

U

AN ANALYSIS OF THE LAWS IN CHAPTER XIX OF LEVITICUS  
with special reference to their origin, background, and date.

Submitted by:

NATHAN PETER LEVINSON

In partial fulfillment of the requirements for the title of  
Rabbi and the degree of Master of  
Hebrew Letters.

Referee: Dr. Sheldon H. Blank

April 22nd, 1948.

Thesis Digest, "An Analysis of the Laws in Chapter XIX  
of Leviticus, with special reference to their origin,  
background, and date," presented by Nathan Peter Levinson.

This thesis attempts to analyse Leviticus 19 anew. It presents the reconstructed texts of these laws and establishes their stratification. Some of the laws were written by H. Most laws represent older material which was incorporated by RH into the chapter. This incorporation was an organic one, necessitated by the conditions of the time. In spite of recent attempts to date most of the H material after the exile, its exilic nature is maintained in this thesis. Since, however, so many divergent opinions have been put forth during the past as to the date of this material, the interest of this thesis has shifted more to pure analysis, and the date is subordinate, even subject to revision. A new structure for these laws has been attempted to establish. Against commentators of the past who thought to perceive an arrangement of pentads, a metrical system was proposed, consisting of two distichs which end with "I am the Lord," in the laws of the singular, and "I am the Lord, your God," in the plural formations. The laws are written in a 3/3 meter. The old idea that Leviticus 19 leans heavily on the decalogues has been shown to be groundless. Much of the disturbing material was assigned to P. Against most critics the vocabulary of P has been increased on the basis of internal evidence and much that until now was considered H must now be looked upon as P.

Much that seems unduly assertive in this thesis is due to youthful enthusiasm rather than dogmatism. It is recognized that in a work like this no final truths can be attained. In spite of the large bibliography, only little was used from each volume. Along creative lines and the only books which stimulated my thinking were the "Book of the Covenant", especially II and III by Morgenstern and a treatment of these chapters by Paton in JOBL . I owe much encouragement and valuable suggestions to Dr. Sheldon H. Blank and Dr. Eugen Taeubler.

# TABLE OF CONTENTS

Analysis of Leviticus 19.9-18	1-19
9	2-5
10	5-6
11	6-7 ,66
12	7-8 ,66
13	8-11
14	11-12
15	12-14
16	14-15
17	15-17
18	17-18
Analysis of Leviticus 19. 1	20
2	20
3	20-23 ,65-66
4	23 , 65-66
5-8	23-29
19	29-32 ,66-68
20-22	32-36 ,68-70
23-25	36-38
Analysis of Leviticus 19.26-31	38-50
26	39-41
27	41-43
28	43-45
29	45-46
30	46-47

30	47-48
31	48-49
33 -34	51-52
35-37	52-53
The date of Leviticus 19	54-62
Reconstructed text of Lev.19.9-18	19
Reconstructed text of Lev.19.5-8ff	29
Reconstructed text of Lev.19.26-32	50
Original text of Leviticus 19	63-63a
Addenda, reconstructed text of vv.11,12,19	65-70
Bibliography	71-74

It has been noted by many scholars that the laws of Leviticus 19 employ their singular and plural verb forms indiscriminately, often changing in the middle of a sentence. A preliminary sorting and purely mechanical separating of the laws on this basis would yield the following results with reference to the second person singular:

- 9 לא תכלה פאת ערך לקצר ולקט קצירך לא תלקט:  
 10 וכרמך לא תעולל ופרט כרמך לא תלקט לעני ולגר העוזב אתם  
 אני יהוה אלהיכם:  
 12 ותלל את דם אלהיך אני יהוה:  
 13 לא תעזוב את רעך ולא תגזל לא תלין פעלת זכיר אתך עד בקר:  
 14 לא תללל חר ולפני עור לא תתן מכיל ויראה מאלהיך אני יהוה:  
 15 לא תזא פני דל ולא תהדר פני גדול בצדק תפוט עמיך:  
 16 לא תלך רכיל בעמיך לא תעמד על דם רעך אני יהוה:  
 17 לא תשנא את אחיך בלבבך הוכח חוכיך את עמיך ולא תזא עליו חסא:  
 18 לא תקט ולא תסר את בני עמך ואהבת לרעך כמוך אני יהוה:  
 19 בהסתך לא תרביע כלאים ערך לא תזרע כלאים ובגד כלאים שעטנו:  
 לא יעלה עליך:  
 22 ולא תזחית את פאת זקנך:  
 29 אל תחלל את בתך להזנותה ולא תזנה הארץ ומלאה הארץ זמה:  
 32 ספני ייבה תקום והדרת פני זקן ויראה מאלהיך אני יהוה:  
 33 זכי יגור אתך גר...  
 34 ואהבת לו כמוך...

We propose to begin with these laws first.

v.9. It is obvious that with the omission of וְקִצְרוֹתָם אֶת קִצְרֵי

וְקִצְרוֹתָם much will be gained not only as far as grammatical consistency is concerned but also with regard to the meter, as we hope to establish. There seems to be left a verse with two equal parts (a distich in other words), each having three accents (3/3). The construct formations receive one accent only. The parallelismus membrorum is evident, a fine instance of the synonymous kind. Moreover, the repetition of קִצְרֵי after וְקִצְרוֹתָם would be extremely awkward style. It may safely be assumed then, that only as reconstructed this sentence appears satisfactory.

The question as to how 9ad came to be inserted here is of secondary importance. Two possibilities suggest themselves. It is quite possible that a redactor, whoever he might have been, writing in the plural, incorporated this law into the chapter and thus 9ad might easily have been his attempt at harmonization. On the other hand, a different solution suggests itself from a comparison with Lev.23.22. There, in the context of a festival calendar, this legislation is certainly out of place. It is the only instance of a singular verb form in this chapter and appears at the end of the section, one of the earmarks of a later addition. Moreover, in Lev.19 we have the complete legislation, only part of which was taken into Lev.23 as was already observed by Bertholet.

The law was repeated here because of its indirect relevance for the חַג הַמִּצֵּי festival. Lev.23.22a\* would again be a harmonization to the rest of the chapter which consistently uses the second person plural. A later redactor of Lev.19- and that there must have been quite a few seems beyond doubt- acquainted with Lev.23.22a\* and missing it here supplied it in the wrong place. The former solution appears simpler, especially since 23.10 may have led to the inclusion of the similarly worded passage of chapter 19. But still another consideration supports the second alternative.

Lev.19.9 uses the word לִקְרָךְ while 23.22 has בְּלִקְרָךְ. One of the two must undoubtedly be secondary. If לִקְרָךְ is the original form no good explanation can be given why

בְּלִקְרָךְ should have been substituted for it in Lev.23.22. On the contrary, Lev.23.22 which by the better translators (cf.Kautzsch) is rendered as if it were identical with Lev.19.9 demonstrates clearly that after the addition of 23.22a\*

בְּלִקְרָךְ is certainly no improvement of an original לִקְרָךְ. If not repetitious, it is certainly untranslatable. Whoever took over Lev.19.9 and inserted it into Lev.23.22 would have fared much better had he left the supposedly original לִקְרָךְ right where it was. In other words, the difficulty here can only be explained by assuming that בְּלִקְרָךְ is the original and was taken into Lev.23.22 without change. If we assume that 19.9a\* is the creation of a redactor of Lev.19 and was together with the rest of the verse taken over into Lev.23



then we must posit three stages. First, the original law which was utilized by this redactor and which must have read: לא חבלה פאה ידך בקצרך ולקט יצירך לא חלקט:

Second, the addition of 9a by the redactor and the taking over of this verse into Lev.23.22. Third, another redactor, noticing the awkwardness of the repetition in Lev.19.9 as it stood, changed לקט into לקצר. Such a procedure appears possible but highly improbable. It stands to reason that the same redactor who added 9a would also have seen right away this stylistic difficulty. We therefore return to our first assumption by saying that the process as outlined above is more plausible. First, the original law in Lev.19 was: לא חבלה פאה ידך בקצרך ולקט יצירך לא חלקט: This law was taken over into Lev.23 and there the ונקצרכם את קציר

אמצכם was added for the first time and without any attempt at harmonizing the content of the original law itself. A later redactor who supplied the א part in Lev.19.9 noticed at the same time the difficulty involved and changed בקצרך into לקצר which eliminated the repetition but of course reads much less smoothly (the only other example of this construction appears in 2 Sam. 11.19). This seems to be the only way in which the appearance of the two terms לקצר and לקט can be explained. We conclude then that 1) ונקצרכם את קציר אמצכם was supplied from Lev.23.22 and not vice versa and 2) that the original law had בקצרך rather than לקצר.

For the sake of completeness it should be noted that in 9a<sup>d</sup> the Vulgate read 77EP11. Both Graf and Bertholet agree that verse 9 is original here and not in chapter 23. Paton maintains that vv.9-10 belong to chapter 23 where they are in their proper connection (!) -they disrupt here Paton's preconceived codification. But even Kennedy claims that our laws in vv.9 and 10 are an extension of the law in chapter 23. Of interest is Bertholet's further assumption that Rh worked the singular passages into his codification. Verse 9a<sup>d</sup> (as 15a<sup>d</sup> and 19a<sup>d</sup>) would then be his work. While the first part of this statement is undoubtedly correct, our previous analysis would preclude the possibility of the Rh character of 9a<sup>d</sup>. And, indeed, this cannot be. Rh who accepted these singular passages as part of his code, classified them, and probably added the 'N' to each couplet, would not have broken the continuity and the meter of our code. We hope to be able to show that irregularities within these laws have to be ascribed to a different redactor.

Verse 10. This verse follows logically upon v.9. The content is similar, the same basic idea is applied to a different situation. We have here, however, three stichoi rather than two. On the basis of the

analogy to the preceding and the following laws and keeping the principle of parallelism in mind, we are justified in eliminating one of the stichoi as a later addition. Since only 10a $\alpha$  $\beta$  are parallel we omit 10b $\alpha$ . The repetition of כרם is not only awkward but also out of the meter (unless the construct receives one accent). The use of כרם in Mishnah Peah 6.5 suggests that it could stand by itself so that כרם is best omitted as an explanatory gloss. 10b $\beta$  shows the formula אֵין יְהוָה אֱלֹהִים. Obviously, the אֱלֹהִים being in the plural must be omitted. The remaining two words constitute a fitting ending for these two verses, indicating perhaps that they are couplets. The remaining laws will strengthen this assumption. At any rate, only here do we have an added אֱלֹהִים within the framework of the singular laws under discussion. Otherwise, it occurs exclusively with the laws that have the second person plural. It can easily be explained here by analogy with the beginning of verse 9, the omitted part 9a $\alpha$ . verse 11. This verse should be treated separately as not falling under the category of the second person singular. Moreover, it does not fit into our meter. According to most scholars, the second table of the decalogue begins here, a myth which has unfortunately persisted throughout the ages of Biblical criticism

but which has no basis in fact. As a rule, these verses are therefore taken, if not as an original part of H, at least as Rh who supposedly incorporated them into his code, cleverly mimicking the decalogue. But the same objection which we raised in connection with verse 9 still stands. Rh cannot be accused of breaking up the continuity of these laws. That must have been done by a later editor who no longer had a feeling for meter and style. Who was this editor? His hand is clearly discernible throughout the chapter. He can be no other than P. One look at Lev.5.21-24 will tell. The similarity between the vocabulary there and our verse is unmistakable. There can be no doubt that a P editor is responsible for the havoc wrought in our chapter.

Verse 12. The same holds true of this verse. This is not the vocabulary of the decalogue but clearly the style of Leviticus 5.22 and 24. How did these P amplifications come into this chapter? This will be difficult to determine. But they may easily be glosses, fitting in excellently with the spirit of verses which precede and follow.

12b suddenly switches to the singular again. Morgenstern has shown (Book of the Covenant III pp.8 note 13,28,49 etc.) that the concept of the  $\text{E}^{\text{h}}$  of God is a very late postexilic one and certainly does not belong here. It also occurs in Lev.18.21;20.3;21.6;22.2.15.32. Ez.20.39;36.20.22etc.. The

The Vulgate tries to harmonize this passage by rendering 12a in the singular while the Septuagint makes 12b plural.

The latter must incidentally have read 'wtp mw mx nlln

None of the versions contribute anything to an understanding of the verse. We eliminate 12b therefore as a postexilic glosse.

Verse 13. This verse presents some additional difficulties. The parallelism is fine, although it is expressed twice in 13 a which becomes too long thereby. It might safely be assumed then that l:n n is a gloss. But another consideration proves beyond doubt that this is so.

l:n , a word which is extremely rare occurs likewise in Lev. 5.23, the same place from where the glosses in verses 11 and 12 were taken. It goes without saying that the same P editor is responsible for the addition here. But the b part of verse 13 is just as difficult. As it stands we have here four if not five beats which is quite impossible. It seems best to omit n n which may be expressed in the l:n n and regard it as an amplifying gloss, not only unnecessary for the understanding of the verse but seriously disturbing the meter. This, however, can not be done without explaining how n n came to be inserted into this law. The answer will not prove to be too difficult. The Jewish

commentators already noticed that there was a difference between our law and the once in Deut. 24.14-15. In Deut. the worker must be paid while it is yet day, while here the next morning is given as the latest hour of payment. On this basis they argued that the two laws take care of two situations, one of the case of the day-laborer, the other of the worker employed at night - for certainly, the Torah can not be repetitious. Although their arguments are not acceptable, their observations are pertinent. According to Morgenstern, Calendars of Ancient Israel, H.U.C.A. vol. X, p.18, Deut. 24.14f is postexilic, apparently depending upon this passage. At any rate, Morgenstern correlates those two passages. He maintains that they refer to a time when the days were reckoned from morning to morning. But if the ער בקר in Lev. 19.13 is taken so seriously, surely the ב'יומו חתן זכרו of Deut. 24.15 ought to be considered which seems to maintain ידיו "his day" ends with the setting of the sun (cf. Rashi and Ibn Ezra). Now, it stands to reason that originally, if one law was dependent upon the other they would not have contradicted each other. Two possibilities suggest themselves. Either the זכר זמנו ער of Deut. 24.15 and the ער בקר of Lev. 19.13 have no significance with regard to the beginnings of

the days. In that case *בקר ער* would merely be an amplifying gloss, missing in Deuteronomy, as to what is to be considered night. In Deuteronomy, the terminus a quo is given, in Leviticus the terminus ad quem, both saying in effect the same thing, namely that the worker should be paid before the setting of the sun, because there is little likelihood that he will receive it later than that. On the other hand, the discrepancy between the two passages seems strange and the rabbis were correct in noticing it. Somehow, the *בקר ער* in Lev. 19.13 seems to say more than the passage in Deuteronomy. In fact, it looks like an intentional departure. It seems to say this : Not only shall ye not keep the pay of the worker during the night, but now that we count the days from evening to evening ye are obliged to pay him before the setting of the sun and not wait till morning, thinking that only then the new day will begin. The *בקר ער* would then be a further elucidation, stressing with Deuteronomy that the day is over at nightfall. In one of those two ways the *בקר ער* may have been added to the original text, they are clearly disturbing in their present context. After such shortening of the



law as found in this section we may safely restore the missing waw before the  $\text{לֹא הָיָה}$  which dropped out when because of the glossification of the verse its two distichs appeared to be independent laws. The waw is retained in 40mss.LXX T, Sam., and Saadiah.

Verse 14. This verse is in perfect meter and parallelism. That verses 13 and 14 formally belong together is proved by the  $\text{וְהָיָה כִּי}$  at the end of verse 14. Is there any relationship in context? Ibn Ezra already noticed that there was. Discussing verse 13 and the way in which an employer can take advantage of his workers he adds :

$\text{וְכֵן לֹא חָקֵל חָרָה בְּעֵינֵי לֵךְ כֹּהֵן}$

The unjust use of power then is the idea which binds both verses together. There is no doubt, then, that we have here a second couplet, corresponding exactly in meter and content. The  $\text{וְהָיָה כִּי}$  again does not fit into the meter. Paton omits it everywhere as an addition of the non-priestly editor. This seems arbitrary. The phrase occurs in P(Ex.9.30) and again in Lev.25 which also has three times the word  $\text{כֹּהֵן}$ . The latter is RP as we have shown above and in general this chapter is ascribed to P. Herford is clearly mistaken if he considers both  $\text{וְהָיָה כִּי}$  and  $\text{כֹּהֵן}$  as typical of H legislation. We omit the phrase then



as a gloss from the hands of the P editor.

Verse 15. The *ad* part of this verse shows the plural formation. Like 15 b it is clearly an addition to the verse. For once, the missing *waw* before the *נִין* *נָ* and which ought to be there if 15a is original and which in fact was supplied by 7 mss which no longer understood the original reading seems to indicate that the first text started with *לִי* *נִין* *נָ*.

15a also occurs in 19.35. The question is now where is it original? Dillmann would omit it in v.15, Paton thinks it is indispensable there. At least, in v.35, and that must be admitted, we incur no difficulty as far as the plural is concerned. LXX renders in both verses: *ὁ ποιήσας ἁδικὰ ἐν ἡμέραις*

Its English translation interestingly enough obliges its readers by once rendering it in the plural and once in the singular. The Vulgate, on the other hand, says in verse 15: *non facies quod iniquum est* ", in 35 it has the plural. These are, of course, clear attempts at harmonizing a text which was not understood.

A pure analysis will show that the verse is out of place in verse 15 as well as in verse 35. Paton interestingly enough renders 35:

אָ תַעֲזֹב עוֹלָם בְּמַדָּה בְּמַסָּל וּבְמַסֹּרֶת:

And this must be the original, *מַסָּל* would make no sense

here. On the other hand, it could hardly have originated in 19.15 as part of the original verse. The Vulgate which very often preserves interesting readings renders 15a~~d~~ as follows: "non facies quod iniquum est, nec inuste iudicabis." This is strange. Did the Vulgate preserve a b part to this section which was lost in the Masoretic text? This seems improbable, especially since in the a~~d~~ part the ~~וְכִי~~ seems to be missing. There is only one answer to this strange translation: the Vulgate for some reason or other translated ~~וְכִי~~ א?

~~וְכִי~~ independently from ~~וְכִי~~. Its manuscript must have indicated clearly that there existed a break between ~~וְכִי~~ and א?

~~וְכִי~~ א?. We conclude then, that apparently the ~~וְכִי~~ א? was still recognized by the Vulgate as standing apart and that it must have been a gloss. We are a step further. Why such a gloss was added requires no explanation. Obviously, a text which must have looked like this ~~וְכִי~~ א? א? א? א? made no sense to the reader.

But how can we understand this phenomenon? Simply.

The word ~~וְכִי~~ was another gloss, of the nature of a headline, indicating that while the first four laws

or rather two couplets concerned themselves with "private justice" the following four will handle court matters. The  $\text{בבבב}$  in v.35 can then simply be explained as taken from v.15 for analogy's sake. We conclude then, that the phrase is not original in 15 and only the three words  $\text{לוי ורצח ודמיו}$  are original with v.35. Verse 15b which again contains the typical  $\text{נבבב}$  is clearly added from RP as we have shown in our discussion on v.11 and 14. Verse 16. This verse presents no difficulties in meter or form. For  $\text{לוי}$  we must read with 66 mss  $\text{לוי}$  and  $\text{לוי}$  before  $\text{לוי}$  according to 41 mss. The only trouble seems to lie in the translation of  $\text{לוי}$

$\text{לוי}$  על דם רצח. Targ. Ps. Jonatan renders its sense: "Thou shalt not keep silent about thy neighbor's blood when thou knowest the truth.." Sifra explains: "Thou shalt not stand (without helping) by the blood of thy neighbor." Others render: "do not seek to take another's life." Ehrlich, pointing out that in the Mishnah  $\text{לוי}$  means: "auf einer Sache basieren", translates: "do not secure your own life by the death of your neighbor." All those translations take no account

of the principle of parallelism which is so evident in these verses. As often, Ion Ezra has the right approach when he says that only too often talebearing brings about the death of people. The Vulgate translates as if it had a pure parallelism: "non eris criminator nec susurro in populo." But remembering that the headline to our verses was :  $\text{לֹא תִשָּׁאֵר בְּיָדְךָ לְשׁוֹנָה}$ , the meaning can only be that one shall not be a talebearer by trying to bring a capital sentence against an innocent man. In this way, we have a perfect parallelism (but cf. p. 61). Verse 17. Many have noticed a difficulty in translation. Thus, while it is usually rendered: "Thou shalt not hate thy brother in thy heart, thou shalt surely rebuke thy neighbor, and not bear sin because of him," the American translation translates 17b  $\text{לֹא תִשָּׂא עִוֹן עִמּוֹ}$  "but not incur sin because of him"; Rashi takes it to mean "thou shalt not publicly shame him," and according to Ehrlich the meaning is that nobody should hate somebody who is offending a third party, nor sympathize with him, and thus incur sin, but he should warn him. In other words, commentators have not understood the verse too well, in any case, it remains ambiguous. Do we incur sin because of hating in general, or because of not warning him, or because of allying ourselves with him, or because of offending

him publicly? If we omit the disturbing part 17b<sup>β</sup> we have a more adequate parallelism, but still the sense is questionable. In the first place, such a law is much too complicated. The Union Prayer Book has a fine feeling for this, when it states : "Thou shalt not hate thy brother in thy heart, but thou shalt love thy neighbor as thyself." These two are complementary with regard to content and style as was already noticed by the medieval Jewish commentators. In case the warning is not heeded, does that make the hating permissible? But in any case, 17a and b<sup>α</sup> have no meaning without b<sup>β</sup> explaining both. But together, as we have seen, they present even greater difficulties, not only making the verse too long and ambiguous, but also forming the only law in this collection dealing with a sin of omission. The kind of reasoning which avers that if you do not warn your fellow man it is as if you yourself had committed the act points clearly to a late stage of development. On the other hand, the omission of 17b<sup>α</sup> removes all obstacles. It deals with the simple commandment not to hate . Hating in itself is sinful, as the synthetic parallelism points out. How did b<sup>α</sup> come to be inserted? It is a misinterpretation of ׀׀׀׀׀ , causing all this confusion. Obviously, a redactor believed that by ׀׀׀׀׀

was meant that one should not hate secretly. Since to hate openly made no sense, the obvious meaning according to our glossator must have been that one should warn him. Thus, a beautiful law was restricted in meaning to a very specific situation. As a matter of fact,  $\eta\eta\eta\eta$  does not express the idea of "secretly" except by a forced interpretation. Every action is  $\eta\eta\eta\eta$  first. To express the notion of secret  $\eta\eta\eta$  should have been used. As it stands, the phrase is a later Midrash on the verse. Another consideration excludes every other possibility. Here, likewise, the word  $\eta\eta\eta$  is used. As we have shown above and as Morgenstern intimated in his Book of the Covenant, v. III p. 16 footnote,  $\eta\eta\eta$  is P and not H. The word for neighbor in our text is  $\eta\eta$ . We believe the evidence is cumulative that  $\eta\eta\eta$  is a late P addition. Cf. moreover, Morgenstern, Book of the Covenant III, p. 16ff for the term  $\eta\eta\eta \eta\eta$  and its early H character.

Verse 18.  $\eta\eta\eta \eta\eta$  is pleonastic and disturbs the meter. We have to omit  $\eta\eta\eta \eta\eta$  because this would be the only instance in the Bible where it is used with the accusative. Once it has the dative and otherwise it is used absolutely (Jer. 3.5.12; Ps. 103.9). It is

therefore best to regard it as a gloss.

We have now completed our textual reconstruction of eight laws which employ the second person singular, are negative in character, and written in strict meter. Each stanza consists of two lines, each of them being a distich. Each stanza or couplet ends with  $\pi\pi\pi' \text{ '}\pi\pi$  . This would refute the generally accepted theory that the laws in this chapter are written in pentads. Our analysis so far also established that the oft repeated assertion that our chapter is patterned on the decalogues has no basis in fact. The remaining laws which show the second person sing. do not belong in this collection and must be treated separately. As a result we have the following sets of laws as reconstructed:

ולקט-קצירך לא חלקט:	/	ולקט-קצירך לא חלקט:	
ופרט-כרמן לא חלקט:	/	ופרט-כרמן לא חלקט:	(אני יהוה)
ולא-חלי'ן פעלח-שכ'ר אתך:	/	ולא-חלי'ן פעלח-שכ'ר אתך:	(אני ח)
ולפני-עור לא-חתן מכשל:	/	ולפני-עור לא-חתן מכשל:	(אני ח)
ולא-תחדך פני גדול:	/	ולא-תחדך פני גדול:	(אני יהוה)
ולא-תעמד על-דם רעך:	/	ולא-תעמד על-דם רעך:	(אני יהוה)
ולא-תשא עלי' חטא:	/	ולא-תשא עלי' חטא:	(אני יהוה)
ואהבה לרעך כמוך:	/	ואהבה לרעך כמוך:	(אני יהוה)
לא-תכלה פאח-שדך בקצור		לא-תכלה פאח-שדך בקצור	9
וכרמן לא תעולל		וכרמן לא תעולל	10
לא תעשן אח-רעך		לא תעשן אח-רעך	13
לא תלל חרש		לא תלל חרש	14
לא-תשא פני דל		לא-תשא פני דל	15
לא-תלך רכ'ל בעמד		לא-תלך רכ'ל בעמד	16
לא-תשנא את-אח'ך בלבבך		לא-תשנא את-אח'ך בלבבך	17
לא-תקם את-בני עמך		לא-תקם את-בני עמך	18

or, perhaps better in verse 10:

/ לא תעולל את כרמן



After the analysis of the last series of laws we can now proceed in order.

Verse 1. This verse together with 2a<sup>d</sup> is P according to the Polychrome Bible and most scholars. The term <sup>היה</sup> at least is typically of P, although it might be a gloss (missing in 5mss.). At any rate, there can be no doubt that in the remainder of v.2 we have a genuine piece of H legislation.

Verse 3. Ewald was the first to discover that there existed a parallel doublet to verses 3-4 in Lev.26.1f. Paton made much of this discovery, asserting that the verses in chapter 26 were the original ones since they alone follow the order of the decalogue as would have to be expected. In addition the verses in chapter 26 are out of context there, having no relationship either with the following or the preceding, as the Masorites partly indicated by their division. Paton could have adduced further proof as to the originality of the version in Leviticus 26 since they are already quoted by Ezekiel 22.38 and 22.8, cf. also 20.16.24. In addition, Lev.19.30 likewise has this version. Furthermore, there can be no doubt that there is a closer connection between

the idea of festival legislation and a place of worship than between the former and honoring one's parents, the first being part of the duties of worship, the latter of the duties of reverence (Paton's classification). There can be no doubt that Paton is correct saying that Lev. 26 shows the original version of this particular law. But this statement does not necessarily make the law genuine H legislation. In fact, there is absolutely nothing to commend it as such either in style or in vocabulary with the exception of the  $\pi\eta\eta'$  '18. But even in our previous collection containing the laws in the second person singular Rh must have been responsible for the additions of  $\pi\eta\eta'$  '18. The laws proper must have been much older. In their conciseness they have nothing in common with elaborate H legislation. So, here, too, the  $\pi\eta\eta'$  '18 alone does not yet prove whether a particular piece of legislation is to be ascribed to H or not. As a matter of fact, from a simple stylistic consideration it would seem probable that parallel to  $\pi\eta\eta'$  the original here would

have read 'עֲרֵב. But just this is what the  
 Sepuagint has both in 26.2 and 19.30 and which survives  
 in the Masoretic text of 21.23. This clearly contrasts  
 with the H legislation of Lev.17.3-7. We conclude  
 then, that we have here an older law, known to Ezekiel,  
 and that this law must have been written before the  
 Deuteronomic legislation. The question arises now  
 how such a law could have been inserted into the  
 H legislation. We believe that we have the answer to  
 this question. As Morgenstern showed in his Book of the  
Covenant, III, p.32 footnote, following Wellhausen, for  
 H the Sabbath is the "sign" between God and Israel,  
 whereas in P it is circumcision which serves this  
 function. Any P editor would take exception to an H  
 Sabbath legislation which emphasized the idea of the  
 Sabbath as the "sign". Just this, however, was the  
 nature of the H legislation concerning the Sabbath  
 which survives in Exodus 31.13, is clearly out of  
 context there and by most scholars considered an  
 integral part of H. A comparison between that law  
 and the one in Leviticus shows clearly that the former  
 is a genuine H creation while the one in Leviticus is

merely adapted to a need. Our conclusion is that a P editor substituted older Sabbath legislation for the H passage which originally stood here. According to Morgenstern, The Book of the Covenant, III, p.58, the H passage in Exodus 31 consists of vv. 12,13,14<sup>b</sup>17a while the rest is P or RP.

Verse 4. This verse was together with v.3 substituted by P. It is possible that this part was supplied from the decalogues because of its proximity to the Sabbath law. The latter by itself would have been too short. The variations of the verse in Lev.19 and Lev. 26 would indicate that actually only the Sabbath/<sup>law</sup> which alone is the same in both was important to the P redactor. Thus, verse 4 might be a later gloss on verse3.

Verses 5-8. Many scholars consider these verses P, including Kayser, Horst, while others (Baentsch, Driver) designate only single parts of these verses as P. Wellhausen, Klostermann, Bertholet think they are H, while again others believe that they are out of context in this connection (Pfeiffer, Paton). The reason why most scholars were reluctant to accept these verses as an original part of this chapter lies in the fact that they mistakenly believed most sections in this

chapter to belong there. The truth is, as we have shown, that almost the entire chapter consists of older laws or later modifications of them and that genuine H portions are few and far between. It would mean to reverse things if the few authentic H passages were to be eliminated as extraneous. In fact, as Klostermann already perceived, the verses here are incomplete. But we are in the fortunate position of being able to supplement them by other altar legislation which proves to be H and is out of context in its present position. We are referring to the passage in Lev.22.17-33 (according to Kayser and Horst also P11). That this passage was appended to the rest of the chapter becomes obvious when one notices the changes of person in verse 18 from the third person singular to the second person plural. Furthermore, the connection is clearly proved to be an artificial one since the superscription is directed to the priests while the content refers to the Israelites. In other words, this passage was rather clumsily added to preceding priestly legislation. Most scholars (Bertholet, Pfeiffer, Paton and others) saw

that there was a logical connection between our verses in chapter 19 and those in chapter 22. They related them with verses 29ff of chapter 22. Cornill maintained that 22.30 corrects 19.6 on the basis of Lev.7.15. Kayser and Horst say that our verses in chapter 19 were repeated from Lev.7. Bertholet cannot understand how the verses came into our chapter. Apparently, there is a close relationship between 19.5-8, 22.29ff and 7.15-18. But it is almost unbelievable that the natural and logical connection of this legislation has never been understood. The law is out of place in chapter 22 and must therefore have its origin here. But not only are verses 5-8 of chapter 19 related to the legislation in chapter 22 but the latter is incomplete without them. Only this legislation begins already in 22.18. Almost the entire verse is RP(Kayser, Horst) and must be a priestly substitution for an original H passage employing the second person plural and without which the following legislation would hang in the air. There can be no doubt that this missing

link stands in Leviticus 19. Only one word of this sentence is left here, namely, לרצונם. This word has puzzled all commentators. Most of them thought that it was elliptical and that חקר'בו must be supplied here. Actually, there is no reason for doing so except inability to translate otherwise. Actually, the verse was cut off at this point - any other explanation would be artificial. The question must now be answered why the verse was thus amputated. It was not done intentionally. It was merely done in order to explain the word

לרצונם which was no longer understood. לרצונם was explained as meaning חס'ם, without blemish. This was the intention of vv. 18b-19. Unfortunately, the parenthesis became so long that the rest was completely forgotten, namely the text as we find it now in Lev. 19.6-8. Then, later on still another redactor tried to bring sense into the previous verses and restated them in verses 20-25 which characteristically enough show a renewed change of the plural into the singular. Verse 20 says clearly that whatever does not have a blemish or חס'ם is לרצון.

verses 27 and 28, otherwise entirely inexplicable merely give two other examples of cases where a sacrifice is not לרצון. This appears to be an obvious solution. That לרצונם was misinterpreted by this later redactor can be seen from the fact that רצה is a technical term and has no necessary connection with lack of blemishes. As a matter of fact, Lev.7.18 has the correct gloss as to the meaning of רצה. Cf. also its use in Ex.28.38; Lev.19.7; Lev.23.11; Lev.1.4; Isaiah56.7,60.7; Jeremiah 6.20; Ezekiel 20.40.41;43.27. Its meaning is with Ehrlich "anrechnen", exactly as in Lev.7.18. Both the Vulgate and the Septuagint completely mistranslated here, as did Dillmann, Kautzsch and everybody else. The only question which remains to be answered is why Lev.22.18 changed נדבה and נדר into שלמים. We know from Lev.7 that at a later time שלמים included both the Thank Offering and the Freewill Offering, the former had to be eaten the same day, the latter the same day or the next one. The text in 19.5 was misleading, for the Thank Offering, also being part of שלמים had to be eaten the same day.



This had to be corrected in 22.18. It is obvious that the  $\eta\epsilon\lambda$  in this verse is an addition trying to bring an artificial distinction into this verse and the following. Actually, they are dealing with the same subject matter. It is entirely improbable that there were two different kinds of sacrifices for the same

$\eta\epsilon\lambda$  and  $\eta\epsilon\lambda$ . In addition, this would be the only example where  $\eta\epsilon\lambda$  is used in connection with these sacrifices. It is clearly a later attempt at explaining away the duplication. Verse 21 corrects the previous verses and recognizes that actually  $\eta\epsilon\lambda$  and  $\eta\epsilon\lambda$  fall under the category of  $\eta\epsilon\lambda$ .

We must add that the author of Lev.7 is dependent upon Lev. 19 and 22. The text in chapter 19 is clear, fluent, no glosses are necessary. The one in chapter 7 is awkward, misleading and far from its original classic form. It is unbelievable how Kayser and Horst could have considered Lev.7 the pattern for chapter 19. We have only to add that with Ehrlich it is better to read  $\eta\epsilon\lambda$  instead of  $\eta\epsilon\lambda$  in verse 6. In verse 8 we read with Saadiah and Sam.  $\eta\epsilon\lambda$  unless we omit it entirely because of the sudden change of person.

Morgenstern omits  $\eta\epsilon\lambda$  anyhow (Book of the Covenant III,42).

Also omit 22.32a on analogy with 19.2. The reconstructed text, contained in chapter 19 originally, must have read:

- 19.5 וְכִי תִזְבְּחוּ זֶבֶחַ שְׁלָמִים לַיהוָה לְרִצּוֹנְכֶם תִּזְכָּחֶהוּ:  
 19.6 בַּיּוֹם זֶבַחְכֶּם יֹאכַל וּמִסְחָרְתּוֹ וְהִנּוּחַ עַד יוֹם הַשְּׁלִישִׁי בָּאֵץ יִשְׂרָאֵל:  
 19.7 וְאִם הָאֵכָל יֹאכַל בַּיּוֹם הַשְּׁלִישִׁי פְגוּל הוּא לֹא יִרְצֶה:  
 19.8ad וְאָכְלוּ עוֹנֵי יֵשׁוּ:  
 22.29 וְכִי תִזְבְּחוּ זֶבֶחַ חֹדֶה לַיהוָה לְרִצּוֹנְכֶם תִּזְכָּחֶהוּ:  
 22.30 בַּיּוֹם הַהוּא יֹאכַל לֹא תוֹחֲרֻם מִמֶּנּוּ עַד בֹּקֶר אֲנִי יְהוָה:  
 22.31 וְשִׁמְרָתֶם מִצְוֹתַי וַעֲשִׂיתֶם אִתָּם אֲנִי יְהוָה:  
 22.32aβ וְנִקְדַּשְׁתִּי בַחוּךְ בְּנֵי יִשְׂרָאֵל אֲנִי יְהוָה מְקַדְשְׁכֶם:  
 22.33 הַמּוֹצִיא אִתְּכֶם מֵאֶרֶץ מִצְרַיִם לֵהֱיוֹת לָכֶם לֵאלֹהִים אֲנִי יְהוָה:

As a matter of fact, Klostermann would enlarge this altar legislation by drawing upon Exodus 29.38-46. This is not impossible. The verses are, however, composite to such a degree that a clear analysis is almost impossible.

Verse 19. That the verse is composite can be seen by the use of singular and plural formations. 19ad is either with Wellhausen and Dillmann a special addition by a later editor, serving as an introduction or a hortatory conclusion of verse 18 with Paton. The latter

scholar then tries to show that Numbers 15.37 must have followed here on the analogy of Deuteronomy 22.11f. This can of course only be maintained by a scholar who could write: "The code passes so freely from singular to plural that no significance can be attached to this fact." But even a superficial comparison of the two laws must show clearly that they are entirely different in spirit and vocabulary so that Paton in his arrangements of the laws nevertheless seems to change the plural in Numbers 15.37 into the singular. At any rate, there is no single characteristic sign of H in Lev.19.19 as it stands. On the other hand, Numbers 15.37 is clearly out of context in its present position and shows unmistakable signs of H. The reason is evident. Again, an editor removed the original H passage and substituted it by a different one. But why should a passage about fringes be substituted by one about  $\text{רֵיבּוּשׁ}$ ? The answer is simple. The blue thread of the fringes had to be of wool (Eduyoth 4.10). Obviously, the law of  $\text{רֵיבּוּשׁ}$  invalidates the law of the fringes. An editor must have substituted one law for the other. Both in spirit and content, Nu.15.37 fits into our chapter which the present verse 19 does not.

But there is another reason why the law of fringes must originally have been in our collection. Morgenstern showed in his Book of the Covenant, III, p.58, that the phrasen וְהָיוּ לָכֶם חֹמֶת וְזָמָר of Exodus 31.14b<sup>a</sup> could not have been part of the H legislation but belonged originally to Numbers 15.32-36. In fact, this little sentence, couched in typical hoq form is the missing link there. Morgenstern says this about it: "...it must for some reason or other have been transferred to its present position from some other legislative passage in which it stood originally. And if so, then certainly no conclusion is possible other than that originally it was an integral part of the present text of Nu.15.32-36." We believe we have the answer of how this transference came about. In this chapter we have so far had two passages, the Sabbath legislation and the law about the fringes which seemed to have been removed from this chapter. They were originally removed together and placed very appropriately into Numbers right after the P incident of Sabbath desecration in chapter 15. Now, at a later age the Sabbath legislation must again

have been displaced and was put into Exodus 31. During this process, the little piece 14ba~~w~~ was by mistake taken along into Exodus. This must have been the history of these verses.

Verses 20-23. These verses have puzzled commentators for a long time. Most scholars would separate 20 (H) from 21-22(P). Dillmann and Pfeiffer think that this section belongs to Lev.20.10, or even 24.18-21. Kennedy similarly claims that a copyist is to blame for inadvertantly omitting this verse in chapter 20. After having been placed on the margin it was later inserted into the wrong chapter. Delitzsch is one of the few scholars who consider the law to be in its original setting and Knobel even sees a connection between the unnatural mixing of breeds and the intercourse of a free man with a maid. Needless to mention that this was never considered improper in ancient Israel. Paton regards all of 20-22P; Wellhausen, Kuenen, and Baentsch only verses 21-22. Morgenstern started upon a completely new path. Recognizing that this law cannot be understood without Ex.21.7-11 he

maintains that our law must have stood in close proximity to this Exodus portion. Morgenstern's hypothesis seems highly probable. Without the background of the Exodus passage our law cannot be understood. We may even go a step further. Without any doubt, Exodus 21.7-11 must have stood before Leviticus 19.20 in an older codex. It could not have followed this law. Now, it was likewise recognized by Morgenstern that there is a close connection between Deuteronomy 23.13-29 and Exodus 22.15. In fact, the isolated law in Exodus is the missing link in the legislation of Deuteronomy. Therefore, this legislation in Deuteronomy is part of the ancient mišpaṭ codex of which the slave legislation in Exodus 21 is also a constituent. We believe that we have found the exact place where Lev. 19.20-22 in its original mišpaṭ form must have stood. In Lev. our law follows the law of *ḥayy* or fringes respectively. In Deuteronomy this must also have been the original position, namely immediately after Deut. 22.12. It would have preceded the legislation

concerning premarital relations and adultery starting with verse 13. The probability is that it stood immediately before verse 22. Verses 13-21 not only contradict the legislation in Deuteronomy 24.1ff where such a procedure as this seems not at all necessary, but it is also different in style and content from the legislation in Deuteronomy 22.22-29. There, we have short laws dealing only with unfaithfulness in marriage or during betrothal. The logical connection : unmarried-married-betrothed which we would have to posit if vv.13-21 were original here can hardly be explained. But even if we leave these verses here, the case of the unfaithfulness of a maid certainly belongs to this legislation rather than to Leviticus 20. The latter deals with religious impurities, forbidden relations without exceptions. Here, we have civil legislation specifying when an act is to be considered adultery and when not. Lev.20 goes into no details at all. It does not discuss the possibilities of rape or of betrothal. It merely mentions adultery to complete its list of forbidden relations. As a

matter of fact, it is possible that verse 10 of Lev.20  
 is a later addition by a redactor who wanted to include  
 adultery in this code of incestuous relations. It is  
 suspicious that the verse contains neither the word נכח  
 nor the phrase נכח'הם . Here, in Deuteronomy22  
 we have the complete code which requires legislation  
 concerning the adultery of a maid. If we did not have  
 this passage we should have to invent it. We even must  
 assume that another law was lost here, dealing with  
 the case of a maid who does not fall under the  
 provisions of Exodus 21.7ff and who is not being ill-  
 treated by her master and yet commits adultery. Such  
 law must have decreed the death penalty for both as can  
 clearly be seen from the נכח'הם of Leviticus 19.20.  
 But it is of course possible that this latter case  
 would be included in the general prohibition against  
 adultery. Since in case of marriage the law does not  
 take the case of rape into consideration(unless such a  
 law was lost), it is not likely that in the case of  
 a maid the law would have been any more lenient and  
 provided another law for this exigency. We should like



to add that not only does our law have its logical place within this legislation, but it also offers an excellent transition from the slave legislation to that of adultery. Certainly, verse 20 as well as 21-22 are not a part of Lev.19 which can be seen from the very tangible punishment nowhere else provided in this chapter. The evidence has shown, then, that our verses are out of context in their present position. They must have come into this chapter through their proximity with the legislation of the fringes and they supply a missing link in the old mišpat codex.

verses 23-25. We accept the conclusions reached by Paton with reference to these verses. According to this scholar, the law is entirely out of place in this connection, although it undoubtedly belongs to H. This conclusion is correct, although not all the reasons given (e.g. that laws in chapter 19 are only concerned with morals, that a pentad is not complete here, etc.). But there are enough valid arguments left. Chapters 23.10-25.2 are concerned with worship that is connected with the harvest. The choice of vocabulary here and there is the same ( מַסִּיב for crop 19.25;25.3.20, the formula in 23.10 and 25.2, transference

of religious terms to nature, cf. זֵיך in 25.5 of unpruned vine with 19.23 עֵרְלָה fruit of young tree. In Deuteronomy this law occurs likewise immediately before the Sabbatical year in Deut.15. We therefore place with Paton our law into chapter 25, at the very beginning of the chapter.

There are a few linguistic difficulties in this verse.

At first the עֵרְלָה נֶחְמָה פִּיּוֹ appears impossible. Ehrlich suggested to read: וְנֶחְמָה עֵרְלָה פִּיּוֹ or at least עֵרְלָהּ!

in the Piel declarative "ye shall treat its fruit like a foreskin." But this sounds forced. נֶחְמָה פִּיּוֹ is

best considered an explanatory gloss for the difficult

נֶחְמָה . The verb is abused for all kinds of speculations.

With Delitzsch it is the subject, therefore the עֵרְלָה.

Dillmann proves on the same basis that it made עֵרְלָה

plural. It is obviously impossible to retain the text

here, and we read with Kittel עָרַל. The meaning of

this word is tabu, not a sacred tribute, cf. Morgenstern

JAOS 327 1916-17. The verb does not mean to remove the

foreskin as in LXX, V. Onk., but to leave standing (Dillmann).

It is a fine example of the transference of a term from

the realm of man to that of nature, according to Wellhausen

a late abstraction. The fruit tree is regarded as an infant

during the first eight days, unconsecrated.

According to some, they were left for the tutelary genii of the field originally (Bertholet, Smith, Rel. of the Semites). In v.24 the athnach must be removed. The Samaritan Pentateuch reads here

וְלִלְנָה and this is the only correct reading.

For proofs on this, cf. Morgenstern JAOS 1916-17 p.329, Geiger, Urschrift 181ff (in Sitzungsberichte der Berliner Akademie 1883, 331). Judges 9.27,

Bab.Ber.35a, Jer. Peah VII, 5, Sabbath VII, 2 etc..

The Samaritan Pentateuch has וְלִלְנָה in v.25.,

but the reading is impossible, since no Hiphil of this verb occurs anywhere else (Ehrlich) and it would precede the eating anyhow (Dillmann).

Ehrlich's contention that וְלִלְנָה is the subject ( "that its produce will multiply your fortune ) is not appealing. We must translate " so that you will have all the more produce thereof in the future."

Verses 26-31. These verses show a unity in their condemnation of heathen practices. This was already observed by Kennedy, although Paton

would -in order to press these laws into his preconceived arrangement of pentads - establish an artificial division between them. It goes without saying that the text is not quite in order and that the redactor drew on older sources.

Verse 26. The a part of the verse is suspicious for two reasons. The legislation against the eating of blood occurs already in H elsewhere (Lev.17.10-14). Moreover, it makes no sense. What does it mean: to eat upon the blood? The expected word to have been used here is <sup>1</sup>by or <sup>2</sup> (as in Gen.9.4 and Deut.12.23). In Exodus 12.8 the situation is completely different, and the sense is not "to eat with" but literally "upon". Ehrlich sees the difficulty and says that this verse is no law forbidding the eating of blood, but that it forbids to eat meat on a place where blood flowed before. This, as so many of Ehrlich's remarks, has little to recommend it except making us aware of the problem. Thus, it seems more and more probable that the reading of the LXX and Ezekiel is correct who render: "Do not eat upon the mountains (Ezekiel 18.6.11.15; 22.9, and especially 33.25). The ~~mis~~ is of course a

copyist's mistake for  $\gamma$  . For the present we are satisfied with thus stating the case. The problem of what the phrase means is a difficult one and not immediately relevant to our discussion. We do not presume to say that we have the solution. Suffice it to say that verse 26 a refers to some kind of idolatrous practice which must have appeared so monstrous to certain redactors that they had to substitute it with a different crime. Verse 26b contains two other kinds of idolatry. Scholars cannot agree on the meanings of either terms.  $\omega\eta$  means among other things: "to watch omina (Kittel on 1Kings 20.33)", this is also the opinion of the Syriac version to above cited verse , namely "to divine from natural omens, as the cry of birds." LXX translates "employ auguries," many would derive it from  $\omega\eta$  = snake, again others think it refers to hydromancy (divination by means of a cup as in Gen.44.5).

$\eta\eta$  presents even greater difficulties. According to LXX  $\eta\eta$  means to divine by inspection of birds. Others believe its basic meaning to be "to hum,"

or "to whisper", the one as insects, the other as leaves, and it is supposed to represent the low murmuring of the diviners. Also :derived from  $\text{y}$  = fascinate with evil eye, from  $\text{yy}$  = observing of clouds or stars as in astrology, or from a root meaning "to meet", "to cover" as in "verdeckte Künste treiben," and so forth.

All these speculations do not lead far. All we know is that the terms refer to some kind of divination, and we do not propose to enlarge the list with more speculations. Two manuscripts, Sam. and LXX have  $\text{N}^{\text{b}}\text{I}$  before  $\text{W}^{\text{m}}\text{I}^{\text{n}}$ . This may prove that originally these two parts may not belong together but were joined by an editor. It had apparently been the intention of the editor to bring about a parallelism at all costs on the model of the laws previously considered.

Verse 27. This is especially apparent in this verse where the two parts of the law are clearly distinct.

They are neither in parallelism nor are they written in the same style. 27a has a plural construction, 27b the older singular. The editor, in order to have a parallel, artificially joined both laws. It is likely that he himself is the author of 27a.

An attempt at harmonization was made by Sam., S. and LXX who read in 'nwnand Sam. and LXX who had נכנס . Paton in complete misunderstanding of the verse, citing the later Lev. 21.5, considers this verse an original unit. Much has been said by scholars about the possibility that 27a does not refer to a mourning custom in particular. Passages in Plinius (6.2), Herodotus (3.8), Jer. 25.23; 9.25; 49.32; and many others were adduced to prove that the tonsure used to be a general custom among the heathen; cf. also this custom with Greek prostitutes. Likewise, it was a custom to let the hair grow and on fixed days shave in the temple or at <sup>a</sup>/sacred fountain (Smith, Rel. of Semites, p. 325 and 481ff). The tonsures among the Arabs were in honor of the god Orontal=Dionysius. Cf. also Nazarites, Simson, Joseph. Contra Ap. 1.22, the custom of the priests Lev. 21.5, etc.. On the other hand, there is absolutely no reason in the world to suppose that the writer who was looking for a mourning legislation, for a needed parallelism, had anything but just that in mind. Besides, there are ample evidences in the Bible and



elsewhere that the shaving of the head was definitely a mourning custom, cf. Deut. 14.1, Jer. 16.6; 48.37 and elsewhere. In other words, all the discussions about this law not being concerned with mourning are pointless unless they stress the fact that originally they may not have been intended as such. In this connection, however, they were advisedly used to oppose certain customs of mourning. This was also made clear by Morgenstern, Ancient Agricultural Festivals, p. 44 who points out that these were probably mourning customs for Adonis or Tammuz. Ehrlich's suggestion that  $\text{לְרָאֵם}$  comes from a root  $\text{רָאָה}$  and means "zerzausen" and that  $\text{לְרָאֵם}$  here means "in Unordnung bringen" while  $\text{לְרָאֵם}$  must designate ordered hair is unacceptable. Verse 28. This verse was obviously meant to be a counterpart to the previous one, both forming a couplet and closing with  $\text{לְרָאֵם}$ . This means that both the 'a' and the 'b' part must refer to different customs of mourning. It is, therefore, hard to believe how a scholar like Dillmann could seriously maintain that the 'b' part, lacking the  $\text{לְרָאֵם}$  did not refer to a mourning custom.



The parallelism is too obvious. On the other hand, it is a different story to maintain, as some do, that the origin of this custom may be found in an entirely different area. Thus, it is pointed out, that séret, in Arabic sharat, means covenant, that a mark or a tattoo on a person is sharaṭāt. tashrit are gashes over the cheekbones of the natives in Mecca, already performed on children. The early tribal mark or totem was called shart. Every man bore it, otherwise blood-revenge could not have worked. These totem signs, later on considered as "fathers" developed into signs of mourning. For the Philistines cf. Jer. 47.5. But we have examples from Babylon, the Scythians, Romans (although it was forbidden for women according to the twelve tablets) and the marks are still found today with Persians, Arabs, Abyssinians and many others. Lucian speaks of Syrian goddesses and claims that marks were burnt in the palms of the hands of all her worshippers and also into the necks. Prudentius speaks of such marks as "sacred seals", they were sometimes made with heated needles and the part

thus marked was considered consecrated. In the third book of Maccabees Ptolemy Philopator orders the Jews who had revolted to be marked with fire on the body in honor of Bacchus. In other words, while recognizing the totemistic origin of incisions, we know that in this connection the marks are signs for the dead. Compare also Deuteronomy 14.1; Isaiah 44.5; Jeremiah 16.6, 41.5; 1 Kings 18.28; Hosea 7.14; Zechariah 13.6; Jeremiah 48.37, Galatians 6.17 and many others. (Perhaps some of these examples may illustrate the transition from mourning for a god to general mourning). On all this see Smith, Rel. of Semites, Stade, ZATW 1894, Smith, Kinship and Marriage, Snouck Hurgronje, Mekka II as quoted by Smith, etc..

LXX and S read אַחֲרֵי הַיָּמִים; which is more consistent with the plural.

29. This verse is out of meter, it is an older law, used by the redactor, written in the singular.

29 b is awkward here. Morgenstern has shown

(Book of the Covenant II, p.142) that the concept of defiling the land is a late one and basic to the

theology of the Priestly Code. It presupposes Yahveh's living in the temple. It is best, then, to omit this part. That we have here a prohibition against temple prostitution and not only against anything is evident from the context. Only the former would have been an imitation of heathen practices, the latter was quite common and probably accepted in Israel. Paton maintains, quite correctly, that if this law had been a general one, it would probably have been included in chapter 18 rather than here. Paton likewise omits *לֹא תִהְיֶה זְנוּת בְּיָדְךָ* as a contribution of the "hortatory editor". This law, then, was included here by the H writer because of its relevance for holiness as he saw it, not to imitate the practices of the heathen.

verse 32. We do not know how this verse which has no counterpart in other codes (Graf) came to be included into this section. It may be that it elevates the *עֲלֵי חֹטֵא* as over against the diviners (cf. Numbers 11.17). Then, this law would not be a humanitarian but a political one. But all this is speculation, especially since we find an Egyptian

law which says "Do not sit down while another who is older than you is standing." (Erman, Aegypten I, 238). Similar laws are known from Sparta, Rome, and today from the Orient (Dillmann). The  $\gamma' \lambda \eta \lambda \alpha \nu \alpha \nu \alpha \nu$  must be omitted as in verse 14. It is also possible that this verse was added in order to supply the missing link of the couplet beginning with verse 29. In a sense, they may be considered complementary. Verse 29 is obviously addressed to a father, an older person. He must fulfill the provisions of this law so that he may be honored and young men may rise before him. We admit, however, that we are dealing with speculation.

Verse 30. The verse is repetitious. It was already treated above as one of the earlier versions of the Sabbath law. It may be used in this chapter as a frame, indicating the beginning and end of the chapter. The opinion of Dillmann that here a new set of laws begins, v.30 referring to the the first tablet of the decalogue, vv.33-36 to the second one appears entirely imaginary. Paton would

regard the verse a gloss, substituting for two other laws of a pentad.

Verse 31. This verse is the second part of the couplet beginning with verse 26 and must originally have stood after that verse. Only in this way is the structure correct, closing with  $\text{אֲנִי יְהוָה אֱלֹהֵיכֶם}$ , but also the logical connections. The  $\text{לְטַמֵּא בָהֶם}$  is probably a late gloss as in verse 29 the  $\text{וְלֹא חֲזָנָה...}$ . Scholars do not quite agree with regard to the different shadings of the terms  $\text{אֵל}$  and  $\text{יְדֻעַי}$ . Smith claims that  $\text{אֵל}$  is a human skull, used for magical purposes, but Lev.20.6.27 seem to disprove this thesis. The LXX suggests ventriloquism by its translation of I Samuel 28.11. Some say that  $\text{אֵל}$  is any spirit while  $\text{יְדֻעַי}$  is the familiar spirit, derived from the word  $\text{יָדַע}$ . The latter would attend a particular man (cf. Acts 16.16). The term "familiar" is derived from "famulus"=attendant. Others reverse this relationship. Again others, among them Dillmann, claim that both terms are synonymous, one called  $\text{אֵל}$  from <sup>the</sup> point of view of his speech, the other

'יָדָע' referring to his knowledge. Smith claims the term 'יָדָע' means "acquaintance;" Ewald translates it "knower," one who knows = wizard. Knobel derives יָדָע from יָדָע "enemy", Hitzig, using the Arabic renders "one returning from netherworld" The best derivation is still from יָדָע "skin-bottle." The latter is empty, hollow, sounding. The difficulty is that in some passages יָדָע seems to be used in the sense of the diviner rather than the ghost (1 Samuel 28.3.9; 2 Kings 23.24; perhaps Isaiah 8.19). On the other hand, compare Leviticus 20.27; Deut. 18.11; 1 Samuel 28.7. LXX renders both יָדָע and יָדָע with the same term. We either have to add יָדָע whenever the diviner is meant or assume that יָדָע means both the diviner and the divining spirit. In Deuteronomy 18.11 the one who asks the dead is distinguished from the יָדָע לֵאמֹר Pöhlmann maintains that at least there, יָדָע refers to a divining spirit without connection with the dead. This distinction appears rather Talmudic.

יָדָע לֵאמֹר connects with יָדָע (Ehrlich). Verses 26 to 31 as reconstructed, all referring to idolatrous practices, appear as follows:

- 26 לא-תאכלו על ההרים / ולא-תנחלו ולא תעונו:
- 31 אל-תפנו אל האבא/ואל-הידעניס אל תבקשו אני יהוה אלהיכם:
- 27 לא-תלפו פאח ראשכם / ולא-תשתיח את-פאח זקנך:
- 28 ושרט לנפש לא-תחננו בבשרכם / וכאבת לעקע לא-תחננו בכס אני יהוה אלהיכם:
- 29 אל-תחלל את-בתך להזנוח / וטלאה הארץ זמא:
- 32 ספני שיבא תקום / והדרה פני זקן אני יהוה:



Verse 33: This legislation has many parallels throughout the Pentateuch and was therefore regarded by Dillmann as old legislation. Upon closer inspection, however, we notice that most references come from either H or P. There are a few passages in D, but their date is not at all certain. In our present legislation, we have unmistakable signs of P as of H. There can be no doubt that as before an original H law went through the hand of the P redactor. P in this case imposed a *mišpat* form upon the law that does not correspond to the plural in the rest of the verses. The P elements are : כִּי יִגֹּד אֶתְךָ גֵּר , כְּאֶזְרָה מִכֶּם יִהְיֶה , לָכֵן הִגֵּד הַגֵּר אֶתְכֶם . The same observation was already made by Paton. The proofs for this are found in Exodus 12.48; Numbers 9.14; 15.14 and in Exodus 12.49; Leviticus 24.16.22; Numbers 9.14; 15.29. Sam., LXX, Pesh., Targum read אֶתְכֶם but this is again a harmonization.



The Vulgate omits הוֹר הוֹר אַחֲכֶם, but on the other hand must have read וְאַחֲכֶם לֹא כַמּוֹךְ in order to harmonize. Some would consider the phrase כִּי גֵרִים הֵייתֶם בְּאֶרֶץ מִצְרַיִם editorial. The question is, however, where it is original. With the exception of Deuteronomy 10.19 which is clearly dependent upon the others, the phrase occurs only here and in Exodus 22.20;23.9. The latter chapters display throughout such similarities with our legislation that they must be intimately connected. That this law must be original in H will be answered as soon as we shall try to date these passages. Their original form was lost when P rewrote them. The fragments of the original couplet are :

גֵר בְּאֶרֶצְכֶם לֹא חֲזוֹן אֶחָד  
וְאַחֲכֶם לֹא כַמּוֹךְ כִּי גֵרִים הֵייתֶם בְּאֶרֶץ מִצְרַיִם אֵלֵינוּ יְהוָה:

verse 35ff. These verses have always puzzled the commentators. Wellhausen claims that they are a later addition to this code while Paton regards them as H and would squeeze them into verse 11.

somehow, the purely ethical character of these laws is disturbing. At any rate, they seem to retain the couplet form (Paton thinks verse 36 is merely an editorial comment on 35, but there is no justification for eliminating it except Paton's arrangement which would not permit him to take this verse along into verse 11). We believe this verse to be original here and not in Deuteronomy 25.13-15. We do not accept the opinion of some that this legislation is a very old one which was quoted by Ezekiel 45.10; Proverbs 11.1; 16.11; 20.10.23; Amos 8.5; Micah 6.10f etc.. The ~~omissions~~ <sup>omissions</sup> to be omitted as we have shown already (notes to verse 15). The parallelism and meter is extremely bad. This would seem to prove that the law is not old but an attempt to imitate the style of the laws which we first analysed.

verses 36b-37 constitute the closing exhortation for this division of the H Code. We can proceed now with the dating of the chapter.

A great deal has been written on the subject of the date of H and its relationship with Ezekiel. Scholars have reached opposite conclusions on the basis of the same material. Kuenen claims that Ezekiel is later than H in the legal parts. Baentsch agrees with Kuenen assigning chapter 26 and the hortatory parts to a period after Ezekiel. Driver considers even the latter to be of preexilic origin while Graf maintains that Ezekiel wrote H and Horst that he was the redactor. Dillmann thinks that very old laws are contained in H while Klostermann maintains that Ezekiel imitated Lev. 26 and the rest. Noeldeke says that Hosea and Amos probably already knew our laws and Ezekiel just happened to have studied them well (26 was a later insertion). Kayser agrees with Graf. Whereever his theory does not work out, he assigns the passage to P. It would have been impossible for anybody to imitate H that well without having written it. Pfeiffer tries to keep the unity of the chapters and claims that most laws were written after Ezekiel, and that he knew but a few laws. Kennedy agrees with those who consider

all of H of preexilic origin, dating from the close of the monarchy. Most of the laws are predeuteronomic according to him. The same opinion is expressed by Chapman while Cornill tries to save Ezekiel's reputation by pointing out that if he had known H he would not have written his Torah of the Future, that he is much too original anyhow, and that it is improbable that he should just have copied one chapter of H.

Morgenstern follows Baentsch in establishing H1 and H2, Eisfeld dates H in the middle of the 6th century, Oesterley says that H precedes the D Code, Carpenter, following his predecessors puts H into the 6th century and Steuernagel and Beyer think of the year 570 B.C.E.. It would be presumptuous to open the discussion anew. Our analysis, however, seems to have shown us the "Sitz im Leben" of our compilation.

The program for the people is holiness. It is to be achieved by removing the people from all contaminating influences. Absolute purity is to be achieved, the goal: a holy people, an ideal community, a nation of priests. The Sabbath is the basic law in

this legislation. We are reminded of the importance it plays in Ezekiel. It is this day that seems especially fit to preserve the exiles in Babylonia. It is a bond, a sign between Israel and God, easily observed everywhere, a distinguishing mark between the holy nation and the peoples round about.

Another distinguishing mark is the different dress the exiles are commanded to wear. The fringes, they are a reminder of Israel's special task and holiness. The laws against heathen practices are again best to be understood from a background of exile.

There is first the law about not eating on the mountains, whatever that may mean, a law that must have seemed especially urgent to Ezekiel. Certainly, the practices of the Babylonians are here described and those of their Jewish

imitators( perhaps cf. with Isaiah 57.7).

The Babylonians are well known for their various kinds of divination\$ which were even raised to the levels of science. All kinds of systems were worked out on how to interpret omens, the course of the stars ( perhaps , if Ion Ezra's interpretation is

correct, this is the meaning of 𐎶𐎵𐎶𐎵𐎶 𐎶𐎶𐎶 in verse 26. Likewise, the art of necromancy has never anywhere been as developed as in ancient Babylonia. They had whole libraries of magical formulas, enchantments and the like. Numerous texts have been preserved, and all this formed a recognized part of public religion. In fact, a special class of priests, the Ashipu were in charge of incantations. We have mentioned before the mourning customs prevalent among the Babylonians in honor of the god Tammuz. The temple prostitution among the Babylonians was an important part of their cult, compare the cult of Ishtar or Mylitta. Of course, many of these practices were common throughout the ancient Orient. But the collection of so many laws, each of them applying to Babylonian conditions can hardly be a coincidence. The three couplets denouncing heathen practices must have been ~~compiled~~ in Babylonia, warning the exiles not to accept those practices. It is our contention that the legislation for the stranger

has its origin in the exile. We mentioned before that we consider the law in this chapter the original one upon which the others depend. Laws of such high social content do not develop in a vacuum. Psychologists tell us that the man who has known oppression will not be likely to arise as a champion of the underdog. In other words, the whole reasoning and argumentation of this law would be fallacious unless it were written while still in bondage. Only a "stranger" could have written such a legislation, in the full consciousness of what it means to be a stranger and that such an appeal would make sense to the people at large.

It is very difficult to account for verses 35 and 36 in this connection. Wellhausen gave up the job as a bad one. But we feel that we have no right to dispense with this legislation, not knowing the historic circumstances which might have brought it into being. The mere fact that we do not understand a law does not give us the right to displace it or justify us



in eliminating it. It may have been that just such a law was of the utmost importance at a particular time. The Jews who according to Wellhausen developed for the first time into a commercial people may have been accused of inaccuracies. This law may be a typical law of the exile, especially since Ezekiel lays so much stress on the same thing. We do not claim to know the origin of this particular piece of legislation but we insist that as long as the opposite cannot be established we have to retain it in this context.

The laws about sacrifices are again interesting in this context. They may belong to a second compilation written after the exile. But this is not necessary. Just during the exile, the Jews yearning to come back, must have studied and busied themselves with the laws of sacrifices, much as the Jews in later times. In fact, Ezekiel's ideal temple is a proof that this was so. Rather than proving the opposite, the altar legislation



supports our contention for an exilic authorship of these laws. We must now consider how the laws in verses 9-18 belong into this connection. Again, some may think that these laws hail from a period after the exile, that especially verses 9-10 with their agricultural character reveal a Palestinian background. But this is not necessarily so. We know that the Jews in the exile likewise earned land, and then, as we have pointed out before, many of these laws are very early and were taken over by RH into his codification, and others may look forward to the time after the return. In general, it is very difficult to attempt the dating from one sentence or two. The whole picture must tell. And we are convinced that here in these laws a tremendous spiritual revolution is mirrored. The theme song is verse 18 in the only possible translation (with Ehrlich and Baeck) "And thou shalt love thy neighbor, for he is like you." What does that mean? The time before the exile with its many sanctuaries -(the Deuteronomic reformation had been a recent event), with the clannishness of

tribal and other warfare, with the blood-feuds and palace intrigues—had shown anything but a united people. But in the exile, lacking the outward protections of a state, being surrounded by strangers and in danger of dissolution they suddenly discovered their togetherness. The outward pressure brought about unity and consolidation. Now, they were one great family. Not a single family anymore. Blood-revenge was discouraged, for there was only one clan, one blood, everybody was a brother. This is the meaning of verse 18 a ( *np* is a technical term, compare Morgenstern, Book of the Covenant, II, p.59, note). Blood revenge is an impossibility, because thy neighbor is like you, he belongs to the same clan, his blood is yours. From this general principle flow the great social commandments in these verses. This is why talebearing is so much frowned against, the result would be to "stand against the blood" of thy neighbor, to bring about the shedding of his blood, and what could be worse? But perhaps it means only, to do wrong to your own flesh and blood, "to rise up against the blood" which would be paramount to self-

destruction. In this way, all the difficulties of translation would be overcome, it would no longer be a case of bloodshed, but of treason, and is by far a better parallelism. The rest of the laws, affirming the essential oneness of the people derive from it the logical consequences: care for the poor, fair treatment of the employees, general principles of charity and lovingkindness. Such laws had been promulgated before, but not with such a justification. At no other time could they have had a more powerful appeal. They were one people, a holy people with a special task, and therefore they had added obligations. We conclude then, that our chapter in its original parts =H originated in the exile, that RH, likewise an exilic writer incorporated verses 9-18 into the H legislation and also was responsible for the laws against heathen practice .

The original H chapter of Leviticus 19 contained then the following legislation:

ודשים תהיו כי קדוש אני יהוה אלהיכם: 19,25  
 אך את שבחתו חסרו כי אות היא ביני וביניכם 24,21-24,26  
 לדרתיכם לדעת כי אני יהוה מקדשכם: 1-2  
 ושמרתם את השבת כי קדש היא לכם  
 כל העשה בה מלאכה ונכרתה הנפש ההוא מקרב עמיה: 16  
 ושמרו בני ישראל את השבת לעשות אל השבת לדרתם 17A  
 בריח עולם: בני ובין בני ישראל אות הוא לעולם: 17B  
 וכי תזבחו זבח שלמים ליהוה לרצונכם תזבחהו: 17C  
 ביום זבחכם יאכל ומסחרתו והנותר עד יום השלישי באט ישרף: 6  
 ואט האכל יאכל ביום השלישי פגול הוא לא ירצה: 7  
 ואכלו עונו ישא: 8A  
 וכי תזבחו זבח תודה ליהוה לרצונכם תזבחהו: 22,29  
 ביום ההוא יאכל לא תותירו סמנו עד בקר אני יהוה: 30  
 ושמרתם מצותי ועשיתם אתם אני יהוה: 31  
 ונקדשתי בחוך בני ישראל אני יהוה מקדשכם: 32A  
 המוציא אתכם מארץ מצרים להיות לכם לאלהים אני יהוה: 33  
 עשו לכם ציצית על בגדי בגדיכם בדרתיכם ונתתם 34, 35, 36  
 על ציצית הכנף פתיל תכלת: 37  
 והיה לכם לציצית וראיתם אתו וזכרתם את כל מצות יהוה 38  
 ועשיתם אתם ולא תתורו אחרי לבבכם ואחרי עיניכם 39  
 אשר אתם זנים אחריהם: 40  
 למען תזכרו ועשיתם את כל מצותי והייתם קדשים לאלהיכם: 41  
 אני יהוה אלהיכם אשר הוצאתי אתכם מארץ מצרים להיות לכם 42  
 לאלהים אני יהוה אלהיכם: 43

גר בארצכם לא הוננו אחו: 19.35\*

ואהבת לו כמוך כי גרים הייתם בארץ מצרים אני יהוה אלהיכם: 34.6/8

לא תעשו עול במדה במשקל ובמשורה: 35

סאזני צדק אבני צדק איפת צדק זהין צדק יהיה לכם 36

אני יהוה אלהיכם אשר הוצאתי אתכם מארץ מצרים:

ושמרתם את כל חקתי ואת כל משפטי ועשיתם אתם אני יהוה: 37

### ADDENDA

---

We propose to deal here in more detail with the verses which did not directly contribute to the development of the thesis and appeared to be of different origin.

verses 3-4. It was our contention above that a P editor substituted these laws for an original Sabbath legislation. It must be noticed that he adapted these laws to the style of the rest of the laws. In fact, he imitated the *לֹא תִסַּח* from verse 31. But he overlooked the couplet arrangement and made each law close with *'לֹא תִסַּח*. In all LXX, S, and V *לֹא תִסַּח* is inverted as in the decalogues. Some would see in the present arrangement a reference to a matriarchat, cf. 21.2. The Vulgate omits the *ל* before *לֹא תִסַּח*, perhaps an indication that these laws were felt to be separate. *לֹא תִסַּח* are gods according to Bertholet. Dillmann questions whether *לֹא תִסַּח* which occurs only twice in the Pentateuch was already in the "Ursammlung" or was introduced by the redactor.

Ezekiel uses מלל as a rule. Noeldeke claims that the word connotes gods in the Minaean language.

verses 11-12 of P origin are likewise written in strict meter. They also show couplet form.

לא חננו ולא חכחנו / ולא חשקרו איש בעמיתו:

ולא חשקרו בנטי לבקר / וחללה את שם אלהיך אני יהוה אלהיך

Verse 19. LXX and V have חעלה עליך

The Samaritan Pentateuch has: יח אנני ראח

חמרון בהמתך לא חרכב ערבוש ולבוש ערבוש סוסרים לא יסך עליך:

בהמתך לא חרביע כלאים ובגד כלאים לא יעלה עליך: =

A comparison with Deuteronomy will show that this

is the better version, also reconstructing the

original meter and parallelism which this

substitution must have imitated. The חעלה which

makes the verse too long must be regarded as a gloss,

it is taken from Deuteronomy and presumably an

Egyptian word. There are more proofs that this

law was a late one. 2 Samuel 13.29; 18.9; I Kings I.33;

18.5; I Chronicles 12. 40; Ezra 2.66 seem to show that

mules were very popular and I Kings 10.25 indicates

that they were not all imported from abroad. The same

can be seen from Ezekiel 27.14 and Isaiah 66.20.

Isaiah 28.25 seems to be in open defiance of the second part of our law ( if it was original), and the clothing of the priests of the third part. Since the law could not have been in effect between the time of David and Ezekiel, and since it is extremely improbable that the law is even older than that, it must be assumed that it is a very young law, repealing the one mentioned in Deuteronomy. According to Oort, מ'סלל was corn in a vineyard as a tribute to the spirits of the field. In this

case, our law would be a misinterpretation of the one in Deuteronomy. According to Maimonides, it was a custom of heathen priests to don mixed garments for magical purposes, see also Goldziher, in ZATW 1900, Cook ,The laws of Moses,p.195, Benzinger, Archaeologie,p.38. LXX translates ριθυε "spoiled," "forged," "falsified," the Coptic word denoting a false texture would come close to the Hebrew original(Peyron).

Cf. Ewald, Alt.p.215, Hottinger, leg.Hebr.,p.374ff. Josephus, Antiquities 4,8,11, Mishna Kilayim 9.1 , Exodus 25.4 for mixed garments of priests. According to the Rabbis the priests were excepted from the general rule .



Maimonides also claims that the Sabaeans sowed barley and grape-seed together, thinking the vines could not otherwise be good. <sup>כלא</sup> according to Keil and Delitzsch means separation.

Verse 20ff. <sup>הפדה</sup> is impossible. Ehrlich suggests <sup>הפדה</sup>, the infinitive absolute.

But best suggestion by Driver-White. Cite I Kings, 3.23, the infinite absolute is usually <sup>הפדה</sup> and is used with the perfect, while <sup>הפדה</sup> is used with the imperfect. Here, the opposite took place and therefore <sup>הפדה</sup> was considered a Hofal formation by the Masorites. <sup>הפדה</sup> is a difficult word and scholars disagree as to its meaning. Driver thinks it means "legally secured" from the Arabic: acquired, gained. Others believe, the word comes from the root <sup>הפדה</sup> = pluck, deflower. Also compare <sup>הפדה</sup> in Lewy Dictionary. Apparently in Udaea the term was used synonymously with <sup>הפדה</sup> since the Talmud states in Kiddushin 6: <sup>הפדה</sup> <sup>הפדה</sup>.  
 Others take the word to mean "to esteem lightly" as in Judges 5.18. Onkelos translates <sup>הפדה</sup> =

"belonging to" "taken possession of by.." Ehrlich thinks the word means "limited", namely to one man, Delitzsch ="set apart." The original meaning, especially after the interpretation offered by Morgenstern in his Book of the Covenant, vol.II, pp.44-48, is probably the one given above, "esteemed lightly" "hated" as in the Deuteronomic equivalents (or even in Exodus 21.8 ="that she did not please him anymore.") Without this condition the entire law would be incomplete. Besides it is doubtful whether a נדה went through a ceremony of betrothal. The sexual relationship is taken for granted, this is pointed out by Morgenstern in his "Beena Marriage etc." p.99ff. All the translations that have to do with betrothal, possession, defloration and the like concern themselves with etymology rather than with sense. Since נ is masculine, we have to vocalize (with Ehrlich) נָבִין . נִבְּרָה means investigation, not with Vulgate : "they shall both be beaten," or with LXX : "they shall be visited with punishments." The Samaritan Pentateuch puts the blame on the man only, but according to Rashi, only the woman receives נִבְּרָה.

Compare also Mishnah Kerith.2.4, where the girl receives 40 stripes. Bertholet still maintained that נקרה meant punishment. Ewald, Alt.285 translated "Unterscheidung" long before Ehrlich. See Morgenstern, op. cit. for detailed analysis of these verses.

## Bibliography.

- Klostermann, Zeitschrift für Lutherische Theologie, 1887, and 1877  
 Beiträge zur Entstehungsgeschichte des Pentateuch  
 Der Pentateuch, Neue Folge, p. 13ff
- Smend            Commentary to Ezekiel  
                   Der Prophet Ezekiel Erklärt    1880
- Delitzsch      Zeitschrift für Kirchliche Wissenschaft und Kirchliches  
                   Leben, 1880
- Delitzsch-Keil   Leviticus Kommentar
- Noeldeke       Untersuchungen zur Kritik des Alten Testaments, 1869
- Bertholet       Leviticus, 1901
- Driver          Introduction to the Literature of the Old Testament
- Dillmann       Leviticus, 1897
- Strack          Leviticus, 1894
- Baentsch       Leviticus, 1903
- Harford (with Carpenter) Composition of the Hexateuch, 1902
- Wellhausen,    Prolegomena zur Geschichte Israel's  
                   Die Komposition des Hexateuch, 1877
- Kennedy        New Century Bible, Lev. Comm.
- Paton           JOBL XVI 1897
- Ehrlich         Randglossen
- Bunsen          Leviticus
- Murphy          Leviticus
- Baumgarten     Leviticus

Kautzsch, Die Heilige Schrift des Alten Testaments

Kittel Bible, Polychrome Bible

Rashi

Targum

Ibn Ezra

LXX,V, Sam.Saadia, Targum Ps.Jonathan, Sifra

Mishna Peah, Kilayim, B.Talmud Kiddushin, Mishna Eduoth, b. Ber. Jer. T. etc.

Eissfeldt Einleitung in das Alte Testament, 1934

Pfeiffer Introduction to the Old Testament, 1941

Horst Leviticus XVII-XVI, 1881

Baentsch Das Heiligkeits-Gesetz, 1895

May Heiligkeitsbuch

Kalisch Commentary, Leviticus

Smith Religion of the Semites

Smith Kinship and Marriage

Josephus Antiquities, Contra Apionem

Geiger Urschrift

Kittel, R. Kings Commentary

Moore History of Religions, 1947

Plinius, Herodotus

Third Book of Maccabees

Erman Aegypten

Chapman Cambridge Bible, Leviticus

Maimonides, Moren

Benzinger Archaeologie

- Chapman Introduction to the Pentateuch
- Oesterley Introduction to the Books of the Old Testament
- Steuernagel Lehrbuch der Einleitung in das Alte Testament
- Kuenen Hexateuch
- David Hoffmann Leviticus
- Cornill Einleitung
- Kayser Vorexilisches Buch der Urgeschichte Israel's,  
Jahrbuch für Protestantische Theologie 1881
- Dillmann Gegenwaertiger Stand der Pentateuchkritik
- Ewald Geschichte Israel's II
- Bewer Literature of the Old Testament
- Graf Die Geschichtlichen Bücher des Alten Testaments, 1866
- Morgenstern The Book of the Covenant, I-III,  
Supplementary Studies in the Calendars of Ancient Israel  
Peena Marriage in Ancient Israel  
The Oldest Document of the Hexateuch  
The Foundations of Israel's History  
The Etymological History ..of..hng, hhl, and krr..  
Two Ancient Israelie Agricultural Festivals
- Morgenstern as quoted by Soloff, Univers Jewish Encyclopedia
- Blank Studies in Deutero-Isaiah
- Jirku Das Weltliche Recht Im Alten Testament
- von Knobel Leviticus

Goldziher, ZATW ,1900

Cook The Laws of Moses

Lewy Talmud Dictionary

Wurster Zur Charakteristik des Priestercodes und H.

Addis Documents of the Hexateuch

Hastings Dictionary(Enc. of Religion and Ethics)

Encyclopedia Bibl. Leviticus(Moore)

Dummelow Commentary

Galling Biblisches Reallexicon

Haupt The Sacred Books of the Old Testament

Abington Bible Commentary

Barton Archaeology and the Bible

Colenso The Pentateuch and Joshua critically examined

Lecture notes, Baeck, Blank, Taeubler.