Ezekiel assumes the importance of this code for operating within the system. When asked to eat food cooked over human excrement, Ezekiel claims in 4:14, "I have never defiled myself" (לא מטמאה).[57] Despite Ezekiel's inability to function as a priest in exile, he commits himself to the ideal that a priest should not willingly defile himself. In Ezekiel 5:11 YHWH proclaims that he will withdraw from the sanctuary because the people have defiled it (את־מקדשי טמאת). As we observed with the purification offering (חטאת), human defiance of the divine ordinances generates impurity which threatens divine presence in the sanctuary. In Ezekiel's vision of the departure of YHWH's כבוד (*kābôd*) from the Temple, YHWH instructs his agents of destruction

---

[56] This list does not represent every occasion of the occurrence of the root טמא in Ezekiel but forms a representative list. I have not included a list of the times this word appears in the Torah because I have already done so in the previous chapters. The word is ubiquitous there.

[57] We should note that nowhere in the priestly literature of the Torah does human excrement defile (טמא) a priest or any other human. Ezekiel, as elsewhere in the book (Ezek 20), deals with traditions outside the Pentateuchal texts. Interestingly, few have questioned Ezekiel's assertion that cooking over human dung would defile him. Greenberg, *Ezekiel 1-20,* 108 simply states that "it must be supposed - for ritual reasons? - priests were not known to use animal dung as fuel." He does not comment on the issues of human excrement defiling a person. Both Allen, *Ezekiel 1-19,* 69 and Zimmerli, *Ezekiel 1*, 170-171 construe Ezekiel's protest in accordance with Deut 23:13-15. This assertion is spurious. Though Ezekiel does show cognizance of the Deuteronomic ideology, the claim that Ezekiel understood food cooked over human excrement as defiling based on this verse is an argument from silence. Ezek 4:14 and Deut 23:14 share the lexeme צאה (excrement) but Deuteronomy does not utilize the code טמא/טהור. Deuteronomy 23:15 designates the war camp as קדוש but calls the people to be on guard against ערבת דבר (an indecent thing). We are on safer ground assuming that Ezekiel knows some other tradition outside the Pentateuch here.

to "defile the Temple and fill the courts with the slain" (־טמאו את־הבית ומלאו את

החצרות חללים) (Ezek. 9:7). In a shocking use of the system code, YHWH himself

orders the defiling of his own sanctuary with dead bodies. Ezekiel also maintains

that adultery (18:6, 11, 15) and worship of illicit images defile a person (20:7, 18,

31, 43; 22:3; 33:26; 36:18; 37:23). As with the notion of profaning the divine

Name (חלל השם), Ezekiel uses the expression "they defiled my holy Name"

(וטמאו את־שם קדשי) in Ezekiel 43:7-9 when describing the monarchic union of

palace and temple. As Cook notes, the use of טמא here may contextually depend

on the monarchic mortuary practice condemned by the priestly authors of

Ezekiel.[58] Despite this unique usage, the designation of טמא represents a threat to

the status of holy objects and places and removes a person from the matrix of

religious participation in the same ways described in the Torah. Finally, Ezekiel

44:25-26 assumes the same stance about the uncleanliness brought about by corpse

contamination as Lev 21.

Leviticus 21:1-3	Ezekiel 44:23-24
ויאמר יהוה אל־משה אמר אל־הכהנים בני אהרן ואמרת אלהם לנפש לא־יטמא בעמיו כי אם־לשארו הקרב אליו לאמו ולאביו ולבנו ולבתו ולאחיו ולאחתו הבתולה הקרובה אליו אשר לא־היתה לאיש לה יטמא	ואל־מת אדם לא יבוא לטמאה כי אם־לאב ולאם ולבן ולבת לאח ולאחות אשר־לא־היתה לאיש יטמאו ואחרי טהרתו שבעת ימים יספרו־לו

[58] Cook, *Ezekiel 38-48,* 184. But also note Milgrom, *Leviticus 17-22,* 1327 who observes that H interchanges the technical usage of טמא and חלל.

Ezekiel, though at odds with the scope of the application of this regulation, assumes that ministering priests must not defile themselves by corpse-contamination except for close family members. The lexical density between these two passages (and other parts of this chapter) demonstrate that Ezekiel and the priestly strands of the Pentateuch share a system code for dealing with priests and their exposure to the dead.

Ezekiel may demonstrate several areas of idiosyncrasy with respect to the religious notions described in the Pentateuch, *but the system codes remain the same*. This fact does not imply that the idiosyncrasies of Ezekiel *vis-à-vis* other Priestly Writings does not merit our attention; rather, the ideational and stylistic disparities among priestly corpora do not amount to a substantive difference in the religion's system. Priestly religion in the Torah and in Ezekiel *distinguishes itself* from other kinds of religious practice described in the Hebrew Bible (whether in texts condemning "illicit" religion or in Deuteronomy's conception of the religion) by using the same codes קדש/חל and טמא/טהור. As a religious system (and not a textual corpus) they bear no contradiction in their operative codes.

Ezekiel's Communicative Media

A society uses symbolically generalized communicative media, such as animal sacrifice, to solve a specific problem.[59] As noted in our discussion of sacrifice in the Pentateuchal

---

[59] Niklas Luhmann, *Theory of Society: Volume 1*, trans. Rhodes Barrett (Stanford: Stanford University Press, 2012), 190.

texts, the priestly religious system developed this form of communication to offer a form of "sense" (*Sinn*) to its society which only the religious system could provide. Sacrifice continues to function as the main communicative medium in Ezekiel's prophecies. Whereas other prophets emphasized *shuv* (repentance), Ezekiel barely features the idea. He does not systematically command his audience to repent (שוב) in order to avert disaster or repair the defunct religious system based on the Temple. The term שוב as a movement toward YHWH's expectations only appears in a handful of passages in Ezekiel (3:19-20; 13:22; 14:6; 18:7-32; 33:9-19). Ezekiel 3:19-20, 18:17-32, and 33:9-19 function more as reflections on the nature of prophecy than commands to repent in order to avoid judgment. Ezekiel 13:22 accuses false prophets of preventing the repentance of the wicked. Only Ezekiel 14:6 directly commands penitential turning. Here the prophet specifies a discrete audience and occasion: the exilic community seeking a divine word must drop all pretense and eliminate idolatry from their minds.[60] Ezekiel assumes that repentance will not save Jerusalem or the Temple from destruction – YHWH has already decreed it.[61] Ezekiel uses the prophetic term שוב to discourage apathy amongst the exiles *after the judgment has already occurred*. As a priest, Ezekiel views the reconciliation between YHWH and Israel by means of the same operations as the priestly literature of the Pentateuch: temple-centered sacrifice officiated by priests.

Ezekiel imagines a reconfigured Temple system as a remedy to the plight of the exilic community. Lyons has shown how Ezekiel's literature serves as an explanation and

---

[60] Ronald M. Hals, *Ezekiel* (Grand Rapids, MI: Eerdmans, 1989), 91-93.
[61] Zimmerli, *Ezekiel 1*, 67. Zimmerli notes that these prophecies "are formulated as impassioned answers to statements made to the prophet by the people who have been overtaken by judgement." The calls to repentance are an impetus to change themselves, but not the fate of the Temple or Jerusalem.

254

placement of blame on improper religious observance as the reason for the destruction of the Temple and exile of the people.[62] Not until the Temple vision in Ezekiel 40-48 does the composition discuss a "reality" in which YHWH might dwell again with Israel. As a utopian text, the vision constitutes a critique of the society that allowed the system to be compromised and offers an alternative vision according to a new regime.[63] It does not, however, argue for a system without sacrifice. Israelites still need to offer the purification offering (חטאת) when they disobey a negative command. They may still misappropriate YHWH's holy items necessitating a guilt offering (אשם). Every sacrificial category described in the Torah also appears in Ezekiel's vision.

The vision in Ezekiel 40:38 recounts how the Temple would contain a special chamber for washing the burnt-offering (עלה) and a table for the implements involved in its slaughter (40:42). Ezekiel 43 describes the altar in the Temple on which the burnt offerings would be consumed (v.18). Without the עלה the priests could not dedicate the altar which represents the central location of all sacrificial communication in the priestly system. Ezekiel 45:13-17 describes a one percent in-kind tax on wheat, barley, oil, and sheep or goats. The prince "furnished" these items for the sacrifices, including the burnt offering, by means of taxation on the people. The complex of sacrifices function to avert divine wrath (לכפר עליהם).[64] Ezekiel clearly assumes the same language and function for the עלה as the priestly text in Lev. 1:4. The system does not work without this sacrificial

---

[62] Lyons, *From Law to Prophecy*, 146-156.
[63] Cook, *Ezekiel 38-48*, 5-7.
[64] Allen, *Ezekiel 20-48*, 265-266; Cook, *Ezekiel 38-48,* 233. Allen and Cook interpret the technical function of לכפר differently, but both conclude that the term signals the necessity of the sacrifices in order to maintain the proper relationship with YHWH.

communication. The altar, which serves as the leverage point for the entire sacrificial complex to communicate, cannot function since the dedication ceremony requires the burnt-offering. Ezekiel assumes this sacrifice is necessary and essential to the system's function.

The grain offering (מנחה) also plays a role in Ezekiel's vision of the Temple community. Ezekiel 42:13 and 44:29 mention the מנחה among the sacred offerings which must be eaten by the priests in the sacred chambers (לשכות) of the Temple. The priestly texts in the Pentateuch mention the same group of sacrifices (מנחה, חטאת, אשם) as קדש קדשים in Lev 6:10 and Num 18:9. As with the עלה, Ezekiel maintains the function of the מנחה in the sacrificial complex of the reimagined Temple (Ezek 45:15, 17, 24; 46:5, 7, 11, 14, 20). Cook writes that Ezekiel's vision, in part, allows "a sacrificial choreography to interconnect these two spheres [holy and common] in a newly clear and pronounced manner."[65] The system at work in Ezekiel uses the medium of the מנחה to communicate the same system function as the system described in the Torah.

Ezekiel describes the function of the well-being offering (שלמים) in less detail than the other sacrifices, though it does receive comment. God will accept the people's gifts of burnt offerings (עלותיכם) and well-being offerings (שלמיכם) after the altar has been properly inaugurated (43:27). As with the עלה, Ezekiel writes that "the prince" (נשיא) is obligated to provide the שלמים offering from the in-kind taxes described in 45:13-17. In Ezekiel 46:2, 12 the text regulates how the נשיא should make provisions for

---

[65] Cook, *Ezekiel 38-48*, 260.

such freewill offerings. Ezekiel labels the offering under the heading נדבה as does Lev 22:21. Lev 7:16 also notes the possibility of this designation for this offering. Again, Ezekiel does not change the form or function of this communicative medium.

Ezekiel's vision also accounts for the continuation of חטאת and אשם sacrifices. The text never mentions אשם apart from חטאת sacrifices (40:39; 42:13; 44:29; 46:20). The Levites slaughter these two sacrifices on the tables in 40:39. The final three references mark out how these sacrifices should be limited to sacred space and priestly personnel. Ezekiel 42:13 and 46:20 describe how the meat of these offerings must remain in the sacred dining room chambers and must not leave the court. Only (Zadokite) priests (44:15) receive the meat as their inheritance (נחלה) since they do not receive land (44:29). Ezekiel's vision does not offer any further regulations regarding the application of אשם. The terminology of the sacrifice is consistent with that of the Torah, but there is a difference in emphasis. Ezekiel does not describe its function; however, its context among the קדש קדשים and those who have access to it mirror the system in the Torah.

Ezekiel's description of the purification and inauguration of the altar (43:18-27) requires close attention as it relates to the חטאת. The text mandates in v.19 that the Zadokites receive a bull (פר בן־בקר) as a purgation offering (לחטאת). This purgation offering functions to remove impurity from the altar in order to purify it (וחטאת אתו וכפרתהו) in v. 20. When they have finished purifying the altar (בכלותך מחטא), over the course of the next seven days the priests offer a bull, a ram, and a goat as purification offerings (v. 23). The purpose of the ritual is summarized in the following:

שבעת ימים תעשה שעיר־חטאת ליום ופר בן־בקר ואיל מן־הצאן
תמימים יעשו

שבעת ימים יכפרו את־המזבח וטהרו אתו ומלאו ידו

Seven days you must offer he-goat purification offerings each day, and a
bull and a ram—all unblemished—you must offer. Seven days you must
purify the altar, so as to cleanse it and consecrate it. (Ezek. 43:25-26)

The purification offerings serve to purify (כפר), cleanse (טהר), and consecrate (מלא יד) in

Ezek 43. Though all three of these functions never appear together with respect to the

same ritual slaughter in the Torah, they do represent functions of the חטאת in discrete

passages. In Lev 4:20, 26, 31, 35 the purification offering functions to atone (כפר על־) for

the offender and ostensibly permit YHWH to forgive them. The same usage applies in the

Day of Atonement ritual wherein the priest atones for himself and his household (Lev

16:11). Later in the ritual, when the priest offers the he-goat purification offering on

behalf of the people, the text describes the blood of the animal in the following terms:

וכפר על־הקדש מטאמת בני ישראל ומפשעיהם לכל־חטאתם

And atone for the sanctuary from the impurities of the Israelites and their
rebellions and all their sins. (Lev 16:16)

Here the specific function of כפר results in a removal of impurity (טמאת). Lev 16:30

further clarifies the ritual:

כי ביום הזה יכפר עליכם לטהר אתכם מכל הטאתיכם לפני יהוה תטהרו:

Because on this day, he shall make atonement for them in order to purify them; from all their sins before YHWH they shall be purified.

Clearly the text of the Torah equates "atonement" with the notion of purification of persons or objects from uncleanness.[66] Finally, חטאת offerings also serve as a prerequisite to inauguration or consecration of the priesthood in the Torah and the altar in Ezekiel 43. In Lev 8:15 the purgation offering removes the sin from the altar (ויחטא את־המזבח) resulting in the altar being made holy and atoning for it (ויקדשהו לכפר עליו). Though the priestly texts of the Torah call the sacrifice which inaugurates one for priestly service מלאים (*millu'îm*) and calls this inauguration ימלא את־ידהם (filling their hands, literally), the חטאת specifically prepares the altar for the inaugurating sacrifices. The Torah's description in Lev 8:34 of the priestly consecration also describes its function as atoning (לעשת לכפר עלהם).

Despite Ezekiel's unique description of the altar and its consecration, the text's use of the חטאת offering remains consistent with the system-function of the sacrifice in the Torah's system. In both the Torah and Ezekiel 43 we can find instances in which the purgation offering removes the effects of sin from the altar resulting in purification from contaminants. This sacrificial medium also makes atonement for people or objects, thus

---

[66] Jay Sklar, "Sin and Impurity: Atoned or Purified? Yes!" in *Perspectives on Purity and Purification in the Bible*, eds. Baruch J. Schwartz, David P. Wright, Jeffery Stackert, and Naphtali S. Meshel (New York: T&T Clark International, 2008). Sklar provides a useful summary of the term כפר and its meanings in priestly texts.

averting divine wrath. The חטאת also precedes and makes possible a person's or object's ability to function within the system as a mediator between the common and the holy. The function and purpose of this sacrifice remains consistent because Ezekiel and the Torah presuppose the same cultic system.

Our comparison has shown that Ezekiel's conception of the function and purpose of the sacrificial medium agrees with the function and purpose of sacrifice in the Torah. All sacrificial categories mentioned in the Torah find expression in Ezekiel. The continued use of sacrifice depends on the expectations of the society which perceived that medium to achieve positive results. For instance, we do not need to stop and think about why handing a clerk a five-dollar bill results in our ability to abscond with a sandwich. Our society has constructed an economy in which the communication through money allows us to exchange a particular kind of green paper for food. If we tried to communicate with some other kind of media, the cashier might kindly (or unkindly) tell us "No." Money mediates an exchange in which the response is "Yes, you may take that Mediterranean sandwich." In a similar way, both the Torah and Ezekiel perceive sacrificial victims as communicating. They transform negative circumstances (a defiled altar which threatens YHWH's residence) into a successful resolution (purification of the altar). Systems theory allows us to observe that Ezekiel and the Torah each conceive of sacrifice as the same kind of symbolically generalized communicative medium—each kind of sacrifice can achieve similar results in each literary corpus.

Ezekiel's Form of Social Differentiation

Ezekiel, like the Pentateuch, describes a form of society differentiated by social stratification.[67] Though Ezekiel observes the social stratum of the priesthood uniquely when compared to the Torah, the text's conception of society consistently remains stratified into more than two levels of hierarchy. I will highlight the differences between Ezekiel's hierarchy and that described in the Torah later in this chapter. For now, I will focus on the fact that Ezekiel portrays his cultic system within the environment of a stratified society.

Ezekiel 44 represents the premier example of Ezekiel's observation of social stratification. Verses 9-16 clearly stratify Israelite society into the hierarchy of priest, Levite, lay-person. YHWH claims that before the destruction of the Temple a large group of cultic functionaries labeled הלוים (v. 10) had access to the altar duties but misled the people with גלולים. Their abdication of leadership results in their removal from priestly responsibilities:

ולא־יגשו אלי לכהן לי ולגשת על־כל־קדשי אל־קדשי הקדשים ונשאו
כלמתם ותועבותם אשר עשו:

And so, they (Levites) shall not approach me to serve as my priests, nor approach any of my holy things—to the most holy items; they must bear their disgrace and the abominations that they committed. (Ezek 44:13)

---

[67] See previous discussions on the concept of social stratification and in Niklas Luhmann, *Theory of Society: Volume 2*, trans. Rhodes Barrett (Stanford: Stanford University Press, 2013), 50-65.

The Levites have been relegated to a class of cultic functionary between lay-person and priest. They cannot access the holy items reserved for the highest level of the social hierarchy—the priests. According to 44:11 they are servants in the sanctuary (והיו פקדות אל־שערי במקדשי משרתים), serve as guards at the gates of the temple complex (במקדשי משרתים הבית), attend to custodial duties (ומשרתים את־הבית), and slaughter the burnt-offering and "sacrifice for the people" (המה ישחטו את־העלה ואת־הזבח לעם). As others have noticed, this final description draws a line between Levite and lay Israelite.[68] Ezekiel 44 functionally defines a Levite as a person who does not function as a priest but does not belong to the laity per se. Israelites no longer participate in the slaughter of their own זבחים because this function belongs to the Levite. Yet the system could not function without the contributions of the laity and the existence of the impurity generated by their inability to abide by the covenant stipulations.

Ezekiel 44:15-16 defines the priesthood according to social access within the religious system. Out of the formerly undifferentiated group הכהנים הלוים (Levitical priests), God designates the Zadokite family (בני צדוק) as those with special access to the sanctuary. The divine voice asserts in v.15 that "they may approach me to minister to me and stand before me to offer the fat and blood to me" (להקריב לי חלב ודם המה יקרבו אלי לשרתני ועמדו לפני). This group alone may enter the sanctuary, approach YHWH's table, and perform sacred ministerial duties (ושמרו את־משמרתי המה יבאו אל־מקדשי והמה יקרבו אל־שלחני לשרתני, Ezek

---

[68] Milgrom, *Ezekiel's Hope*, 177. He identifies the Levites as laymen but also as a police force, whose job it is to separate the people from the sacred zones.

262

44:16). The social stratification of Zadokite priest occurs at the functional level (offering sacrifices and presenting the blood and fat) and access to social space. The social access component is reflected architecturally in Ezekiel 40:44-46.

During Ezekiel's tour of the temple complex his guide shows him the priestly chambers in which the priests on duty may rest.[69] The description of the two chambers reveals:

וידבר אלי זה הלשכה אשר פניה דרך הדרום לכהנים שמרי משמרת הבית
והלשכה אשר פניה דרך הצפון לכהנים שמרי משמרת המזבח המה בני־צדוק
הקרבים מבני־לוי אל־יהוה לשרתו

And he said to me: This chamber which faces south is for the priests who
perform the ministry of the temple, and the chamber which faces north is
for the priests who perform the ministry of the altar—they are the
Zadokites who (alone) may approach YHWH to minister to him from
among all the Levites. (Ezek 40:45-46)

We will address how Ezekiel makes differentiations within cultic groups in the next section. Ezekiel's observation of social stratification by means of access to space remains our primary concern here. The architecture of Ezekiel's temple reflects a stratification of priestly houses, one of which discharges duties in the inner court and

---

[69] Cook, *ibid*., 138, 142. As Cook notes, these chambers are different from the "sacristies" mentioned in Ezek 42:1-14; 44:19; 46:19-20.

temple complex proper, while the other may approach the altar.[70] Ezekiel uses the

architecture to segregate different social groups within his hierarchy.

Ezekiel's tour of the temple also features sacred chambers (לשכות הקדש) in which

the priests eat sacred meat and leave their sacred garments (42:13-14). In Ezekiel 46:20

the text highlights the kitchens attached to these chambers. In both texts, Ezekiel

observes that these chambers function to remove the populace from contact with sacred

items. Ezekiel 42:14 states:

בבאם הכהנים ולא־יצאו מהקדש אל־החצר החיצונה ושם יניחו בגדיהם
אשר־ישרתו בהן כי־קדש הנה ילבשו בגדים אחרים וקרבו אל־אשר לעם:

> Whenever the priests enter, they must not go out from the holy place to the
> outer courtyard, but there [in the holy place] they must leave their [sacred]
> garments in which they minister because they are holy. They must put on
> other clothes. Then they may approach space which belongs to the people.
> (Ezek 42:14)

Many studies have discussed the concept of "contagious holiness" with respect to texts

like the one above.[71] A tenet of systems theory called "crossing" applies here.[72] The

system of the priestly world operates based on the code holy/common. The transfer of

---

[70] Scholarly debate continues without consensus with respect to the identification of these priestly
houses. Cook, *Ezekiel 38-48*, views the two groups as Zadokites and non-Zadokite Aaronides. Milgrom,
Ezekiel's Hope, 80, following Rodney K. Duke, "Punishment or Restoration? Another Look at the Levites
of Ezekiel 44:6-16." *Journal for the Study of the Old Testament* 40 (1988): 61-81, asserts that both groups
are Zadokites with different duties.

[71] See Baruch J. Schwartz, "Israel's Holiness: The Torah Traditions" in *Purity and Holiness*, eds.
M.J.H.M. Poorthius and J. Schwartz (Leiden: Brill, 1999), 47-59.

[72] Luhmann, *Introduction to Systems Theory*, 47.

sacred objects (the priest's clothes) from sacred space to common space represents a negation of this code. In this passage we observe that the binary code holy/common operates within social categories made visible through space. The people (עם) participate in the religious system and derive benefit from it, but only in the social space where they reside. As discussed in a previous chapter, the code holy/common has its positive value in the common and its negative value in holy, since it is inaccessible. When Cook describes the transference of holy objects into common space as "negative holiness" crossing a boundary, he comes close to a systems-theory designation.[73] At times he accurately notes that these boundaries represent social and hierarchical crossings; at other times, he reverts to the designation "graded holiness" and synonymous phrases.

The same notion of "crossing" occurs in the description of the sacred kitchens in Ezekiel 46:19-20. Ezekiel's guide informs him that this is the place where the priests cook the purgation and reparation offerings and bake the grain offering (v.20). We are told that the preparation of these holy foods occurs here "in order not to communicate holiness to the people as they exit to the outer court" (לבלתי הוציא אל־החצר החיצונה לקדש את־העם). For the system to maintain its function of separating holy from common, it cannot permit priests to cause the crossing of boundaries. The system "realizes" its code through the establishment of boundaries *within the social strata*.

These examples of Ezekiel's system operating in a stratified society resemble the stratification I discussed in the chapter on stratification in the Torah. Ezekiel's temple system works only in a society containing priests, Levites, and laity. It also accounts for

---

[73] Cook, *ibid*., 175-176, 258-260.

native Israelites who have land holdings and גרים who reside with the people as residents (Ezek 47:22). Though Ezekiel parses the hierarchy somewhat differently, the *kind* of society (socially stratified) remains the same as that depicted in Pentateuchal traditions.

I have endeavored to show how Ezekiel's priestly system and the Torah's system are functionally the same. They each use the same code, assume the same operations, use the same communicative media, and exist within the same form of differentiation in their society. Scholarship which assumes that Ezekiel had access to and borrowed from the priestly system of the Torah will likely view these assertions as obvious. Through this lens, we should expect Ezekiel to manifest the same priestly perceptions as those that appear in the Torah since Ezekiel was schooled in this tradition. But how should we account for the fact that Ezekiel, inhabiting the same system, argues for a radical reassessment of its programs? How can we argue that Ezekiel used the Holiness Code as an intertextual source when elements of his Temple vision contradict some of its applications of the system's codes or find them inadequate considering the newly revealed divine vision? These questions present several problems for proponents of linear textual models. Systems theory, however, provides a way of navigating these issues from a different perspective and, thus, new conclusions.

Ezekiel as Resilient Reformation

Resilience defines a system's ability to bounce back after a large irritation or constant variability in its environment.[74] The forced relocation of Jerusalemite elites in 597 BCE and the destruction of the temple complex in 586 BCE certainly qualify as large irritations to a temple-centered priestly organization. Ezekiel's chronological formulae frame several of its prophetic texts in an historical setting between the two Babylonian interventions as a *terminus a quo*. But the emergence of diaspora communities continued to cause irritations in the emergent religious system of the Second Commonwealth.

The text of Ezekiel attempts to explain how these events were possible, who stands to blame, how the diaspora community should behave, and what changes YHWH required of them. At no point does Ezekiel assert that being present in a foreign land negates a priest's obligation to remain ritually pure (Ezek 4:14). The text rationalizes the destruction of the Jerusalem temple (Ezek 9:1-11) but does not imagine that a temple system *qua* system is defunct (Ezek 40-48). Ezekiel, instead, offers an attempt to reform the priestly system by learning from past mistakes and restructuring its hierarchy and rituals through new programs. I contend that we can explain the premier examples of Ezekiel contradicting or differing from priestly texts in the Torah by understanding the nuances of *organization* from a systems theory perspective. In order to offer a systems-theoretical assessment of Ezekiel, I must elaborate on the notion that Ezekiel reflects the position of: (1) a specific organization of priests with *self-organizing* capacity (2) who sought to *protest* against and *reform* the existing (or latent) priestly, temple-based system

---

[74] Meadows, *Thinking in Systems*, 76.

(3) by implementing new programs. These repairs are in the *priestly* realm and not

metaphysical changes to the efficacy of the actual rites. Impurity is impurity and

purification rites do what they do, regardless of the scale of the historical catastrophe.

Organizations are decision-making entities, comprised of collections of agents,

who seek to influence system behavior.[75] Luhmann described organizations as mini

systems which communicate about *decisions* within the system.[76] They offer a group

advantages by allowing individuals to transcend the bounds of a single agent.[77] Miller

and Page model organizational decision-making by noting that "organizations must

transform...information into a single, deterministic, binary choice."[78] This means

organizations receive signals from their environments and interpret that information into

a decision *based on a binary*. A political party might receive information about the stock

market (an economic system, not a political one) and transform that information into its

own coded information: "We built a robust economy, just look at the stock market!" or

"The opposition's policies are scaring off investors which is why the markets are falling."

In both scenarios an organization within the political system attempts to interpret the

communication of another system—the economy—for its own purposes and in its own

binary code. This example shows how a political system might communicate about the

status of the economic system as the result of its own policy or the power it wields (or

does not wield but should). Religious systems behave similarly, as I hope to demonstrate.

---

[75] John H. Miller and Scott E. Page, *Complex Adaptive Systems*, 200.
[76] Niklas Luhmann, *Theory of Society Volume 2*, 143.
[77] Miller and Page, *ibid*., 201.
[78] Ibid., 201.

The priestly system described in the Pentateuch and Ezekiel represent the same singular system, *but not the same organization of priests*. The Torah describes legitimate priests as the larger, more generic organization of Aaron. Ezekiel appears to represent a niche interest group of organized Zadokite priests. The Zadokites in Ezekiel function as an organization within the priestly system which seeks to *influence system behavior* and *make decisions* for the benefit of Israelite society and the temple personnel. Organizations like the one behind the text of Ezekiel exist to solve these system-problems.[79] The priests within these organizations are thus part of the system and any organization could be interchangeable. Luhmann proposed that organizations consist of nothing more than the communication of decisions designed to solve those problems through the promulgation of new programs for the system to apply its codes.[80] The organization that produced the text of Ezekiel sought to solve problems: Why would YHWH allow the destruction of the Temple? Who bore the blame for the catastrophe? What kind of "would-be" world might resolve those problems?[81]

Donella Meadows describes the ability of a complex system "to learn, diversify, complexify, and evolve" as *self-organization.*[82] She writes that systems with the ability to self-organize can "come up with whole new structures, whole new ways of doing things. It requires freedom and experimentation, and a certain amount of disorder...just a few simple organizing principles can lead to wildly diverse self-organizing structures."[83] I

---

[79] Miller and Page, *ibid*., 202.
[80] Niklas Luhmann, *Theory of Society: Volume 2*, 145.
[81] Miller and Page, *ibid*., 95. The concept of would-be worlds represents how agents within a system might process information and create a model which allows them to transcend their limits of perception. I will address this concept in more detail in my discussion of Ezek 40-48.
[82] Meadows, *Thinking in Systems*, 79.
[83] Meadows, *ibid*., 80.

posit that the organization which composed Ezekiel represents a specific group which advocated for *a different program* to apply the priestly code in the system. This priestly organization drew information from both its priestly culture and its Babylonian environment from which new texts about hierarchical structures and unique rituals for cleansing the Temple and altar emerged. Within the disorder afforded by the exile, this priestly cadre formulated new ways of solving the problems it observed as causing their present situation. By studying Ezekiel as a unique organization within the priestly system, I am not attempting to prove or disprove the efficacy of the text of Ezekiel to affect the larger system. My goal is to elucidate how certain texts from Ezekiel emerged as the result of a group of priests trying to adapt to changes in their environment. Though their attempts to recalibrate the system were intentional, they were not necessarily consciously engineered or cognizant of their reality as systems-operators. The creators of Ezekiel saw only the tip of the iceberg from the inside of their priestly system. As I hope to demonstrate, the so-called contradictions between the Torah and Ezekiel are manifestations of different organizations attempting to apply *different system-programs within the same religious system*.

The priestly system, observed in the texts it produced in the Hebrew Bible (including, but not limited to, the Priestly Pentateuch and Ezekiel), constitutes *a single self-organized system*. A deeper understanding of this concept could provide a useful tool for understanding both the apparent reliance on and divergence from Pentateuchal traditions in Ezekiel. Previous studies have relied heavily on methods of intertextuality to describe these relationships among the texts of the Torah and Ezekiel. The systems-theory concepts I will introduce in this chapter will suggest that the priestly system

contained a variety of priestly organizations with their own programmatic agendas. All these groups looked to the environment of their system, observed threats, and proposed internal changes to (hopefully) ensure the system's survival. I propose that the redacted form of the Priestly Writings testify to the communications of *conflicting* priestly groups which were preserved in order to negotiate indeterminacy within the priestly ranks. All priests agreed upon the need to demarcate between holy and common, pure and impure. They all trusted the ability of animal sacrifice to communicate with YHWH. These priests shared these notions because they participated in the same system; but they did not always agree about how to address the threats to their system. Because the texts were produced and redacted by priests within this system, they retained divergent views as *programmatic possibilities* for dealing with environmental contingencies. We are thus not likely to reverse engineer the textual history of the Pentateuch's influence on Ezekiel or *vice versa*. Since the behavior of systems is emergent and non-linear, the same could be true of the textual compilations which reference the priestly system.

The text of Ezekiel consists of the communication of a particular priestly organization. Based on some concepts put forth by Luhmann, I describe Ezekiel as an organization that proposed *reform* or *protest* from within the system.[84] Organizations reform themselves when they need to make internal changes. These reforms may refer to formal organization, group principles, or system-programs—how to correctly apply the

---

[84] For his description of religious reform see Niklas Luhmann, *A Systems Theory of Religion*. Translated by David A. Brenner with Adrian Hermann (Stanford: Stanford University, 2013), 175-178. His assessment of protest movements may be found in Luhmann, *Theory of Society, Volume 2*, 154-165. Luhmann did not believe that protest could be categorized as an organization because it was not based on decision making, but motive alignment (see p. 155).

system's binary code.[85] Luhmann wrote that an organization cannot reform society or

other function systems (politics, economy, etc.); *it can only reform the organization

itself*.[86] Because organizations make decisions based on information gathered from their

environments (see above), some organizations may be "forced into making reforms under

pressure from its environment" and thereby make modifications to how the organization

defines itself.[87]

Hierarchy represents one of the avenues in which Ezekiel argues for reform.

Human organizations, like the one behind Ezekiel, can design a hierarchy in the process

of creating new structures.[88] Meadows posits that hierarchies lend systems added

resilience and stability while funneling information processing duties into specific parts

of the system.[89] She writes:

> Hierarchical systems are partially decomposable. They can be taken apart
> and the subsystems with their especially dense information links can
> function, at least partially, as systems in their own right. When hierarchies
> break down, they usually split along their subsystem
> boundaries...However, one should not lose sight of the important
> relationships that bind each subsystem to the others and to higher levels of
> the hierarchy...[90]

I will attempt to show that hierarchy represents one of the critical points in the priestly

system that Ezekiel wishes to reform. Within the "would-be" world of Ezekiel 40-48, the

---

[85] Luhmann, *A Systems Theory of Religion*, 175.
[86] Luhmann, *ibid*., 176.
[87] Luhmann, *ibid*., 176.
[88] Meadows, *ibid*., 82. This is a function of smaller organizations within a given system. On a
larger scale, hierarchies in society are emergent properties; within the sub-system of an organization,
members can design the structures based on their decision-making processes.
[89] Meadows, *ibid*., 83
[90] Meadows, *ibid*., 83-84.

utopian text appears to argue that the monarchic version of the priestly temple system did

not accomplish its goals because of a malfunctioning hierarchy. Ezekiel's organization

further suggests that some priests are not worthy of previous statuses they may have

enjoyed. Such texts demonstrate the dual properties of a hierarchy within a system:

decisions may be designed in smaller organizations which do not manifest within the

larger system due to emergent properties. Ezekiel thus describes the interests of a small

organization of priests within the larger hierarchal structures of the priestly system. The

organization's decisions (programs) are intentionally designed and presented, whereas

the statuses within the priestly hierarchy as a whole likely *emerged* from a variety of

complex factors.

     Ezekiel also contains elements of a protest movement within the priesthood.

Although Luhmann denied that one could categorize protest movements as organizational

systems, I contend that many of his descriptions of reform within organizations also hold

true with respect to protest.[91] I draw mainly from how Luhmann describes the way in

which protest movements operate and seek their goals. He writes:

> [A]lthough participants seek...influence, *they do not do so in normal ways*.
> This eschewal of the normal channels of influence is also intended to show
> that the matter at issue is urgent, profound, and general, so that it cannot
> be processed in the usual fashion.[92]

Ezekiel constructs a form of protest unlike any other priestly ṭorôt in the Hebrew Bible—

through the form of prophecy. In the context of divine instructions, we might expect a

---

[91] Luhmann, *Theory of Society: Volume 2*, 155.
[92] Luhmann, *Theory of Society, Volume 2*, 157. Emphasis original.

priestly organization to reform and protest within the context of Sinaitic revelation.[93]

Ezekiel shows no cognizance of lawgiving at Sinai.[94] He did not frame his instructions in

protest to an already fully developed set of regulations in the Pentateuch. Ezekiel

uniquely communicated lawgiving *through the medium of prophecy*. The disparity of

emphasis or absence regarding Sinai *does not indicate a separate system underlying the

literature*. Lyons seems to agree with this notion when he says that "forms and function"

of priestly [instruction] have...been subordinated to the forms and functions of prophetic

literature."[95] Literary differences, not systemic differences, constitute the divergences

among the texts.

Luhmann claimed that protest movements possessed the ability to decry

suboptimal decisions within organizations, but often lack real organizational power to

achieve their vision. He writes that "[p]rotest negates overall responsibility, even

structurally. It must assume that there are others to carry out what is demanded."[96]

Ezekiel admits the hopelessness of the people to bring about this change which will

require YHWH to install a new heart/mind in Israel (Ezek 11:19-20, 36:24-27). As Lyons

writes, Ezekiel maintains a "lack of any expectation for a positive response" so that any

"change in the people's moral disposition can only come about through YHWH's

unilateral initiative".[97] Ezekiel's use of the utopian vision (Ezek 40-48) also conforms to

---

[93] Choi, *Traditions at Odds*, 224-228 demonstrates how the sectaries behind *Jubilees* and *The Temple Scroll* in the Second Commonwealth period situated their authoritative "torah" based on the covenant at Sinai.

[94] Lyons, *From Law to Prophecy*, 112; Zimmerli, *Ezekiel 1*, 52; Choi, *Traditions*, 142.

[95] Michael A. Lyons, *An Introduction to the Study of Ezekiel* (London: Bloomsbury T&T Clark, 2010), 128. I amend Lyons here because he asserts Ezekiel's reliance on some version of authoritative Torah. I agree with his sentiment about the form and function of prophecy as a medium to convey *torah*, but not *the Torah*.

[96] Luhmann, *ibid*., 158.

[97] Lyons, *Introduction*, 28.

characteristics of protest movements within systems theory. According to Luhmann, protest "always describes a society that apparently produces, covers, approves, and needs what is being protested against."[98] This description dovetails nicely with the utopian frame that Cook ascribes to Ezek 40-48 which represents "a means of social critique, which must grapple persuasively with the continuing struggles and tragedies of real life" and a "literary critique" of society contemporaneous with the literature.[99] Systems theory thus provides a lens with which to view the aspects of Ezekiel that do not conform to the priestly system of the Torah. Ezekiel, as protest and reform literature, identifies system-inefficiencies from a particular group's observation within the system. This does not imply that Ezekiel protests or attempts reform based on any text; only that Ezekiel proposes a unique hierarchy and program which serves to criticize existing programs within the system in Ezekiel's society.[100]

Ezekiel 20: The Criticality of Idolatry

Ezekiel 20 portrays Israelite elders in exile approaching the prophet to make an inquiry on their behalf (v. 1). We discover the purpose of the pericope in v. 31 when the prophet asks his audience if they will follow in the ways of their ancestors, "being contaminated (נטמאים) by all their detestable idols (גלוליכם) until this day".[101] Ezekiel as a composition

---

[98] Luhmann, *Theory of Society: Volume 2*, 160.

[99] Cook, *Ezekiel 38-48,* 6.

[100] Klawans, *Purity, Sacrifice, and the Temple*, 94. Klawans notes the scholarship that sees literary relationships between Ezekiel and priestly literature in the Torah, but correctly identifies Ezekiel's belief in the cultic system and his critique of contemporary practices in the priesthood of the monarchy.

[101] See Choi, *Traditions*, 136 for confirmation that the purpose of the text relies on an ideological argument against idols.

focuses on idol worship, categorized by the vocabulary גלולים (Ezek 6:4-13; 8:10; 14:3-7;

16:36; 18:6-15; 22:3; 23:1-49; 44:10-12).[102] This term appears only once in the priestly

literature of the Torah (Lev 26:30); virtually every other use of this term comes

definitively from exilic literature (or later).[103] Milgrom, who notes Ezekiel's fondness for

this term in his discussion of Lev 26, also acknowledges that parts of Lev 26 (vv. 33b-35,

43-44) belong to an exilic redactor.[104] Following Kaufmann, he cites only Jeremiah,

Ezekiel and Deuteronomistic History (Kings) as those who attribute the downfall of Israel

to idolatry.[105] Milgrom does not list גלולים in his description of idolatry associated with a

redactor working "at the end of the monarchy or during the exile," but we should

consider this as a possibility since the term appears in literature associated with that

period.[106] Levine states that the composite text of Lev 26 "could have been written, at the

very earliest, right before the exile" or "considerably later", though the text as a whole is

exilic at the earliest.[107] As noted earlier, roughly two-thirds of Ezekiel's and the Holiness

Code's shared locutions derive from Lev 26. The micro-climate of Lev 26 constitutes a

very small point of contact between Leviticus and Ezekiel. Some have argued for the

direction of textual dependence.[108] The standard concern for directionality, however,

---

[102] This list is not comprehensive. The selected texts merely represent the most sustained diatribes against the subject as an explanation of the failure of the cultic system. Milgrom, *Leviticus 23-27,* 2319 notes that Ezekiel uses the term thirty-nine times. The term is only used nine times outside of Ezekiel.

[103] Haran, *Temples*, 104. By contrasting the use of the term in the Priestly texts with clearly exilic/post-exilic texts, I do not wish to imply a pre-exilic dating for the Priestly texts of the Torah. My point is that the term overwhelmingly occurs in exilic texts or later. Its sole appearance in Leviticus likely indicates a time contemporary with those other texts, but it is not the purpose of this study to determine the linear dating of these texts.

[104] Jacob Milgrom, *Leviticus 23-27* (New York: Doubleday, 2000), 2319; Milgrom, *Leviticus 17-22,* 1361.

[105] Milgrom, *Leviticus 23-27,* 2278.

[106] Milgrom, *ibid*., 2279.

[107] Levine, *Leviticus*, 275.

[108] Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 294; Milgrom, *Leviticus 23-27,* 2319.

must give way to an evaluation of common systems. Arguments for directionality require too many assumptions about the date of composition. But to claim disparate texts reflect the exact same system allows us to place both texts in a very particular non-linear relationship. Concern with גלולים appears in texts affiliated with texts at the end of the monarchy and during the exilic period.

Ezekiel's obsession with the phenomenon of גלולים-worship demonstrates that the priestly group responsible for these texts organized around this critical point within the system (as opposed to what other priestly groups might highlight). Miller and Page observe that the "driving force behind self-organized criticality is that microlevel agent behavior tends to cause the system to self-organize and converge to critical points at which small events can have big global impacts."[109] Based on the notion of self-organized criticality, Ezekiel converges on idol worship (micro-level, individual behavior) because, from its point of view, it represented a tipping-point (criticality) for the system which led to the exile.

To be clear, this description of Ezekiel's "reality" is a construct of the system. Idolatry was not the *cause* of exile but stood for a larger cultural assimilation observed by the system. The priestly observers, confined by the system, could only *see* idolatry when there were far larger, more complex social factors at work. Second-order analysis of biblical scholars would rightly suggest that the exile was primarily the result of the monarchy's failed geo-political program in which Judah failed to pay tribute. Idolatry was the observable threat to a priestly system that stood to lose if Israelites began

---

[109] Miller and Page, *Complex Adaptive Systems*, 167.

assimilating other deities into their religious matrix or began worshipping YHWH by means other than the priestly system. The yield of a systems-approach is that we may describe texts like Ezekiel 20 as a religious system making sense of large, complex events in its environment. The priestly system which constructs and observes transcendent "realities" assigns the blame for the exile to idol worshippers because it can only make *religious sense* of the world. Idolatry is the observable religious manifestation of the larger assimilation taking place on a political and physical level for those forcibly relocated to Babylon.

Thinking in terms of systems also allows us to mark the distinctions between the priestly descriptions in the Torah and those in Ezekiel. The thirty-nine references to גלולים in Ezekiel as opposed to the one mention in Leviticus points to a difference in observation within the priestly system. Criticality in the priestly system of the Torah focuses on the impurity of the altar generated by lack of adherence to the covenant. Israelite worship of גלולים does not factor strongly, if at all, into that portrayal of the system. The difference between two (or more) texts' focus does not preclude the existence of a shared system. The focus on idolatry in Ezekiel offers a glimpse of a debate within the priestly system, of which Ezekiel was a part, but does not represent all priests. The obsession with idolatry in Ezekiel stood for one perspective of the system's observation of broad societal deterioration after the fall of the monarchy. At the time of the exile in Babylon, no consensus had emerged about the path priestly religion should take within Israelite society or what posed the greatest threat to its survival.

A debate rages within recent scholarship on Ezekiel 20 regarding its dependence on and similarity to passages from Leviticus (18:4-5, 21, 24; 26:31).[110] As Choi notes, the depiction of the Israelite worship of גלולים in Egypt has no corollary in the Torah.[111] Aaron and Choi both note that the ideological accusation of idolatry behind Ezekiel 20 is incompatible with the Pentateuchal traditions about the Wilderness rebellions, which focused on a rejection of Mosaic leadership.[112] The author of Ezek. 20 is not bound to any Pentateuchal tradition for his invective but is free to create his historiographical retrospective based on his unique conception of the cycle of sin in Israel.[113]

Lyons and Milgrom, however, each argue that Ezekiel had Lev 26 before him when composing chapter 20.[114] The argument almost exclusively revolves around Ezekiel's use of statutes and ordinances (חקים, משפטים) in 20:24-25 and the notion of defilement (ואטמא אותם), the (possible) allusion to Molech-worship (בהעביר כל־פטר רחם), and the locution "desolate" (אשמם) in 20:26.[115] Lyons, however, does not delve into the reference to the idols (גלולים) in Leviticus 26 and Ezekiel 20. He makes much of the notion that Molech-worship defiles (Lev 18:24) since an apparent reference to that practice appears in Ezek 20:26, 31. In Ezekiel 20, however, the גלולים represent the defiling agent, not child sacrifice: *You are defiling yourself with all your idols up to today*

---

[110] Aaron, *Etched in Stone*, 155; Lyons, *From Law to Prophecy*, 101-103; Choi, *Traditions*, 136-143; Frankel, "Ezekiel 20," 1-25.

[111] Choi, *ibid*., 138-139.

[112] Choi, *ibid*., 139; Aaron, *ibid*., 155. The Golden Calf motif in the Pentateuch does not use the term גלולים despite its use of the theme of idolatry. See Aaron, *ibid*., 259-281, for a theory of composition of the Golden Calf story which likely had a complex development. Its adaptation by the priestly authors of the Pentateuch served a different purpose there than the גלולים motif in Ezekiel.

[113] Choi, *ibid*., 141.

[114] Lyons, *From Law to Prophecy*, 101-107; Milgrom, *Leviticus 23-27,* 2352.

[115] Lyons, *ibid*., 101-102.

(נטמאים לכל־גלוליכם עד־היום אתם) (v.31).[116] Since Ezekiel 20 and Leviticus 18 view different cultic actions as the basis for defilement, we might consider an explanation other than literary dependence.

David Frankel has recently suggested a redactional model of Ezekiel 20 which explains both the presence of lexemes shared with priestly texts from Leviticus and the idiosyncrasies within Ezekiel's retrospective.[117] His essay proposes that "the entire section that describes the death of the exodus generation in the wilderness and the sins and punishments of the second generation (verses 15–27) is secondary" as well as vv. 32-38 which describe the death of unfaithful exiles in the wilderness.[118] Frankel cogently demonstrates how the removal of these secondary insertions removes several difficulties within the text such as the not-good statutes given by YHWH, the inconsistency of the punishment formulae in vv. 9-10, 15-16, 23-26, 28-29, and conflicting divine oaths in v. 6 and v. 15 to name a few.[119] Due to the lack of punishment in vv. 2-14, 28-31, and 39-44, Frankel posits a possible pre-586 BCE historical setting for the original prophetic text.[120] The secondary material he dates to the 5th century BCE based on rhetoric against assimilation in Trito-Isaiah, mention of Sabbath, the inclusion of wilderness rebellions, and affinity with the historical retrospective in Neh 9.[121] This should give scholars who wish to maintain notions of Ezekiel's textual dependency on Pentateuch literature some pause. Most of the shared lexemes between Ezek 20 and the priestly literature of the

---

[116] It must be noted that v. 31 in the LXX does not contain the notion of "passing children over fire" (בהעביר בנים באש), see Frankel, "Ezekiel 20," 15.
[117] Frankel, "Ezekiel 20," 1-25.
[118] Ibid., 1.
[119] Ibid., 5-15.
[120] Ibid., 19.
[121] Ibid., 20-22.

Torah occur in Frankel's proposed secondary material (vv. 15-27, 32-38). Only a handful of locutions in common to both texts remain:

1. Ezek 20:9, 14, 41 // Lev 26:45 - "in the eyes of the nations" לעיני הגוים. Both usages refer to YHWH delivering Israel from Egypt. Lev 26:45 describes how YHWH would deliver the exiled Israelites just as he had done in Egypt in full view of all the nations to be their God. Ezek 20:9 offers the reason for this deliverance (despite their idolatry) in order that YHWH's name would not be profaned in the eyes of the nations (ואעש למען שמי לבלתי החל לעיני הגוים). The use in Lev 26 seems to be more concerned with publicly delivering Israel for the purpose of revealing the divine patronage, whereas Ezekiel is motivated by negative press from the surrounding nations. Though the phrase "in the eyes of the nations" occurs only in Lev 26:45 and the book of Ezekiel, the phrase itself does not demand that we see a textual connection. This trope could easily have been a cultural turn-of-phrase as opposed to indicating knowledge of a text. Even the setting of Lev 26:45 with its knowledge of exile seems to suggest that the usage of the phrase in the two texts is roughly coterminous and could have developed in a similar priestly setting.

2. Ezek 20:11, 13 // Lev 18:4-5 - "my statutes and my ordinances" (חקותי, משפטי) and "which if a person does them, he shall live by them" (אשר יעשה אתם האדם וחי בהם). Ezekiel favors the terms "statute" (חקה) and "ordinance" (משפט) when discussing divine instructions, as does the Holiness Code. Others have noted that the use of the divine first-person represents the rhetorical flair of the Holiness

281

writings.[122] These terms, however, appear in numerous locations in the Hebrew

Bible outside of the priestly literature.[123] The first-person suffix attached to these

terms could be contextual since they appear outside the Priestly Writings. It is

possible that the specific pairing of חקותי and משפטי derives from the priestly

literature; however, we should acknowledge the thin nature of the evidence

resting on two words.

The second phrase (*which if a person does them, he shall live by them*)

appears in Ezek 20:13 and Lev 18:5. Here we have a more substantial phrase in

common. The phrase also occurs in Neh 9:29. Though Lyons claims that Ezekiel

depends on Leviticus for the phrase, Frankel points out the possibility that "the

author of Nehemiah 9 was aware of the early form of Ezekiel 20, and the

supplementor [of Ezek 20] thereto was aware, in turn, of Nehemiah 9."[124] Neh 9

employs the long form of חיה in its text (וחיה בהם), in contrast to the shorter form

in Ezekiel (וחי בהם). The Samaritan Pentateuch of Lev 18:5, however, renders the

plene form in similarity to Nehemiah's version, casting some doubt on arguments

regarding the chronological priority among these texts. As Frankel observes,

Nehemiah's historical review does not include the rebellion of the second

---

[122] Knohl, *Sanctuary of Silence*, 169.

[123] The term חקת/חקות with a suffix is used by Deuteronomy (6:2, 8:11; 10:3; 11:1; 28:15, 45; 30:10, 16) as well as in the Dtr Hist (2 Sam 22:23; 1 Kings 9:6; 11:11, 33 (all possible H insertions); 2 Kings 17:13; 23:3) and Jer 44:10, 23. In all these instances the term is suffixed with reference to YHWH, some including the first-person, as with H.

The term משפט with a suffix appears in Deuteronomy (8:11; 11:1; 26:17; 30:16; 33:10, 21) and the Dtr Hist (2 Sam 22:23; 1 Kings 2:3; 6:12, 38; 8:58; 9:4; 11:33). Again, all suffixes reference YHWH.

[124] Lyons, *From Law to Prophecy*, 168; Frankel, ibid., 22.

wilderness generation.[125] All these factors should encourage us to seek alternative methods of explanation.

3. Ezek 20:31 // Lev 18:21 - "making *x* cross over" (להעביר/בהעביר). As mentioned above, this term in Ezek 20:31 likely entered by a later redactor since it is missing in the LXX of Ezekiel.

4. Ezek 20:39 // Lev 20:3 - "profane my holy Name" (חלל את־שם קדשי). Though this phrase occurs in both texts, the context is remarkably different. Lev 20 relates the profanation of the divine Name to Molech-worship. Ezekiel, however, contains a divine mandate for the exilic community to cease associating YHWH with their גלולים (illicit images).[126] The idea of profaning the name of YHWH could simply be a part of priestly culture without being linked to a textual tradition.

Considering these examples, arguments based on shared locutions in Ezekiel 20 stand on indeterminate evidence. In agreement with Haran (but for different reasons), I propose that the priestly literature of the Pentateuch "was neither accessible to Ezekiel, nor in effect in his time" but that Ezekiel "was only infused with the school's spirit and style."[127] I would modify Haran's statement by arguing that the phenomenon with which Ezekiel was infused was neither spirit, nor style, but *system*. Ezekiel could have shared elements of a priestly cultural repertoire without having access to the literature we

---

[125] Frankel, ibid., 23.

[126] Contra Lyons, *From Law to Prophecy*, 174. He connects Ezekiel's notice of profaning the name of God with "gifts" and "idols" to the invective in Ezek 20:31, which I have argued is an insertion and not original. This means that Ezekiel could possess knowledge of the concept חלל את־שם without knowing it from Lev 20.

[127] Haran, "The Law-Code of Ezekiel XL-XLVIII," 66-69.

associate with the Pentateuch. Ezekiel 20 represents but one example in which the operations or observations of a group within the priestly system differ from those depicted in the Torah *without betraying the system itself.*

Ezekiel 40-48: Visionary Reform

If Ezekiel 20 identifies idolatry (גלולים) as a point of criticality in the system, then Ezekiel 40-48 offers a solution to that point.[128] As Block and a host of scholars recognize, however, Ezekiel's visionary Temple instructions contain "discrepancies" with the Pentateuchal literature which supposedly served as Ezekiel's point of departure.[129] Block asks if Ezekiel's visionary instructions

> ...reflect competing exilic priestly traditions, with the "Mosaic" tradition winning the day? . . . Or does Ezekiel's Torah represent a deliberate departure from Moses? Was the exilic prophet offering a purified liturgy to replace the Priestly tradition...which he characterized earlier as "no good laws" (*ḥuqqîm lō' ṭôbîm*, 20:25)?[130]

Despite the lexical and structural similarities between Ezekiel's vision and the priestly Pentateuchal writings, how should we understand the marked differences?[131]

I will analyze select passages from Ezekiel 40-48 using a systems-theory lens. This means I assume that Ezekiel represents the communication of a priestly organization

---

[128] Block, *Ezekiel 25-48*, 497. Block draws a direct line between these issues presented in Ezek 20 and the visions in Ezek 40-48.
[129] Block, *ibid.*, 500.
[130] Ibid.
[131] Block, *ibid.*, 500-501; Milgrom, *Ezekiel's Hope*, 55-60.

which seeks to reduce the complexity of the world by producing a "decision behavior" within the system.[132] By this I mean that the text of Ezekiel, observing the chaos produced by the Babylonian exile, communicates about the *ideal* system-operations of a priestly, temple-based cultus. Ezekiel does not demand that society realize the system's decision-behavior as depicted in his book, nor does it represent a blueprint for future realization.[133]

An adoption of systems theory shifts the focus to how an organization in crisis might reflect on "interpretive variants and consistency problems" by means of reform which focus "on a verbally elevated plane something that is remembered or forgotten in the system."[134] We should note that reform, according to systems theory, serves a rhetorical function and almost never occurs according to the intentions of the reformers.[135] Reform functions as a stabilizing, reflective feedback loop which points out the need for adaptation to the system's environment at critical leverage points.[136] Even though reflective reform within the system almost never becomes the dominant system operation, it does impact the overall communication of the organization by introducing modest changes to verbal elements of its self-description and creating the possibility of future reforms.[137] A reflective reformational entity within an organization might call for a

---

[132] Luhmann, *A Systems Theory of Religion*, 166.
[133] Block, *ibid*., 505; Cook, *Ezekiel 38-48,* 6. We could, of course, argue that by producing the literature of Ezekiel, members of the priestly system would have liked to see their vision realized in some version of Israel's future. The technical discussion of utopian literature provided by Cook, however, pushes against these attempts with a view to how the literature criticizes its society, rather than implementing practical plans to remedy it.
[134] Luhmann, *ibid*., 171, 176.
[135] Ibid., 176.
[136] Luhmann, *ibid*., 177; Miller and Page, *Complex Adaptive Systems*, 166-167; Meadows, *Thinking in Systems*, 25-30, 145. Meadows describes a balancing feedback loop as communication which is "goal-seeking or stability-seeking" (p. 28).
[137] Luhmann, *ibid*., 176.

radical limitation on who it admits as priests (Zadokites, not all Levites and Aaronides). Though the organization may eventually exclude some from priestly duties (Levites), it does not need to follow every aspect of the reformer's cry. This example, which I will expound upon later, does not claim that Ezekiel seeks to reform Torah legislation or that the Torah represents a concession against Ezekiel's proposed reforms. My intention in using Ezekiel's conception of the priestly hierarchy as a reflective reform centers on the notion that a vocal minority *within the system* might propose one solution while others in the system might acknowledge part, but not all, of that observation as helpful. The system may have a single function but there could exist several possible programs for applying the system's operations in a given context. Dissenting agents within a system does not imply completely discrete systems.

My selections from Ezekiel's vision represent the strongest cases of difference with the textual traditions of the Torah. I analyze these passages with respect to their function within the organizational system of the priesthood and not in any linear model of intertextuality. The primary aim of this portion of the study is to identify critical leverage points in the system according to Ezekiel, describe its incongruity with the system portrayed in the Torah, and offer an explanation regarding these differences using systems theory.

Hierarchy in Ezekiel 40-48

Hierarchy represents one aspect of a system's ability to self-organize in order to reduce complexity.[138] Self-organization implies some intentionality within the system but some organizational tendencies, including hierarchy, may emerge from a variety of complex connections with the environment. A system's hierarchy aims to distribute responsibilities among its parts for the overall benefit of the whole.[139] Ezekiel 44 contains a divine mandate for a new hierarchy in the priestly system. The old hierarchy (according to Ezekiel) caused the system-malfunction which resulted in exile and the destruction of the Temple (44:5-14).

The impetus for this restructuring begins in 44:6 when YHWH instructs Ezekiel to reveal to Israel the new hierarchy. According to this verse, the people must leave the practice of admitting foreigners into the Temple and even allowing them to serve as guards in their stead.[140] The text blames Israelite society (בית ישראל) for this practice:

ואמרת אל־מרי אל־בית ישראל כה אמר אדני יהוה רב־לכם מכל־
תועבותיכם בית ישראל:

בהביאכם בני־נכר ערלי־לב וערלי בשר להיות במקדשי לחללו את־ביתי
בהקריבכם את־לחמי חלב ודם ויפרו את־בריתי אל כל־תועבותיכם:[141]

ולא שמרתם משמרת קדשי ותשימון לשמרי משמרתי במקדשי לכם:

Say to the rebels—to the house of Israel—thus says my Lord,
YHWH: Enough of your abominations, House of Israel! When you
conveyed foreigners, uncircumcised of mind and flesh, to be in my
Sanctuary, to defile it (my house) when you offered my sacrificial food

---

[138] Meadows, *Thinking in Systems*, 82-85; Miller and Page, *Complex* Luhmann, *Systems Theory of Religion*, 169, where he writes that "hierarchies minimize the costs of confrontations with uncertainty."
[139] Meadows, *ibid*., 83-84.
[140] Milgrom, *Ezekiel's Hope*, 140-141.
[141] I have retained the MT reading ויפרו though it most likely should be rendered ותפרי following the LXX, Vulg., Syr., and other commentators. See Block, *Ezekiel 25-48,* 621, fn. 40.

(fat and blood) and they broke my covenant with all their abominations.
They did not guard my holy things. And they installed them [the
foreigners] to my guard duties in my Sanctuary in their stead. (Ezek 44:6-
8)

Virtually all commentators agree that the text condemns the allowance made by Israel to
admit foreigners into the sacred guard duties of the Temple.[142] Cook, however, argues
that the term refers to cultic "others" (synonymous with זר) who are forbidden to access
the inner court (מקדש, as identified by Cook).[143] One can ultimately trace the point of
contention regarding the definition of the בני־נכר and the delimitation of the מקדש in
Ezekiel 44 back to assumptions made about the relationship between Ezekiel 44:6-16 and
Num 16:1-18:7, 23.[144] I will address the supposed relationship between these two texts at
the end of my analysis of Ezekiel 44:6-16. For the moment we only need to acknowledge
that the text claims that an alternative form of the system was responsible for defiling
YHWH's holy space, even if the true cause was broader social disintegration brought on
by the exile.

Ezekiel 44:10-14 distinguishes another group implicated in the failure of the
priestly system and describes their punishment. Verse 10 strongly accuses the Levites of
abandoning God when Israel was engaged in illicit worship (גלולים) for which they will
bear their punishment (ונשאו עונם). They may work in the sanctuary (והיו במקדשי
משמרתים) but can only serve as armed guards at the gates of the inner court of the temple

---

[142] Milgrom, *Ezekiel's Hope*, 137; Allen, *Ezekiel 20-48,* 239, 245; Block, *ibid.*, 621-623.
[143] Cook, *ibid.*, 216-217.
[144] Cook, *ibid.*, 214-217; Milgrom, *Ezekiel's Hope*, 136-153; Allen, *ibid.*, 255, 261-262; Block, *ibid.*, 623, 628-630.

complex (פקדות אל־שערי הבית) and must kill the sacrificial victims for the people (המה

ישחטו את־העלה ואת־הזבח לעם) (v. 11). Ezekiel claims in v. 12 that they had previously

ministered to the people in the presence of illicit images (יען אשר ישרתו אותם לפני

גלוליהם) for which they have been punished (ונשאו עונם). As a result, they cannot serve as

priests (ולא־יגשו אלי לכהן לי) nor can they handle holy items or priestly sacrificial dues

(על־כל־קדשי אל־קדשי הקדשים) (v.13). The text reiterates (v. 14) that they may only

engage in the menial labor of the temple and its necessary services (ונתתי אותם שמרי

משמרת הבית לכל עבדתו ולכל אשר יעשה בו).

This group differs from the privileged Zadokite group who derive from a more

general group of Levitical priests (v. 15). They alone may approach YHWH to minister to

him (המה יקרבו אלי לשרתני), offer him the fat and the blood of the sacrifices (להקריב לי

חלב ודם), enter the sacred precincts (המה יבאו אל־מקדשי), and approach the sacred table

(והמה יקרבו אל־שלהני) (vv. 15b-16). The groups are thus defined by their function within

the Temple and their access to sacred space and items, supposedly because of previous

behavior.

There is little consensus as to the relationship between the unique hierarchy found

in Ezek 44:6-16 and the priestly hierarchy depicted in the Pentateuch. Most of these

interpretations assume a linear relationship between Ezekiel and the Pentateuch. Current

research tends to reject Wellhausen's claim that Ezekiel 44 represents the original

distinction between priests and Levites.[145] The predominant approach views priestly

---

[145] Julius Wellhausen, *Prolegomena zur Geschichte Israels (Berlin: Walter de Gruyter, 2001)*, 115-121.

texts, such as Num 18, as the base text upon which Ezekiel innovates.[146] The arguments

for Ezekiel's dependency on Torah texts differ as to the manner of Ezekiel's innovations

and the independent redaction histories of both Ezekiel and the Pentateuch.

Michael Fishbane argued that Ezek 44 innovated upon the *traditio* of Num 18 in

order to weigh in on a "live post-exilic issue" regarding access to the sanctuary.[147] His

reading suggests that Ezekiel's prophecy responds to the crisis of "paganization of the

Temple" and rearranges the hierarchy with Zadokites on top in response to the failures of

the Levites and people.[148] Milgrom and Block propose that Ezekiel, instead of punishing

the Levites, restores them to their duties on the precedent of Num 18.[149] Cook and

MacDonald also assume that the direction of dependence runs from the Torah to

Ezekiel.[150] Cook's major difference with MacDonald lies with the definition of בני־נכר

which Cook, against virtually every other scholar, claims represents only cultic outsiders

and not foreigners in the abstract.[151] Most of these scholars submit to the idea that the

authorship of Ezekiel 44:6-16 had a text resembling the final version of Num 18 at hand.

Yet as Zimmerli, following Gese, has shown, Ezekiel 44 contains at least two separate

redactional layers—of which vv.6-16 represent an intrusion.[152] As MacDonald concludes,

---

[146] Hals, *Ezekiel,* 320; Milgrom, *Ezekiel's Hope*, 136-138; Block, *Ezekiel 25-48,* 628-629; Fishbane, *Biblical Interpretation in Ancient Israel*, 138-143; Cook, *Ezekiel 38-48;* 206-223; MacDonald, *Priestly Rule*.

[147] Fishbane, *ibid*., 138.

[148] Ibid., 139-141.

[149] Milgrom, *Ezekiel's Hope*, 161-163; Block, *ibid*., 629. See also Kalinda Rose Stevenson, *The Vision of Transformation* (Atlanta: Scholars Press, 1996), 66-78 and Iain M. Duguid, *Ezekiel and the Leaders of Israel* (Leiden: Brill, 1994), 83-87 who see the Levites receiving more duties (slaughter) as an upgrade.

[150] Cook, *ibid*., 215; MacDonald, *Priestly Rule*, 45-47.

[151] Cook, *ibid*., 208, 216.

[152] Walther Zimmerli, *Ezekiel 2*. Translated by R. E. Clements (Philadelphia: Fortress, 1983), 444-453.

even if Ezekiel did rely on the text of Num 18 this could have occurred at the final stages of Pentateuchal composition late in the post-exilic age.[153] Before moving to a non-linear, systems approach to Ezekiel 44, we should compare the text of Ezek 44:6-16 with that of Numbers.

Ezek 44:6-9	Num 18:4, 7
ואמרת אל מרי אל בית ישראל כה אמר אדני יהוה רב לכם מכל תועבותיכם בית ישראל:[152] בהביאכם <u>בני נכר</u> ערלי לב וערלי בשר להיות במקדשי לחללו את ביתי <u>בהקריבכם</u> את לחמי חלב ודם ויפרו את בריתי אל כל תועבותיכם: ולא שמרתם משמרת קדשי ותשימון לשמרי משמרתי במקדשי לכם: כה אמר אדני יהוה כל <u>בן נכר</u> ערל לב וערל בשר לא יבוא אל מקדשי <u>לכל בן נכר</u> אשר בתוך בני ישראל:	<u>וזר לא יקרב</u> אליכם <u>והזר הקרב</u> יומת

Nearly every commentator differentiates between the term בני־נכר (which denotes a foreigner, non-Israelite) and זר (cultic outsider not permitted to enter sacred space). Only Cook argues for a synonymous reading between the two terms. Despite the preponderance of scholars who argue for different referents for these different lexemes, most argue that the "outsider" language of בני־נכר/זר serves as intertextual evidence for Ezekiel's "borrowing." This seems problematic. Either Cook's perspective should become the new consensus, or different terms referring to different aspects of society and different kinds of access to the Temple should not be considered evidence of intertextuality. Milgrom cited the use of קרב in both Ezekiel 44 and Numbers 18 as

---

[153] MacDonald, *ibid*., 146-148.

evidence of Ezekiel's dependency on the Torah.[154] But we must note that Num 18:4, 7

uses this term as "encroachment" on sacred space, whereas Ezekiel uses the terminology

in his invective about "outsiders" to denote how sacrifices were being conducted while

foreigners were in the Temple. The texts may use a common verbal root, but they use it

differently. Ezekiel prefers to use בהביאכם/יבוא when describing foreigners' entry into

sacred space. Arguments that Ezekiel used Numbers 18 to construct his diatribe against

foreign intrusions into the holy space seem ill-supported by the lexical and contextual

data.

The crux of the debate about Ezekiel's usage of Num 18 centers on vv. 10-16

which deal with the distinction between Levites and Zadokite priests. The portions

describing the Levitical roles compare as follows:

Ezek 44:10-14	Num 18:2-4, 6, 22-23
כי אם הלוים אשר רחקו מעלי בתעות ישראל אשר תעו מעלי אחרי גלוליהם ונשאו עונם:[155] והיו במקדשי משרתים פקדות אל שערי הבית ומשרתים את הבית המה ישחטו את העלה ואת הזבח לעם והמה יעמדו לפניהם לשרתם: יען אשר ישרתו אותם לפני גלוליהם והיו לבית ישראל למכשול עון על כן נשאתי ידי עליהם נאם אדני יהוה ונשאו עונם: ולא יגשו אלי לכהן לי ולגשת על כל קדשי אל קדשי הקדשים ונשאו כלמתם ותועבותם אשר עשו: ונתתי אותם שמרי משמרת הבית לכל עבדתו ולכל אשר יעשה בו:	וגם את אחיך מטה לוי שבט אביך הקרב אתך וילוו עליך וישרתוך ואתה ובניך אתך לפני אהל העדת: ושמרו משמרתך ומשמרת כל האהל אך אל כלי הקדש ואל המזבח לא יקרבו ולא ימתו גם הם גם אתם: ונלוו עליך ושמרו את משמרת אהל מועד לכל עבדת האהל וזר לא יקרב אליכם: ואני הנה לקחתי את אחיכם הלוים מתוך בני ישראל לכם מתנה נתנים ליהוה לעבד את עבדת אהל מועד: ולא יקרבו עוד בני ישראל אל אהל מועד לשאת חטא למות:

[154] Milgrom, *Ezekiel's Hope*, 136-137.

[155] As Milgrom, *Ezekiel's Hope*, 136-137 demonstrates, there is a link to Korah's rebellion
(16:3,7; 16:9) in the locutions רב-לכם and ולעמוד לפני העדה לשרתם respectively.

	וְעָבַד הַלֵּוִי הוּא אֶת עֲבֹדַת אֹהֶל מוֹעֵד וְהֵם יִשְׂאוּ עֲוֹנָם חֻקַּת עוֹלָם לְדֹרֹתֵיכֶם וּבְתוֹךְ בְּנֵי יִשְׂרָאֵל לֹא יִנְחֲלוּ נַחֲלָה:

These two texts share the concept of (1) Levites, (2) the idiom נשא עון "bear their punishment" for failure to fulfill sancta duties, (3) that Levites do not make use of holy items (כלי הקדש) or serve as priests at the altar (לכהן לי/ואל המזבח לא יקרבו), and (4) the idiom לכל עבדת האהל/לכל עבדתו and the idiom משמרת את הבית/האהל in reference to the janitorial duties of the sanctuary.

These similarities, however, do not neatly match at every point. The texts present different rationales for the service of the Levites. Num 18:2 states that YHWH gives the Levites to the priests to serve *them* (וישרתוך); Ezekiel says that the Levites serve the people (v.11). Ezekiel does not use the priestly term קרב (Num 18:3-4, 22-23), but employs the root נגש (v. 13).[156] Though both texts use נשא עון to describe the punishment for failing to uphold guard duties, we have reason to question if the Levites in Ezekiel have suffered the same punishment envisioned in the Torah. Encroachment leads to death (Num 18:3, 22). The encroachment of the Levite into priestly space results in the death of both the Levite and the priest who would be responsible for guarding the priestly sancta (Num 18:1). The encroachment of a lay Israelite into the holy space would result in the death of the layperson and, presumably, the Levite (v. 23). But Ezekiel's use of this

---

[156] Jacob Milgrom, *Studies in Levitical Terminology, I* (Berkeley: University of California Press, 1970), 31-34. My note does not deny the fact that נגש can serve as a priestly synonym to קרב. But one should be able to explain why Ezekiel would use a different term than his *traditio* if he was attempting to lead his audience toward a reference to Num 18.

phrase does not imply that the Levites died for their malfeasance. Whether we view

Ezekiel's נשאו עונם as a future defrocking of clerics who had altar responsibilities or, as

Milgrom prefers, a punishment already served in exile, the punishment does not comport

with the one described in Num 18.[157] Finally, if Ezekiel possessed a text he deemed

authoritative, one which described the role of Levites as different from official priests,

why would he not reference it more overtly? Why use the pretense of some historic

failure as the impetus for the Levites' job description when the Torah he was supposed to

have read already contained it?

Only a comparison of the priestly duties in Ezek 44 and Num 18 remains:

Ezek 44:15-16	Num 18:1, 5, 7-9
והכהנים הלוים <u>בני צדוק</u> אשר <u>שמרו את</u> <u>משמרת מקדשי</u> בתעות בני ישראל מעלי <u>המה</u> <u>יקרבו אלי לשרתני ועמדו לפני להקריב לי חלב</u> <u>ודם</u> נאם אדני יהוה: המה יבאו אל מקדשי <u>והמה יקרבו אל שלחני</u> <u>לשרתני ושמרו את משמרתי</u>:	ויאמר יהוה <u>אל אהרן אתה ובניך</u> ובית אביך אתך תשאו את עון המקדש ואתה ובניך אתך תשאו את עון כהנתכם: <u>ושמרתם את משמרת הקדש ואת משמרת</u> <u>המזבח</u> ולא יהיה עוד קצף על בני ישראל: ואתה ובניך אתך תשמרו את כהנתכם לכל דבר המזבח ולמבית לפרכת ועבדתם עבדת מתנה אתן את כהנתכם והזר הקרב יומת: וידבר יהוה אל־אהרן ואני הנה נתתי לך <u>את־</u> <u>משמרת</u> תרומתי <u>לכל־קדשי</u> בני־ישראל לך נתתים למשחה ולבניך לחק־עולם: זה־יהיה לך <u>מקדש הקדשים</u> מן־האש כל־קרבנם לכל־מנחתם ולכל־חטאתם ולכל־אשמם אשר ישיבו לי קדש קדשים לך הוא ולבניך:

---

[157] Milgrom, *Ezekiel's Hope*, 151-153. Milgrom notes that the Levitical rebels among Korah were killed but does not explain how the Levites in Ezek 44 escaped this divine punishment.

Bearing in mind the shared terminology with Num 18:1-9, Ezekiel's description of the

priestly responsibilities matches that of Numbers by using the trope שמר את משמרת +

הקדש/מקדשי to refer to the sanctuary duties and employing the notions of קרב with

approach to the altar and sacrifice. Ezekiel 44:29-30, not considered here, also shares the

kinds of holy sacrifices and items accessible to the priests (Num 18:9-13).

Differences between the texts exist here as well. The obvious difference consists

of Ezekiel's focus on the Zadokites which narrows the priestly access to a smaller group

than all the Aaronides (Num 18:1). The text in Numbers uses the general phrase משמרת

המזבח to refer to altar duties whereas Ezek 44:15-16 functionally describes this access as

"they may approach me to serve me and stand before me to serve me fat and blood...they

may approach my table to serve me and discharge my guard duties."[158] We should also

notice that Ezekiel culls the Zadokites from a larger group of הכהנים הלוים (Levitical

priests). Ezek 44:15-16 implicitly acknowledges that others had previously performed

priestly actions. These now-demoted priests likely represent the class previously

discussed—the Levites.[159] Though some may not wish to credit Ezekiel 44 with the

creation of the Levites, one must admit that the text at least generates a new kind of

Levite.

This discussion has primarily served as a demonstration regarding the murkiness

of the relationship between Ezek 44 and Num 18. There undoubtedly exist several cases

of lexical resonances between this portion of Ezekiel and other priestly texts found in the

---

[158] See Block, *ibid*, 645 where he equates the table to the altar. Cook, *ibid*., 212 follows this suggestion.
[159] Milgrom, *Ezekiel's Hope*, 156, 169.

Torah.[160] But there are logical inconsistencies with assuming that Ezekiel intended to apply Num 18 to his rearrangement of the cult. Num 18 clearly states that the priesthood is responsible for guarding the sanctuary and the altar. The Levites served as buffers to keep the people from encroaching into holy space. How the Zadokite high priesthood could have avoided the penalty for allowing בני־נכר and unfaithful priests to serve in the Temple either reveals the entire text of Ezek 44 to have no historical referent or no actual power.[161] Either conclusion yields exegetical inconsistences with the current approach to the texts.

Despite lexical similarities, it is apparent that there is little, if any, co-consciousness among these materials and little certainty of assigning a linear history of the texts' relationships. Several scholars note that Ezek 44:6-16 is in dialogue with the post-exilic text of Isaiah 56.[162] If the material in Ezek 44 is secondary to an exilic setting and performs exegesis of Isaiah 56, its use of supposedly pre-existing Pentateuchal material would be astounding because we would possess a post-exilic text which perceives some deficit in the priestly texts of the Torah and needs supplementation. It seems better to me to find other ways of thinking about these textual relationships.

Systems theory provides an attractive alternative to the ambiguity of the linear approach to Ezek 44:6-16. We may consider the pericope which describes the roles of Levites and priests in Ezekiel on its own terms as it seeks to apply the code holy/common

---

[160] Lyons, *From Law to Prophecy*, 165 lists Lev 22:9-10 as a shared locution as well.

[161] Cook, *ibid*., 215. He realizes this issue and concludes that the text cannot be a reference to history but must only represent a literary allusion.

[162] Cook, *ibid*., 218; Fishbane, *Biblical Interpretation*, 138, 143; MacDonald, *Priestly Rule*, 33-51; 146-148.

in a way which allows YHWH to remain in the Temple and bring prosperity to Israel. The primary way Ezekiel attempts to reclaim the system-function of the cult in the face of the crisis of diaspora is by rearranging the hierarchy of the system. It offers a new program for the system to apply.

Even though Ezek 44 claims that the Zadokite faction remained faithful, the authorship of the text believed that the Temple had been defiled by the presence of illicit foreigners.[163] According to the redactors of Ezekiel, this was presented as a failure of hierarchy which produced substandard results. The entire society (בית ישראל) fell because foreigners were present in the sacred premises (להיות במקשי) during the performance of sacrificial duties (בהקריבכם את־לחמי) (v. 7). This clearly represents a binary interpretation of events based on the system code. The presence of foreign cultic elements are but a part of the larger environmental complexities that led to the political collapse which resulted in exile. The system, however, observes only what it can observe. As a result of cultic improprieties, the Temple was defiled (לחללו). From the perspective of the priestly system, Israelite society (in addition to the priests) failed to be vigilant in protecting the sancta and abrogated their duties to foreigners. YHWH then decrees that no foreigner may enter the sanctuary (לא־יבוא אל־מקדשי) (v. 9).[164]

---

[163] Contra Milgrom, *Ezekiel's Hope*, 164 where he writes: "the Zadokite priests, in contrast to the Levites, must have been successful in upholding the major function of the priesthood...they prevented the desecration of the sanctuary." This cannot be so since Ezek 44:9 specifically mentions that the lack of cultic responsibility has led to the desecration of the Temple.

[164] Milgrom, *ibid*., 149. For the interpretation that this represents the inner court of the priests see Cook, *ibid*., 206, 216.

At this point Ezekiel singles out the Levites for their role in protecting against future sancta defilement. They are contrasted with the בני־נכר by means of the emphatic כי אם־הלוים which relates to issues of admittance into the sanctuary compound.[165] Their only guard duties involve serving as armed guards at the gates of the Temple, slaughtering sacrificial victims for the people, and performing the menial tasks of upkeep in the complex. As noted earlier, the focus of their duties is to serve in the stead of the people (והמה יעמדו לפניהם לשרתם).[166] Knohl relates this turn of phrase to changes which took place in the post-exilic era.[167] Beyond the notion of the Levites' service for the people, Ezekiel adds the command that only the Levites engage in the ritual slaughter of animals for sacrifice. This represents a sharp differentiation in the social strata between lay Israelite, Levite, and priest. Like the system found in the Torah, the Levites do not perform a priestly role (ולא יגשו אלי לכהן לי) nor do they access sacred items. They exclusively exist to perform custodial duties and keep the people from any kind of trespass into the priestly system. The first part of the Levitical description (vv.10-11) serves to distinguish Levites from laypersons and keep the latter from entering the operational territory of the priests.[168] Setting aside issues of dating, sequencing, and

---

[165] Milgrom, *ibid.*, 153, fn. 70; Block, *ibid.*, 624, fn. 59; GKC, §163a. Cook, *ibid.*, 209 cites Bill T. Arnold and John H. Choi, *A Guide to Biblical Hebrew Syntax* (New York: Cambridge University Press, 2003), 155 explaining כי אם as an "exceptive" clause which means that "Levites are *an exception among other outsiders*". Emphasis original. Cook is correct that this is a potential application of כי אם after a negative clause. Arnold and Choi, *ibid.*, 153, however, also lists an "adversative" interpretation of this clause which "introduces an antithetical statement after a negative clause." Thus, there are two renderings of this term, each applicable depending on how one defines בני נכר and מקדש in this passage.

[166] Israel Knohl, *Sanctuary of Silence* (Philadelphia: Fortress, 1995), 82-83; Cook, *ibid.*, 211. Both point out that the referent of the suffix is the people, rather than God or the priests (cf. Num. 18).

[167] Knohl, *ibid.*, 83-84. The evidence of this term from the Korah pericope, Ezekiel, and 2 Chronicles leads Knohl to ascribe these portions to conditions prevalent at the time of the return to Jerusalem in the Persian period.

[168] Block, *ibid.*, 630; Milgrom, *ibid.*, 151. Milgrom writes that "priests and laity were sharply separated and contact between them was strictly forbidden" based on Ezekiel's hierarchy.

linear models of intertextuality, Ezekiel's strict hierarchy responds to an Israelite society in crisis. The first step toward a solution is heightening the strictures on laypersons coming near the sanctum by having the Levites serve all their needs, including the slaughter of the sacrificial victim. The second step, in addition to the assertion that Levites are not priests, involves a reassessment of who qualifies as a priest.

Ezekiel 44:15-16 excludes all Levitical priests except for the Zadokites. This unique hierarchy certainly represents an intensification of the prohibition of access to sacred space when compared with the definition of priests in the Torah.[169] In contrast to the Levites, who serve the people, the Zadokites serve YHWH (לשרתני). All others who had formerly been perceived as worthy to serve at the altar (non-Zadokites priests) are now demoted to the status of Levites according to the text.[170] This perspective would also be at odds with the perception in Deuteronomy that all priests are כהנים לוים (Deut 17:9, 18; 18:1; 24:8; 27:9). Two options lie before us when considering this claim in Ezek 44:15-16: either Ezekiel did not know of the priestly Pentateuchal regulations defining priestly lineage (which most scholars do not consider feasible) or Ezekiel rejects the traditions in the Torah which open the priesthood to all Aaronides, Zadokites included.

Allen, colloquially using systems-terminology, wrote that these regulations "correspond to the difficulties of...adequately reforming a system that had become corrupt."[171] The text of Ezek 44 thus represents a group of priests who believe that the previous cultic hierarchy had produced "suboptimal" results.[172] In their view, Israelite

---

[169] Cook, *ibid*., 214.
[170] Milgrom, *ibid*., 169.
[171] Allen, *Ezekiel 25-48,* 269.
[172] Meadows, *Thinking in Systems*, 85.

society was compromised by cultic laxity in the admittance of foreigners and the tolerance of illicit images during worship by Levites. Ezekiel sought to restructure the system's hierarchy as an innovative program to respond to a crisis caused by diaspora. The texts we possess depict an on-going struggle from the exilic period and beyond to control and fix the programs the allowed the system to malfunction. Scholars who believe that Ezekiel depended on Priestly texts in the Torah to make his reform should consider that in doing so, Ezekiel castigates as inadequate the hierarchy inscribed there. In fact, the issue does not consist of shared textual traditions at all but *shared system reference*. The priestly system, whose agents produced all kinds of texts now contained in the Hebrew Bible, existed *independent of the literature which bears witness to it*. The texts are not identical to the systems they reflect. When Ezekiel contests and struggles with failed programs of the system, the text does not grapple with a textual tradition per se, but a *social "reality" as perceived by a priestly cadre*. Far from being a return to normal, Ezekiel seeks to up-end the hierarchy he observed in society (whether visible in the text of the Torah or not).[173] The faction behind Ezekiel could not abide living in a society where the hierarchy of Num 18 reigned. The Temple envisioned in Ezek 40-48 demanded a new hierarchy in order to retain the residence of the deity and mend the failures of the current state of the system.

Since we have established that the system—the code, operations, media, and actors—all remain the same as the system described in the Pentateuch, why does Ezekiel blame the system for failing Israel? Meadows defines problems like the ones Ezekiel

---

[173] Contra Block, *ibid*., 632 and Milgrom, *ibid*., 153.

seeks to address as *behavior archetypes*.[174] These archetypal behavior patterns reflect the ways that system programs continue to produce suboptimal results. Meadows illustrates this concept by reviewing the population crisis experienced in Romania in 1967. As the population dwindled, the government sought to boost their populace by banning abortion. In the short term, the birth rate tripled. But thereafter the population under the government resisted by getting illegal abortions (which tripled the maternal mortality rate) and child abandonment to orphanages grew. The political system in Romania had tried to grow their population by banning abortions but they had not considered other factors, like the poverty of many of their citizens, which might be reducing the number of children people were willing to have. The government blamed the people for not extending the population when the real factors were economic. As a result, the abandonment of the policy (and that form of government) eventually produced the goal intended by the bad program.[175]

The concept of behavior archetypes permits us to view the priestly system from a different vantage point. We must continually hold in mind that the texts of the Bible are not themselves systems. As constructions produced within a system, however, we may view them as pointing to or reflecting on aspects of the system. Like the Romanian government, Ezekiel lambasts the behavior archetypes of the system which were viewed as causing the crisis of exile. This leads to two separate, but related conclusions: 1) Ezekiel as a reforming agent demonstrates how a system could incorrectly identify a systemic problem resulting in a worsening of the situation (exile); 2) Ezekiel also exhibits

---

[174] Meadows, *ibid*., 111.
[175] Meadows, *ibid*., 114.

behavioral archetypes by failing to see that the exile was not (only) caused by cultic malpractice and improper hierarchy. Systems can only see what they can see, what their operations can perform. Ezekiel both recognizes the failures of the system, criticizes faulty programs, while also continuing to function within the behavioral archetypes and blind spots of the priestly system. This not only explains why Ezekiel can find fault within the system he seeks to reform with new programs, but why he primarily sees as a systemic problem what in fact was the product of a far more complex social reality.

Ezekiel thus perceived the problems in his society as the result of cultic laxity and an inept hierarchy—failed programs. Inappropriate cultic access represented the main discrepancy in the priestly system. The Zadokites observed the system from their collective perspective, whereas all other priests (Levitical priests or non-Zadokites) would see things differently. As a member of the priestly class, the authorship underlying Ezekiel clearly believed that the simple binary holy/common could solve the problems of their complex world involving international politics, economic factors, and the like. Rather than realizing the problem of the priestly system's failure as a structural, archetypal problem, Ezekiel tinkers around the margins. He shifts the burden of blame to the people or faithless Levites. He redraws the hierarchy so that the Zadokite class might intervene and save the society. He protests the form of the system he sees and the environment it inhabits. The struggle against paradigms inscribed in the Pentateuch only appear as conflicts with the text of the Torah because we assume a linear relationship between the two. A systems theory approach entails a more cautious assessment which resists a reduction of complexity. The reformation of Ezekiel *eventually* ends up at odds with the traditions in the Pentateuch, but the literature is more acutely against a series of

programs within a shared religious system. Both Ezekiel and the Priestly Pentateuchal texts constitute separate visionary programs for the same system during an emergent period in the post-monarchic period.

We possess no evidence that a hierarchy like the one envisioned by Ezekiel ever took shape in Israelite society. The reforms proposed by Ezekiel were part of an inner-priestly debate in the post-exilic age, as suggested by several scholars. Understanding Ezekiel as the resistance to certain policies and priestly hierarchies allows us to move beyond a conversation about textual dependency and address why Ezekiel proposed ideas so obviously distinctive from what we find in Torah. Ezekiel and the priestly traditions in the Pentateuch do not need reconciling because their composers did not suggest the same systemic programs—the application of the system's codes, hierarchy, and ritual operations. Each corpus reveals participation in the same system while arguing for different programs *for that very system* to respond to the crises of political collapse, diaspora, and cultural assimilation. To these unique programmatic descriptions of ritual in Ezekiel I now turn.

Reformed Rituals: Ezekiel 43:18-27, 45:18-25

Ezekiel's rituals differ from the prescriptions detailed in the Pentateuch. Some of these examples diverge with respect to animal kind or number. Ezekiel's depiction of *pesaḥ* varies so markedly from any description of the ritual in the Torah that we would not know it was *pesaḥ* at all if not for terse "it shall be the *pesaḥ* for you" יהיה לכם הפסח (Ezek 45:21). The remainder of this chapter will focus first on the minute traditions at

odds with the statutes in the Pentateuch and conclude with an extended look at the Passover ritual in Ezekiel.

Ezekiel's program for altar inauguration stands at odds with the depiction of the altar consecration in the Torah (Exod 29:36-37). There the text commands:

<div dir="rtl">

ופר חטאת תעשה ליום על־הכפרים וחטאת על־המזבח בכפרך עליו ומשחת אתו לקדשו:

שבעת ימים תכפר על־המזבח וקדשת אתו והיה המזבח קדש קדשים כל־הנגע במזבח יקדש:

</div>

Now a bull purgation-offering you must make each day for purification and you must decontaminate the altar as you purify it.[176] And you should anoint it in order to sanctify it. Seven days you should purify the altar in order to sanctify it. For the altar is most sacred; anything that touches the altar becomes holy.

Details regarding the altar's dedication in Exodus are sparse and found in the context of the priestly ordination. The tradition claims that offering a bull purgation-offering (חטאת) daily effectively purifies (על־כפרים). For the altar to function the priests must remove the effects of sin and impurity from the structure. This ritual occurs on a loop for seven days.

Ezekiel 43:18-27 describe the dedication of the altar measured in the preceding verses (vv.13-17). The ritual for inaugurating the altar, like Exod 29:36, begins by offering a bull as a sin offering (פר בן־בקר לחטאת) in v. 19. Milgrom attributes this first-

---

[176] For the rendering of כפר as "purify" see Jay Sklar, "Sin and Impurity," 21-23. Context decides the designation as primarily purification.

day offering to Ezekiel's use of the ritual in Lev. 4 (and Exodus).[177] The two texts assume the function of the ritual in similar terminology:

Ezek 43:20, 26	Exod 29:36-37a
וחטאת אותו וכפרתהו	ופר חטאת תעשה ליום על־הכפרים וחטאת על־המזבח בכפרך עליו ומשחת אתו לקדשו:
שבעת ימים יכפרו את־המזבח וטהרו אתו ומלאו ידו	שבעת ימים תכפר על־המזבח וקדשת אתו

Though the texts share notions of "decontamination" and "purification" over the course of seven days, these comparisons somewhat mislead us. Ezekiel's entire ritual complex lasts eight days, not seven. Each text deals with the cleansing of the altar but uses different terminology for the *telos* of the ritual. Ezekiel views the ritual as a cleansing (טהר) and inauguration for service (מלא יד) which draws comparisons with the priestly ordination in Exod 29. In the Pentateuch's tradition of the altar's dedication, the priests specifically sanctify (קדש) the altar.

Ezekiel's account of altar dedication reflects a different *program* than the one envisioned in Exodus. We should keep in mind Luhmann's understanding of a "program" as a set of criteria which determine the correct application of the code in a given context.[178] This means that while Ezekiel conceives of the ritual of altar purification along the lines of a similar code (טהר/טמא) and similar operations (decontamination and purification), the context and conditions of the ritual have changed in Ezekiel's text. The unique program in Ezekiel suggests a different ritual complex for a different purpose *in*

---

[177] Milgrom, *Ezekiel's Hope*, 126.
[178] Luhmann, *Theory of Society: Volume 1*, 217.

the same system. The altar inauguration in Ezekiel serves the functional purpose of preparing the altar for use in the system; the Torah's purpose for the ritual serves an ontological function which categorizes the altar as holy. Milgrom makes this point explicit when he claims that "the texts of the pentateuchal and Ezekielian altars are not alike" because the relevant task of the altar in Ezekiel is "to receive the sacrifices of the people."[179] Ezekiel uses all the trappings of the same system depicted in the Torah but uses different programs to apply that system's codes and functions.

We do not need to follow a line of reasoning which assumes that Ezekiel borrowed or blended Pentateuchal texts to achieve this new program of altar inauguration. Milgrom suggested that Ezekiel merged two traditions from the Torah (Lev 4:13-21 and Num 15:22-26) for the altar inauguration in Ezek 43.[180] Ezekiel's ritual does involve a standard purification offering along the lines of the one described in Lev 4:13-21 on the first day, but the following seven-day sequence does not align neatly with Num 15:22-26. Like the operation in Num 15:24, Ezekiel describes a ceremony in which the priest slaughters a goat purification offering accompanied by a bull as a burnt offering (vv. 22-23). Ezekiel, however, includes an additional ram burnt offering in the seven-day ritual which does not occur in the Num 15 ordinance. A ram burnt offering appears in the context of the priestly inauguration in Exod 29:18 followed by the altar dedication in Exod 29:36-37. Here, however, two rams are present—one as a burnt offering and the other as the ram of ordination (מלאים) in vv. 22, 26. Ezekiel's ritual involving seven days

---

[179] Milgrom, *Ezekiel's Hope*, 124-125.
[180] Milgrom, *Ezekiel's Hope*, 126.

of one goat purification offering and one bull and ram burnt offering have no precedent in the Torah, thus we have no reason to seek one.

Systems theory allows for an explanation whereby Ezekiel invents a new program of altar inauguration *without relying on a textual tradition*. The priestly system, in some form, already existed when Ezekiel composed. If Ezekiel inhabited a priestly system with codes of holy/common//pure/impure and used common rituals like עלה and חטאת, then we might suggest that Ezekiel used the raw priestly operations at his disposal when devising a new program to purify the altar. Ezekiel relied on an extant system, not necessarily an extant text. If this text is a composite unit with post-exilic insertions as Zimmerli argues, then scholars who wish to argue for a textual dependence must explain why an Ezekielian redactor would create a new ritual when he possessed a textual precedent in the Torah. Either Ezekiel was ignorant of a passage which described altar dedication (Exod 29:36-37) or he rejected such a complex as an adequate program and thus created his utopian critique.[181] Either way, what I am trying to highlight here is that Ezekiel responds *primarily* to social and systemic realities that are *beyond texts*. Ezekiel opposes forms of religious practice, not textual traditions about religious practice.

Ezekiel's ritual Temple purification during the first month of the calendar year (Nisan) represents another example of a novel *program* within the priestly system. Though the text mentions פסח there is no indication of any Pentateuchal tradition of a home-rite or historical connection to Egypt. Ezekiel's *pesaḥ* ritual "appears to have little

---

[181] Zimmerli, *Ezekiel 2*, 430-432.

conceptual relationship to Pesach" as described in the Torah.[182] Aaron argues that the

"silence" of Ezekiel regarding Exodus' conception of *pesaḥ* plausibly indicates the

authorship's unawareness of the linkage between the texts.[183] Like the apotropaic

function of the blood in the Passover home ritual, which existed prior to the composition

of the narrative in Exodus, the system program of blood purification also predated any

appearance in a text, whether in the Torah or in Ezekiel. Systems are thus able to

incorporate new appropriations from their environment and translate them into system

programs. Ezekiel, aware of general blood purification rites and apotropaic functions

within and outside of the system, appropriates these elements into the system's function

and writes a new program to deal with external threats.[184]

Temple purification (וחטאת את־המקדש) serves as the impetus for Ezekiel's ritual

in Ezek 45:18-25. The ceremony (v.19) involves priestly manipulation (ולקח הכהן מדם

החטאת) of the blood of a purification offering (פר־בן־בקר) on the doorpost of the Temple

(אל־מזוזת הבית), the ledges of the ziggurat-like altar (ואל־ארבע פנות העזרה למזבח), and

the doorpost of the inner-court's gate (על־מזוזת שער החצר הפנימית). The priest repeats this

ritual on the seventh day of the month on account of inadvert and ignorant

transgressions (מאיש שגה ומפתי). On the fourteenth of the month the prince (נשיא)

provides another bull purification offering to inaugurate the beginning of Unleavened

---

[182] Choi, *Traditions at Odds*, 75.
[183] Aaron, *Etched in Stone*, 140-142.
[184] Aaron, *ibid*., 142. Aaron argues that Ezekiel had his own purification rite and a later hand, disturbed by the date being the first of the first month (v.18), inserted the notice of Passover in v.21. Regardless, the system is being forced to adopt a new program of purification by means of blood in Ezekiel.

Bread which lasts seven days.[185] Supposedly, this last purification offering applies only to the altar in preparation for the slew of sacrifices offered throughout the festival.[186] Though the terminology bears some resemblance to the home ritual in Exod 12:7 in which the people take the blood (ולקחו מן־הדם) and apply it to the doorposts (ונתנו על־ שתי מזוזת), the function of this home ritual is apotropaic, not purgatory.[187] Ezekiel's ritual mentions no lamb, only the bull purification offering.[188]

Most scholars view this entirely unique process as the product of Ezekiel's diaspora context in Babylon in which he models the ceremony, in part, after the *akitu* festival.[189] Cook writes:

> During Babylonia's new year *akitu* festival, priests ceremonially cleansed Marduk's temple complex, the Esagila, and his son Nabu's guest suite, the Ezida. Cleansing the Esagila included prayers, aspersion, percussion, fire, and incense. Purging the Ezida included most of the above plus smearing cedar oil on the chamber door and wiping (Akkadian: *kapāru*) the interior with the decapitated carcass of a ram.[190]

Despite some differences between the *akitu* ritual and the one described in Ezek 45, the impetus to locate a purgation ceremony at the first of the year in association with the

---

[185] We should view the prince as making *provision* for the sacrificial victim rather than officiating in the rite, contra Choi, *Traditions at Odds*, 74. Ezek 46:2 makes explicit that the head of state (נשיא) provides these animals while the priests present them. Allen, *Ezekiel 25-48,* 241; Cook, *Ezekiel 38-48,* 268-269, accurately describe the role of the prince in their translations and comments.

[186] Milgrom, *Ezekiel's Hope*, 203.

[187] Milgrom, *ibid*., 206.

[188] Several scholars argue (from silence) that Ezekiel *must* have assumed the home ritual of the paschal lamb. See Milgrom, *ibid*., 206; Cook, *ibid*., 241. Ezekiel's silence, however, is deafening.

[189] Milgrom, *ibid*., 200; Cook, *ibid*., 240. Jeffery L. Rubenstein, *A History of Sukkot in the Second Temple and Rabbinic Periods* (Atlanta: Scholars Press, 1995), 21-22 connected the festival of Sukkot to the Babylonian *akitu* festival as well. It should be noted that Ezekiel prescribes the ritual in 45:18-25 to be repeated on the fifteenth of the seventh month of the year—Sukkot.

[190] Cook, ibid.

deity's rehabilitation of its temple clearly draws from a Babylonian cultural repertoire.

The overall redactional frame of Ezekiel intentionally combines "vision reports" in which

the prophet witnesses YHWH depart from the Temple in Jerusalem (Ezek 8-11) and re-

enter the divinely constructed Temple (Ezek 43).[191] As Cook notes, in the *akitu*

ceremonies "temple cleansing follows Marduk's triumphal return to his place...The

cleansing confirms that God is back."[192] Following Choi, we should confirm that

Ezekiel's description of the *pesaḥ* represents "a unique invention, shaped not by linear

development from an ancient form or text, but by the authors' ideological and rhetorical

goals."[193] Ezekiel, using the same system designed to purify a sacred space for divine

residence, created a new program that is fundamentally at odds with the *pesaḥ* program

presented in the Pentateuch. This new program, necessitated by a diaspora environment,

appropriated elements from its environment for the novel procedure.

Systems theory and the social sciences provide a highly useful paradigm with

which to view these ritual texts in Ezekiel. Such novel descriptions of rituals involving

the inauguration of altars and holidays represent movements within a system protesting or

seeking reform vis-à -vis the status quo. Choi, following Tamara Prosic, labels these new

descriptions of system operations as "rituals of resistance."[194] Ezekiel's reforms to the

system offer both a change from the inadequate ritual to which they respond as well as

offering the diaspora community a sense of differentiation from the Babylonian culture in

their environment. The difficulty of harmonizing Ezekiel's Passover with the versions

---

[191] Janina Maria Heibel, *Ezekiel's Vision Accounts as Interrelated Narratives* (Berlin: de Gruyter, 2015), 171.

[192] Cook, *Ezekiel 38-48*, 200.

[193] Choi, *Traditions at Odds*, 76.

[194] Choi, *ibid*., 79; Tamara Prosic, "Origin of Passover" *SJOT* Vol. 13. No. 1 (1999), 85-86.

described elsewhere in the Hebrew Bible evaporates when we understand the dynamics of agents within systems adapting to their environments. The author of Ezek 45:18-25 does not resist a certain textual tradition but *system programs in a given context*. Ezekiel composed instructions regarding cultic affairs because he perceived the regnant application of the system's code during the monarchy as disastrous. He reduces the complexity of the political failures, cultural integration with foreign powers, and loss of economic support to the systemic degradation of the cult because that was the system in which he took part. His repudiation of that unholy iteration of the system is consistent throughout the final eleven chapters of the book.[195] Systems theory provides us a way of explaining how the text of Ezekiel reflects changes under pressure from its environment and priestly internal reformers without requiring some textual relationship to the Pentateuch.

Not only does Ezekiel devise altogether novel ritual programs, but some of the prescriptions for standard sacrificial victims and their accoutrement differ in kind and quantity.[196] Even scholarship which claims Ezekiel's dependence on the Torah traditions admits that Ezekiel does not fully adopt the programs found there.[197] Risa Levitt Kohn portrays Ezekiel as a kind of avant-garde redactor of disparate traditions before the efforts of the Pentateuchal redaction.[198] Numerous commentators call Ezekiel a "second Moses."[199] These statements assume that an exilic Ezekiel possessed textual traditions

---

[195] Levitt Kohn, *New Heart*, 112-113; Lyons, *From Law to Prophecy*, 156.
[196] See Ezek 46:4-7 (Sabbath and New Moon sacrifices) and 46:13-15 (Tamid) for differences in quantity from the statutes proposed in the Torah.
[197] Levitt Kohn, *New Heart*, 112.
[198] Ibid., 117.
[199] Ibid.; Block, *Ezekiel 25-48,* 662; Milgrom, *Ezekiel's Hope*, 59-60 mitigates this claim by calling Ezekiel a "partial Moses" but still assumes the linear relationship.

like the ones found in the Torah. If Ezekiel held some version of a priestly Torah as authoritative, why not simply reiterate a return to the exact prescriptions outlined there? Why upend the hierarchy, concoct new rituals, and envision a new Temple compound? How could he hold an authoritative Mosaic Torah while writing about how extensively it had failed?

The linear models of textual dependency simply do not offer compelling answers to these questions. Even if we admit that lexical similarities sometimes run from Torah to Ezekiel, the complex redactional process both literary corpora underwent obfuscates when that dependency took place. If MacDonald is correct, portions of Ezekiel may not have been redacted by the time the *Rule of the Community* was composed by the sectaries behind the Qumran texts.[200] Redaction critics ought to analyze where possible intertextual connections to the Torah exist in Ezekiel. If these texts occur in later redactional units then Ezekiel's dependency on Pentateuchal language ceases to be impressive.

Systems theory, however, presents an opportunity to explain why Ezekiel could contain so many similar locutions while advocating for such a radically different programs within the system. This study has endeavored to demonstrate that Ezekiel does indeed reflect the same *abstract* system as the one described in the Torah. The texts share the same codes, sacrificial media, and form of social differentiation. Ezekiel, however, proposes *program* changes *within the system* in order to reform it. The innovations found in the book derive *from a different environment* in which a community of people who identify as "Israel" exist in a diaspora setting. Rather than existing at odds with the

---

[200] MacDonald, *Priestly Rule*, 146-150.

Pentateuch, Ezekiel only opposed social realities he sought to reform within and by means of the priestly system. The book continued to possess meaning in the Second Commonwealth period when emergent groups began negotiating their identities both in the Land and in Diaspora.[201]

Systems theory also explains why Ezekiel never emerged as the consensus position of the Second Commonwealth. As a reform movement "under pressure from its environment" in Babylon, Ezekiel composed texts which argued for adjustments in the "self-descriptions" of the organization of priests.[202] The immediate trauma of the exilic setting eventually faded. The modified programs of Ezekiel, though described as prophetic revelations of a reformed system, never came to fruition. As Luhmann writes:

> For the most part, reforms exhaust themselves, accentuating on a verbally elevated plane something that is remembered or forgotten in the system...that...might give rise to further reforms. An "implementation" in the sense of their original intentions almost never takes place, and when it does, the original intentions become adjusted...so that...one can no longer distinguish between the conditions before and after the reform.[203]

Systems theory explains why Ezekiel could compose reform literature for the priestly system during one crisis and be retained as authoritative literature *without emerging as the dominant paradigm*. The system which produced the Torah's cultic paradigm eventually attained the authoritative status, yet it could not dismiss the literature of

---

[201] The obvious impact of Ezekiel's Temple Vision on the Temple Scroll (11 Q19) has been observed by Milgrom, *Ezekiel's Hope*, 72, 89, 160. Choi, *Traditions at Odds*, 236-237, has shown how various literary notions of divine instruction, including those found in Ezekiel, competed with one another well into the Second Commonwealth.

[202] Luhmann, *A Systems Theory of Religion*, 176.

[203] Ibid.

Ezekiel. It seems likely that the last strands of redactional activity in Ezekiel represented an effort to redescribe what became the Torah's program "in the rhetoric of reform without allowing it to be unsettled by the reformers' objectives."[204] Those who argue for strict, linear developments of text cannot seem to muster a compelling argument as to why Ezekiel would deviate from and fail to supplant the Torah while still being considered worthy of preservation. Why was Ezekiel not forgotten as a heretic and failed revolutionary? Systems theory offers a possible answer: Texts are not systems. They are coded documents that might suggest a particular implementation of the system—a *program*. Other articulations of different programs are possible since observation within a system is never perfect. Ezekiel was retained as part and parcel of the formation of the Pentateuch in the Second Commonwealth *as an act of compromise between different parties within the same priestly system*.

---

[204] Luhmann, *ibid.*, 176. See Aaron, *Etched in Stone*, 140-142, who makes this very argument regarding the insertion of the Passover description in Ezek 45.

CONCLUSIONS AND FUTURE DIRECTIONS

This study applied the sociological lens of systems theory to Priestly Pentateuchal texts and the Book of Ezekiel. I have endeavored to demonstrate how a proper understanding of systems offers a fresh conceptual model of textual composition and the literary relationship between texts in the Hebrew Bible. Much of the discussion regarding developments and variants within the Priestly Writings revolves around linear, evolutionary models of literary composition. Systems theory offers biblical scholars a new lens with which to view texts.

A recent revival of the Documentary Hypothesis by Joel Baden attempts "to understand how the text [of the Pentateuch] came to be the way it is" with all its apparent inconsistencies.[1] His work intentionally discusses relative chronology with respect to Pentateuchal sources without assigning specific historical origins for the traditions and it places secondary emphasis on lexical differences.[2] The Documentary Hypothesis, according to Baden, "is a literary solution to a literary problem."[3] But most biblical scholars are not content with a literary solution alone. The literature was engineered within the context of particular cultural environments to mediate specific issues. Most scholarship still seeks to locate these literary developments along the lines of linear chronology. This approach has affected the sociological understandings of Israelite religion as well: "A chronological survey can lead to the *impression* that one has traced a linear development."[4] Klawans has convincingly shown how certain sociological

---

[1] Joel S. Baden, *The Composition of the Pentateuch* (New Haven, CT: Yale University Press, 2012), 12.

[2] Ibid., 30-32.

[3] Ibid., 249.

[4] Jonathan Klawans, *Purity, Sacrifice, and the Temple* (Oxford: Oxford University Press, 2006), 11. Emphasis original.

sentiments found in the scholarship regarding the Priestly Writings contain evolutionist biases which assume "that First Temple Israelite tradition exhibited a linear, positive, ethical development over time."[5] How can we move past linear concepts while addressing more than literary problems? How can we say something about the society that produced the texts we now possess?

The systems-theoretical approach developed in this study attempts to offer a *non-linear* understanding of how religious systems work in society. I replicate here some axioms of systems theory which I explored in more detail throughout the study:

1. *Systems are greater than the sum of their parts*. The elements of which the system consists, the interrelationships among those elements, and the purpose of the system all aggregate to produce the system. We cannot describe the priestly system that produced the texts of the Hebrew Bible by deconstructing it to its constituent elements. The way in which the texts describe rituals, the relationships among priests, laity, sacrificial victims, God, impurity, and so on, as functional or purposeful solutions to perceived problems, serve as an instance in which agents within the system communicated about their function within Israelite society.

2. *Systems are the distinction between the system and the environment.* Systems form whenever a line is drawn between the system and everything else. This process is inescapably recursive. The distinction which allows the system to work is called a *code*. Codes are necessarily binary since they serve to demarcate what takes place inside the system as

---

[5] Ibid., 51.

opposed to everything else which occurs in its environment. I have argued that the priestly system operated at the intersection of the binaries holy/common and pure/impure. The system used these designations to signify who or what stood outside of the sacred realm that the system attempted to moderate. All the priestly rituals described by the texts function to either permit or deny access to the system according to these codes.

3. *Systems observe and adapt themselves by using feedback mechanisms*. Every detail of the system attempts to ensure the ongoing existence of the system. Agents within the system observe the system to ensure that the function is fulfilled, that the elements are at their desired states. When agents in a system attempt to correct course, the changes they make occur only *within the system*. Ideally, those changes allow the system to go on operating within its environment. By taking stock of the system's situation, the system can then use its own code and operations to make the perceived necessary changes to ensure its survival. The applications of the code and operations of the system are *programs*. A priestly enterprise which formerly depended on the support of a monarch for funding and legitimization would need to account for a shift in the political environment which left it without that structure. I have proposed that the priestly texts which communicate about the priestly system are attempts to negotiate and adapt to post-monarchic realities to ensure the survival of the temple-system on which they depended.

4. *Systems are non-linear.* Systems surprise us for a variety of reasons. We tend to think about single causes generating single, linear effects. Scholarly thinking about biblical texts tends to propose scenarios in which radical scribes proposed a centralization of the cult in Jerusalem in some version of Deuteronomy which effectively generated Josiah's reforms. But we could just as easily portray the textualization of the Deuteronomic reform as an adaptation to the whims of a monarch who forced cultic innovations for political reasons. Rather than generating reform, the texts could represent a necessary adjustment to a political policy change. *Systems do not behave in a linear fashion.* Systems can cause their own behavior (depending on the feedback loops they use). The reinforcing loop of interest accumulation can increase the wealth of investors, or the debts of borrowers based on nothing more than the percentage rules of the system. A government may enact a policy to control population numbers and accomplish less than if it had done nothing at all. We do not possess enough information to definitively argue that the Priestly Writings attempted to reorganize the cult because of Ahaz's syncretism, Josiah's reform, or the abuses of the priestly aristocracy in the Second Commonwealth. This study has avoided any kind of historical chronology of the priestly system's development largely due to the principle that systems do not behave linearly.

5. *Systems produce their operations primarily and texts secondarily.* Systems (or agents within them) that produce textual communication regarding

their function, purpose, operations, and goals do so to create potentiality for new realizations of the system in future contexts. Texts depict codified instances from particular perspectives within the system in order to propose program changes in response to internal problems and external threats. In doing so, they only recall what is necessary for the continued functioning of the system. *Texts are not systems*. They are intensified instances of a system's communication about itself. For everything preserved in a textual communication, the system excludes other texts, operations, or programs deemed "not relevant" to the proposed agenda. As such, texts produced by agents of a system represent *potential programs* for the system which the composers hope will obtain acceptance. The production of a text changes the *possibility* for how the system might describe itself, but it is not determinative. This observation could change the way we think about the nature of the Pentateuch and its relationship to non-Pentateuchal texts.

Using the methodology of systems theory distilled here, this study has offered several observations about the nature of the priestly system mirrored in the pages of the Hebrew Bible. I contend that this new lens can supplement scholarly efforts and offer a new perspective regarding the historical circumstances under which a text might have been composed and intertextual assumptions. A proper understanding of systems allows us to make several new, productive statements about the Priestly Writings and intertextuality within that corpus.

From a sociological perspective, systems theory provides a paradigm to map the form and function of cultic sacrifice and purity rituals. The method provides a charter for conceptualizing the integrity of the ritual complex as a program proposal for solving specific problems. Systems theory allows us to understand how a sacrificial victim in Israelite society could function multivalently as a psychological stimulus, economic payment, and religious solution to the problem of impurity. The religious system discussed in the texts produced by priests reflects a particular observation of Israelite society irreplicable by another other social system.

Systems theory also offers us a means of redescribing terms and conceptual difficulties within the priestly literature. For instance, I have argued for an understanding of the term קדש קדשים as something other than "holy of holies" or "most holy." Because systems differentiate themselves within certain kinds of societies, their communication reflects their social environment. The phrase קדש קדשים functionally deals with access to sacred space or objects. This study located the priestly system within a "stratified society" which consists of more than two strata. When the system wants to communicate its binary code קדש/חל regarding access to a society with more than two layers, the limits of its semantics produced the construct קדש קדשים. In the reality generated by the system, there cannot exist a designation "most holy," for to create a gradient of the binary would dissolve the meaningfulness of the binary altogether. Binaries can *only* consist of two values. What the system attempts to communicate with the expression קדש קדשים is the notion that holy objects or spaces may be reserved for certain classes of society to the exclusion of others. The well-being offering (שלמים) involves both laity and clergy in the process of consumption. The waved breast (התנופה חזה) and dedicated thigh (שוק

התרומה) belong to the priests as a holy reserve (Num 18:18-19), while laity consume the rest of the consecrated meat. For this reason, the well-being offering is not classed as קדש הדשים since more than one class of society may access its meat; conversely, the system designates the purification offering, guilt offering, and grain offering as קדש קדשים because *only priests* have access to those sacrifices. Systems theory aids our ability to translate a binary code across multiple social strata while retaining the integrity of the binary.

A systems theory approach to the Priestly Writings also aids our ability to be punctilious with our terminology regarding the literary strata of composite texts. Scholars have made much of the ideological differences between the earlier stratum P and the later, redactional stratum H in the Torah. This study has suggested that drawing too sharp a distinction between those strata may overstate the case. Systems are defined by the code with which they differentiate themselves from their environment. Even if two texts present conflicting or incompatible concepts of terminology, the texts may still refer to the same system if they assume the same binary codes. The Holiness Code's lack of clarity in applying the distinction between certain acts as generating impurity (טמא) versus profanity (חלל) in contradistinction to P does not mean it reflects a different *system*. The operative codes remain the same and, therefore, so does the system referent. As a method, systems theory confirms those studies which argue that P and H should stand as an integral whole despite the composite nature of the literature.

This study has also argued that we should modify our conceptions of textual production based on the tenets of systems theory. Textual communication is always secondary within a given social system. A system primarily performs its function through

its operations—slaughtering animals, accepting pledges, pronouncing a status relative to the system. Systems produce texts secondarily.

Following this observation, systemic agents produce the texts which reflect their goals and functions in society, not the reverse. The creation of text never formed a system or institution. Textual production only addresses the *present environment* in which the text was produced. The system always precedes the text. Whatever the text used of previous system communications or texts only serves the most recent production of textual communication about the system. We must accept that we know too little (or just enough) about the redactional hands that shaped these texts. When systems generate a textual communication about the system, they do not use all the material on hand. If they refer to previous texts, such as a P stratum of literature, they only use the texts that function as communication; they only recall what is useful for the system to continue under the newly proposed regime. This representation of the system's "memory" only serves to sustain the present iteration of the system and anticipate social changes in the future. When H collected and redacted P, some things were likely not retained. The editorial activity of H is likely too strong for us to tease out a coherent P document that stands in clear distinction to H. When H took up its task of supplementing and updating older priestly texts, it re-presented those older traditions to accommodate its new programmatic vision for the system in a different environment. As other scholars have suggested, PH reflects the communication of a single system from the perspective of H since the redactors would have only included as much of P as necessary for the system's continued survival.

This observation also applies to the discourse regarding the relationship of Pentateuchal texts to the Book of Ezekiel. I have endeavored to demonstrate how the Pentateuchal traditions about the priestly system and Ezekiel's perception of the system refer to the same religious social system. This occurred not necessarily by means of textual dependency, but direct reference to the same system. This study attempted to explain the relationship of shared lexemes between the two textual corpora as references to a shared cultural repertoire among literate priests rather specific borrowings of Pentateuchal texts. Ezekiel contains too many inconsistencies with Pentateuchal notions of the priestly system for us to assume any kind of direct relationship between texts. The priestly reforms contained in Ezekiel are at odds with the programs of the priestly system *as a social system* in existence at the end of the monarchy into the post-monarchic period. Ezekiel does not resist or conform to the Pentateuch *as a text* but instead to a social environment which threatened the religious system which Ezekiel inhabited. I have proposed that the variants between Ezekiel and the Torah are not textual in nature but are separate responses by different priestly organizations regarding the critical issues which threatened the persistence of the priestly temple-system. The *text* of the Pentateuch's priestly literature and the *text* of Ezekiel represent separate programmatic solutions to the problems which plagued the same *system*.

A thorough application of systems theory to the Priestly Writings of the Hebrew Bible yields a level of ambiguity regarding contemporary paradigms of intertextuality and linear chronology of texts. Though the method constrains us from attempting to label every line of Hebrew text into literary strata which are sequenced and firmly dated to a particular historical event, the theory does permit us to make several exciting new

observations about the function of these texts within the religious system which produced them. It allows us to make statements regarding how discussions about cultic obligation, societal roles, and religious meaning were still debated within the nascent Judaism of the Second Commonwealth. Arguments about the future of the priestly system and its appropriate programs were still being negotiated well after the exile and reconstruction period.

Future Directions for Study

I have striven to demonstrate the high yield a systems-theory approach can offer to the study of the Priestly Writings of the Hebrew Bible. I would argue that the findings produced here can be extrapolated to other areas of the Hebrew Bible and Jewish history.

Scholarly literature is rife with material which convincingly demonstrates that the book of Deuteronomy and derivative literature—the Deuteronomistic History—contains a distinct ideology which often conflicts with notions at work in the Priestly literature. It would be useful to know what kind of social system produced these texts. Based on the scholarship regarding the origins of Deuteronomic thinking, we would likely suggest that the system is political. A systems-theory analysis of this corpus would review the data to determine what operative code the Deuteronomists used, what programs support that code's deployment, and where the system observed points of criticality which threatened to dissolve Israelite society. The conclusions reached by a systems-theory analysis might reveal helpful observations about the kind of societal tensions at odds within Israelite society and how the collection and redaction of texts as disparate as Deuteronomy and the Priestly literature functioned as a compromise among competing parties.

As this study has shown, systems theory can also offer new ways of viewing prophetic texts. There are several ways that systems theory could contribute to our understanding of prophetic literature. It would be helpful to know if prophetic texts were the products of a separate religious system centered on visions and critique of Israelite society. Did a specific prophetic system collect and manufacture the prophetic literature or was this the work of later scribes with other agendas? To that end, a recent volume on cultic references in the Book of the Twelve seeks to answer questions regarding the role of priests in the editing of the Twelve.[6] No one doubts the post-monarchic context of Haggai and Zechariah. These scrolls make a remarkable shift towards sympathy for the priestly reconstruction of the Temple and its cult. How might they fit within the priestly system surveyed in this study? Inklings of this question and the question of the redaction of prophetic texts might arise under the lens of systems theory.

Systems theory also offers much to the study of Jewish literature in the Second Commonwealth. As John Choi has demonstrated, the texts produced in this period sometimes present traditions at odds with the Pentateuch, which many assume possessed absolute authority by this time.[7] Might the works of the "sectarians" who produced works like *Jubilees* or *The Temple Scroll* fall under the category of system reformers? Systems theory might help us better understand how the groups which composed these texts fit within the "Judaisms" of the Second Commonwealth.

Finally, there can be no doubt that the Tannaitic literature produced by the rabbis reflects a system. Numerous studies have demonstrated that the Mishnah represents the

---

[6] Ed. Lena-Sofia Tiemeyer, *Priests and Cults in the Book of the Twelve* (Atlanta: SBL Press, 2016).

[7] John H. Choi, *Traditions at Odds* (New York: T&T Clark International, 2010).

effort of educated elites who sought to accommodate Jewish traditions within a Roman socio-political context.[8] What kind of social system could have produced this textual corpus? How might other Tannaitic traditions like the *midrashim* and the Tosefta fit into that system? Systems theory would likely confirm much of the scholarship on the emergence of rabbinic Judaism while also adding fresh means of observation.

Systems theory, like any methodology, does not account for all there is in any textual corpus or culture. There is no grand, unifying theory of everything. The application of systems theory with which I have viewed biblical text could not possibly represent the final word on how the Priestly Writings came to be or what they stood to represent. But the theory does provide fresh insights rooted in the disciplines of the social sciences. Serious consideration of the observations made through this lens ought to give us pause before assertions of causality are made with respect to the composition of biblical texts.

Systems theory even provides us an opportunity to reflect on the meta-theoretical realities of the scholarship on the Bible. The work of scholarship is to observe how social groups in ancient Israel observed their own society and social systems. How much of what we write and think about is the product of the educational system rooted in our own society, supported by journals, publications, institutes of higher learning, and conferences? How does that system incentivize us to approach our areas of study? At any rate, I hope that this study serves as a new feedback loop which allows our contemporary system to observe more than was previously possible.

---

[8] Henry A. Fischel, *Rabbinic Literature and Greco-Roman Philosophy* (Leiden: Brill, 1997); Seth Schwartz, *Imperialism and Jewish Society* (Princeton, PA: Princeton University Press, 2004); Hayim Lapin, *Rabbis as Romans* (Oxford: Oxford University Press, 2012).

Bibliography

Aaron, David H. *Etched in Stone*. New York: T&T Clark International, 2006.

Allen, Leslie C. *Ezekiel 20-48*. Dallas: Word, 1990.

Anderson, Francis I. and David Noel Freedman. *Hosea*. New York: Doubleday, 1980.

Arnold, Bill T. and John H. Choi. *A Guide to Biblical Hebrew Syntax*. New York: Cambridge University Press, 2003.

Ashley, Timothy R. *The Book of Numbers*. Grand Rapids, MI: Eerdmans, 1993.

Baden, Joel S. *The Composition of the Pentateuch*. Cambridge, MA: Yale University Press, 2012.

Bell, Catherine. *Ritual Theory, Ritual Practice*. Oxford: Oxford University Press, 1992)

Bennett, Harold V. *Injustice Made Legal*. Grand Rapids, MI: Eerdmans, 2002.

Ben Zvi, Ehud. "The Urban Center of Jerusalem and the Development of the Literature in the Hebrew Bible." In *Urbanism in Antiquity*, edited by Walter E. Aufrecht, Neil A. Mirau, and Steven W. Gauley, 194-209. Sheffield: Sheffield Academic Press, 1997.

Bibb, Brian D. *Ritual Words and Narrative Worlds in the Book of Leviticus*. New York: T&T Clark, 2009.

Blenkinsopp, Joseph. *Ezekiel*. Louisville: John Knox, 1990.

Block, Daniel I. *The Book of Ezekiel: Chapters 1-24*. Grand Rapids, MI: William. B. Eerdmans, 1997.

------. *The Book of Ezekiel: Chapters 25-48*. Grand Rapids, MI: William. B. Eerdmans, 1998.

Blum, Erhard. "Issues and Problems in the Contemporary Debate Regarding the Priestly Writings." In *The Strata of the Priestly Writings*, edited by Sarah Shectman and Joel S. Baden, 33-42. Zürich: Theologishcer Verlag, 2009.

Boer, Roland. *The Sacred Economy of Ancient Israel*. Louisville, KY: Westminster John Knox Press, 2015.

Carr, David M. *Writing on the Tablet of the Heart*. Oxford: Oxford University Press, 2005.

Choi, John H. *Traditions at Odds*. New York: T&T Clark, 2010.

Cook, Stephen L. *Ezekiel 38-48*. New Haven, CT: Yale University Press, 2018.

Cross, Frank Moore. *Canaanite Myth and Hebrew Epic*. Cambridge, MA: Harvard University Press, 1973.

Douglas, Mary. *Leviticus as Literature*. Oxford: Oxford University Press, 1999.

Douglas, Mary. *Purity and Danger*. London: Routledge and Kegan Paul, 1966.

Dozeman, Thomas B. *Exodus*. Grand Rapids, MI: William B. Eerdmans, 2010.

Duguid, Iain M. *Ezekiel and the Leaders of Israel*. Leiden: Brill, 1994.

Duke, Rodney K. "Punishment or Restoration? Another Look at the Levites of Ezekiel 44:6-16." *Journal for the Study of the Old Testament* 40 (1988): 61-81.

Durham, John I. *Exodus*. Waco, TX: Word Books, 1987.

Eilberg-Schwartz, Howard. *The Savage in Judaism*. Bloomington, IN: Indiana University Press, 1990.

Finlan, Stephen. *Sacrifice and Atonement*. Minneapolis: Fortress Press, 2016.

Fischel, Henry A. *Rabbinic Literature and Greco-Roman Philosophy*. Leiden: Brill, 1997.

Fishbane, Michael. *Biblical Interpretation in Ancient Israel*. Oxford: Clarendon, 1985.

Fohrer, Georg. *Die Hauptprobleme des Buches Ezechiel*. Berlin: A. Töpelmann, 1952.

------. *Introduction to the Old Testament*. Translated by David E. Green. Nashville: Abingdon, 1968.

Foucault, Michel. *Discipline and Punish*. Translated by Alan Sheridan. New York: Vintage, 1979.

Daniel Frankel, "Ezekiel 20: A New Redaction-Critical Analysis." *HUCA 90* (2020), 1-25.

Gesenius, Wilhelm. *Gesenius' Hebrew Grammar.* Edited by Emil Kautzsch. Translated by Arthur E. Cowley. 2nd ed. Oxford: Clarendon, 1910.

Gane, Roy. *Cult and Character*. Winona Lake, IN: Eisenbrauns, 2005.

------. *Ritual Dynamic Structure*. Piscataway, NJ: Gorgias, 2004.

Geertz, Clifford. *The Interpretation of Cultures*. New York: Basic Books, 1973.

George, Mark K. *Israel's Tabernacle as Social Space*. Atlanta: SBL Press, 2009.

Greenberg, James A. *A New Look at Atonement in Leviticus*. University Park, PA: Eisenbrauns, 2019.

Greenberg, Moshe. *Ezekiel 1-20*. Garden City, NY: Doubleday, 1983.

Greengus, Samuel. *Laws in the Bible and in Early Rabbinic Collections*. Eugene, OR: Cascade Books, 2011.

Goodfriend, Elaine. "Yitro," in *The Torah: A Women's Commentary*, Edited by Tamara Cohn Eskenazi and Andrea L. Weiss, 407-420. New York: URJ Press, 2008.

Gorman, Frank H. *The Ideology of Ritual*. Sheffield: Sheffield Academic Press, 1990.

------. "Pagans and Priests: Critical Reflections on Method." In *Perspectives on Purity and Purification in the Bible,* edited by Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel, 96-110. New York: T&T Clark International, 2008.

Habermas, Jürgen. *The Philosophical Discourse of Modernity*. Translated by Frederick Lawrence. Cambridge, MA: MIT Press, 1990.

Hals, Ronald M. *Ezekiel*. Grand Rapids, MI: Eerdmans, 1989.

Haran, Menahem. "The Law-Code of Ezekiel XL-XLVIII and Its Relation to the Priestly School." *HUCA 50* (1979), 45-71.

------. *Temples and Temple Service in Ancient Israel*. Oxford: Clarendon Press, 1978.

Hartley, John E. *Leviticus*. Dallas: Word Books, 1992.

Heibel, Janina Maria. *Ezekiel's Vision Accounts as Interrelated Narratives*. Berlin: de Gruyter, 2015.

Hess, Richard. *Leviticus*. Grand Rapids, MI: Zondervan Academic, 2017.

Hundley, Michael B. *Keeping Heaven on Earth*. Tübingen: Mohr Seibeck, 2011.

Hurwitz, Avi. *A Linguistic Study Between the Priestly Source and the Book of Ezekiel – A New Approach to an Old Problem*. Paris: J. Gadbalda, 1982.

Hurowitz, Victor. "The Priestly Account of Building the Tabernacle." *Journal of the American Oriental Society* (1985): 21-30.

Hutton, Jeremy M. "The Levitical Diaspora (I): A Sociological Comparison with Morocco's Ahansal." In *Exploring the Longue Durée*, edited by J. David Schloen, 223- 234. Winona Lake: Eisenbrauns, 2009.

-----. "The Levitical Diaspora (II): Modern Perspectives on the Levitical City Lists (A Review of Opinions)." In *Levites and Priests in History and Tradition*, edited by Jeremy M. Hutton and Mark Leuchter, 45- 82. Atlanta: Society of Biblical Literature, 2011.

Iser, Wolfgang. *The Act of Reading*. Baltimore: The Johns Hopkins University Press, 1978.

Japhet, Sara. "The Term Ger and the Concept of Conversion in the Hebrew Bible." In *Bastards and Believers: Jewish Converts and Conversion from the Bible to the Present*, edited by Theodor Dunkelgrün and Paweł Maciejko, 26–41. University of Pennsylvania Press, 2020.

Jenson, Philip Peter. *Graded Holiness: A Key to the Priestly Conception of the World*. JSOTS Series 106. Sheffield: JSOT Press, 1992.

Diether Kellermann, "גּוּר." In *Theological Dictionary of the Old Testament*, vol 2., 439-449. Grand Rapids, MI: William B. Eerdmans, 1975.

Klawans, Jonathan. *Purity, Sacrifice, and the Temple*. Oxford: Oxford University Press, 2006.

Knight, Douglas A. *Law, Power, and Justice in Ancient Israel*. Louisville, KY: Westminster John Knox Press, 2011.

Knodt, Eva M. "Forward." In *Social Systems*. Translated by John Bednarz, Jr., with Dirk Baecker, ix-xxxvi. Stanford: Stanford University Press, 1995.

Knohl, Israel. *The Sanctuary of* Silence. Winona Lake, IN: Eisenbrauns, 2007.

Klostermann, August. "Beiträge zur Enstehungsgeschichte des Pentateuchs." *Zeitschrift für lutherische Theologie und Kirche* 38 (1877), 401-445.

Thomas Kuhn, *The Structure of Scientific Revolutions*. 2nd ed. Chicago: University of Chicago, 1970.

Lapin, Hayim. *Rabbis as Romans*. Oxford: Oxford University Press, 2012.

Lemche, Niels Peter. *The Israelites in History and Tradition*. Louisville: Westminster John Knox, 1998.

Levine, Baruch A. *Leviticus*. Philadelphia: Jewish Publication Society, 1989.

------. *Numbers 1-20*. New York, Doubleday, 1993.

Leuchter, Mark *The Levites and the Boundaries of Israelite Identity*. New York: Oxford University Press, 2017.

Levitt Kohn, Risa. *A New Heart and a New Soul*. London: Sheffield Academic Press, 2002.

Loewenstamm, S.E. החורה במסורות ה׳ לעבודת לֹוי הקדשת. *Eretz-Israel: Archaeological, Historical and Geographical Studies*, Zalman Shazar Volume (1971), 169-172.

Luhmann, Niklas. *Die Gesellschaft der Gesellschaft* (Frankfurt: Suhrkamp, 1998).

------. *Gesellschaftsstruktur und Semantik. Studien zur Wissenssoziologie der modernen Gesellschaft*, vol. 3. (Frankfurt: Suhrkamp, 1989).

------. "How Can the Mind Participate in Communication? In *Materialities of Communication*, edited by H.U. Gumbrecht and K.L. Pfeiffer, translated by William Whobrey, 371–87. Stanford: Stanford University Press, 1994.

------. *Introduction to Systems Theory*, Translated by Peter Gilgen. Cambridge: Polity, 2013.

------. *The Reality of the Mass Media*, Translated by Kathleen Cross. Stanford: Stanford University Press, 2000.

------. *A Systems Theory of Religion*, Translated by David A. Brenner with Adrian Hermann. Stanford: Stanford University Press, 2013.

------. *Theory of Society: Volume 1*, Translated by Rhodes Barrett. Stanford: Stanford University Press, 2012.

------. *Theory of Society: Volume 2* Translated by Rhodes Barrett. (Stanford: Stanford University Press, 2013).

Lyons, Michael A. *From Law to Prophecy*. London: T&T Clark, 2009.

------. *An Introduction to the Study of Ezekiel* (London: Bloomsbury T&T Clark, 2010).

MacDonald, Nathan. *Priestly Rule*. Berlin: Walter de Gruyter, 2015.

Meadows, Donella H. *Thinking in Systems*. White River Junction, VT: Chelsea Green Publishing, 2008.

Meyers, Carol *Exodus*. Cambridge: Cambridge University Press, 2005.

Milgrom, Jacob. *Ezekiel's Hope*. Eugene, OR: Cascade Books, 2012.

------. *Leviticus 1-16*. New York: Doubleday, 1991.

------. *Leviticus 17-22*. New York: Doubleday, 2000.

------. *Leviticus 23-27*. New York: Doubleday, 2001.

------. *Numbers*. Philadelphia: Jewish Publication Society, 1989.

------. *Studies in Levitical Terminology, I*. Berkeley: University of California Press, 1970.

Miller, John H. and Scott E. Page. *Complex Adaptive Systems*. Princeton, PA: Princeton University Press, 2007.

Moeller, Hans-Georg. *Luhmann Explained: From Souls to Systems*. Chicago: Open Court, 2006.

------. *The Radical Luhmann* (New York: Columbia University Press, 2012).

Mullen, Jr., E. Theodore. *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch*. Atlanta: Scholars Press, 1997.

Neusner, Jacob. *The Economics of the Mishnah*. Chicago: University of Chicago Press, 1990.

Nihan, Christophe. "The Priestly Covenant." In *The Strata of the Priestly Writings*, edited by Sarah Shectman and Joel S. Baden, 87-134. Zürich: Theologischer Verlag Zürich, 2009.

------. *From Priestly Torah to Pentateuch*. Tübingen: Mohr Siebeck, 2007.

Nissinen, Martti. *Prophets and Prophecy in the Ancient Near East*. Atlanta: Society of Biblical Literature, 2003.

Olyan, Saul. *Rites and Ranks*. Princeton: Princeton University Press, 2000.

Otto, Eckart. "The Holiness Code in Diachrony and Synchrony in the Legal Hermeneutics of the Pentateuch." in *The Strata of the Priestly Writings*, edited by

Sarah Shectman and Joel S. Baden, 135-156. Zürich: Theologischer Verlag Zürich, 2009.

Parsons, Talcott. *The Social System*. New York: Free Press, 1951.

Parsons, Talcott and Edward Shils. "Values, Motives, and Systems of Actions." In *Toward a General Theory of Action*, edited by Talcott Parsons and Edward Shils, 53-79. Cambridge, MA: Harvard University Press, 1951.

Pederson, Johannes. 1973. *Ancient Israel: Its Life and Culture, vol. 1*. London: Oxford University Press. (Orig. pub. 1927.)

Prosic, Tamara. 1999. "Origin of Passover" *Scandinavian Journal of the Old Testament* 13, no. 1 (January), 78-94.

Porter, J.R. *Leviticus*. Cambridge: Cambridge University Press, 1976.

Römer, Thomas. *The So-Called Deuteronomistic History*. London: T&T Clark, 2007.

Rooker, Mark F. *Biblical Hebrew in Transition*. Sheffield: Sheffield Academic Press, 1990.

Rubenstein, Jeffery L. *A History of Sukkot in the Second Temple and Rabbinic Periods*. Atlanta: Scholars Press, 1995.

Sarna, Nahum M. *Exodus*. Philadelphia: Jewish Publication Society, 1991.

Schwartz, Baruch J. "The Bearing of Sin in the Priestly Literature." In *Pomegranates and Golden Bells: Studies in Biblical, Jewish and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, edited by David P. Wright, David Noel Freedman and Avi Hurvitz, 3–21. Winona Lake, IN: Eisenbrauns, 1995.

------. "Israel's Holiness: The Torah Traditions." In *Purity and Holiness*, edited by M.J.H.M. Poorthius and J. Schwartz, 47-59. Leiden: Brill, 1999.

Schwartz, Baruch J., David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel, eds. 2008. *Perspectives on Purity and Purification in the Bible*. New York: T&T Clark International.

Schwartz, Seth. *Imperialism and Jewish Society*. Princeton, PA: Princeton University Press, 2004.

Shectman, Sarah and Joel S. Baden, eds. 2009. *The Strata of the Priestly Writings*. Zurich: Theologischer Verlag.

Sklar, Jay. *Sin, Impurity, Atonement*. Sheffield: Sheffield Phoenix, 2005.

------. "Sin and Impurity: Atoned or Purified? Yes!" In *Perspectives on Purity and Purification in the Bible,* edited by Baruch J. Schwartz, David P. Wright, Jeffrey Stackert, and Naphtali S. Meshel, 18-31. New York: T&T Clark International, 2008.

Sperber, Dan. *Explaining Culture*. Oxford: Blackwell, 1996.

------. "Metarepresentations in an Evolutionary Perspective," In *Metarepresentations: A Multidisciplinary Perspective*, edited by Dan Sperber, 117-137. Oxford: Oxford University Press, 2000.

Sperber, Dan and Deirdre Wilson. *Relevance: Communication and Cognition*. 2nd ed. Oxford: Blackwell, 1996.

Stackert, Jeffrey. "The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement." In *The Strata of the Priestly Writings*, edited by Shectman, Sarah and Joel S. Baden, 187-201. Zürich: Theologischer Verlag Zürich, 2009.

------. "Holiness Code and Writings." In *The Oxford Encyclopedia of the Bible and Law*. Oxford: Oxford University Press, 2015, 389-396.

Stevenson, Kalinda Rose. *The Vision of Transformation*. Atlanta: Scholars Press, 1996.

Strine, Casey A. *Sworn Enemies*. Boston: de Gruyter, 2013.

Thareani, Yifat. "Forces of Decline and Regeneration: A Socioeconomic Account of the Iron Age II Negev Desert" In *The Economy of Ancient Judah in Its Historical Context*, edited by Marvin Lloyd Miller, Ehud Ben Zvi, Gary N. Knoppers, 207-235. Winona Lake, IN: Eisenbrauns, 2015.

Tiemeyer, Lena-Sofia, ed. *Priests and Cults in the Book of the Twelve*. Atlanta: SBL Press, 2016.

Utzschneider, Helmut. "Tabernacle." In *The Book of Exodus: Composition, Reception, and Interpretation*, 267-301. Leiden: Brill, 2010.

Valeri, Valerio. *Kingship and Sacrifice*. Chicago: University of Chicago Press, 1985.

Wallerstein, Immanuel. *World-Systems Analysis*. Durham, NC: Duke University Press, 2004.

Watts, James W. *Ritual and Rhetoric in Leviticus*. Cambridge: Cambridge University Press, 2007.

Weimar, Peter. "Sinai und Schöpfung: Komposition und Theologie der priesterlichen Sinaigeschichte." *Revue Biblique* 95 (1988), 337–385.

Weinfeld, Moshe. *Deuteronomy and the Deuteronomic School*. Winona Lake, IN: Eisenbrauns, 1992.

Wellhausen, Julius. 2001. *Prolegomena zur Geschichte Israels* Berlin: Walter de Gruyter.(Orig. pub. 1878.)

Wenham, Gordon. *Leviticus*. Grand Rapids, MI: Eerdmans, 1979.

Wright, David. "Atonement Beyond Israel: The Holiness School's Amendment to Priestly Legislation on the Sin Sacrifice (ḥaṭṭā't)." In *Atonement: Jewish and Christian Origins*, edited by Max Botner, Justin Harrison Duff, Simon Dürr, 40-63. Grand Rapids, MI: Eerdmans, 2020.

------. "Ritual Theory, Ritual Texts, and the Priestly-Holiness Writings of the Pentateuch." In., *Social Theory and the Study of Israelite Religion: Essays in Retrospect and Prospect*, edited by Saul Olyan, 195-216. Atlanta: Society of Biblical Literature, 2012.

Zimmerli, Walther. *Ezekiel 1*. Philadelphia: Fortress, 1979.

------. *Ezekiel 2*. Translated by R. E. Clements. Philadelphia: Fortress, 1983.