A Study of Deuteronomic and Priestly Legislation With Particular Reference to Clean and Unclean Foods

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Andrews University
This research is a product of the graduate program in Master of Divinity, MDiv: Old Testament at Andrews University. Find out more about the program.

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ANDREWS UNIVERSITY M.A. 1982

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A STUDY OF DEUTERONOMIC AND PRIESTLY LEGISLATION
WITH PARTICULAR REFERENCE TO
CLEAN AND UNEFFECT FOODS

A Thesis
Presented in Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Vivienne J. Fletcher-Watts
June 1982
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Date approved

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ABSTRACT

A STUDY OF DEUTERONOMIC AND PRIESTLY LEGISLATION
WITH PARTICULAR REFERENCE TO
CLEAN AND UNCLEAN FOODS

by

Vivienne J. Fletcher-Watts

Chairman: A. Josef Greig
ABSTRACT OF GRADUATE STUDENT RESEARCH

Thesis

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Date completed: June 1982

Problem

The laws of clean and unclean foods in Lev 11 and Deut 14: 3:21 have fascinated and perplexed generations of biblical scholars. A great variety of suggestions have been proposed as reasons for the distinction between the clean and unclean animals. Modern biblical scholars claim, however, that the Levitical and Deuteronomistic codes are internally inconsistent. These claims are of sufficient magnitude that if true might call into question the assumption that both were given by God at one time. Therefore, it is the purpose of this study to re-examine the Old Testament sources and from the application of a critical hermeneutic to the text discover the possible
reasons for the existence of, and the differences in, the codes in
the cultures in which they were given and used.

Method

The classical hermeneutical approach was employed whereby a
hypothesis was formulated regarding the date, authorship, intention,
and function of the codes. The unit was then observed as a whole
and the internal order and structure noted. Also, the fluid state
of the text was considered. That is, it was recognized that the
work of editing, compiling, and updating was ongoing.

Conclusion

Although the two codes probably derived from a common ancient
source during the monarchical period, independent crystallizations
occurred during the division of Israel and Judah. The individual
historical and ideological contexts precipitated metamorphoses in
the codes which resulted in the differences. After 721 B.C. some
compromise measures were attempted in an effort to re-amalgamate the
two traditions.

The Deuteronomic and Priestly codes functioned uniquely in
their respective environments as did the food laws in succeeding
communities which observed the animal classifications. Although
the ordinances themselves remained relatively unchanged, each com-
munity attributed a different rationale to the clean/unclean
distinction.

Five rationales have been proposed. Each were originally
emphasized by a different community in accordance with its pre-
suppositions, needs, and resources.
TO

John—who believed in me

AND

Mum and Dad—who loved me
# TABLE OF CONTENTS

**LIST OF FIGURES** ......................................................... vi

**PREFACE** ........................................................................ vii

**Chapter**

I. INTRODUCTION ................................................................. 1
   - Purpose of the Study ..................................................... 2
   - Statement of the Problem .............................................. 3
   - Importance of the Study ................................................ 3
   - Delimitations of the Study ............................................. 4
   - Basic Assumptions ...................................................... 4
   - Review of Related Literature ....................................... 6

II. LEVITICUS 11 ................................................................. 10
   - Date and Authorship .................................................... 10
   - The Traditional View .................................................. 11
   - The Standard Critical View ......................................... 12
   - The Mediating View .................................................... 12
   - Historical Context ...................................................... 14
   - Methods and Procedures ............................................. 15
   - Observation of the Whole Unit ..................................... 15
   - Internal Order or Structure ......................................... 18
   - Summary ................................................................. 43

III. DEUTERONOMY 14:3-21 .................................................... 52
   - Date and Authorship .................................................... 52
   - Mosaic Authorship View .............................................. 53
   - Seventh-Century View ................................................. 53
   - Historical Context ...................................................... 74
   - Observation of the Whole Unit ..................................... 76
   - Internal Order and Structure ....................................... 79
   - Summary ................................................................. 95

IV. THE ISRAELITE CONCEPTS OF CLEAN AND
    UNCLEAN, HOLY AND COMMON ................................... 97
   - Clean and Unclean .................................................... 97
   - Purity in the Deuteronomic Code ................................. 98
Chapter

IV. (Continued)

Purity in the Priestly Code ................................................. 99
Holy and Common ............................................................... 106

V. THE DEVELOPMENT OF PURITY IN THE DEUTERONOMIC
AND PRIESTLY CODES ............................................................ 111
Clean and Unclean in Other Cultures .................................. 111
Proposed Origin and Development
of the Hebrew Codes .......................................................... 116
Comparison of the Deuteronomic
and Priestly Codes ........................................................... 121
The Hebrew Purity Rationale ............................................. 128
The "Lowest Common Denominator"
Summary .............................................................................. 137

VI. CONCLUSION .................................................................... 150

Intertestamental Communities ............................................ 151
The New Testament Community ....................................... 153
The Jewish Community ....................................................... 154
The Seventh-day Adventist Community ............................. 156
Summary .............................................................................. 157

APPENDICES ............................................................................ 161

A. Driver's Suggested Identification of
Prohibited Birds in the Levitical and
Deuteronomic Lists ............................................................... 162

B. Common Legal Material in the Pentateuchal Codes .... 164

C. Outline of the Formulary of Covenants
Sinai, Shechem, and Moab .................................................. 166

D. Parallel Legal Passages in the
JE, D and P Codes ............................................................... 168

E. Comparison of the Parallel Passages of
Lev 11 and Deut 14:3-21 ...................................................... 171

F. Numerical Occurrences of TM and THR
in the Priestly and Deuteronomic Codes ......................... 174

BIBLIOGRAPHY ........................................................................ 176

v

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**LIST OF FIGURES**

1. A comparison of the animal order in Lev 11:4-7 (MT and LXX) and Deut 14:7-8 ................. 22
2. Lev 11:1-8 compared to Lev 11:9-12 ................. 26
3. Order of bird species in Lev 11:13-19 (MT and LXX) and Deut 14:11-17 (K = "after its kind") .................. 30
4. Division of Lev 11 on the basis of style ................. 45
5. Bricketo's hypothesis of OT source development (Developmental periods shown by approximate centuries) .................. 64
6. The present-absent sequence of 'et in Deut 14:11-18 as well as a comparison of the bird order of Leviticus and Deuteronomy (MT and LXX) ................. 89
7. Outline of the form of Deut 14:3-22 ................. 90
8. Regularity of the present-absent sequence of 'et ................. 91
9. The Priestly Concept of the degrees of Holiness ................. 103
10. The functions of holy and common ................. 106
11. The functions of holy, clean and unclean ................. 107
12. A summary of formal features in the outline of Lev 11 ................. 124
13. Hypothetical reconstruction of the concurrent development of Lev 11 and Deut 14:3-21 ................. 127
14. Life and death in the Israelite universe ................. 139

**Map**

1. New building activity evident in Judah during the seventh century as discerned in the archaeological remains of specific sites ................. 160
The laws of clean and unclean foods in Lev 11 and Deut 14: 3-21 have fascinated and perplexed generations of biblical scholars. Why did God decree that certain animal foods could be eaten while others must be rejected? What is it about chewing-the-cud that makes an animal clean? Why can sheep and grasshoppers be eaten while pigs and mice are to be shunned?

A great variety of suggestions have been offered for the clean/unclean distinction, but so far no consensus of opinion has emerged.

Two modern religious groups--orthodox Jews and Seventh-day Adventists--follow these Mosaic directives but for different reasons. While Jews claim the laws were given by God to promote holiness, Seventh-day Adventists propose that the eating of unclean animals as food precipitates disease processes in the human body. Although the two groups cite the Mosaic legislation as the source of their practice, their differing perceptions of the underlying rationale leads to disparity in their practices.

Therefore, it is the purpose of this paper to re-examine the Old Testament sources and, from the application of a critical hermeneutic to the text, derive a philosophical conclusion upon which modern dietary practice may be based.

I wish to thank Dr. Theodore Chamberlain, and the Weniger
Fellowship fund for making this project financially possible. Thanks also to Dr. Lawrence Geraty and Dr. Robert Johnston for their sacrifice of time in reading the paper as well as their many helpful suggestions. To Dr. Josef Greig I owe my greatest debt, not only for his time and help but for his inspiration. His primary objective, "to teach the Bible right," is the pervading theme of his classes as well as his life. I will always remember him as "the most honest man in town."
CHAPTER I

INTRODUCTION

Health-conscious, twentieth-century man possesses an idea of hygiene which is based on two basic principles, the avoidance of contamination by pathogens and the cleanliness norms of Western society. There is nothing in Western culture to suggest that health or contamination is in any way related to the field of religion. The causes of disease are no longer attributed to omens, witches, or some misdemeanor.

Therefore, it is puzzling to learn that primitive peoples made little distinction between the realm of sacredness and the realm of material purity.\(^1\) Pollution, then, was a religious offence.

As the causes of disease or other life-threatening dangers became known, the evidence of supernatural intervention was perceived to be less. Epilepsy, snake bite, paralysis, and bubonic plague, for example, lost their supernatural connotations and were superceded by other rational explanations of their aetiology.\(^2\)


\(^2\) Noting this inverse relationship between knowledge and supernatural aetiology, nineteenth-century scholarship led by W. Robertson-Smith, as noted in his *Religion of the Semites* (New York: Schocken Books, 1972), p. 430, developed a criterion for classifying religions as advanced or primitive. If primitive, then rules of holiness and rules of uncleanness were indistinguishable; if advanced, then rules of uncleanness disappeared from religion. They were relegated to the bathroom, kitchen, and municipal sanitation.
The absence of microbiology and modern diagnoses also presupposes the absence of modern therapeutic procedures. Therefore, primitive man developed procedures to counteract the causes of disease as he perceived them.

Priest-physicians of the ancient Mesopotamian culture developed vile animal preparations which were thought to drive out the demons of disease due to their unclean religious and aesthetic properties.\(^1\)

Egypt, too, had a system of preventive "health" care whereby distinctions were made between what was pure and impure.\(^2\) The whole system was overseen by the white-robed priests who were affiliated with the temples.\(^3\)

The Hebrews, therefore, as late comers on the ancient scene, had numerous ideas of purity from which to choose in compiling their distinctive national purity legislation. Their early laws on dietary purity primarily found in Lev 11 and Deut 14:3-21 are still used by some religious groups today as the basis for dietary practice.

**Purpose of the Study**

This study attempts to apply a critical hermeneutic primarily to the two Pentateuchal texts (Lev 11 and Deut 14:3-21) for the purpose of discovering possible reasons for their existence in the culture in which they were given and used.

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\(^3\)Gordon, pp. 236, 215.
Statement of the Problem

It has been claimed that the laws of Lev 11 and Deut 14:3-21 are internally inconsistent. These claims are of sufficient magnitude that, if true, might call into question the assumption that both were given by God at one time. Claims of repetition, overlapping, and contradiction evident at the points of duplication, interruption to the texts, change of style, and incongruity with the stated historical context suggest the necessity of a re-examination of these two passages. Although short articles have been written on various aspects of the passages and the literary connections between them, no systematic study has been made.

As a result of these supposed textual difficulties, various explanations have been offered for the prohibition/permission as food of the animals mentioned.

Importance of the Study

It is hoped, first, that this study would have philosophical implications for those groups who continue to use the Pentateuchal passages as authoritative for religious and dietary practices today.

Second, the concept of cultic purity was not unique to the Hebrews and has come to be seen by scholars of the last half-century as an important link in the study of comparative religions. Also, in the Hebrew community itself this concept occupied a large and

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important segment of the total religious system during the entire period of its existence.

Finally, the philosophical implications of the study may be of interest to other members of the medical and health professions.

**Delimitations of the Study**

Conclusions of the study are based on the historical and anthropological contexts of the passages, the author(s)'s identity, his/her intention, the traditions with which he/she was familiar, the forms he/she used, and the development or static nature of the text. It is not primarily an exegetical study and considers only the period prior to the fifth century B.C.

**Basic Assumptions**

In any biblical study of this type the pre-suppositions assumed for the text of necessity influence the outcome. Several assumptions with their accompanying methodology are available to us at this time.

One conservative approach, the orthodox or traditional view, assumes that the text is of supernatural origin and in its original form, which is no longer available, was totally free from error.¹

A second conservative view, taking a little less rigid view of inspiration, likewise assumes supernatural revelation, historically accurate figures and narrative accounts, yet recognizes that at points the biblical accounts need to be harmonized when apparent

contradictions seem to appear. Extra-biblical materials serve to illustrate and support the biblical account.¹

The archaeological approach assumes the traditions of the Old Testament to be quite reliable. Historical memory and the tendency to preserve traditions were characteristic of Near Eastern life. As increasing archaeological data become available, it is assumed that the historicity of biblical tradition will be supported.²

The traditio-historical approach notes that the development of the Old Testament spanned many centuries. During this time the community existed in a semi-nomadic tribal stage, as an early tribal league, a monarchical state, and a post-exilic religious community. Therefore, it assumes that the text originated as part of the life of the community rather than as a separate literary process.³


No one view is free of difficulties. Therefore the relative strengths and weaknesses of each particular view are noted in this study as they relate to the individual verses of the texts and also in relationship to the final conclusions.

Review of Related Literature

The rules regarding the clean/unclean distinction are relatively clear in the two passages. However, the rationale for the distinction has been the topic of discussion from pre-Christian times. Various views have waxed and waned depending on the hermeneutical method in vogue and the cultural environment of the age.

Five categories of explanations have been offered to date.

1. The rules are arbitrary distinctions which were imposed by God on man as a test of obedience. Maimonides, for example, concluded that "it is plain and manifest that the laws about cleanness

considerations of scripture can the "proved" by any discipline. "Archaeology is not an exact science. It is more concerned with probabilities and possibilities than in irrefutable demonstrations" (Eric Peet, Egypt and the Old Testament [Liverpool: University Press of Liverpool, 1923], p. 75).

The advent of form criticism and Gunkel's school was the catalyst for a renewed direction in Old Testament legal interpretation. Although Gunkel's own interests were sociological and political, Alt applied his form critical methods to Israelite law. His Levitical-cult law was given an instructional setting in the amphictyonic theory of Noth who believed that the confederation of tribal clans was the center for the development of Old Testament law. Von Rad then concluded that the Levitical priests were responsible for the Deuteronomic traditions and laws and this amphictyonic-covenant hypothesis thus provided a background, function, and rationale for understanding Old Testament law. Mendenhall enlarged von Rad's covenant position by noting parallels between the laws of Deuteronomy in particular and the Hittite vassal treaties of the fourteenth century B.C. Therefore, these general studies have a direct bearing on the two passages of this study as part of Israel's legal genre. An alternative hermeneutic was thus offered to the conservative, traditional, and archaeological approaches.
and uncleanness are decrees laid down by scripture and not matters about which human understanding is capable of forming a judgment, for behold, they are included among the arbitrary decrees."\(^1\) As a medieval doctor of medicine Maimonides also held rationalistic views and considered the clean/unclean distinction was intended to "prevent idolatry, to promote the health and comfort of the people, and to influence the moral character is the nation."\(^2\)

2. The hygienic or health rationale is suggested by those who have noted that the unclean animals are mostly scavengers.\(^3\) This explanation is most acceptable to health-conscious Western society and numerous experiments have been undertaken to support the view scientifically.\(^4\) The proponents conclude that while clean animals are relatively safe to eat, the unclean may cause trichinosis, tularemia, toxicity, and various other diseases.

3. The cultic explanation considers the forbidden animals to

\(^1\)Maimonides, The Book of Cleanliness (New Haven: Yale University Press, 1954), p. 535; Meredith Kline adds that their arbitrariness makes them better tests of submission to the sovereign word and more distinctive badges of consecration to Him. She claims that they parallel the probationary proscription of the fruit of the tree of knowledge in Eden or the manna arrangement (Treaty of the Great King [Grand Rapids: William B. Eerdmans Publishing Company, 1963], p. 87).


be those which were cultically significant in the pagan worship of other deities. As a mark of their fidelity to YHWH, Israel was to have no contact with them.¹

4. The **symbolic** interpretation views the behavior and habits of clean animals as illustrations of modern Christian conduct. The unclean animals by contrast represent sin. This allegorical interpretation which began in pre-Christian times has continued through time to the present.²

5. An **anthropological** view offered by Mary Douglas suggests that the unclean category consisted of animals which were perceived by Israel to be a mixture of kinds. Clean animals by contrast possessed a characteristic form and had a legitimate method of propulsion. Israel's concept of "wholeness" as perfection would not allow them to tolerate anomalous species which they concluded were a mixture of kinds.³

Nobody appreciates practicing an arbitrary command. Hence, the many reasons offered as rationale for the dietary prohibitions represent an attempt to make ancient as well as modern practice


³Douglas, pp. 50-57.
meaningful. The fact that many reasons exist is evidence that no one rationale is entirely consistent. If one convincing reason existed it would be the only one.

We are not suggesting that the one rationale for the dietary prohibitions is the conclusion of this study. Rather, the positive and negative aspects of each position is considered as it relates to the individual texts. Also, the historical period in which each position developed is noted. From this it is hoped that a meaningful conclusion suited to modern scientific dietary practice can be determined from the data.
CHAPTER II

LEVITICUS 11

Our interpretation of a particular text is dependent on what we perceive as its purpose. This in turn is dependent on our assumptions regarding the environment in which it originated. Research in the related areas of cult and liturgy, social psychology, archaeology, anthropology, and the history of religions is necessary in order to arrive at a credible conclusion. Obviously, such a task is beyond the scope of this paper. However, a summary of the various views available will help us at least to see the possibilities of how Leviticus functioned in the life of the Jewish community.

Date and Authorship

Leviticus itself claims to record instructions which God delivered to Moses (1:1), although it does not state specifically that Moses was the actual author. Jewish tradition, however, held to this Mosaic authorship view, as did its sister, the Christian Church. Ibn Hazam, of Cordova in Spain, departed from this view in the tenth century A.D. by suggesting that Ezra may have been the

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2This view was based on Matt 5:17.
The views of scholarship today regarding the date and authorship of Leviticus seem to fall into three main groups.  

The Traditional View

The traditionalists hold that Leviticus is one of the earliest parts of the Old Testament and came directly from the pen of Moses. Bases for the arguments include: (1) The texts make explicit reference to a wilderness environment; (2) Sacrifices were offered in a tabernacle as opposed to a temple; (3) The laws referring to an agricultural community are stated in the future tense; (4) The elaborate ritual system had antecedents in other ancient Near Eastern literature; and (5) The book of Ezekiel alludes to Leviticus many times.

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2 Bobenstien suggested that Moses could not have written his own obituary as it appears in Deut 34. He concluded from this that Moses did not write any of the Pentateuch; Wellhausen suggested that Lev 17-26 were added to the other priestly (P) writings somewhat after the time of Ezekiel, while Ezra added the remaining P passages concentrating on the Mosaic period as the Elohist (E) had done.


The Standard Critical View

A post-exilic date is claimed for the Priestly code (P), consisting of Leviticus, Exodus, Numbers, and parts of Genesis. The work of these authors characteristically presents topics such as the place of worship, trend toward ritualism in the history of sacrifice, development of the priestly hierarchy, and genealogical data. This priestly work was finally edited in the fifth century although at some points it does reflect the practices of the pre-exilic temple.

The Mediating View

The mediating view considers Leviticus to be the work of the pre-exilic period, but priestly cult officials were responsible for it. This hypothesis developed as a result of trying to reconcile many Old Testament problems. For example, Gen 36:31 reflects the time of the monarchy. Gen 50:10; Num 35:14; Deut 1:1-5; Deut 3:8, and 4:6 indicate that they were written from Palestine as they mention places located beyond the Jordan, and Deut 34 claims that Moses never entered the Land. Conflicting accounts of the same event occur in Gen 6:19 and Gen 7:2. A difference of opinion as to whether or not there was inheritance for the Levites occurs in Num 35:6-7 and Deut 18:1. A problem noted later in this paper is evident in Lev 17:15 and Deut 14:21 regarding whether or not the alien was permitted to eat carrion flesh or not. Exod 3:13-15 and Exod 6:2-3 claim the personal name for Yahweh was first revealed to Moses (as before this time El Shaddai was used), however, Gen 4:26 claims that Yahweh was used from the beginning and the Patriarchs use it in Gen 22:14; 25:25; 27:20; 28:13. Some narratives are repeated, e.g., Gen 15:5, cf. 17:2; Gen 12:11-20, cf. 20:1-8 and 26:6-11, the last two mentioning Philistine kings who did not settle in Palestine until the twelfth century. The same style exists in the reporting of Moses' death, which he could not have written, as that in the preceding verses. Josh 4:9; 5:9; 7:26; 9:27; 15:63 present a post-conquest view of Palestine. Joshua's death and burial (Josh 24:29-30) is recorded. Inconsistencies and repetitions exist between Josh 3:17 and 4:10; 8:3 and 8:12; 10:26 and 10:37; 10:36 and 15:14. The fact that no historical or archaeological evidence exists to establish the sojourn in Egypt is still problematic.
rather than the Mosaic hand. The bases for this argument include:

(1) The language, laws, and institutions of P are different from other known post-exilic works; (2) The legal terminology of Leviticus was not understood in post-exilic times and yet parallels are evident in second millennium Mesopotamian law; (3) Other institutions did not exist during the period of the second temple; (4) Deuteronomy and Joshua quote Leviticus and other P passages, but not vice versa; (5) Holiness and war concepts, sacrifice and blood laws resemble Judges and Samuel; and (6) Many of the laws in Leviticus 18-27 could apply only to a sedentary agricultural community, not to wandering nomads.

All three views contribute positively to an understanding of the text and yet, at the same time, present difficulties. Some of these difficulties may be resolved by taking an eclectic view and emphasizing the fluid state of the text, the work of editors of various periods, and the necessity to keep the traditions relevant.

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2. Chronicles, Nehemiah, and Ezra, for example.

3. Animal tithes, anointing of the high priest, urim and thumim, for example.


5. Parallels between Lev 17 and 1 Sam 14:33-34 concerning the ban on eating blood are noted.

in changing situations. It is not the purpose of this paper to be
dogmatic about one particular view but to consider the possibilities
of the provenance of Lev 11. It is hoped that this will aid in the
application of other tools of criticism to the text.

**Historical Context**

Various historical contexts are implied by the three views
of date and authorship. The traditionalist view sees the laws as
being given at one time during the pre-amphictyonic period. The
standard critical view sees holiness acquisition and thus clean/
unclean differentiation as the means whereby the exiled nation could
restore the pre-exilic holy state and overcome the unclean forces
which had overwhelmed them. Those holding the mediating view con­
sider the historical context of the book to be the unstable political
environment of the last Judean kings.

Whichever view is taken it is evident that Leviticus com­
prises a program for the cult. "As it once was, so must it be
again."1 In this respect then, a similarity is evident between
Leviticus and Deuteronomy. The program of the priestly writers was
prepared2 so that when Ezra undertook his reforms he could rely pri-
marily on the ordinances of P.3 In a similar way Josiah's reform
movement relied on the ordinances of the "Book of the Law."

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2By whoever the priestly writers were and at whatever time
they wrote.
3Fohrer, p. 356.
Methods and Procedures

A consideration of the form implies first an observation of the whole unit, its context, content, and intention, and second, an analysis of the internal order or structure.

In observing the literary similarities and differences between Lev 11 and Deut 14:3-21, certain questions are asked of the text in order to determine if possible the author's or editor's purpose or intention. Questions include: Are any forms specific to a particular content? Can secondary explanations be identified by form? Do typical patterns of relationship occur between structure and content and the two passages themselves? Do characteristic patterns of person, number, use of participles, conjunctions and secondary additions occur in the laws themselves? Are there any indications of the actual or implied Sitz-im-Leben?

Observation of the Whole Unit

Varying sociological, anthropological, psychological, and historico-political situations exerted differing pressures on the community over time. As a result various needs were produced forcing the community to find solutions and adapt to these situations. The literary field is only one aspect of this process. Individual genres¹ arose in response to these varying situations and fulfilled a particular need or served a unique purpose.² After their origin and peak of popularity, a period of decay followed

¹For example, legends, blessings, hymns, oaths, prayers, and commands.

for the genre or the development of a mutation ensued. Therefore, forms developed which were characteristic of a particular historical time period.

Lev 11 is the first in a series (chaps. 11-15) of legal injunctions. This does not necessarily pre-suppose original use in the law-court. Many legal forms arose as acts of worship and eventually all of Israel's laws were placed in the context of religious institutions, for, as Mendenhall notes, in an ancient theocracy "there is a very close relationship between religious and legal policy."

The legal section (chaps. 11-15) is framed by two narrative sections (chaps. 8-10 and chap. 16). Moreover, at the beginning of nearly every chapter, and often several times within the chapter, it is mentioned that "The Lord spoke to Moses." Therefore, although the percentage of narrative is small, its constant re-appearance serves to reinforce its claim to supernatural origin.

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1Note for example, the difference between the early prophetic speech of Samuel and Kings and that of Jeremiah.

2Tucker, p. 8.

3George E. Mendenhall, "Ancient Oriental and Biblical Law," Biblical Archaeologist 42 (Spring 1979):126-27, defines law as "the exercise of coercive power by the community or its agent." It rests upon the common opinion that "certain acts are wrong and must be punished or otherwise compensated for."

4Tucker, p. 15.


6This feature was not unique to Israel. See for example, the Laws of Eshnumma in Jack Finegan, Light from the Ancient Past, 2nd ed., vol. 1 (Princeton, NJ: Princeton University Press, 1959), p. 54; also the Laws of Lipit-Ishtar, ibid., p. 55; and the Code of Hammurabbi, ibid., p. 58.
The narratives speak of instruction given by God regarding the distinction between the "clean" and "unclean." The description is given initially of the method whereby Aaron and his sons (the definers of clean and unclean), were themselves made clean. The contrasting example (10:1,2) of the results of priestly disobedience—death—gave assurance to the people (and authority to the priests) that those who stood in the place of Yahweh and acted as His mouthpiece carried a legitimate office and thus were entitled to bear an authoritative message. ¹

The role of the priests is defined explicitly in Lev 10:10, "You are to distinguish between the holy and the common, and between the clean and unclean, and you are to teach the people of Israel all the statutes which the Lord has spoken to them by Moses."²

The distinction between the clean and unclean which the priests were to oversee is first given among the animal kingdom. Should the unclean state occur (which resulted in the individual's exclusion from the cultic activities of the community), cleansing rites and procedures are enumerated whereby restoration can be made again to cultic equality. Thereafter, the purification distinction and rites continue for the woman who is cultically unclean (12:4)

¹Fohrer, p. 356, notes in accordance with the standard critical view (see p. 12 above) that the retrojection of the priestly program into an historical context of the past was intended to legitimize it and lend it authority. Because Yahweh had long ago decreed His eternal ordinances, they must be accepted without questioning in the present and for the future.

²Compare also Lev 14:57 and 15:31.
due to childbirth (chap 12)\(^1\) and for those who have contracted a skin disease (13:1-46). These are followed by methods whereby contaminated clothing (13:47-59), dwellings (14:33-53), bodily discharges (15:1-30), and finally the sanctuary itself (16) may be restored to a state of purity.

Thus it can be noted that the passage is well organized on the common theme of cultic purity with each topic naturally succeeding the one before.

**Internal Order or Structure**

Although the subject order is logically arranged, some irregularities may be noted in the internal structure. Notation of these irregularities is made as the units are considered individually.

**Verses 1-8**

And the Lord God said to Moses and Aaron, "Say to the people of Israel, These are the living things which you may eat among all the beasts that are on the earth. Whatever parts the hoof and is cloven-footed and chews the cud, among the animals, you

\(^1\)Childbirth was considered to be part of the mystery of life by the ancients. Baal was believed by the Canaanites to be "the mythical generative power that fructified the earth by means of the sperm of the rain" (von Rad, O.T.T., 1:22). Human beings took part in this mystery by imitation. Copulation and procreation were thus "mystically regarded as a divine event" and, consequently, the religious atmosphere was saturated with mythical sexual connotations (ibid., p. 27). The soil, also, was considered a holy thing and if tillage was accompanied by certain rites, the "powers" of the soil were brought to life. The whole process was considered hazardous. Knowledge of agricultural techniques was by direct revelation of the deity (cf. Isa 28:26,29; Hos 2:7-8; Lev 25:23). The pr-mst (birth house) or ht-\('\)bw (house of purification) in Egypt housed women for fourteen days after delivery. Originally a separate structure, it was attached to the temples of the protecting goddess of childbirth during Ptolemaic times. Uziot, the serpent goddess of childbirth in the Delta had a sister Nekhbet, who ruled the south. Walter Addison Jayne, The Healing Gods of Ancient Civilizations (New Hyde Park, NY: University Books, 1962), pp. 84-85.
may eat. Nevertheless among those that chew the cud or part
the hoof, you shall not eat these: The camel, because it chews
the cud but does not part the hoof, is unclean to you. And the
rock badger, because it chews the cud but does not part the
hoof, is unclean to you. And the hare, because it chews the cud
but does not part the hoof, is unclean to you. And the swine,
because it parts the hoof and is cloven-footed but does not
chew the cud, is unclean to you. Of their flesh you shall not
eat, and their carcasses you shall not touch; they are unclean
to you.

Verse 1 states that Moses and Aaron were the recipients of
this instruction. This represents a point of departure from the
regular form where Moses is usually addressed alone (1:1; 4:1, for
example). Wenham quotes Hoffman in suggesting that Aaron is inclu­
ded as a recipient in 11:1; 13:1; 14:33; and 15:1 in response to
the injunction in 10:10 which notes that the priestly duty is to
make decisions regarding cultic purity matters.¹

A tradition-historical explanation could further enlarge
this hypothesis by suggesting that the P writer here gives Aaron an
equally authoritative status as Moses. Therefore, Aaronic progeny,
the present and future proponents of cultic traditions, should be
given similar authority and respect.

The style of the individual prohibitions in the second-
person plural address, Alt claims, is characteristic of a particular
type of law which he has named "apodictic."²

¹Wenham, p. 171.

²Alt, pp. 89-96 notes two forms of Israelite law. Casuistic,
characterized by two parts, the protasis, and following apodosis was
used in the normal judiciary processes of Israelite life, he claims.
It was used by free men of the community (heads of families, for
example), as opposed to priests or judges. The casuistic form was
similar to the general legal culture of the ancient Near East in
form and content (cf. the Assyrian, Hittite, and Babylonian codes
for example). It contains no specifically Israelite themes but is
concerned with the problem of human relationships--i.e., the claims
The animal types mentioned in this chapter appear in the same order as that of Gen 1:20-30 and Deut 14—that is, land, sea of one man against another. The fundamentally secular orientation suggests to Alt an origin prior to the constitution of the Israelite nation. This is based on the assumption that the whole organization of Israelite life depended on Yahweh. The fundamentally secular orientation of casuistic law suggests a community where religion and law were distinct, according to G. Ernest Wright, "Introduction to the Book of Deuteronomy," Interpreters Bible (New York: Abingdon-Cokesbury Press, 1952), 2:326. As part of the common legal culture of the Canaanites also, and in use by them before the entry of the Israelites, it would appear reasonable to conclude that casuistic law was adopted by the Israelites when they settled in Palestine. Apodictic law, on the other hand, rests specifically on Israelite principle (Alt, pp. 111-14, and Tucker, p. 15). It uses the second person "thou" and never considers the subjective guilt of the offender. Only the outward consequences of the deeds are considered and external retribution is exacted accordingly (Alt, pp. 106-07 and von Rad, Deuteronomy, p. 19). The sacred rather than the secular orientation is typical of Israelite law in its concern with man's relationship with the divine. "Religion, morality and law are included without distinction, for everything is referred to as the unconditional will of God." Punishment as a result is the severest possible--"the personal extermination of the evil-doer." A second level is evident in the lists of curses (Deut 27:15-26; Lev 20:2,27; 24:16). A repetition of the predicate is followed by acknowledgment by the community in the "Amen" response after each particular enumeration. A third type, also repeating the wording in each clause, places the predicate at the end of the sentence, varies the form only in particular reference to the object or relationship in question, and uses the direct address in the subjective second-person "thou" in place of the objective. The use of "thou" without the "I" of the speaker makes each clause a direct prohibition. The intensity of expression as well as the internal construction is indicative of a sacred community, in contrast to a secular one in the process of administering secular justice. The sacred community adopts an imperative tone toward individuals and imposes on them absolute prohibitions on pain of death, curse, or separation. Deut 28 describes the deliverance of a list of apodictic laws by the Levitical priests. The priests are the mouthpiece of Yahweh and their duty is to make His demands known to the people. The apodictic law provides the central text for a sacred action involving the whole nation. Characteristic features of the apodictic law make them suitable for this purpose--the brevity of each clause (meant to be read as a five-beat line of verse), second person "thou," and the unqualified commands. There is no parallel in the Canaanite law either in attitude, form, or cultural background. Von Rad claims, however, that some can be found in the wisdom of Amen-em-otep (#16, cf. Deut 25:13-16; #6, cf. Deut 19:14; #2, cf. Deut 24:8).
(water), and air (firmament). The logical progression of subject matter is again noted.

The land animals which are permitted as food are listed first according to broad cross-species classifications, before those which are prohibited. Clean animals are described as having their hoofs parted in two\(^1\) and as digesting their food by a process of rumination.\(^2\)

The list of four prohibited animals listed as examples begins with the camel.\(^3\) Knight claims this animal was unknown in Old Testament times and it was not until the Ptolemaic times in Egypt that it became common in the Near East.\(^4\) However, Kitchen disagrees and notes that the great Mesopotamian lexical lists that originated in the Old Babylonian period show knowledge of the camel, including its domestication around 2000-1700 B.C. Camel's milk is mentioned in a Nippur text of an early period implying domestication.

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\(^1\) That is, two functional units only are apparent on each hoof. G. S. Cansdale, *All the Animals of the Bible Lands* (Grand Rapids: Zondervan Publishing House, 1970), p. 43. If the hoof parts into more than two sections, the animal is also prohibited (11:26).

\(^2\) "Chewing the cud" or rumination is a process whereby food is temporarily stored in one stomach, later regurgitated, thoroughly masticated, and returned to the digestive tract. Cows, sheep, and goats, for example, have multiple stomachs and utilize this process. It is noted that these animals are also the basic herds of pastoralists and the animals of sacrifice. Beasts of prey and carrion eaters are excluded.

\(^3\) Identification of animals in all sections is not certain so comments available in the literature are subsequently noted in the footnotes. The examples, such as the camel, coney, swine, etc., clarify the point that all characteristics are required.

Camel bones have been found at Mari and various Palestinian sites from 2000-1200 B.C. as well as a camel figurine in Byblos dating to the nineteenth-eighteenth centuries. The flesh of the camel is eaten by the Arabs but Lev 11:4 forbids it to the Israelites as it lacks one of the determining characteristics—that of the cloven hoof.

The rabbit and hare were similarly forbidden as food for the same reason; however, it is now known that these animals do not ruminate even though their jaw movements make this appear to be so. They do not have the necessary multiple stomachs although they are able to ferment food by ingesting their soft droppings. Keil and Delitzsch note that "Linnaeus affirmed that the hare chewed the cud, and Moses followed popular opinion."

A variation in the order of the second and third of these examples is evident when comparing Leviticus, Deuteronomy, and the Levitical text of the Septuagint. Assuming the rockbadger is synonymous with the rabbit, then the Septuagint and Leviticus follow the same order, while Deuteronomy is variant (see fig. 1).

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Fig. 1. A comparison of the animal order in Lev 11:4-7 (MT and LXX) and Deut 14:7-8.

1Kitchen, pp. 79-80.
3Harrison, p. 122. 4Keil and Delitzsch, Leviticus, p. 359.

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The swine has cloven hoofs but does not ruminate, therefore it was prohibited. It also has an ancient history being known and reared in Mesopotamia and Egypt from at least 2500 B.C. Mesopotamian influence may be evident in the swine's bones found at the underground sanctuary at Tell el-Far'ah in the eighteenth-sixteenth century strata. Pig flesh was regarded as sacred in Mesopotamia and could only be eaten on certain festive occasions. The Egyptians had a similar practice. Some pierced pig bones were found at Megiddo and Taanach where they may have been used in Canaanite divinatory rites or used as amulets.¹

In support of his thesis that the prohibited animals were of significance in the practice of foreign cults, Noth uses the swine as an example.² The swine was ascred to Al'yan Ba'al³ in the Canaanite cult. Sacrifice of the blood of swine is also implied in 1 Sam 66:3 as is eating the flesh in Isa 65:4; 66:17 in connection with accounts of illegal cult practices amongst the post-exilic community.⁴ Robertson-Smith notes that swine were sacred to the Syrians and Cypriots especially in connection with the cult of Aphrodite or Astarte.⁵

Keil and Delitzsch claim that "many of the tribes of

¹Harrison, p. 122.

²Other animals also considered sacred by the Egyptians, for example, included the ape, antelope, ass, bull, cat, cow, crocodile, ram, hare, hedghog, hippopotamus, ibex, pig, lynx, jackall, sphynx, leopard, lion.


⁴Ibid. ⁵Robertson-Smith, pp. 290-91.
antiquity abstained from eating swine's flesh partly on account of its uncleanliness and partly from fear of skin diseases."\(^1\) However, Keil and Delitzsch do not quote a primary source for their conclusion and seem to derive the idea from vs. 8 "their carcasses you shall not touch." Porter, on the other hand, considers vs. 8 to be a further expansion of the text by the compiler and claims it really belongs to the section beginning with vs. 24. Porter's argument is supported also by the unsystematic juxtaposition of different processes whereby an individual becomes unclean. This presents an example of the lack of unity referred to in the problem statement. In 11:4 it was noted that "eating" the flesh of an unclean animal produces uncleanness, whereas here in vs. 8 "touching a carcass" is added. No reference is made to the carcass in vs. 26 instead a simple declaration that "everyone who touches them shall be unclean." Verses 29-38 do not consider the question of edibility or non-edibility for the creeping things--touching their bodies produces impurity. Even though vss. 41-42 refer again to the creeping things this time the prohibition is against eating. It is interesting to note in this context that the author in the concluding phrase of 11:47 considers the question of edibility or non-edibility to be the purpose of the document. Therefore, the reasons whereby the state of cultic impurity is produced "seem not to be clearly separated and didactic in form, but to intermingle and overlap."\(^2\)

Verse 8 concludes with the formula "they are unclean (tame)

\(^1\)Keil and Delitzsch, *Leviticus*, p. 360.
\(^2\)Noth, *Leviticus*, p. 98.
to you." This is similar to the formula repeated four times in the preceding verses where each individual animal "is unclean to you" (vss. 4b, 5b, 6b, 7b). Again parallels are noted in the concluding formulae of the diagnostic tests for skin diseases (chap. 13). "He is clean" is repeated in vss. 13, 17, 39.

The concepts of clean and unclean, holy and common are discussed separately in chapter IV, but it should be noted here that to be unclean means to be contaminated by a physical, ritual, or moral impurity so that the contaminated object, person, place, or food is no longer able to render acceptable worship to the deity. Purification measures must be instigated to restore the holy or clean state. These purification measures are legislated, and various procedures correspond to the various degrees of contamination and uncleanness.

Verses 9-12

These you may eat of all that are in the waters. Everything in the waters that has fins and scales, whether in the seas or in the rivers, you may eat. But anything in the seas or the rivers that has not fins and scales, of the swarming creatures in the waters and of the living creatures that are in the waters, is an abomination to you. They shall remain an abomination to you; of their flesh you shall not eat, and their carcasses you shall have in abomination. Everything in the waters that has not fins and scales is an abomination to you.

The aquatic animals are enumerated in a similar form to that of the land animals. Permitted animals are classified according to cross-species characteristics--fins and scales--followed by prohibition of all remaining species.

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The similarities with the form of vss. 1-8 are illustrated in
figure 2.

These are the living things which you may eat among all
the beasts that are on the
earth.

Whatever parts the hoof and
is cloven-footed and chews
the cud among the animals
you may eat.

Nevertheless among those
that chew the cud or part
the hoof, you shall not eat
these: the camel . . . is
unclean to you and the
rockbadger . . . is unclean
to you and the hare . . .
is unclean to you and the
swine . . . is unclean to
you.

Of their flesh you shall
not eat and their carcass
you shall not touch; they
are unclean to you.

These you may eat of all
that are in the waters.

Everything in the waters
that has fins and scales
. . . you may eat

But anything in the seas
or the rivers that has not
fins and scales
(redundant phrase)
(examples missing)

Of their flesh you shall
not eat, and their carcass
you shall have in abom-
ination.

Fig. 2. Lev 11:1-8 compared to Lev 11:9-12.

Several phrases raise questions regarding form and intent.
First, if the word mayim (waters) is an inclusive term, is clari-
fication the purpose of the phrase "whether in the seas or rivers"
in vs. 9? If not, it would seem to be redundant. Second, can the
same purpose be claimed for the phrase in vs. 10, "of the swarming
creatures in the waters and of the living creatures that are in the
waters," or is it an attempt to supply examples similar to the

\[1\] W. L. Moran suggests that the additional distinction of
bayyamim ubannahalim of 11:9 is a later addition to the original
bammayim 11:12; "The Literary Connection between Lev 11:13-19 and

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section on land animals in Lev 11:4-7.\(^1\)

The word *sheqets* (abomination) in vs. 11 is also a point of contrast to *tame* (unclean) of the first section.\(^2\) The use of the word "remain" (RSV) or "even" (KJV) in vs. 11 implies something preceding the present ordinance is to be continued in the future. Thus the question of just what was the previous ordinance is raised.

The effects of contact with the dead and putrefying fish are not mentioned in this section as causing defilement as were those associated with the carcasses of unclean land animals. Harrison suggests this may have been because blood was not involved to any significant extent.\(^3\) An alternative suggestion might be that the text was originally from such an ancient time that it was not necessary to emphasize a polemic against the Egyptian cult of the dead or Egyptian religion in general. For the purpose of deciding whether Noth's foreign-cultic hypothesis is valid or not, it may be noted here that aquatic animals considered to be sacred in Egypt included the bulti, eel, electric fish, latus, ababes, lepidotus, and oxyrhynchus.

\(^1\) J. Milgrom, "Leviticus," IDB, sup. vol (1976), p. 543, suggests that the lack of enumerations in this section may be explained by the relative absence of sea life in the Mediterranean prior to the Suez Canal. Fish alone among the creatures were not named by Adam (Gen 2:19-20). Moran suggests an alternative to the "missing example" idea. He notes it is a later and verbose expansion of 11:11, and since 11:12 speaks simply of *bammayim*, he concludes 11:12 is the earlier form of the prohibition in this section.

\(^2\) Moran agrees with K. Koch in suggesting that vs. 11 is a later addition to the chapter. He bases his argument on the use by the author of *sheqets* rather than *tame* (as used in vs. 8) which he considers to be "priestly vocabulary." He hypothesizes that the verse was introduced to parallel the earlier 11:8a.

\(^3\) Harrison, p. 127.
The "method of propulsion" aspect of Douglas' theory of wholeness is supported by this section also as the characteristic features of clean fish are its method of propulsion—that is, the fins and scales.\(^1\) However, in the preceding section it would be difficult to see what relationship chewing the cud had to do with propulsion.

**Verses 13-19**

And these you shall have in abomination among the birds, they shall not be eaten, they are an abomination: the eagle, the vulture, the osprey, the kite, the falcon according to its kind, every raven according to its kind, the ostrich, the nighthawk, the seagull, the hawk according to its kind, the owl, the cormorant the ibis, the water hen, the pelican, the carrion vulture, the stork, the heron according to its kind, the hoopoe, and the bat.

The form of this section is noticeably distinct. No attempt has been made to follow the outline of the former two sections. Twenty prohibited birds are merely listed. No concluding formulae or positive categorizations are present. Sheqets is retained rather than tame and the question of edibility remains the focus of attention. The exact identification of all the species listed presents problems,\(^2\) but most commentators agree that the "birds in question are birds of prey or eaters of carrion."\(^3\) Again various reasons

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\(^1\)Douglas, p. 55.


\(^3\)Wenham, p. 174. G. R. Driver, "Birds in the Old Testament," *Palestine Exploration Quarterly* 87 (1955):5-20, notes that the hoopoe and bat are exceptions to the rule and "do not eat flesh." He suggests that they may have been added as their flesh is distasteful or because of their dirty habits. Alternatively, however, it may be noted that bats are residents of caves where the possibility of contamination with death, darkness, and the spirits of the underworld exists.
are suggested for their prohibition: (1) Carrion eaters are disease carriers;\(^1\) (2) Carrion and death are symbolic of sin;\(^2\) and (3) food eaters and killer animals would be perceived by Israel as transgressing the Decalogue (Exod 20) and the blood law (Lev 17).\(^3\)

This section, more than either of the previous two, seems to support Noth's foreign-cultic theory. All the birds listed are scavengers, and as such, their daily contact with death is automatic. Their scavenger activity may or may not have been the reason that they were deified as Egyptian gods. Knight lists the bat, bennu bird (heron), goose, hawk, ibis, ichneumon, vulture, and wagtail specifically as deities.\(^4\)

Another parallel between Leviticus and Genesis may be noted in the formula "after its kind" (vss. 14, 15, 16, 19). The four-fold repetition is again evident.

Variations in the order of the prohibited animals (vss. 4-7) was noted on p. 22. Variation in order is also apparent in this section on birds (figure 3). Although a variant order is evident the number twenty has been retained, as have the first, last, and central entries. Besides the order change, only two species variations are apparent in the Leviticus-Deuteronomy comparison. First, the buzzard is listed in place of the falcon. Second, entries #11

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\(^2\) Wenham quotes an article by Keil in Biblical Archaeology II, pp. 118f.

\(^3\) Douglas, Purity and Danger, p. 56.

\(^4\) Knight, Amentet, pp. 138-54.
<table>
<thead>
<tr>
<th>LEV</th>
<th>DEUT</th>
<th>LEV LXX</th>
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</thead>
<tbody>
<tr>
<td>1. eagle</td>
<td>eagle</td>
<td>eagle</td>
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<tr>
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<td>vulture</td>
<td>ossifrage</td>
</tr>
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<td>3. osprey</td>
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<td>sea eagle</td>
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<td>4. kite</td>
<td>buzzard</td>
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<td>5. falcon + K</td>
<td>kite + K</td>
<td>kite + K</td>
</tr>
<tr>
<td>6. raven + K</td>
<td>raven + K</td>
<td>sparrow</td>
</tr>
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<td>7. ostrich</td>
<td>ostrich</td>
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</tr>
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<td>8. nighthawk</td>
<td>nighthawk</td>
<td>sea-mew + K</td>
</tr>
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<td>9. sea gull</td>
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<td>hawk + K</td>
<td>hawk + K</td>
</tr>
<tr>
<td>11. owl</td>
<td>little owl</td>
<td>night raven</td>
</tr>
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<td>12. cormorant</td>
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</tr>
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<td>13. ibis</td>
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<td>14. water hen</td>
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</table>

**Fig. 3.** Order of bird species in Lev 11:13-19 (MT and LXX) and Deut 14:11-17 (K = "after its kind").

and #12 of Deuteronomy (the little owl and the great owl) have been given only one place (#11—the owl) in Leviticus while the thirteenth entry, the ibis, is a new insertion.

Again the four-fold repetition of a formula—"after its kind," in this instance—is noted. Its addition after entries six and ten (oreb and nes) is understandable as these are generic terms for whole classes of birds. This is possible also for entry eighteen, as anapah is a general term for a number of small raptorial birds...
hunting fish in rivers, lakes, or seas. However, its use after 'ayyah is not clear.¹

The reclassification of these birds only serves to underscore the fact that exact identification is still tenuous. This probably accounts for some translation differences,² a point that is obvious in the LXX rendering.

Verses 20-23

All winged insects that go upon all fours are an abomination to you. Yet among the winged insects that go on all fours you may eat those which have legs above their feet, with which to leap on the earth. Of them you may eat; the locust according to its kind, and the grasshopper according to its kind. But all other winged insects which have four feet are an abomination to you.


²Ibid. For Driver's suggested identification of the birds see appendix A. He considers that several alterations of species identification makes the order more rational. The first five species are a series of large raptors of the accipitres family. The oreb (raven), representing its family, is appended with the formula "after its kind." Species numbers seven to nine are of the stringes family of owls and are reclassified by Driver as the eagle owl, short-eared owl, and long-eared owl. He concludes that it would be natural for owls to be classified with the hawks since owls were regarded as a family of accipitres until the last century when they gained independent status. Also, the fact that they are raptorial as well as their habit of living in the caves of mountains and in temples gives them similar characteristics to the preceding species. Reclassification of the ostrich as an eagle-owl also eliminates the problems of harmonization with other passages of scripture (e.g., Isa 43:20; 34:13; Isa 13:21; Jer 1:39). The small accipiter, entry ten, is also a generic term and is followed by the formula "after its kind" also. Entries eleven to fifteen belong to the smaller stringes family of owls. One sea bird, entry sixteen, is followed by two species of the rivers and lakes. The hoopoe, though not a raptor, feeds on worms and insects foraged among the garbage. Its flesh is tasty but malodorous; it has also an unsavoury reputation being often connected with magical practices. The bat, though not a bird, was considered halfway between man and beast according to Aristotle. Fifteen to seventeen varieties inhabited Palestine swarming in caves, tombs, and disused buildings.
The section on insects, logically following that of the birds, begins a section which has no parallel in Deut 14. Classification by external features is again introduced in vss. 21, 22, although the prohibitions precede the permitted foods. No attempt is made to follow any of the previous forms although the list of permitted varieties again numbers four, each having the formula "after his kind" appended.

Verse 20 and vss. 21-23 seem to be mutually exclusive. The inclusive term "all" (vss. 21-22), produces an inconsistent reading. The intention of vss. 21-22 is plain without vs. 20.

The identification of the four permitted insects is difficult although four varieties of locusts have been suggested. Locusts have been eaten in the Near East for millennia down at least until the time of John the Baptist. Their use in New Testament times makes their omission from Deuteronomy anomalous.

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1Wenham, p. 175, notes that sherets includes more than is implied by the English word "insects" and would be better translated "swarming things"—that is, small animals that are characterized by their small size and indeterminate movement. Harrison, p. 128, would agree with this as he notes that the class insectae normally have six legs rather than the four mentioned here.

2This was noted by Noth, Leviticus, p. 94, who concludes that vss. 21-23 were probably added later.


4A royal banquet scene from the palace of Ashurbanipal (c. 669-627 B.C.) depicted servants bringing locusts on sticks for guests to eat.

5One explanation of this point is given by Knoble who is cited by Keil and Delitzsch, p. 367, as explaining the omission by saying that the eating of locusts is prohibited in Deuteronomy and the Deuteronomist passes over them because in his more advanced age there was apparently no longer any necessity for the prohibition. Keil and Delitzsch note, however, that an even later culture, that
This section would seem to support three hypotheses regarding reasons for the laws. First, Mary Douglas suggests that "swarmers"\(^1\) are prohibited because they have an indeterminate method of propulsion (i.e., "going on all fours")\(^2\) which is not characteristic of any of the three spheres of life. That is, birds have two wings with which to fly and two legs for walking, land animals have four legs, fishes have fins and scales. Swarmers break down these categories of movement. Grasshoppers, the exception to this rule, are classified more as a bird with wings and two feet. Its method of propulsion is appropriate to its sphere.\(^3\) The clean/unclean distinction is made on grounds of whether it hops (clean) or not (unclean), thus corroborating the evidence.

Harrison supports the hypothesis regarding health by noting that rational dietary considerations are primarily the purpose of

\(^1\) Of all types, land, sea, and air.

\(^2\) "Going on all fours" is the opposite of walking uprightly, Mary Douglas claims. The number of legs is irrelevant (Wenham, p. 175). Even the one permitted family have six legs, however, "the Hebrews regarded the two hind legs which are longer and stronger than the others as separate limbs and did not include them in the number of limbs (Porter, p. 87).

\(^3\) Several outstanding questions are raised by this hypothesis however. For example, it can be noted that most of the scavenger birds have a form of movement and bodily characteristics which are not different from their clean counterparts.
this section. Harrison claims that the passage clearly defines laws which "enables those who are familiar with them to recognize harmful kinds of potential food quite readily."^1

The third hypothesis regarding foreign cults^2 would also seem to be supported by the fact that the swarming things, like the scavenger birds or bats of the preceding section, have daily contact with rotting carcasses,^3 dark holes and caves,^4 or cause death themselves. It is noted that the one exception, the grasshopper family, has legs for the purpose of leaping on to the earth which would represent a point of contrast with the other swarming things which come up from the earth, dark regions, and death.

Verses 24-28

And by these you shall become unclean; whoever touches their carcass shall be unclean until the evening, and whoever carries any part of their carcass shall wash his clothes and be unclean until the evening. Every animal which parts the hoof but is not cloven-footed or does not chew the cud is unclean to you; everyone who touches them shall be unclean. And all that go on their paws, among the animals that go on all fours, are unclean to you; whoever touches their carcass shall be unclean until the evening; they are unclean to you.

A section begins which is distinct from the preceding ones in that the primary concern of prohibited and permitted animals

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^1Harrison, p. 129.

^2Swarming things listed by Knight as being sacred to the Egyptians include the beetle, flea, fly, frog, grasshopper, hornet, lizard, locust, praying mantis, scorpion, serpent, shrew mouse (a symbol of darkness), turtle (an emblem of death and darkness), and monitor lizard.

^3Flies, maggots, beetles, for example.

^4E.g., lice, mice, rodents.

^5E.g., scorpions, serpents.
has been replaced by a concern with the uncleanness that results from contact with the animals.

Also, a difference in formal style can be noted in the use of objective phrases (vss. 24b, 25, 27b, 28a) which are interpolated between the second-person-plural address style of the preceding sections (24a, 26, 27a, 28).¹ Thus, the animal characteristics to which "these" (vs. 24) refers are not given until vs. 26. This recurrent interpolation of the objective into the second-person phrases is a consistent feature of the remainder of the chapter. Noth's suggestion that it is the priestly professional knowledge which clarifies aspects of the law not specified in practical terms is supported by the greater preciseness which vss. 24b and 25 give to the same subject mentioned in vs. 8. That is, in the daily practice of the cult, questions which may arise regarding vs. 8 could include: What happens if I do touch an unclean animal? What if I accidentally eat unclean flesh? Does it make any difference to its uncleanness whether the animal is alive or dead?

The uncleanness caused by any of the polluting agents in this chapter is only temporary and lasts only until the evening. This is in contrast to the uncleannesses of the following chapters where uncleanness may last one week (15:3), two months (15:5), or indefinitely (13:45-46), depending on the degree of the pollution. That the degree of pollution necessitates specific cleansing rituals

¹Noth suggests that this is reminiscent of the priestly professional knowledge which he suggests must, in ancient times, have been passed on by word of mouth. Later, at least in important points, it must finally have come to be written down (Leviticus, p. 53).
seems evident even within this chapter as various ritual practices are specified in accordance with the amount of defilement.\(^1\) Death definitely influences this degree of pollution, as well as the duration of contact (i.e., touching as opposed to carrying or lifting).

The objectively phrased vss. 26-27 restate in negative form the injunction of vs. 3. A distinction is made here between positively parting the hoof and yet not being cloven-footed. The literal translation of "paws" (vs. 27) as "the palm of the hand" may indicate that the author was intending to distinguish between the hoof that was cloven into two sections and that which was divided in three (cat family) or more (monkeys, etc.).\(^2\) Verse 27 then becomes the example of the general injunction of vs. 26 while vs. 28a presents the purification method to be used should the injunction be violated.

Verses 29-38

And these are unclean to you among the swarming things that swarm upon the earth; the weasel, the mouse, the great lizard according to its kind, the gecko, the land crocodile, the lizard, the sand lizard, and the chameleon. These are unclean to you among all that swarm; whoever touches them when they are dead shall be unclean until the evening. And anything upon which any of them falls when they are dead shall be unclean, whether it is an article of wood or a garment or a skin or a sack, any vessel that is used for any purpose; it must be put into water, and it shall be unclean until the evening; then it shall be clean. And if any of them falls into any earthen vessel, all that is in it shall be unclean, and you shall break it. Any food in it which may be eaten, upon which water may come, shall be unclean; and all drink which may be drunk from every such

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\(^1\)That is, whether waiting was sufficient or whether washing of person and clothes should be added.

\(^2\)Whatever the reason, it is superfluous in light of vs. 3.
vessel shall be unclean. And everything upon which any part of their carcass falls shall be unclean; whether oven or stove, it shall be broken in pieces; they are unclean, and shall be un­
clean to you. Nevertheless a spring or a cistern holding water shall be clean; but whatever touches their carcass shall be un­
clean. And if any part of their carcass falls upon any seed for sowing that is to be sown, it is clean; but if water is put on the seed and any part of their carcass falls on it it is un­
clean to you.

The same subject treated in vss. 20-23 is further expounded. A clarifying list of eight prohibited creatures is added to the four prohibited species. Their actual inclusion seems redundant as vs. 23 notes "all other winged insects which have four feet are an abomination." Positive identification is again difficult.

The section is concerned with the dead corpse of an animal as well as the possibility of a live animal falling onto or into something and dying there. Death, therefore, is the polluting factor.

Again the laws of vss. 29-31 require clarification. What was to be done with the polluted object, for example? The author, in supplying answers, seems to have been concerned with the main­
tenance of credibility, however, and thus did not legislate against the daily necessities of life. Any article in use may be cleansed by washing and remaining out of service till evening. Pottery vessels, ovens, and stoves must be broken to preclude their re-use.

1The different terminology between sharats "to swarm" and oph "fowl" may either denote a differentiation in species or the later addition of one or the other passage.

2Wenham considers they were probably small animals such as mice and lizards which could get into the household utensils re­ferred to in vss. 31-38. Porter suggests they were animals and reptiles which seemed to have hands in place of feet and therefore violated the natural order of things. Thus, he considers them to be an amplification of vs. 27.
An exception is made in the case of a cistern or dry seed for sowing purposes. Proponents of the hygienic hypothesis are supported by modern microbiology in suggesting that organisms would be removed by washing, exposure to sunlight, and the drying process. However, it is difficult to see on this basis why a wooden vessel (vs. 32) may be washed to restore purity when an earthenware vessel may be broken (vs. 33). As true glaze was not used in Palestinian pottery until the post-New Testament era, both the pottery and the wooden vessel would be of a similar porous nature. An alternative explanation in keeping with the cistern exception may be that earthenware vessels were plentiful and cheap, thus breakage to eliminate impurity would not be much of a sacrifice. In a deforested environment, however, wood was a scarce commodity and a wooden vessel would not be easily replaced. Similarly stoves and ovens made of burnt clay were easily replaceable and were to be broken even though they could not possibly have been pathogenically dangerous.

Proponents of the hygienic hypothesis, however, state: "there can be no doubt that hygienic factors are the only considerations here since a variety of diseases could be spread." However, in trying to explain the cistern exception (which would actually be the most pathogenically dangerous in the passage), they claim that "a fairly continuous state of movement" would dissipate any "sources of potential or actual infection." While it is true that the organisms would be "diluted," some pathogens (cholera, for example) are so virulent that only one or two are required to produce disease.

Again an alternative practical consideration may be the author's intent. That is, in a land where an adequate water supply

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was essential for life, this must not be endangered. Therefore, the operation of uncleanness is restricted to actual contact with the animal. It is a practical impossibility to keep all vermin out of seed that is kept for sowing (vs. 37), and like the cistern it is declared clean. Alternatively, seed prepared for cooking and brewing by soaking in water is unclean (vs. 38).

This passage also has objectively phrased casuistic expansions\(^1\) interpolated in vss. 31b-38.

**Verses 39-40**

And if any animal of which you may eat dies, he who touches its carcass shall be unclean until the evening, and he who eats of its carcass shall wash his clothes and be unclean until the evening; he also who carries the carcass shall wash his clothes and be unclean until the evening.

The objectively phrased clarifications continue in regard to clean animals that die naturally. Noth considers these verses are appended to vs. 24 in which case the order would be touching, eating, and carrying.

A similar text to this appears in Lev 17:15. "Now as for any person, native or alien, who eats carrion fallen or carrion prey, he is to launder his garments and bathe in water--enduring impurity till evening--and be restored to purity."\(^2\)

The verse occurs in a unit which is concerned with rejecting the current practice of slaughtering animals in many places and of instituting a centralized system. Brichto paraphrases the thought:

\(^{1}\)Porter, p. 96.

Every butchering of an animal which takes place anywhere but at the shrine constitutes an act akin to murder for which YHWH will exact the punishment expressed in being cut off from kinfolk. Such acts now being perpetrated are characterized as slaughter-offerings (zebahim) to satyr-like demons. When the animal is brought to the shrine, however, there to be slaughtered, its blood sprinkled on the altar and its fat parts burnt upon it, this constitutes a selamim (slaughter-offering) to YHWH and is altogether licit.

A text similar to Lev 17:15 is noted in Deut 14:21. "You shall not eat anything that dies of itself; you may give it to the alien who is within your towns, that he may eat it, or you may sell it to a foreigner; for you are a people holy to the Lord your God." When vs. 21 is considered in its context (12:20-27), the centralization tendencies noted in Lev 17, seem to have been reversed:

When the Lord enlarges your territory ... and you say "I will eat flesh," because you crave flesh, you may eat as much flesh as you desire. If the place which the Lord your God will choose to put his name there is too far from you then you may kill any of your herd or your flock ... and you may eat within your towns as much as you desire. Just as the gazelle or the hart is eaten, so you may eat of it; the unclean and the clean alike may eat of it. Only be sure that you do not eat the blood; for the blood is the life. ... You shall pour it out upon the earth like water. You shall not eat it; that all may go well with you and with your children after you. ...2

Thus, animal food that has not been ritually slaughtered and the blood given back to the Life-giver is potentially dangerous.

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1Brichto, p. 22, notes that whenever man takes an animal life for his own table, the blood-spilling ritual described must take place at the "altar." This reminds the slaughterer that he has taken a life which he is not able to recreate and which he is not therefore at liberty to take. To fail to use God's table (altar) in slaughter is characterized as "eating" (or "eating with") the blood. The slaughter therefore remains illicit and murder (or some equivalent term) is used for the act. Blood, which is the life, if put on the altar, is symbolically given back to YHWH in exchange for the life of the slaughterer.

2The license given here allowing the alien to eat carrion represents a point of contrast with Leviticus.
The consumer's life will be required in lieu if the blood is eaten. In Lev 17 such an act is considered a *zebahim* and may not be practiced by Israelite or alien as it is received by the demons. However, in Deuteronomy carrion flesh may be sold to the alien as he is not consecrated to YHWH.\(^1\)

**Verses 41-45**

*Every swarming thing that swarms upon the earth is an abomination; it shall not be eaten. Whatever goes on its belly, and whatever goes on all fours, or whatever has many feet, all the swarming things that swarm upon the earth, you shall not eat; for they are an abomination. You shall not make yourselves abominable with any swarming thing that swarms; and you shall not defile yourselves with them, lest you become unclean. For I am the Lord your God; consecrate yourselves therefore, and be holy, for I am holy. You shall not defile yourself with any swarming thing that crawls upon the earth. For I am the Lord who brought you up out of the land of Egypt, to be your God; you shall therefore be holy, for I am holy.*

*An example of the repetition mentioned in the problem can be noted in this passage.\(^2\) The variation of the forms presents a contrast with the concluding formulae noted in the previous section which, when repeated, are repeated exactly. However, the number of repetitions is again maintained at four. The question must be asked of what purpose such repetitions were intended to serve? If parallels within later Aramaic or Mishnaic passages are offered as a possible solution to the problem, justification must be made for*

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\(^1\) Of course, this injunction would also be helpful hygienically as well. This is not to say, however, that the hygienic rationale then is primary as Harrison claims (p. 132). If it was, the Israelite would be ethically guilty in selling for profit something which he knew would harm another person—even if that person were an alien.

\(^2\) Repeated passages have been underlined in the block quotation.
switching to a different historical context in interpreting the text.

Another parallel with Genesis (3:14) is noted in the phrase "goes on its belly" (vs. 42).

The topic of this section—the swarming things—has now been raised for the third time. This raises the question of why the sections beginning with vss. 20, 29, and 41 were not all amalgamated.¹

The whole passage seems to support the foreign-cult hypothesis.² Sheqets (abomination) is used in conjunction with three of the repetitions.³ This is usually used in a cultic sense. It has already been noted that most of the swarming things held diety status to the Egyptians⁴ and this connection with Egypt is made in vs. 45 in a polemical sense. That is, the reasons why they were not to make themselves abominable with these things was because "I am the Lord who brought you out of the land of Egypt." That is, a point of distinction is to be made now. Israel is to be holy, separate, and distinct.⁵ Verse 45 states YHWH brought them out "to

¹Especially since they are totally absent in Deuteronomy.

²Proponents of the rational hypothesis of hygiene would have to explain why a subject which has already been presented twice from both the positive and negative view would again need to be repeated four times although no further rational explanations are given. It would seem this would serve the purposes of those who support the arbitrary hypothesis for the laws.

³The final repetition admonishes not to "defile" (tamah) yourself.

⁴Examples of which are given in the account of the ten plagues (Ex 7-11).

⁵These synonyms are further explained in chapter IV. Also compare 19:2; 20:7,26.
be your God"—thus implying that this was in the place of other gods.

Verses 46-47

This is the law pertaining to beast and bird and every living creature that moves through the waters and every creature that swarms upon the earth, to make a distinction between the unclean and the clean and between the living creature that may be eaten and the living creature that may not be eaten.

A summary to the passage, still in the third person, reverts to a quotation from 10:10 in giving a reason for the existence of the passage. That is, the priests' duty was to distinguish between the clean and the unclean. This passage, on things permitted as food, has counterparts in chaps. 13, 14, 15.

Summary

Therefore, although a basic order is evident in the chapter, particularly in regard to subject order, numbers of repetitions, and numbers of animals enumerated, the individual laws do not always display a uniform style. They are not always in the same pattern and words or phrases characteristic of one section are not always repeated in another.

On the basis of some of these individual characteristics, the passage has been divided into three sections (figure 4). Section I comprises those parts which are basically complete as they stand. That is, obvious interpolations in the third person have been removed and placed in Section III. Section II contains those passages which for one reason or another, as mentioned in the preceding pages of this chapter, are thought to be later additions to the original text. The style of each section then, it is hoped, will appear more homogeneous. The table is drawn for the purpose of
clarification and evaluation of the conclusions drawn by proponents of the traditio-historical view and is in no way meant to be a suggestion of reality.
1. And the Lord said to Moses and Aaron,

2. Say to the people of Israel, These are the living things which you may eat among all the beasts that are on the earth.

3. Whatever parts the hoof and is cloven footed and chews the cud, among the animals, you may eat.

4. Nevertheless among those that chew the cud or part the hoof, you shall not eat these: the camel, because it chews the cud but does not part the hoof, is unclean to you.

5. And the rock badger, because it chews the cud but does not part the hoof, is unclean to you.

6. And the hare, because it chews the cud but does not part the hoof, is unclean to you.

7. And the swine, because it parts the hoof and is cloven footed but does not chew the cud, is unclean to you.
<table>
<thead>
<tr>
<th>SECTION I</th>
<th>SECTION II</th>
<th>SECTION III</th>
</tr>
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<tbody>
<tr>
<td>9. These you may eat of all that are in the waters. Everything in the waters that has fins and scales, you may eat.</td>
<td>8. Of their flesh you shall not eat, and their carcass you shall not touch, they are unclean to you.</td>
<td>13. And these you shall have in abomination among the birds, they shall not be eaten, they are an abomination: the eagle, the vulture, the osprey.</td>
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<td>10. But anything in the seas or the rivers that has not fins and scales, of the swarming creatures in the waters and of the living creatures that are in the waters, is an abomination to you.</td>
<td>11. They shall remain an abomination to you; of their flesh you shall not eat, and their carcasses you shall have in abomination.</td>
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SECTION I

20. All winged insects that go upon all fours are an abomination to you.

SECTION II

14. The kite, the falcon according to its kind,
15. Every raven according to its kind,
16. The ostrich, the night hawk, the sea gull, the hawk according to its kind,
17. The owl, the cormorant, the ibis,
18. The waterhen, the pelican, the carrion vulture,
19. The stork, the heron, according to its kind, the hoopoe, and the bat.

SECTION III

21. Yet among the winged insects that go on all fours you may eat those which have legs above their feet, with which to leap on the earth.
22. Of them you may eat; the locust according to its kind, the bald locust according to its kind, the cricket according to its kind and the grasshopper according to its kind.
SECTION I

23. But all other winged insects which have four feet are an abomination to you.

24. And by these you shall become unclean,

26. Every animal which parts the hoof but is not cloven footed or does not chew the cud is unclean to you.

27. And all that go on all fours are unclean to you.

SECTION II

24b. Whoever touches their carcass shall be unclean until the evening.

25. And whoever carries any part of their carcass shall wash his clothes and be unclean until the evening.

26b. Everyone who touches them shall be unclean.

27b. Whoever touches their carcass shall be unclean until the evening.

28. And he who carries their carcass shall wash his clothes and be unclean until the evening. They are unclean to you.
SECTION I

29. And these are unclean to you among the swarming things that swarm upon the earth: the weasel, the mouse, the great lizard according to its kind,
30. The gecko, the land crocodile, the lizard, the sand lizard, and the chameleon.
31. These are unclean to you among all that swarm.

SECTION II

31b. Whoever touches them when they are dead shall be unclean until the evening.
32. And anything upon which any of them falls when they are dead shall be unclean, whether it is an article of wood or a garment or a skin or a sack, any vessel that is used for any purpose; it must be put into water, and it shall be unclean until the evening; then it shall be clean.
33. And if any of them falls into any earthen vessel, all that is in it shall be unclean and you shall break it.
34. Any food in it which may be eaten, upon which water may come, shall be unclean; and all drink which may be drunk from every such vessel shall be unclean.
35. And every thing upon which any part of their carcass falls shall be unclean; whether oven or stove, it shall be broken in pieces; they are unclean, and it shall be unclean to you.

36. Nevertheless a spring or a cistern holding water shall be clean; but whatever touches their carcass shall be unclean.

37. And if any part of their carcass falls upon any seed for sowing that is to be sown, it is clean.

38. But if water is put on the seed and any part of their carcass falls on it, it is unclean to you.

39. And if any animal of which you may eat dies he who touches its carcass shall be unclean until the evening.

40. And he who eats of its carcass shall wash his clothes and be unclean until the evening; he also who carries the carcass shall wash his clothes and be unclean until the evening.

41. Every swarming thing that swarms upon the earth is an abomination; it shall not be eaten.
42. Whatever goes on its belly and whatever goes on all fours, or whatever has many feet, all the swarming things that swarm upon the earth, you shall not eat; for they are an abomination.

43. You shall not make yourselves abominable with any swarming thing that swarms; and you shall not defile yourselves with them, lest you become unclean.

44. For I am the Lord your God; consecrate yourselves therefore, and be holy for I am holy.

45. For I am the Lord who brought you up out of the land of Egypt, to be your God; you shall therefore be holy for I am holy.

46. This is the law pertaining to beast and bird and every living creature that moves through the waters and every creature that swarms upon the earth.

47. To make a distinction between the unclean and the clean and between the living creature that may be eaten and the living creature that may not be eaten.

Fig. 4. Division of Lev 11 on the Basis of Style.
CHAPTER III

DEUTERONOMY 14:3-21

The narrative of the book of Numbers concludes with the children of Israel poised on the borders of the promised land (Num 33:48,49; Deut 1:5). A pause then occurs while Moses in his farewell speech expounds the principles upon which the faith and national identity of Israel are founded.

Date and Authorship

Problems regarding the date and authorship of Deuteronomy are as numerous as those of Leviticus.\(^1\) Samuel, priests, prophets, and wisemen have all been suggested as authors. However, dating, as a corollary of the authorship problem, has over the past twenty years begun to fall into two main camps.\(^2\) The deciding factor for this division is based on the relationship between Deuteronomy and the ancient Near Eastern vassal treaties. Also, as Weinfeld notes, the distinction between the two camps is not so much regarding the specific authorship and specific date of composition (for most would accept the reality of editorial work), but rather the "extent of each


editorial strand of its composition or its ideological teaching.™

**Mosaic Authorship View**

Besides being the traditional view of Christianity and Judaism, some modern scholars consider the major strands derive from the time of Moses.™ They see in the relationship of Deuteronomy to the Hittite vassal treaties a parallel by which they conclude Moses was using a common literary device of the fourteenth-thirteenth centuries B.C.

**Seventh-Century View**

Weinfeld³ and others, building on the Wellhausian hypothesis, hold to a seventh-century provenance and note parallels between the covenant formula of Deuteronomy and the Assyrian vassal treaties of Esarhaddon in the seventh century B.C.

The dating of Deuteronomy (D) to the seventh century by noting parallels with the Josianic reform⁴ served to establish the sequential

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³ Weinfeld, *Deuteronomy*, p. 22.

⁴ Since the beginning of the nineteenth century, biblical scholars have generally agreed with de Wette's thesis that Deuteronomy or rather an old form of that book was the "book of the Law" found in the temple during Josiah's reign. Parallels noted between Deuteronomy (D) and the reforms of Josiah upon which these claims are based include: (1) The command to centralize the cult in one place is found only in D. Josiah's reform abolished the worship of the bamoth and required centralization of the cult in one place. (2) The book found in the temple included curses and threats (2 Kgs 22:16; 2 Chron 34:24) and these are present together only in D. Among D curses is the threat of exile and destruction (Deut 28:36f; 63-65). (3) Josiah sent a delegation to Huldah the prophetess (2 Kgs 22:11-20) according to the law of Deut
nature of Wellhausen's hypothesis. He claimed that the JE strand (named after the Yahwistic and Elohistic sources) served as a basis for D, which D subsequently reworked and expanded. D is free of priestly (P) ideas yet P is influenced by the centralization law of D which it places in the Mosaic era. Therefore the sequence was able to be suggested: JE has no theme of centralization, D inculcates it, and P takes it for granted.

While it is not the purpose of this paper to be dogmatic about any of the many scholarly views propounded, yet it is necessary to make some type of intelligent decision regarding the provenance of Deuteronomy. The gaps in the data as well as the current debates only serve to underscore the fact that the conclusions are tentative.

In looking critically at Wellhausen's hypothesis, several assumptions and propositions seem problematic. First, his assumption that prophecy was the fountainhead of Israelite monotheism and the force which influenced the priestly writers of the post-exilic period raises certain questions. The prophetic themes which one would expect to find in the Torah as a result of this theory of influence are not readily evident. For example, the cry against moral wrongs and social decadence so explicitly emphasized by the eighth-century prophets is not known in the torah. Instead, idolatry is

18:15. (4) Josiah's finding of the book and celebration of the passover and centralization appear together (2 Kgs 23; 2 Chron 34-35; Deut 16:5-8). (5) The book of the law found in the temple is similar to the terminology which D uses to refer to itself (Deut 31:24,29; 29:21).

1 Joseph Blenkinsopp, Prophecy and Canon (Notre Dame: University of Notre Dame Press, 1977), pp. 39-46, notes that Deut 13:2-6 and 18:9-22 suggest two criteria for evaluating the prophet and his work: (1) fidelity to the Yahwistic tradition (13:1-5; 18:20), and (2) the prophet must speak only what Yahweh commands (18:20).
the principle sin. In Deuteronomy, exile is threatened only for idolatry. The decreased emphasis on sacrifice and external forms in the prophets is not consistent with the writings of P. The reforms of Josiah and Hezekiah on the other hand were not social but purely cultic (2 Kgs 22-23). Amos, Hosea, Isaiah, and Micah, while promoting the religion of the "heart," say nothing of centralization of worship. Therefore, it would seem difficult to maintain an assumption that the prophetic circles directly influenced the theology of the Torah in its development.

A second problem is evident in comparing the blood laws of Lev 17:3 and Deut 12:15,21. If, according to the Wellhausian hypothesis, the laws of P were composed after or in accord with D, Lev 17:3-4 would have to be seen as banning the profane non-sacrificial slaughter that Deut 12:21 legitimized. The problem is further heightened by the post-exilic environment pre-supposed when the Jews were scattered and it was impossible to bring sacrifices to Jerusalem. Furthermore, if centralization is the burden of Deuteronomy (P only taking this tenet for granted), why is it that Deut 12:16,21 has a more liberal view in this respect?

Blenkinsopp claims that this retrospective view of prophecy which emphasizes successful prediction and aids in distinguishing true from false prophets, belongs to the exilic edition of the book. While Blenkinsopp would agree with Kaufmann (p. 204) that prophecy did not directly influence torah theology, he claims that prophecy propelled the clerical scribes to produce the original revelation of Moses. The scribal purpose was to overcome the prophetic attempt to represent the normative order.

Although Amos is opposed to the sanctuaries of Bethel, Dan, Beersheba, Gilgal, etc., he does not propose centralization as a possible method of eliminating the syncretistic practices.
These questions are not to suggest that the developmental hypothesis should be disregarded in its entirety, nor that the Mosaic hypothesis is to be accepted entirely either. For, as Craigie notes, "the nature of the evidence is not such that the data can be proved or disproved."^1

In an attempt to discover a reasonable historical and ideological context in which the laws of Deuteronomy functioned, the basic tenets of their theology and ideology have been summarized as follows:^2

1. In enumerating punishments the laws depend more on the religious and social pressure which is exerted by the community itself rather than on the proclamation of administrative penalties for transgressions. Often sociologically referred to as the "shame-cultural" phenomenon, attention is focused on the public aspect of wrong-doing. The individual offender and the individual offence rather than a legal category is emphasized (e.g., 21:18-21). The intention is to offer each case to the public who is expected to take note and not to imitate it.

2. Motive clauses used are intended to motivate the listener in accordance with the legal and moral instruction given. For example, reward clauses (generally attached to unenforceable laws) include: "that all may go well with thee," "that your days may be long," "for

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^1Craigie, p. 28.

^2The characteristics listed here are a summary of those cited by C. M. Carmichael, The Laws of Deuteronomy (London: Cornell University Press, 1974), and Weinfeld in Deuteronomy.
the Lord will bless you," "lest it be a sin."  

3. Supplemental clauses which explain the intent of the laws are added. For example, following the prohibition of eating blood, the reason is given, "for the blood is the life." The parallels noted when comparing this phenomenon to the Assyrian Law A 12-14 may lead one to conclude that this was part of the legal tradition itself.

4. The expansive language used suggests an ideal social, moral, and religious program. When referring to flesh eating, for example, D notes that upon entering the land, the people may eat as much flesh as they desire—whenever they crave flesh, they may eat it legitimately (Deut 12:20).

5. The positive-negative sequence is a consistent feature of the book and follows the didactic wisdom form and balanced counsel of the sages.

6. Repetition, usually thought by scholars to be evidence of editorial insertions, is considered by Carmichael to be part of the didactic characteristic of the book. In Deuteronomy writing for educational purposes contrasts with the literature of earlier times.

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3Carmichael, pp. 96-117.

4Deut 4:7-9; 11:18-21; 17:9-19; 27:2-3; 31:9, etc.
which served an archival role.\(^1\) This is not to suggest, however, that evidences of editorial work in the form of repetitions, changes of style, person, etc., do not exist in the work.\(^2\)

7. The positive-negative characteristic and repetition are combined to create a symmetrical effect. Carmichael claims that to recognize parallelism and symmetry negates the necessity of deleting supposed editorial insertions. Repetitions "may be additions," he claims, "but they are original to D" (see 25:13-16; 18:15).

8. The laws are to take effect on entering a new land. Like those of Ezekiel, therefore, they imply a new beginning and a need for renewal and reform.

9. Rhetoric is used by the author to accentuate the didactic purposes of the book. The message is directed to the heart and emotions of the audience.\(^3\)

10. The concept of love is used in a religious sense. Normally in the ancient Near East it was used in a political sense. For example, to love the king with one's entire heart signified the severance of all contact with other political powers. In the state treaties the suzerain frequently warned the vassal not to transfer

\(^1\)Exod 17:4; 24:4-7; 34:27-28; Josh 24:25-26; 1 Sam 10:25.

\(^2\)Deut 12:15-16 cf. 12:20-25; Deut 12:6-7 cf. 11-12,18. Verses 2-12 are mostly in the plural while vss. 13-28 are singular. The vacillation between the second person singular and the second person plural passages has long been seen as a significant clue to disentangling the interwoven traditions. Gary Chamberlain notes the recent attempt by Minette de Tillesse in which she concluded that the plural sections belong to the Deuteronomic historian who added material to integrate Deuteronomy into the more comprehensive work ("Exodus 21-23 and Deut 12-26: A Form Critical Study," Ph.D. dissertation, Boston University Graduate School, 1977, p. 47).

\(^3\)Von Rad, *Deuteronomy*, p. 20.
allegiance to other kings nor to serve their wishes.¹

11. Deuteronomy has its own unique language style. However, the phraseology revolves around a few basic theological tenets: the struggle against idolatry; the centralization of the cult; the exodus, covenant, and election; a monotheistic creed; observance of the law and loyalty to the covenant; inheritance of the land; retribution and material motivation.

12. The book seems to have the character of an ideal national constitution representing all official state institutions—the monarchy, judiciary, priesthood, and prophecy. Deut 16:18-18:22 successively refers to each in ideal rather than realistic terms. A national regime which incorporated all the normative, spiritual, and religious circles of the period is implied.

13. Moral and humanistic characteristics are evident especially in laws which are not found in other legal corpora. Moreover, in laws which do have parallels, the re-working emphasizes a more humanistic aspect.²


²Moshe Weinfeld, "The Origin of the Humanism in Deuteronomy," Journal of Biblical Literature 80 (1961):241-47. Weinfeld notes the humanist laws unique to D deal with: (1) the value of human life and dignity (22:8); the body of one executed by hanging may not be left on the tree overnight (21:22-23); warning against excessive whipping and the infliction of indignities of the person punished (25:1-3); the attitude to women war captives (21:10-14); the attitude to the runaway slave; (2) interpersonal social relations such as attitude to the poor (15:11); warning regarding discrimination against the hated wife and her son (21:15-16); respect for another's property (23:25), and also recurrent commandments enjoining assistance to the poor, the stranger, the orphan, and the widow; (3) humanitarian laws dealing with cruelty to animals such as the prohibition against taking a mother from the next with her fledglings (22:6-7); the muzzling of an ox treading the corn (25:4).
14. Rest and inheritance are common themes.

15. A trend toward secularization is evident in that judicial matters are dealt with by magistrates (Deut 25:1) rather than by sacral lot casting (Exod 22:8; 28:30), or trial by ordeal (Num 5:1f. cf. Exod 22:8b). Also, the accidental manslayer may seek asylum in cities of refuge (Deut 19:6) rather than at the sanctuary (Exod 21: 13,14) or temple city (Num 35 cf. Josh 20-21).

While the unique characteristics of Deuteronomy's laws noted above have received scholarly attention, the similarities between these laws and those of the other strands of the Pentateuch have also been noted for years.¹ This has lead to the view noted earlier that Deuteronomy's laws are an expansion of the laws of JE and particularly those of the Book of the Covenant.²

However, even Driver was aware of the complex nature of the dependence for he draws attention to the fact that a phrase used in the description of one event is employed by D in the description of another. Despite the similarity of content (see appendix B), differences of sufficient magnitude exist between D and the JE and P strands and serve to further emphasize the characteristic aspects of D already mentioned.

1. The schedule of offerings in D differs from that of P.


²Chamberlain, pp. 25-90. See also Carmichael, pp. 96-117.
Tithes and offerings are to be consumed by the offerer (Deut 14:22-27; 26:13f.) as opposed to the priest (Lev 27:30-33; Num 21-32) at the sanctuary. They are to be shared with the poor, Levite, alien, resident, orphan, and widow. Thus, a book which promotes centralized worship never mentions communal sacrifices. Sacrifice is not institutional but personal. Two intentions seem evident. The humanitarian act of providing food for the destitute and the offerer's expression of gratitude to the Deity.

2. The feast of booths celebrated in makeshift dwellings near the neighboring sanctuaries in Lev 23:40 and 25:8-9 is preserved in name only in D. The sheaf-waving ceremony and the new cereal offering are eliminated. Gifts for the poor are added and each man is admonished to bring whatever his means allow (Deut 16:10, 17; 26:1-11) to the central sanctuary where the feast is to be celebrated for seven days.

3. The rationale for the sabbath commandment changes from a commemoration of the divine rest at creation (Gen 2:1-3, Exod 31:17, 20:8-11) to a remembrance of the condition of servanthood in the land of Egypt (Deut 5:15).

4. The sabbatical year in which all land lay fallow (Lev 25:2; Exod 23:10-11; Lev 26:34,5) has been given social significance in Deuteronomy. Debts rather than the land are to be released and the reason is stated: "so that there be no poor among you."

5. God is seen in anthropomorphic terms by the JE and P writers. He is conceived of as sitting between the cherubim in His dwelling place (the sanctuary) with His feet resting on a footstool (the ark). The high priest ministers to Him with bread, vessels,
lamps, and incense. Men are made in His likeness. Deuteronomy on the other hand has a more abstract conception. A specific temple is not mentioned but rather "the place which the Lord shall choose to cause His name to dwell there." The rest and inheritance themes anticipated for men may thereby be extended to the Deity.

6. The central sanctuary replaces the home (Exod 12:27) for the passover celebration (16:1-8). It is required that each family now bring their sacrifice to the central sanctuary where it is to be eaten. The blood-smearing ceremony on the lintels was eliminated. The firstling consecration (12:6ff.; 15:20) and all sacrifices (12:13f.,17,26f.) were also to be centralized. Centralization was to take effect when the rest and inheritance were reached and the practices "that we do here today" (12:8) ended.

7. The status of the alien is such that the Israelite laws are encumbent upon him in P whereas D considers that only holy people need obey the holy law.

In considering the question of the authorship of Deuteronomy, therefore, it would seem inconceivable that one author would have written laws for the same community which have so many differences. In fact, as the post-exilic community discovered, it was impossible

1 Sam 4:4; 2 Sam 6:2; Ps 80:2; 2 Kgs 19:15; 1 Sam 37:16; Gen 1:26,27.

2 Besides the differences in law, content, interruptions to the text, change of style, etc., many elements represent a considerably more advanced stage of economic history, e.g., the time of the monarchy is reflected (17:14-20); an advanced style of warfare (20:1-9); building and seigecraft (20:20); whole towns falling into apostasy (13:13ff.); appearance of false prophets (13:1-5); prohibition of Canaanite methods of divination (18:9-22).
to harmonize the two.¹ Harmonization attempts have been the topic of Midrashic comment for centuries.²

The differences in ideology, general style, juristic terminology,³ contradiction, and parallels call into question not only the single-authorship view but also the conventional critical theory of evolution from one another. Most of JE's laws can be found in P but differences cannot be explained on the basis of P's peculiar character alone. Similarly, although P and D draw on material from a large common fund, none of D's peculiar concepts are present in P. These observations led Kaufmann⁴ to conclude that when P and D were being composed, JE and the general laws of ancient Near Eastern culture had not reached canonical status. Therefore, they appear in various independent crystallizations, two of which are P and D.

Kaufmann goes on to suggest that although P and D are derived from the same legal fund, divergences are due to their sociological background rather than chronological setting. "The problem at hand concerns two different ideologies arising from two different periods." However, they may also be seen as concurrent rather than successive. Brichto comes to the same conclusion in attempting to reconcile the

¹See, for example, the following note on the amalgamation of the various festivals (footnote 33, p. 63).

²The firstling of animals law, for example, in Lev 27:26; Num 18:17 in which a firstling automatically belongs to God and may not be consecrated by the offerer contrasts with the command in Deut 15:19 which commands the consecration of the firstborn animals to God. Deuteronomy does not recognize automatic sanctity which derives from the express will of the consecrant. Mishna Arakhim viii:7 represents a rabbinic attempt to reconcile the matter.

³The terse, precise, juristic style of JE contrasts with the cultic terminology of P and the didactic hortatory tone of D.

⁴Kaufmann, p. 209.
peculiarities of the blood laws and summarizes his conclusions in figure 5.

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Fig. 5. Brichto's hypothesis of OT source development (Developmental periods shown by approximate centuries).

Weinfeld, Kaufmann, and Brichto all question the traditional lateness of P, the composition of which purportedly began after the covenant made with Josiah upon Deuteronomy and which was completed in the age of Ezra-Nehemiah when a "sure agreement" was made upon the whole Torah.

In comparing the ideological uniqueness of Deuteronomy with the historical-geographical context of the late eighth to late seventh centuries, certain similarities are apparent. The following hypothesis is suggested as a possible explanation of the conclusions derived thus far.

1 The Holiness Code (H) refers to Lev 17-26.
2 Kaufmann, p. 205; Weinfeld, Deuteronomy, p. 184; Brichto, p. 43.
3 A similar hypothesis to this has been suggested by A. Alt ("Die Heimat des Deuteronomiums," Kleine Schriften II (1953):250-75), as quoted by E. W. Nicholson, Deuteronomy and Tradition (Philadelphia: Fortress Press, 1967), pp. 80-82. He argues that Deuteronomy was the reformation program of a revival movement in Israel following the fall of Samaria in 721 B.C. Nicholson considers the reference to the monarchy in chapter 17 as a weakness in this position due to its demise during this period. However, the monarchy is just as legitimate in this ideal program envisioned for the future as it is in Ezekiel's
The second book of Kings (17:27-28) records the king of Assyria's command to return from exile "one of the priests whom you carried away there." This priest's responsibility was "to go dwell there, and teach them the law of the God of the land." So it notes that "one of the priests whom they had carried away from Samaria came and dwelt in Bethel and taught them how they should fear the Lord."

The reason that D has so often been associated with the reforms of Josiah is the similarity which has been noted between the book of Deuteronomy and Josiah's two main thrusts--centralization of the cult and the establishment of a book of YHWH's Torah. While it is true that these were phenomena of Josiah's reforms, they could also have served the purposes of the exiled priest. If syncratistic practices (2 Kgs 17:29-34) were common and his fellow priests (as part of the educated aristocracy) had been exiled, then it may have been a practical necessity for him as the only YHWH priest in the land to advocate a centralized worship system. Also, by establishing a book of YHWH's Torah, his influence would be extended and his program legitimized. It would also be a practical means of fulfilling his commission to "teach the law."

The priest in drawing up a code for a community in which he himself had only religious influence rather than coercive power would

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program. The antimonarchic polemic is against the actions of former Israelite kings (e.g., Ahab, who multiplied horses and married the Tyrenian Jezebel) (Y. Yadin, "Hazor, Megiddo," Hazor [New York: Random House, 1975], pp. 220, 221). In the restored schema, kings will not repeat these former errors. A second weakness of the hypothesis Nicholson claims, is the question of how this northern document came to be in Jerusalem at the time of Josiah. This question is considered below.
reasonably resort to an imploring hortatory tone and emotive rhetorical speeches. Punishment would of necessity be dependent on social pressure rather than on administrative dogma. Josiah (and those in his court or sanctuary) by contrast, as head of an expanding empire and holder of administrative office, would scarcely feel the necessity to resort to such measures.

Similarly, motive clauses offering nebulous rewards for obedience to the laws would be offered by someone who really had no material possessions to offer. Laws which had a rational basis are more likely to be obeyed by a community that has an option (that is, YHWH or the other gods and their philosophies) than are arbitrary commands. Also, the artificial nature of the laws\(^1\) suggests that the whole legal portion was not part of a legal corpus which was intended for judicial use\(^2\) but was for the purpose of reflection on the credo. That is, the people obeyed the laws because they believed them not because they were forced to.

The expansive language, which suggests the ideal social, moral, and religious program of the future is reminiscent of the ideological concepts of Ezekiel. After the exile the perfect kingdom would be established where all the wants, hardships, and religious interference of the present environment would be eradicated. The recurring themes of rest and inheritance tend to support this concept.

Several commentators in noting Deuteronomy's description of the exile (in assuming it to be the Babylonian exile and thus of late

\(^1\)As noted by Carmichael, pp. 134-49, and Chamberlain.

date) have noted that as historical fact the author of Deuteronomy had "no idea what life was like in actual fact."\(^1\) That is, a description appears of exiles as "dispersed bands wandering in the lands of their enemies, harried and persecuted. Their lives hang in the balance. They find no rest, and pine away in their misery and suffering. In foreign lands they will worship wood and stone gods. Palestine will be a desolate waste, the whole land brimstone, salt and burning" (Deut 29:22). The contrast with Jeremiah and Ezekiel's description of exile conditions is apparent. The building, settling, and reluctance of the exiles to return would support the contrast. However, if the Assyrian rather than the Babylonian exile is assumed, then the Assyrian resettlement program may have created such an environment. Also, the Bethel priest having just returned from Assyria would be in a position to describe conditions there. He warns the people against committing idolatry which he considers to be its cause.

The time when all the laws are to be instituted—upon entering the new land—also parallels Ezekiel. The new beginning implies that "all that we are doing here today" is not to be considered normative and that a need for renewal and reformation is evident.

Similarly, the inclusion of all the elements of a national, ideal constitution parallels that of Ezekiel where the exiled nation anticipates the restoration of all that has been removed. The insecurity of war and exile are replaced by rest and an inheritance of land where one's family can dwell safely.

\(^{1}\)Kaufmann, p. 204.
The didactic features of the book would be consistent with the Bethel priest's teaching responsibility. Therefore, he employs appropriate teaching forms, repetition, symmetry, wisdom forms, positive-negative sequence, and rhetoric.

The unique phraseology may be derived from northern traditions and the struggle against the Canaanite cult.

The moral and humanitarian emphasis is consistent with times of crisis when arbitrary dictums and the quest for power and greed are replaced by a concern for people (especially by people who had been inhumanely treated themselves).

The trend toward secularization is a matter of practice. Even Moses was unable to attend to all the judicial matters of his comparatively few people; how much less could one priest handle the greater numbers who were spread over a larger area. Therefore, judicial matters were referred to the local courts. This action would hardly have been necessary during the Josiah-Hezekiah period.

A completely different schedule of offerings would be necessary due to the absence of the exiled priests. The author, while maintaining the basic concept of giving, now directs the gifts to the destitute of society. The destitute in Deuteronomy include two

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1Traditions of the north evident in the book include the striving for distinctness against the Canaanite cult of Baal, and the fight against religious syncretism, the Exodus-Sinai tradition, permitting the choice of a foreigner, and parallels with the themes of the Shechem chapter (Deut 27) and Hosea. These northern elements have been recognized by many scholars, e.g., Edward Nielsen, "Historical Perspectives and Geographical Horizons on the Question of North-Israelite Elements in Deuteronomy," Annual of the Swedish Theological Institute 11 (1977): 77-89; Moshe Weinfeld, "Deuteronomy--The Present State of Inquiry," Journal of Biblical Literature 86 (1967):249-62; von Rad, Deuteronomy, pp. 25-26.
unique classes—the widow and the orphan—both the result of war and exile. Again the humanitarian aspect is evident in the offering schedules: caring (as the means of the giver allows in a land which has been desolated and in which all the fruit trees possibly destroyed) for the destitute and releasing debts every seventh year (so that there be no poor).

In a community where aliens probably outnumbered residents, and each of them had made a commitment to the gods of their own land, it would be impossible to expect (as Leviticus does) that the alien, like the resident, observe all the laws of YHWH. Therefore, D states that the holy law is only encumbent on the holy people of YHWH.

Without a sanctuary to dwell in and a priesthood to minister therein, YHWH is conceptualized in abstract terms by the people of Israel. YHWH anticipates the day when a place of inheritance—a temple city—will be restored for Him also. All centralization procedures will take effect then.

All the parallels noted in the historical-ideological context above are not intended to negate the effect of Josiah's reforms. Indeed 2 Kgs 22:8 relates how Josiah found the book of the law in the temple and based his reforms upon it. It is evident from 2 Kgs. 17:29-34 that the priest of Bethel's reforms were not effective in his time and if, as archaeological data suggest the northern inhabitants gradually drifted south,¹ then it could be hypothesized that

¹A summary of the remains of the relevant strata of the southern towns serves to illustrate the migratory activity. Arad, on the eastern Negev plain, reveals remains of twelve Israelite strata. The political instability of the late eighth-seventh centuries

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is evident in the destruction of all six Israelite citadels. Although of limited size the Tell was one of the major strongholds of the south. Beersheba, the chief city of the Negev, was destroyed during Sennacherib's raid but not rebuilt. However, Bir-es-Saba, located within the Beersheba area, contained Chalcolithic, Roman-Byzantine remains. This may be the patriarchal Beersheba to which the people of the large and flourishing IA IIc period returned. Support for the hypothesis would seem evident in a return to the traditional Biblical location near the wells and valley. Tell Beit Mirsim, on the edge of the Negev in the southern Shephela, reveals new building activity in the seventh century following Shishak's destruction. Beth-zur, twenty miles south of Jerusalem served to defend Jerusalem from the south via the Shephela. The settlement ended in 1000 B.C. for an unknown reason after which the hill was slowly resettled until in the second half of the seventh century B.C. an extensive and prosperous community existed. Engedi, on the Dead Sea, contains Chalcolithic remains after which it was resettled in the second half of the seventh century. Gibeon, five miles north of Jerusalem, reached its peak prosperity during the IA II period, although it had been settled since the EBA. The Judean Desert Caves seem to lend support to the hypothesis of a southern migration at a time of crisis. Nahal David contains seventh-century B.C. remains of an occupation that is contemporary with the flourishing En-gedi settlement. The occupational remains preceding these are Chalcolithic, while those following are of the Bar Kochba period. Nahal Seelim also reveals Chalcolithic followed by seventh-century remains. Nahal Mishmar is similar although it is the only cave to produce IA I pottery. Wadi Murabba'at caves, eleven miles south of Qumran, have a similar stratigraphic sequence. The IA finds were mostly pottery dating to the eighth and seventh centuries B.C. during which period, excavators believe, the site served as a temporary refuge rather than a permanent settlement. Tell Judeideh reveals new building activity in the IA II after a gap from the Chalcolithic period. Kadesh Barnea's height of occupation was during the late eighth and early seventh centuries with strengthening of fortifications. Lachish, an important defence city of the Shephelah, shows no large scale building activity between the period of Sennacherib's destruction and 586 B.C. The Assyrian garrison left here by Sennacherib may have acted as a deterrent to settlement and expansion and the town may have served primarily defence purposes. Lod shows new settlement under Josiah. Tell Malhata was resettled and the walls rebuilt. Maresha contained an Israelite stratum of the period. Masada was used temporarily, as were the Judean desert caves—only sherds were found. A small fortress was built on the deserted site of Tell Masos in the seventh century. Mesad Hashavyahu remains led the excavator to conclude that although it was under Judean control during Josiah's time, Greek mercenaries, possibly in Josiah's employ, were stationed there. This may lead to the conclusion that not only did Josiah control the south and attempt to reclaim the north but also expanded his rule westward (2 Chron 34:6). This site was apparently abandoned around 609 B.C.
Deuteronomy was taken south with them. As it was not an official cult document of the Jerusalem temple, it could have lain in the
during Neco's campaign. Tell Nagila has a new IA IIc settlement located outside the mound area and pottery was dated to the early seventh century B.C. Khirbet el-Qom was re-occupied in the tenth century from where it continued to grow and prosper until it was destroyed in the Babylonian invasion. Pottery of the eighth to early sixth centuries was found at Qumran and pottery dating was confirmed by discovery of a royal lamelekh seal impression and ostracon with Hebrew letters. Khirbet Rabud revealed new building in the seventh century with increased fortifications around the mound settlement. An unwalled settlement was also built at the time on a lower north-east terrace of the mound. Both the settlement and the tell proper were destroyed with the destruction of the first temple. A royal stronghold complete with casemate wall was built during the eighth and seventh century at Ramat Rahel. One hundred and forty-five jar handles containing the royal seal were discovered. The largest settlement at Tell es-Safi was of the IA II period. Tell Esh-Sharia contained an Israelite stratum of this period with Egyptian influence evident—figurines and faience statues were found. After a gap from the ninth century, Tell Sharuhen shows new building in the seventh century. Level T-U shows superior architecture, probably of Samaritan influence. Thus, Israeli considers this new settlement with fortifications to be due to the southward-expansion policies of one of the later Judean kings. Tell Sharuhen Hazerim is a cluster of six IA settlements in the vicinity of Tell Sharuhen. These were of short duration. The largest, belonging to IA IIc, is contemporary with the seventh century stratum on the Tell. Thus we see that the general archaeological picture reveals an expansion in the area south and west of Jerusalem which is of too great a magnitude to be accounted for purely by natural increase. The idea of southward mobility of Israelite peoples from the north is supported from the archaeological remains. This building activity may be clarified by reference to map 1, p. 160. By contrast, a summary of the sites of northern Israel during the time of the Assyrian occupation reveals a gradual decline. While occupation continued at some sites in a limited sense (e.g., Dan, Bethel, Hazor), Megiddo, the capital of the province was completely reorganized. Most towns, however, went into a period of decline (e.g., Tell el-Fara (N), Samaria, Dothan, Tell Shiqmona) if they were re-built at all (e.g., Tell Poleg, Tell Qasile, Tell Kudadi, Tell Makmish). The amount of change in pottery types of Samaria and Megiddo supports the Biblical claim of a changing ethnic composition in the population. (Shulamit Geva, "Population Changes as Reflected in Pottery Types: A Proposal," Palestine Exploration Quarterly 7/12 [1979]:109-12) Jer 41 and 2 Chron 30:11 also support this conclusion. (The site summaries have been extracted from Encyclopedia of Archaeological Excavations in the Holy Land [1975]).
archives for some time before its discovery.\(^1\)

Similarly, the hypothesis does not negate the ancient character of some of the material but rather emphasizes D's eclectic method in admonishing return to the traditions of the fathers.

Also, it should not be concluded that only the priest at Bethel was responsible for the book in the form we now have. His activity does not negate the work of later editors.

One final effect of bringing Deuteronomy from the north to the cult center at Jerusalem can be seen in the attempts of Josiah and, later, Ezra-Nehemiah to amalgamate D with the traditions of P already existing at Jerusalem.\(^2\)

\(^1\)Fohrer, pp. 295, 296.

\(^2\)Ezra-Nehemiah tried to amalgamate the two traditions of the festival of booths (Neh 8:16). In trying to combine the concept of erecting booths in the vineyards as temporary dwellings about which festal dances took place (Lev 23:40; 25:8-9; 23:42; Judg 9:27; 21:19-22; Isa 1:8; 62:9) with that of the centralized version (Deut 16), Ezra-Nehemiah commanded that artificial booths be erected only in Jerusalem (Neh 8:13-16). The impracticality of this arrangement encouraged its demise and the custom reverted to the erection of booths everywhere (Sifre). Therefore, the P custom was retained in preference to D. The festival of the first-fruits in P (Lev 23:10-22) required the offerer to bring a sheaf on the morrow of the first sabbath after reaping began. Seven weeks later, after leaving the edges of his fields for the poor, he was to bring a new meal offering as loaves to the sanctuary where he celebrated the feast. Deuteronomy requires only that the first-fruits be given to the priest (8:4) as loaves (2 Kgs 4:42) and is no longer part of the festival (vs. 26). In amalgamating these two traditions the first sheaf and two loaves of the new meal offerings were considered communal offerings which were brought to the chosen site (Neh 10:35). Also, the law to let the land lie fallow each seventh year, as in JE and P, has been altered by D so that it now refers to the release of debts. Neh 10:32 combines the two. In the time of Josiah, archaeological data would seem to support the hypothesis of amalgamation also. In Tusshingham's opinion, the four-winged scarab lamelekh royal jar handle seal was formerly the symbol of the northern kingdom of Israel and was brought into use by Josiah (Ussishkin considers it was Hezekiah) alongside the two-winged Judean stamp, as a symbolic action of Josiah towards the restoration of the Davidic kingdom. (A. D. Tusshingham,
Therefore, for the purposes of this paper it may be concluded that the priest at Bethel\(^1\) in his effort to teach the law of YHWH gathered the ancient laws and traditions into a book. This he used for his didactic purposes and for the best good of the people in their particular situation. As Assyrian aggression, the cosmopolitan composition of the population, and the devastation of the land in the north was not conducive to a happy existence, many peoples moved to Judean towns. This movement strengthened Judah at the same time that Assyrian power was waning.\(^2\) The efforts first of Hezekiah and then of Josiah to unify the country\(^3\) were aided by the finding of the


\(^1\)In trying to derive clues as to the identity of the author of Deuteronomy from the unique characteristics of his work, Carmichael, (p. 33) concludes, "Indeed if a guess were to be hazarded about the real-life situation of the author of D it would be that he was closely acquainted with the teacher-pupil setting of the wisdom schools of his time. In his work, however, his status transcends that of a teacher. He casts himself in a national role and assumes the responsibility for instructing the whole nation about its destiny." Von Rad (Deuteronomy, pp. 23, 24) suggests that the author(s) are holders of religious office, the preachers, who had access to the older sacral and legal traditions. Chamberlain (p. 73) agrees with von Rad that priests were responsible as they are the only classes not limited in authority. Prophets, wisdom, and royal power are all subject to priestly jurisdiction.


\(^3\)It is interesting to note that Josiah's attempt to return to the traditions of the fathers was part of a general movement of this kind in the Near Eastern nations. As a reaction against Assyrian power, and simultaneously with its decline, Egypt, Babylon, and
book of the law in the temple. The centralization measures it pro-
posed were instituted and symbolic acts of compromise were undertaken
whereby a northern inhabitant could attach loyalty to the Jerusalem
cultus (and the king). Judah would be considered the place of their
rest and inheritance and Jerusalem "the place which the Lord would
choose."

Differences existing in the various legal corpora, therefore,
were the result of the differing ideological settings of the respec-
tive works.

**Historical Context**

In the summer or early fall of 722 B.C., Samaria succumbed
to the Assyrian siege. Ephraim became an Assyrian province and
Samaria the name of a region. In accordance with Assyrian policy,
the upper class was deported to Babylonia and Media (2 Kgs 17:6),
their provincial offices being filled by Babylonian, Syrian (2 Kgs
17:24), and Assyrian replacements. The cosmopolitan population
continued to worship their respective gods (2 Kgs 17:29-31), probably

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Phoenicia underwent a "renaissance" in spiritual and religious life.
The nationalistic spirit was revived, authors collected and recopied
the ancient mythological literature and historical documents (Hayes
and Miller, p. 466). Jayne, p. 49, quotes Breasted in noting that
during the Saite period in Egypt, attempts were made to halt the
rapid disintegration of the culture "by a revival of primitive tradi-
tions and customs in their original purity." Von Rad (Q.T.T. 1:77)
adds that age-old cults whose rituals had been forgotten came to life
again, pyramids were repaired, and writing reverted to archaic forms.
In Babylon, Nabopolassar followed the old Babylonian modes of ex-
pression and his son Nebuchadnezzar excavated the foundations of old
temples and prided himself on having found scrolls which related to
their building. See also Alt, p. 85.

1 Similar to those already undertaken in Assyrian centraliza-
tion policies.
alongside of or in place of Baal and YHWH, the local gods. The priesthoods of the national shrines of Bethel and Dan were among the exiles. On two subsequent occasions foreign colonists came into the land, the first under Esarhaddon (Ezra 4:2; Isa 7:8b) and the second under Asshurbanipal (Ezra 4:10).

While Assyria was expanding westward, Babylon and Egypt were increasing in strength and aspiring to gain or reclaim lost territories. Judah, as one of the states in the Syro-Palestine region, became like a pawn on a giant chess board in the struggle between the two powers.

The general revival of national cultural interests and tendency to return to the ancient traditions—which developed primarily as a reaction against Assyrian dominance—was also experienced by Judah in the days of Hezekiah, reaching a peak during Josiah's reign at the end of the seventh century.

Hezekiah's reign (715-687) is characterized by three events (2 Kgs 18:4-8)—cultural reform, the Philistine wars, and the revolt against Assyria. The tendency toward centralization had already begun (2 Chron 30) and Hezekiah's aims of political unity and the restoration of the Davidic kingdom are evident.

Manasseh's reign is seen by some scholars as a reversal of his father Hezekiah's aggression against Assyria. The nationalistic revival, if a reaction against Assyria, is cancelled by Manasseh and the high places are again erected. He appears in the Assyrian annals as a faithful subject of Assyria.¹

After Ammon's short reign, Josiah again attempted to purify the cult of pagan elements. Following Hezekiah's example, Josiah's centralization measures are noted (2 Kgs 23:8,15,19). The rapid Assyrian decay encouraged Josiah to throw off vassalage and abandon the Assyrian gods.\footnote{Von Rad, Deuteronomy, p. 27.} After several successful expansionist campaigns, an apocalyptic-like zeal inspired him to instigate a battle with Pharaoh Neco against all reasonable odds. His premature death at the Megiddo Pass is recorded in 2 Chron 35:20-24.

The succession of kings which followed Josiah were tossed like matches on the political sea in the struggle for supremacy between Babylon and Egypt.

\textbf{Observation of the Whole Unit}

As Deuteronomy had its own unique laws and theological intentions, so several features are unique to its outline.

The Covenant Formula of the Hittite vassal treaties as outlined by Mendenhall\footnote{G. Mendenhall, "Covenant Form in Israelite Tradition," Biblical Archaeologist 17 (1954):50. As the Hittite treaties dated to the fourteenth century B.C., Mendenhall concluded that the Sinai and Shechem covenants (Exod 19-24 and Josh 24) relate to this period.} was recognized by von Rad in the general outline of the book of Deuteronomy.\footnote{Von Rad (Deuteronomy, pp. 21-22), summarized the outline as: preamble (1:1-18); previous history (1:19-3:29); declaration of basic principle (4:1-11:32); regulations in detail (12-26); invocation of the gods as witness (30:19; 31:28); curses and blessings (27). He suggested that minor differences noted between the formulae were due to the varying circumstances and also to the fact that a renewed agreement was necessary at each change of leadership.} Since then, however, Mallowan has discovered a group of treaties made between Esarhaddon and his eastern

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vassals in 672 B.C. Mallowan concluded from the essential affinity of the seventh-century treaties with those of the fourteenth century, that the traditional covenant formulation "remained substantially unchanged from the time of the Hittite empire down to the Neo-Assyrian period." Also, J. Munn-Rankin is of the opinion that the tradition goes back to the third millennium and sees a basic unity in the treaty forms from the third to the first millennium B.C. Therefore, the outline of Deuteronomy follows a form common for centuries in the general ancient Near Eastern environment.

As far as what intention the author of Deuteronomy was trying to convey by using the covenant formula Frankena suggests that it was to be considered a substitution for the former treaty with the king of Assyria. Thereby vassalship to YHWH was expressed instead.

A second form evident in the outline is that of the valedictory address. Several other parallels appear in the Pentateuch (Gen 49; Josh 23; 1 Sam 12; 1 Chron 22, 29), all of them being in the form


Appendix C indicates the affinity of the seventh-century treaties with the Deuteronomic outline (Weinfeld, Deuteronomy, p. 60). Although all the elements of the Hittite treaty are present, including some identical curses, a different order is evident. However, this variation in order is evident even in different versions of the same treaty. See for example, ANET, pp. 200-01, 203, and D. McCarthy, Old Testament Covenant: A Survey of Current Opinions (Richmond: John Knox Press, 1972), p. 28.

of a covenant.⁴ Here, Moses as the ancient leader reviews the past—before and during the exodus—and on the basis of past acts makes statements and laws regarding the future. One specific parallel, that of Jacob's final address to his sons, would have particular traditions connected with the Bethel sanctuary. On his death bed he reviews the past conduct of his sons and on this basis prophesies concerning future events.

The war speeches of the priests (Deut 20:3,4; 7:16-26; 9:1-6; 31:3-8) are only part of the war-like environment generally implied in Deuteronomy.

The prophetic oration, of which Deuteronomy contains four, was believed to be the divine word which foreordained the fateful events in the life of a nation. Rather than a mantic word of God which merely revealed the future, it is considered to be the acting force which begets future events (2 Kgs 9:4-10; 1 Kgs 14:7-16; 16:1-4,7; 21:20b-9; 2 Kgs 17:7-23; 21:10-15; 22:16-17). This then would have significance for the introduction of a new program if the events mentioned were perceived to be inevitable realities.²

Chapters 12-26 enumerate and interpret the regulations of the Deuteronomic covenant explicitly. Driver considers their place in the context to be logical. That is, the place of worship having been fixed (12:1-28) and the encroachments of heathenism warned against (12:29-13:19), the subject of the holiness of the laity is addressed.³

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¹ von Rad, Deuteronomy, pp. 22-23.
² von Rad, O.T.T. 2:89.
³ Driver, Deuteronomy, p. 155.
The subject of the Deuteronomist's all-pervading attention is the struggle against the Canaanite fertility gods. The oft repeated command, therefore, is that Israel must not "follow after other gods (6:14; 8:19; 11:28; 13:2; 28:4) or worship them (7:4; 11:6; 13:2,6,13; 17:3; 28:14,36,64; 29:26; 4:19, etc.) or the astral deities of Assyria (17:3b)."¹ In Oestreicher's terms, "cultic purity not cultic unity is the focus."²

Deuteronomy's theology of separateness comes only after long encounters with the cultic world.³ The author believed survival as a nation was only possible through obedience to the laws of YHWH. Nothing else had ever worked as their long history had shown. The book presents itself to the nation as its last hope—obey and live or disobey and die.⁴

Thus Deuteronomy suggests that the specific behavior of a distinct and separate people will be according to the statutes laid down in chaps. 12-26.

**Internal Order and Structure**

In enumerating the subjects whereby the cultically pure state was maintained by the lay Israelite, Leviticus discusses the topic of food first. Deuteronomy does likewise. It is not known

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whether the author(s) meant to prioritize the matter by so doing or not. However, this topic still continued to hold a place of pre-eminence in New Testament times as is evident from Jesus' comments in Mark 17:16 and Matt 15:17,18, "Do you not see that whatever goes into the mouth passes into the stomach and so passes on? But whatever comes out of the mouth proceeds from the heart and this defiles a man."

The verses preceding the food laws apodictically prohibit two pagan mourning rites which were common among the Israelites (Jer 16:6; 41:5; Hos 7:14; Amos 8:10; Isa 3:24; 22:12; Mic 1:16; Jer 16:6; Ezek 7:18).\(^1\) Biblical references to Philistine (Jer 47:5) and Moabite (Amos 15:2) practice of these rites indicate their widespread use in the ancient Near East. The Ras Shamra texts describe El as lacerating himself following the death of Baal,\(^2\) and the "Legend of Aqht" refers to professional mourning women who lacerate themselves to let the blood flow.\(^3\)

This prohibition of pagan mourning rites is set in an incongruous place in the context of Deut 14 as is the prohibition of cooking a kid in its mother's milk (14:21b). Interpreters have connected it with the food laws following it (1) on the basis of the traditional chapter division which separates it from the preceding laws on idolatry and (2) because of the motive clause "For you are a

\(^1\) S. R. Driver, Deuteronomy, pp. 156-57.

\(^2\) Craigie, p. 229, quotes Ugaritic Law CTA 5 VI 14-18 (=UT67) as the source.

\(^3\) Ibid., CTA 19. IV. 173,184 (=UT 1Aqht). Laceration was also connected with the common rituals of Baal (1Kgs 18:28), John Gray, "The Legacy of Canaan," Supplement to Vetus Testamentum 5 (1965):252.
people holy to the Lord" which follows it (vs. 2). This clause is repeated again following the prohibition against eating an animal corpse in vs. 21a.

Although Carmichael concedes the point of the incongruous placement of this law in the context, he considers it to be a revision and expansion of Deut 12:2-4. This expansion of the general law on foreign worship is in keeping with the author's method which is discursive, allusive, and expansive. ¹

As vs. 2 may be understood as a conclusion to the idolatry laws or a link between them and the food laws, another suggestion might be that vs. 1 (and vs. 21b) have been inserted into the text at a later time in response to a specific practice or event.²

A third possibility may be that it does actually belong in this place in the original text and was connected with the food laws in the mind of the author by virtue of its topic—death. That is, for the lay Israelite to remain cultically pure, he is to have no contact with death either by practicing pagan mourning rites or eating as food animals which have contacted death—either scavenger birds or beasts of prey.

Von Rad considers the two passages are linked by their conception of wholeness according to which "external things take place within

¹Carmichael, pp. 150-78. In suggesting that a systematic sequence actually is evident in the apparent disorder of the laws, Carmichael considers that D, in his eclectic method, repeats counsel previously given, then adds new but similar material. As a result of this process, the order of the laws is not necessarily logical when compared to the content of their immediate context.

²A. D. H. Mayes, Deuteronomy, New Century Bible (London: Oliphants, 1979), p. 238, considers vs. 1 to be a Deuteronomistic addition as it is in the plural address form.
as well as what is within expresses itself in concrete externals."  

Verses 3-8

You shall not eat any abominable thing. These are the animals you may eat: the ox, the sheep, the goat, the hart, the gazelle, the roebuck, the wild goat, the ibex, the antelope, and the mountain sheep. Every animal that parts the hoof and has the hoof cloven in two, and chews the cud, among the animals, you may eat. Yet of those that chew the cud or have the hoof cloven you shall not eat these: the camel, the hare, and the rock badger, because they chew the cud but do not part the hoof, are unclean for you. And the swine, because it parts the hoof but does not chew the cud, is unclean for you. Their flesh you shall not eat and their carcasses you shall not touch.

This section also begins with a cultic maxim framed apodictically. The verb "to eat" (aka!') occurs consistently throughout this section (vss. 3,4,6,7,8,9,10,11,12,19,20,21,23,26,29) and is the theme which unites the first section on food with that of the tithe which follows. This concept of thematic progression from one topic to the next supports the third suggestion above whereby the mourning rites are connected with the food laws by the common theme of death (or possibly the theme of abominations). The thematic progression from one topic to another continues, and after the food laws have been linked with the tithe laws by common theme of "eating," (1) the tithe (stored at the end of every three years) is linked with the debt-release law (made very seven years); (2) the debt-release law aids the poor, thus linking it with laws for the poor; (3) the poor are "Hebrew brothers," precipitating progression to laws regarding the enslavement of Hebrews.

The systematic use of the concept of eating here in Deut 14 contrasts with the parallel section in Lev 11 which covers eating,

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1 von Rad, Deuteronomy, p. 100.
touching, carrying, etc. (see p. 24). The general homogeneity of the passage in Deut 14 is thus more suited to the didactic aims of the author.

Besides its use in 14:3, toeba (abominable thing) is also used in 7:25, 26; 12:31; 17:1, 4; 18:9, 12; 20:18; 22:5; 23:18; 24:4; 25:16; 27:15; 32:16, all being in association with foreign religions. It may be assumed by extension, therefore, that at least part of the reason for the prohibition against eating certain foods was the association between the creature and foreign cults.

The condemnation of an "abominable" act has many parallels in Proverbs, the Priestly Code, Ezekiel, and extrabiblical wisdom. Mayes considers only two of its occurrences in Deuteronomy (18:12 and 25:16) can be attributed to pre-Deuteronomic usages of the term. The remainder he considers the work of the Deuteronomic legislator. This legislator adopted the expression secondarily for laws he thought appropriate.¹

The prohibition of the flesh of certain animals has no parallel in JE. Driver considers the parallel passage in P (Lev 11) is probably extracted from the Holiness Code (Lev 20:25). A list of ten animals permitted as food (vss. 4-5) has no parallel in Lev 11. (See appendix E for comparison of the two texts.) "In Lev 11:3f. the clean animals are only defined, while in Deut 14:4-6 they are both defined (vs. 6) and exemplified (vss. 4-5)."²

Actual identification is difficult for most of the species,

¹Mayes, p. 52.
²S. R. Driver, Deuteronomy, p. 159.
however, all seem to be "beasts of the chase,"\(^1\) or those preyed upon by carnivores. They all possess the characteristics necessary for inclusion in the clean classification.

In view of D's wisdom affinities, it is not surprising that other references to these animals in the OT occur mainly in wisdom and poetic or other Deuteronomic texts: Ps 18:33; 2 Sam 22:34; Hab 3:19; Cant 2:9, 17; 8:14; Job 39:1; Ps 29; Jer 14; Lam 1:6; Prov 5:19; Ps 42:1 refer to the hart (\(\text{ayyal}\)); Prov 6:5; Cant 4:5; 7:3; Eccl 27:20; Cant 2:8, 9; 2 Sam 2:18; 1 Chron 12:8; Isa 13:14 refer to the gazelle. \(\text{Aqqo}\) (wild goat), \(\text{zemer}\) (mountain sheep), and \(\text{dishon}\) (ibex) have their only reference in Deut 14. The ox, goat, and sheep are domesticated species. \(\text{Teo}\) (antelope) is referred to in Isa 51:20. The \(\text{yachmur}\) (roebuck or fallow deer) is listed in 1 Kgs 4:23 as a regular item of Solomon's daily provision.\(^2\)

R. Gordis notes the frequent use of game animals in wisdom literature in general.\(^3\)

In keeping with the symmetry of D, the animals—and the fishes and birds which follow—are listed in the positive-negative sequence. No attempt is made here, as in Lev 11, to have an identical formal outline for each section.

The list of the ten clean animals are followed by the cross-species classification which serves as the definition of clean. Four examples of unclean animals identical to those of Lev 11 are listed. However, their prohibition rationale is given only after three

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\(^1\)Cansdale, Animals, pp. 82-95. \(^2\)Ibid. 
\(^3\)R. Gordis, "Social Background in the Wisdom Literature," Hebrew Union College Annual 18 (1944):92f.
species are listed—the camel, hare, and rock badger—rather than after each identification as in Lev 11. This phenomenon (and similar ones) led Luther and others to conclude that Deuteronomy was a summary of Leviticus. However, this idea does not explain why the list of ten animals was added in vss. 4-5 seeing they all possessed the characteristics defined in vs. 6.

In accounting for the differences between Leviticus and Deuteronomy in this section, Mayes considers that both are the result of independent formulations of a tradition "which was already fixed in its essential elements." Carmichael agrees that this shows a development over time as ordinarily "examples of things with something in common are recognized before there emerges a definition of what constitutes the common element. Once a definition is arrived at, the need to list the examples can be dispensed with." Therefore, Deuteronomy represents the middle stage while Leviticus represents the last.

The formula "is unclean to you" repeated four times in the parallel passage in Leviticus has been reduced to two repetitions as the result of the combination of species.

1 C. F. Keil and F. Delitzsch in the Biblical Commentary on the Old Testament (Grand Rapids: William B. Eerdmans Publishing Company, 1952), 3:269, quote Luther as noting that Deuteronomy was a "compendium and summary of the whole law and wisdom of the people of Israel, wherein those things which related to the priests and Levites are omitted, and only such things included as the people generally required to know."

2 Mayes, p. 239.  
3 Carmichael, p. 81.  
4 That is, if the fifth repetition is considered as a later addition.
These you may eat of all that are in the waters. Everything in the waters that has fins and scales, whether in the seas or in the rivers, you may eat. But anything in the seas or the rivers that has not fins and scales, of the swarming creatures in the waters and of the living creatures that are in the waters, is an abomination to you. They shall remain an abomination to you; of their flesh you shall not eat, and their carcasses you shall have in abomination. Everything in the waters that has not fins and scales is an abomination to you.

It may be noted that the "clarification" clauses noted in the previous chapter (p. 26) are absent. That is, the phrase "whether in the seas or the rivers" as clarification of the term "waters" is absent, as is the long section on the swarming things and the maxim prohibiting the touching of aquatic carcasses.

Again the word tame (unclean) of Deut 14:10 is replaced by sheqets (detestation) in Lev 11:10,12.

The positive-negative sequence is evident, while the formula "is unclean to you" is simply stated once.

Verses 11-20

You may eat all clean birds. But these are the ones which you shall not eat: the eagle, the vulture, the osprey, the buzzard, the kite, after their kinds; every raven after its kind; the ostrich, the nighthawk, the seagull, the hawk, after their kinds; the little owl and the great owl, the water hen and the pelican, the carrion vulture and the cormorant, the stork, the heron, after their kinds; the hoopoe and the bat. And all winged insects are unclean for you; they shall not be eaten. All clean winged things you may eat.
The outline of this passage is in a form common in Deuteronomy—that of a chiasm.¹

A (v 11) -- eat  
B (v 12a) -- do not eat  
C (v 12b-18) -- enumeration of birds  
B' (v 19) -- do not eat  
A' (v 20) -- eat

Thus, the symmetry of the chiasm has replaced the symmetry of the positive-negative sequence.

As noted in the preceding chapter, the list of twenty birds is basically the same as that of Lev 11:13-19, except for the reversal in sequence of the kite and the falcon—the latter being referred to as the buzzard. The little owl and great owl which were combined in Leviticus allowed the inclusion of the ibis while still maintaining the twenty individual species. The LXX rendering of the Deuteronomic text is completely different to that of the Masoretic text both in Leviticus and Deuteronomy. Only nineteen species appear, the first nine of which are identical to the Leviticus text, while the last ten are completely disordered. The translation and identification difficulties may account for some of the variation but the different environment of the authors is not the sole explanation either.

An interesting grammatical feature of the passage is noted in the use of the sign of the direct object, 'et, with ten of the twenty species of Deuteronomy while the other ten lack it. Since the list is in apposition to the subject wezeh (wezeh aser lo tokelu ¹Gordon J. Wenham, "Drafting Techniques in Some Deuteronomic Laws," Vetus Testamentum 30 (1980):248-52.

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The present-absent sequence is illustrated diagrammatically in figure 6.

Two main observations in reference to the present-absent sequence of 'et need consideration. First, as Moran suggests, it may be possible that the ten entries lacking the particle, which are grammatically correct, constitute the original list of Deuteronomy. This observation is supported by the fact that "ten is a number likely to be used in the priestly torah which ultimately derives from oral tradition" and also by the fact that in Deuteronomy a list of ten has already occurred (vss. 4-5). The list of ten animals also consists of "nominatives" and has an introduction constructed basically the same as that of vs. 12 (zot habbehema aser tokelu).²

Therefore, the general characteristic of Deuteronomy's greater symmetry is noted in the use of ten permitted animals which are balanced by ten prohibited birds. The alternative positive-negative sequence is maintained by the addition of certain sections missing from Leviticus and may be noted as follows in figure 7. The double negative sequence in the progression of prohibited birds to prohibited insects divides the list of twelve maxims into two sections, one of seven and one of five. A parallel to this order is evident in the twelve tribes which Ezekiel envisaged as "restored" around Jerusalem as capital (Ezek 48). As their location in the restored schema has no reference to any previous territory, they are

²Ibid.
<table>
<thead>
<tr>
<th>Lev LXX</th>
<th>Deut LXX</th>
<th>Lev</th>
<th>Deut</th>
<th>Sign of the Direct Object in D</th>
</tr>
</thead>
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<td>eagle</td>
<td>eagle</td>
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</tr>
<tr>
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<td>vulture</td>
<td>vulture</td>
<td>2</td>
</tr>
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<td>sea eagle</td>
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<td>3</td>
</tr>
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<td>vulture</td>
<td>kite</td>
<td>buzzard</td>
<td>4</td>
</tr>
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<td>kite</td>
<td>falcon + K</td>
<td>kite + K</td>
<td>5</td>
</tr>
<tr>
<td>sparrow</td>
<td>sparrow</td>
<td>raven + K</td>
<td>raven + K</td>
<td>6</td>
</tr>
<tr>
<td>owl</td>
<td>owl</td>
<td>ostrich</td>
<td>ostrich</td>
<td>7</td>
</tr>
<tr>
<td>sea mew + K</td>
<td>sea mew</td>
<td>night hawk</td>
<td>night hawk</td>
<td>8</td>
</tr>
<tr>
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<td>heron</td>
<td>seagull</td>
<td>seagull</td>
<td>9</td>
</tr>
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<td>swan</td>
<td>hawk + K</td>
<td>hawk + K</td>
<td>10</td>
</tr>
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<td>stork</td>
<td>owl</td>
<td>little owl</td>
<td>11</td>
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<td>cormorant</td>
<td>cormorant</td>
<td>great owl</td>
<td>12</td>
</tr>
<tr>
<td>stork</td>
<td>hawk</td>
<td>ibis</td>
<td>water hen</td>
<td>13</td>
</tr>
<tr>
<td>red bill</td>
<td>hoopoe</td>
<td>water hen</td>
<td>pelican</td>
<td>14</td>
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<td>16</td>
</tr>
<tr>
<td>heron</td>
<td>diver</td>
<td>stork</td>
<td>stork</td>
<td>17</td>
</tr>
<tr>
<td>lapwing + K</td>
<td>red bill</td>
<td>heron + K</td>
<td>heron + K</td>
<td>18</td>
</tr>
<tr>
<td>hoopoe</td>
<td>bat</td>
<td>hoopoe</td>
<td>hoopoe</td>
<td>19</td>
</tr>
<tr>
<td>bat</td>
<td></td>
<td>bat</td>
<td></td>
<td>20</td>
</tr>
</tbody>
</table>

Fig. 6. The present-absent sequence of 'et in Deut 14:11-18 as well as a comparison of the bird order of Leviticus and Deuteronomy (MT and LXX).
Verse | Topic—Introduction | Sequence
--- | --- | ---
3 | do not eat any abominable thing | -
4-5 | zot habbehema aser tokelu + 10 | + not in Lev
6-8 | prohibited animals | -
9 | permitted fish | +
10 | prohibited fish | -
11 | permitted birds | + not in Lev
12 | wezeh aser lo tokelu mehem + 10 | -
19 | prohibited insects | -
20 | permitted insects | +
21a | animals that die of itself prohibited | -
21b | positive method of carcass disposal | +
22 | prohibited pagan practice | - not in Lev

Fig. 7. Outline of the form of Deut 14:3-22

understood as symbolic of the perfectly restored kingdom of Judah of which Jerusalem was not only capital but also center of the world (Ezek 5:5). In this division, however, Jerusalem does not have six tribes on either side as one might expect, but rather seven to the north and five to the south. The same division noted in Deut 14:3-21 allows a positive command as the central maxim of the first sequence and a negative command as the center of the second sequence,¹ thus producing a double chiasm. However, we wonder how far the idea of symmetry and symbolic numbers can be pushed before the area of fancy is reached.

Further support for this first observation is noted in the fact that three of the four occurrences of the priestly terminology

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¹James G. Williams in his article on "Number Symbolism and Joseph as a Symbol of Completion," Journal of Biblical Literature 98 (3/79):86-87, notes a similar phenomenon in the number sequence of the patriarchal ages.
min in Deut 14 are introduced by the particle *et-*wethaaya leminah (vs. 13), lemino (vs. 14), leminehu (vs. 15). The fourth and only exception, anapa leminah (vs. 18), is also the only exception of the twenty species in Lev 11 where the form of min following the name of a bird is not introduced by *et.\(^1\)

A second observation apparent from the table of present-absent particles is that the absent-present-absent-present-absent sequence (identical to the second half of the outline of vss. 3-21) is apparent. Not only that, by all series are divisible by four.

\[
\begin{align*}
\text{Series 1 absent} &= 4 \\
\text{Series 2 present} &= 8 \\
\text{Total 10} &
\end{align*}
\]

\[
\begin{align*}
\text{Series 3 absent} &= 2 \\
\text{Series 4 present} &= 2 \\
\text{Total 4} &
\end{align*}
\]

Fig. 8. Regularity of the present-absent sequence of *et*.

Therefore, several conclusions seem possible from these observations. First, one might conclude that the author of Deuteronomy drew his material totally from the list already existing in Leviticus, or that in the common source of both lists the particle *et* was used consistently throughout. Proponents of this position would have to assume that the "confusion" noted above in Deuteronomy regarding the presence-absence of *et* was introduced unintentionally. While it is possible that one or two errors may have derived from this process of transcription, to assume that the third, fourth, and fifth switches as well as the regularity with which they occur is due to

\(^1\)Moran, "The Literary Connection," pp. 271-77.
scribal botching is little short of incredible.

A second conclusion may be that the twenty entries were part of the original Deuteronomic text, the present-absent sequence being introduced as a mnemonic device.

Third, as Moran concludes, "the ten entries lacking the particle which are in accord with the demands of grammar, constituted the original list of Deuteronomy."\(^1\) This supports the symmetrical sequence of the Deuteronomic passage. Also, the twenty birds of Lev 11 are seen to be a later development of this list of ten. The remaining ten entries of Deuteronomy introduced by 'et were introduced later and derive from a text enjoying canonical status which may be borrowed from but not changed. Since the one exception to the 'et-min association is also the only exception in the Lev 11 text, Moran concludes that the canonical text is Lev 11.

A fourth possibility would be to conclude that the whole of chap. 14 is later than the bulk of Deuteronomy.\(^2\)

That the form of the lists took precedence over the actual delineation of species is evident from the variations in the two lists. Even though the fourth and fifth entries have been reversed, the addition of the phrase "after its kind" still appears after the fifth and sixth entries. Therefore the formula seems more related to its place in the list rather than its attachment to the particular species.

The decreasing size of the species listed may also have necessitated the rearrangement of entries 14,15,16 of Lev to 13th,14th,

\(^1\)Ibid., p. 274. \(^2\)Chamberlain, p. 25.
and 15th places in Deuteronomy. The insertion of the ibis in a place consistent with its size necessitated their displacement.

In vss. 19-20 the winged insects are prohibited and permitted without reference to the examples listed in Lev 11:21-22. A contradiction appears between vss. 19 and 20 if the "all" is assumed to be universal. Therefore, one must conclude that either the "winged things" (vs. 20) included other varieties not included under "all" (vs. 19), or that the authors concern for the symmetrical balance of the positive-negative sequence took priority over logic.

Verse 21a

You shall not eat anything that dies of itself; you may give it to the alien who is within your towns, that he may eat it, or you may sell it to a foreigner; for you are a people holy to the Lord your God.

The directions regarding the disposal of the carrion carcass are peculiar to Deuteronomy although similar laws appear in Exod 22:31 (JE) and Lev 17:15 (H or P). Comment on this passage has been made in the preceding chapter under vss. 39-40. The peculiarity of this Deuteronomic law is similar to several others already noted, in that the alien is not expected to conform to the laws of YHWH. The purchase and use of the carrion carcass by him is permitted as he is not part of the holy people.

In the depressed socio-economic environment of the post-Assyrian war, to have forbidden the people to eat carrion flesh as well as selling it for profit to others would have involved the loss of property and induced unnecessary hardship.

The permission now granted cannot presuppose a wilderness environment. During the forty years wandering there would be little
opportunity for selling such carcasses. Also, the non-Israelites living within the camp would be bound by the same rules as the Israelite (Lev 17:15; 24:22).

Therefore it seems that in this as in so many other points, allowance was made for the circumstances of the people.¹

Verse 21b

"You shall not boil a kid in its mother's milk."

Most commentators agree that this law is a polemic against a Ugaritic practice.² However, Craigie notes that this Ugaritic parallel may be uncertain due to difficulties with the Ugaritic text and also the fact that it does not specify its "mother's" milk.³ The Ugaritic poem reads "cook a kid in the milk, a lamb in the cream (butter),"⁴ and possibly refers to a Canaanite rite in which the milk was sprinkled on the fields following the rite.⁵

The law is repeated verbatim from Exod 23:9b and 34:26b. However, in these two instances it is used in the context of rules for sacrifice, while Deut 14 uses it as a rule for food. Due to its incongruous place in the present context, Daube considers its


³Craigie, p. 233. ⁴J. A. Thompson, p. 179.

⁵Mayes, p. 243.
original significance was probably in the sacrificial sphere.\(^1\) Carmichael agrees and adds that by Deuteronomy's time the kid law was very old and probably obsolete.\(^2\)

Many have attempted to explain this law and that prohibiting the taking of the mother with her fledglings in humane terms. If this is so it is an odd kind of humaneness. The law of mixtures which Israel prohibited is an alternative rationale suggested by Carmichael in which the kid was not to be cooked in milk—the symbol of its life.\(^3\) Because of their theological concept of life and death, the Israelites prohibited this practice as they did that of eating blood—"for the blood is the life" (Deut 12:23).

Whatever the reason for this law, it is ancient. Its incorporation into a later body of law supports the idea that in this, as in so many other instances, although the law was retained the rationale for its existence changed.

**Summary**

The similarity between Lev 11 and Deut 14:3-21 is obvious. However, differences in form, terminology, interpolated phrases, and the outline of individual sections require explanation. Although not as pronounced as in other areas (e.g., offering schedules, festivals, sabbath observance, tithes, sabbatical year, conception of Deity, etc.), the food laws of P and D follow this pattern of divergence.

\(^2\)Carmichael, p. 152.  
\(^3\)Ibid., p. 153.
Their common ancient source, probably deriving from the united monarchical period, independently crystallized into two codes P and D during the division of north and south. The individual historical and ideological contexts of the divided monarchy effected their metamorphosis.

Upon re-amalgamation of the Israelite refugees and northern cult with that in Jerusalem, a compromise was reached between the two traditions. The food laws simply followed the pattern of other concepts in this respect (e.g., sabbatical year, booths, and first-fruits festivals, etc.).

The recurrent use of toeba in Deuteronomy while Leviticus uses shegets consistently suggests that the Deuteronomic author had consigned a cultic rationale to the laws. His theme of cultic purity is thus maintained.
CHAPTER IV

THE ISRAELITE CONCEPTS OF CLEAN AND UNEFFECT
HOLY AND COMMON

Clean and Unclean

Both Lev 11 and Deut 14:3-21 state that their purpose is to distinguish between the spheres of clean and unclean. Unclean (tame) implies "contamination by some impurity as a cloth is contaminated by dirt (Zech 3:5) or a metal by dross" (Dan 11:35). Therefore, the state is "active and malignant" and calls for protection from its dangerous consequences and the instigation of purification rituals.¹ It is contagious and transferable from object to object. The clean or pure object (tahor) has no such impurity. Thus, it is a negative condition—a normative or passive state—and is incapable of transmission (Hag 2:10-19).²

Lev 11 and Deut 14:3-21 distinguish between clean and unclean specifically in regard to animal flesh that could or could not be eaten. For what reason is this distinction made? That the holy state may be attained or maintained.

Chapter III noted examples of various laws in which differences were evident between P and D. Therefore, it is not surprising to find that in Leviticus and Deuteronomy the concepts of clean and

¹"Clean-unclean," IDB, p. 642.      ²Ibid.
unclean, holy and common also vary.

Purity in the Deuteronomic Code

The idea of purity and impurity in Deuteronomy is consistent with two of its general ideological tenets. The first, Israel's election as the chosen of God, signifies that it has been set apart and is automatically holy as a result (14:1,2,21; 7:6, etc.). Thus, holiness derives from a relationship with God. Israel is holy because God is holy and has chosen it and set it apart from all other nations. Consequently, it must not defile this holiness by committing defiling acts.

This concept of a holy people is absent in JE and P and probably derives from Exod 22:30 which refers to holy men only. The automatically holy state suggests, therefore, that purity rather than being a pre-requisite to holiness (as in P) is an obligation imposed on the Israelite because of the holy state.

Because of the holy state, the act of eating nebelah (carrion flesh) is forbidden in Deut 14:21. This prohibition to all Israel contrasts with P who prohibits it only to the priesthood (Lev 22:8 cf. Ezek 44:31). The lay Israelite is supplied with a purification ritual (Lev 11:40 cf. 17:15) should he eat it. No parallel ritual is exemplified in D who makes no distinction between priest and laity--all are holy.

1D's dependence on the Covenant Code has been noted in the previous chapter. See also Deut 29:1.
Therefore the differences between P and D in this first instance are based on the question of status as a result of election. This "noble obligation" to maintain the holy state is not required of those who are not a holy people. The Torah laws apply only to true Israelites and all are not encumbent on the resident alien.

The concept of divine election is also the basis of the second ideological difference in the D and P strands. Use of the word toeba in D as opposed to sheqets in P connotes a cultically distinct state. It is the strongest word for what is impure, unclean, lacking in holiness, and totally displeasing to God (Deut 7:25, 26; 14:3; 17:1,4; 18:9; 20:18). It is a "repugnant and odious condition" which is obtained by contact with foreign cults and which "a holy and noble people" who are consecrated to YHWH ought to avoid.1

Purity in the Priestly Code

As in D, so the concept of purity in P is based on its unique ideology. By far the greatest number of references derive from the priestly source.2 Sixty-four percent of the occurrences of TM' (pure and its cognates) in the OT are in P, while D has only 3.8 percent. Similarly, THR (impure and its cognates) has

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1 These two differences between P and D are noted by Weinfeld, Deuteronomy, pp. 225-32. Others are noted by Kaufmann, p. 177.


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43 percent of its OT references in P as compared to 3.3 percent in D.

This heavily biased account evident in the OT records has resulted in most commentators omitting the contrasting concepts apparent between P and the other sources (D in particular). They describe the clean-unclean phenomenon of P as if it were normative for the total OT, or else try to harmonize the two.

In the ideology of the Priestly Code, the whole world was divided into clean and unclean, holy and common, and everything else was seen to have a relationship to one of these categories. "The unclean was the most basic form in which Israel encountered what was displeasing to God," and in practice a dynamic line of demarcation existed between this and holiness. Holiness was contingent upon physical proximity to the divine presence and the preservation of that proximity through ritual means. Thus constant purification and sanctification were necessary.

Priests, on account of their close position to the divine presence, had special purification rituals. Their special responsibility as a result was to constantly define for the laity the irregular lines of clean and unclean which ran through the whole of life. However, undivided theological vigilance was required of both priest and laity for a continual unclean state was one of danger, especially

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1Weinfeld, Kaufmann, and Neusner excepted.
2von Rad, O.T.T., 1:272.
if the divine presence or a holy place must be approached. Holy and
unclean were incompatible. The life of the individual was at stake.
Just how the clean-unclean distinction was to be made probably
changed over time as the next chapter proposes.

These dynamic demarcation lines emanated from the sanctuary
as centerpoint and radiated throughout the whole land. The healing
and saving forces battled the secular forces running through YHWH's
creation and, depending on the outcome of the "battle," the line was
moved. This process was repeated until the ultimate goal--total
wholeness and cleanness--would be reached and "all the earth will be
full of the glory of God (Num 14:21; Isa 35:8; 52:1; Rev 21:27)."

Laws then must be kept in order that the land may not be
defiled by sin (Lev 18:25,27,28; 19:29; 20:23; 36:34; Num 35:33,34)
and the forces of evil prevail. Abrogation of these laws--murder,
impurity, defilement, for example--were considered to contaminate
and pollute the land.

Because the holiness of the land must be maintained (Josh
18:1-10; 22:19; Num 34), all residents--alien and Israelite
together--were subject to the sacral code (Lev 17:13; 24:22).\(^2\) P is
concerned only with the ritual problem of impurity and anybody,
resident or alien, may carry that impurity and transmit it to the
land. The land may not be capable of bearing it and consequently
may "vomit" it out (Lev 18:25,28).

\(^1\)von Rad, p. 275.

\(^2\)Similarly, an Israelite who resided outside Palestine was
considered to be dwelling in an unclean land and was the worshiper
However, it was recognized that in the process of daily living man contacted much that was unclean. This required that the individual sanctify himself before re-entering cultic proximity to the divine presence (Exod 19:10,14; Josh 7:13; 1 Sam 16:5; Job 1:5).

Therefore, differences between P and D then are centered in their different conceptions of the status of the people. In contrast to D who assumes automatic sanctity, P is concerned with the preservation of the sanctity and purity of the people who inhabit the holy land.

The most sacred part of the land was the temple, after which the holy city (camp), city walls, and fields decreased in holiness by degrees (see figure 9). Impurity and demonic forces (Lev 17:5-7) increased the further one was away from the source of holiness. The scapegoat was dispatched to the wilderness (Lev 16:10-22 bearing the sins and impurities of the congregation. Lepers were sent outside the city and the lustrous bird of their cleansing rites released in an open field outside the city (Lev 14:7,53). Along with the lepers, gonorrhoeics, and persons defiled by a corpse were also sent outside the camp (Num 5:1-4).

In everyday life man's encounter with the unclean was particularly close and dangerous in the field of sex. Consequently, man must abstain from sexual activity before the holy war (2 Sam 11:10-13), a woman was unclean following childbirth (Lev 12), all secretions from the sexual organs required purification (1 Sam 20:26; Lev 15), sexual offences polluted the individual and the land (Lev 18:25,28; 20:14).

1The diagram is a summary of von Rad, O.T.T., 1:272.
Fig. 9. The Priestly Concept of the Degrees of Holiness.
19:29; Num 5:3; Deut 24:4; Hos 4:3; Jer 3:2,9), the body was only clean when sexual abstinence was practiced (1 Sam 21:4-6; Lev 15:8; Deut 23:11; 2 Sam 6:20; 11:11), and sexual exposure was prohibited—particularly during cultic activities (Exod 20:26). Thus, contrast with the Canaanite religion of fertility is evident. Although the mysterious forces from which life originated were not explained, their designation as unclean caused them to be prohibited from the cultic sphere.

Also, all that had died, whether men (Num 9:6; 19:11,16,18; 31:19), or animals (Lev 11:24-28), represented the utmost degree of uncleanness. Again a contrast with the generalized ancient Near Eastern veneration of the dead and mourning practices is evident. The Egyptian philosophy of death is evident in euphemisms referring to the state--"he goes living to his rest," "the fairest of destinies has come to pass," "he enters into his horizon, departs to heaven, and is united with the sun through the mingling of his divine body with his maker."¹ Deuteronomy and the Holiness Code attacked with great harshness all forms of the cult of the dead (Deut 14:1f.; 18:11; Lev 19:27f.,31; 26:6,27). Deut 26:14 considers the idea that any part of the tithe might be put in the grave as food for the dead as sacrilege. Rebelliousness against YHWH is epitomized by people "sitting in tombs" (Isa 65:4). Nothing is to come in contact even remotely with the sphere of death. The environment of death is defiled to a dangerous degree.

Hence, the priestly teaching was intended to ensure that

men were in the right condition to take part in the cultic worship which maintained the bond between the holy God and His holy community (cf. Lev 15:31).

The whole framework of the legal code of Lev 11-16 deals with the basic pattern of clean and unclean which runs through all creation. It contrasts with the juristic codes in that no punishment for violation of the laws is included. Rather violation is considered dangerous to the personal safety of the individual and the community (Num 19:13,20; Exod 32:25-30; 2 Chr 30; Lev 10; Num 25). The unclean state is not permanent. Defilement by impurities is temporary and may be cancelled by ritual practices such as waiting the length of a sacred unit of time (1,7,14,40, or 80 days), and/or washings, and/or sacrifice.

Contact with impurities produces a temporary uncleanness in an object that is intrinsically clean. By contrast the unclean animals are considered permanently unclean. They are not capable of ever achieving the clean state. "Permanent uncleanness cannot be altered and is not contagious, so no rites are prescribed to cure it. Unclean animals do not pass on their uncleanness to others: they simply cannot be eaten." Contagion is only a threat when death is present. Temporary uncleanness and its removal, therefore, is the focus of the purification rituals in P as this state is potentially alterable.

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1Porter, p. 82. 2Wenham, p. 21.
Holy and Common

Use of the terms clean and unclean, holy and common, in parallel fashion (Lev 10:10; Ezek 22:26; 44:23) often leads to the conclusion that they are synonymous. While it is true that common (hol) is the antithesis of holy (qadosh), and clean the reverse of unclean, purity or cleanness is one aspect of holiness.

Holiness, however, is not one attribute among many but is "the innermost reality to which all others are related." Every thing that was not holy was common. Common things were divided into two groups—clean and unclean. Clean things may be made holy by a process of sanctification, but unclean things cannot be sanctified. Contact of clean things with the unclean renders them unclean. Holy items may be defiled and become common, or further polluted and therefore unclean. This process is illustrated diagrammatically in figure 10.

Fig. 10. The functions of holy and common.

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1"Holiness," IDB, p. 616.
2Wenham, p. 19.
Whenham then combines the two diagrams (figure 11) to illustrate the total process.

![Diagram](image)

**Fig. 11. The functions of holy, clean and unclean.**

Therefore the basic meaning of holy as that of separation is paramount. Cleanliness is the normal state. The clean may be elevated to a state of holiness by a process of sanctification, while pollution degrades the clean into the unclean.

The extreme states of holy and unclean must be protected from one another. For example, an unclean person is not permitted to eat holy food without dangerous consequences (Lev 7:20-21; 22:3). In reinstituting the Passover, Hezekiah was forced to postpone it by one month for "the priests had not sanctified themselves in sufficient numbers" (2 Chr 30:3). Even then he prayed for pardon for the people as "many in the assembly had not sanctified themselves. Therefore the Levites had to kill the passover lamb for everyone who was not clean, to make it holy to the Lord" (vs. 17). That no supernatural interference occurred when their observance was "not according to the sanctuary's rules of cleanliness" was interpreted as pardon in answer to the prayer of Hezekiah.¹

Similarly, holy people such as priests and Nazarites were

¹See also Num 9:11 where those defiled by contact with a cadaver may celebrate Passover on the fourteenth day of the second month.
forbidden to contact anything unclean (Lev 21:2ff., 11:12; Num 6:6-12).

Therefore, it may be concluded that uncleanness (Lev 11:39-40; 14:36; 15:4ff.) and holiness (Exod 29:37; 30:29; Lev 6:11,20) may be transmitted but cleanness as the normative state is not conveyed to other things.

Holiness characterizes God Himself and all that belongs to Him (Lev 11:44-45; 19:2; 20:26; 20:3; 22:2,32; 23; Exod 40:9; 29:36; 30:29; 29:1; 39:30). Several connotations of holiness as an intrinsic characteristic of YHWH are embodied in the biblical understanding. The OT associates divine holiness most frequently with fire which is a manifestation of divine judgment (Exod 3:2-3; 19:18; 24:17; Deut 4:12,24; 5:22-27; 9:3; Lev 10; Ps 18:8-14 = 2 Sam 22:9-15; Ezek 1:4-28; Hab 3:3-4). YHWH is a jealous God and it "belongs to His nature to maintain the uniqueness and integrity of His Deity" (Deut 4:24; Exod 4:24-26; 34:14; 6:15; Ezek 39:25; Josh 24:19; Exod 20:3,5). Jealousy is closely associated with wrath where again heat and fire are prominent (Lev 10:1-3). Holiness also includes the "large and diversified sphere of dread, terror, awe, reverence and fear" (Ps 89:7; 99:3; 111:9, Exod 15:11; 2 Sam 7:23; Ps 66:3,5; 145:6; Isa 64:3). Holiness is associated with remoteness. "The radical cleavage between human and divine is rooted in taboo and is illustrated in the law of bērem by which man is forbidden to appropriate what belongs to God." The holy is unapproachable, man must

\(^1\) Wenham, p. 22.

\(^2\) The concepts are summarized from the article on "Holiness" by J. Muilenberg, *IDB* (1962), 2:617-20.
not come near to it. Prohibitions prevent its profanation (Exod 3:5; Josh 5:15; Exod 19:12-13,20-24; Num 18:3; Exod 33:20; 19:21; Judg 13:22; Ps 8:5; 9:20; Isa 31:3; Hos 11:9b). Holiness is related to, although not synonymous with, cleanness. Qualitative terms such as "splendor," "honor," "beauty," "glory," "spaciousness," etc. also describe holiness. It is unsearchable, incomprehensible, incomparable, wonderful, powerful, and exalted.

Finally, the holiness of YHWH is intimately associated with His life. The living God is a holy God, His life is a holy life (Deut 32:40; Josh 3:10; Ps 42:2; 84:2-4; Jer 10:10). Life and death, the theme of Deut 5:23-26, are described in holiness terminology and symbolism.

And when you heard the voice out of the midst of the darkness, while the mountain was burning with fire, you came near to me, all the heads of your tribes, and your elders; and you said, "Behold, the Lord our God has shown us his glory and greatness, and we have heard his voice out of the midst of the fire; we have this day seen God speak with man and man still live. Now therefore why should we die? For this great fire will consume us; if we hear the voice of the Lord our God any more, we shall die. For who is there of all flesh, that has heard the voice of the living God speaking out of the midst of fire, as we have, and has still lived?

Therefore, J. Muilenburg concludes that holiness cannot simply be equated with perfection. It is not merely a human and divine characteristic. "The force of holiness is felt in every sphere of existence." It is the source of all other kinds of energy.

Whereas uncleanness was inevitable due to contact with disease, death, and other sources of impurity in everyday life, the process of sanctification of the holy required a divine act as well as prescribed rituals. "God sanctifies and man sanctifies." For example, God first calls those who are to be holy persons (Num 16:7).
The formula "I am the Lord your sanctifier (Lev 20:8; 21:8, 15; 22:9, 16, 32) expresses the concept of the divine side of sanctification. Exod 20:8,11 and Lev 21:8 combine the divine-human aspects.¹

The priestly writers, however, emphasize the rituals which are man's part of the sanctification process. After cleansing to remove the unclean state (Exod 19:10-15), sanctification was expressed by anointing with oil and the offering of sacrifices (Exod 29:1-36; 40:9 cf. Lev 8-9). Holiness was then demonstrated by obedience to the law (Lev 19:2ff.; 20:7ff.; Num 15:39-40).

Thus, the priestly ideology is again emphasized in contrast to that of D. P considers "every Israelite had a duty to seek release from uncleanness through washing and sacrifice because uncleanness was quite incompatible with the holiness of the covenant people."²

Differences are evident in the laws and ideologies of D and P as a result of their differing historical contexts and the purpose which their author(s) intended for them. It is also self-evident that these two crystallizations of Israelite law did not arise from the "primeval soup"—or out of nothingness—but were a response to the communities' ideology and theology.

The codes did not remain static entities after this period either. Therefore, the following chapter briefly surveys the period leading up to their crystallization and traces how their adherents have used them since that time.

¹Ibid. ²Ibid., p. 23.
CHAPTER V

THE DEVELOPMENT OF PURITY IN THE DEUTERONOMIC
AND PRIESTLY CODES

Clean and Unclean in Other Cultures

The concepts of clean and unclean, pure and impure, were not unique to Israel. They occupied an important place in the religions of other cultures and still continue in some modified or developed form in all the religions of mankind.

Egyptian religion required purification of all those who approached the deity—primarily the king, priests, and dead. Although the cultic concept of ma'at was primary, some ideas of moral purity are also evident. The rites served to cleanse the person from physical and moral impurities as well as to impart a revitalizing power similar to that claimed for Christian baptism.¹

The pig was regarded as an unclean animal in Egypt since it was claimed that Horus had become blind when looking at a black pig (actually Seth in the form of a pig). Therefore, the pig was taboo for Horus and all those faithful to Him.²

Egyptian priests and priestesses were governed by strict


²Craigie, p. 231. See also Prichard, ANET, p. 10.
rules and traditions of purity in everything connected with the shrine. The priests were divided into classes differing in rank, each having special duties. The duties began early in the morning with the breaking off clay seals which protected the sacred rooms and with routine rituals of personal attention to the deity. These rituals consisted of the toilet of the god (washing, anointing, and perfuming the idol and burning incense before it), chanting hymns, bowing in adoration, and making sacrifices and libations. Numerous rites and ceremonies continued throughout the day and special rituals were practiced on festivals.¹

In Babylon, the priests and priestesses of the sanctuaries had a dual responsibility--exorcism of the "demons of disease" and purification of the unclean.² Both concepts were related, however, as sickness was understood as an uncleanness. Purification was part of the healing process. The god, Ea, supervised the ritual use of water, while Nusku was appealed to in fire rituals.³ Hymns of praise and penitential prayers, confessions and laments, accompanied the ritual use of fire, water, and oil in the appeasement of the god.⁴ Bathing or sprinkling the sick person with holy water from the Tigris or Euphrates followed and formulas such as the following were recited.⁵

Glittering water, pure water,
Holy water, resplendent water,
The water twice seven times may he bring,

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¹Jayne, pp. 22, 23. ²Ibid., p. 95.
³Ibid., p. 99. ⁴Ibid., p. 110.
⁵Ibid., pp. 289-90. Similar incantations existed for fire and oil.
May he make pure, may he make resplendent.
May the evil rabisu depart,
May he betake himself outside,
May the protecting shedu, the protecting lamassu,
Settle upon his body.
Spirit of heaven, be thou invoked!
Spirit of heaven, be thou invoked!

Purification rituals were connected with the festival of the New Year and formed part of a "developed theological understanding of the relationship of the state to the cosmic order."¹

A Hittite purification ritual emphasized the cultic purity of both God and man.²

As in an onion [which consists of skins wrapped together and which cannot get loose from one another] let evil, oath, curse (and) uncleanness be wrapped around that temple! See now I have picked this onion apart and have [no]w left only one wretched stem. Even so let him [the sacrificer] pick apart evil word, oath, curse, and uncleanness from the god's temple! Let god and sacrificer lie free of that matter. [After various rites the following formula is repeated.] Let evil word, oath, curse and uncleanness no longer exist for my god; neither let it exist for the sacrificer's person! Let god and sacrificer be free of that matter!

The ancient Aryan laws attributed to the sages Apastamba³ and Vasishtha⁴ contain lists of clean and unclean animals similar to the lists of Lev 11 and Deut 14:3-21. The former prohibits singly-hoofed animals, camels, pigs, and five-toed animals while permitting the rhinoceros, porcupine, iguana, and tortoise. The latter lists prohibited fowl in a similar manner to Leviticus and

²Prichard, ANET, p. 346.
⁴Ibid., XIV, 38-48 = ibid., xiv, p. 74.
Deuteronomy—the waterhen, flamingo, crow, blue pigeon, osprey, crane, grey heron, vulture, falcon-ibis, cormorant, wagtail, village cock, parrot, and starling.

In a similar manner, the Hindu code of Manu\(^1\) prohibited as food all carnivorous birds and beasts that do not "part the hoof." Broad criteria were included in this code by which the animals were classified. These classifying criteria were included for birds also which probably indicates its later date of formulation. All fowl were prohibited that feed by "striking with their beaks or scratching with their toes" as were those that dive for their food or live on fish. Certain prohibited species were listed: the sparrow, woodpecker, parrot, and starling were forbidden. Interestingly, the rhinoceros, porcupine, hedghog, iguana, and tortoise are expressly permitted. Also permitted are all animals that have teeth in one jaw only, with the exception of the camel.

The purity laws and concepts which parallel those of Israel most closely are perhaps those of the Zoroastrians. Here the concept of purity was understood as one of wholeness or spiritual completeness (cf. Ys. 44:9; 46:18). The sources of impurity and pollution were believed to be rooted in darkness and in the "substances and forces of evil." Health and religion were the

\(^1\)The code has come down to us in a Buddhist verse version composed apparently in the first century C.E. However, it claims to embody traditional laws first promulgated by the primeval hero, Manu, the Hindu "Noah." It is significant to note in this connection that biblical dietary laws claim to originate in the age of Noah (Gen 9:3-6). The Sumerians also attributed a code of law to the hero of the flood. Among Hebrew laws only four claim to be of pre-Mosaic origin: the Sabbath, circumcision, diet, and the clean/unclean distinction of animals.
responsibility of the priests who served the dual role of doctors of medicine and divine representatives.

The *vendidad* or *vidaevadata* (the law against evil influences) is the book of socio-religious customs containing rules, regulations, and instructions against impurities, contaminations, and diseases pertaining to body and mind. It is the sanitary and hygienic code of purification. The word *daeva* or the *druj* is used figuratively for the corruptive, contaminative evil influences that lead to impurity and decay. The object of ritual purifications is to remove all such conditions.

When a man dies the *druj-nasu*, the microbes of contamination and disintegration rush upon the body in the shape of a fly and make everything unclean. . . . The ideas of ritual purification as expressed in the *vendidad* are for breaking the contact of the living with the center of defilement and infection and to destroy the very source of impurities.¹

Four kinds of purification rituals were available and vary according to the degree of pollution. In a similar fashion to Leviticus, metal vessels may be purified while earthen, clay, or wooden vessels must be destroyed.

The Zoroastrian religion, like the Judeo-Christian system, is a modern religion with ancient roots. Therefore, both face similar problems in relating ancient concepts to a modern environment. Although the various rules seem irksome or inconsistent by modern standards, their ancient intent—to preserve the safety of life—may be extremely rational when evaluated from the perspective of time, place, and circumstance.

Zoroastrian concepts, like those of the Hebrews, developed from diverse traditions which were commented on by many generations of theologians who differed among themselves in their "commentarial opinions." Purification, in its original sense, implied a freedom

from ceremonial uncleanness. The concept developed connotations of freedom from guilt, sin, and mental or spiritual impurity. In the modern context, however, the rules are still considered rational, practical, helpful, and beneficial to individuals and the society.¹

Therefore, many ancient cultures contained clean/unclean, pure/impure concepts and rituals. They understood the concepts according to their central assumptions about the nature of the world and the way it works, disease aetiology, and theology. Dieties were believed to care for the health and welfare of the people in preventing the ascendency of evil forces. Thus, the deities' service to mankind must be aided by obedience to their requirements and appeasement of their person.

**Proposed Origin and Development of the Hebrew Codes**

Most commentators agree that the original material of both Lev 11 and Deut 14:3-21 is very old and expresses religious concepts which it is very difficult for us to recover or understand.² It is also difficult to say to what degree the compilers of the passages understood their original intent.

However, as Vriezen notes, "it is simply impossible to assume a tabula rasa in religion and to begin to construct without

¹Comments on the Zoroastrian concepts have been summarized from the article by Bode, "Rites of Purification in the Zoroastrian Religion," Guilt and Pollution, pp. 54-56.

adapting to something already in existence." Every other religion was influenced by its predecessors and/or its contemporaries. They developed in accordance with the specific needs of the people of their communities. A religion that remained static lost its relevance and died.

If development and adaptation of religious ideas is assumed, then from what, and to whom, did it occur? Specifically in regard to the Hebrew community Albright notes that a considerable portion of the ancient Hebrew ancestors already inhabited the Palestinian hill country, (where they pursued a semi-nomadic existence), before the entry of Moses. Also, upon entering Palestine, Israel absorbed at great length the culture of the Canaanites. The Canaanite

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2 For example, Egyptian gods in remote ages were couched in the animal forms which had been borrowed from the older population of the Nile Valley. In passing from the Asiatic immigrants, Sayce concludes that what was originally thought to be an actual animal representation of the deity (similar in concept to African fetishism), came to be understood as a symbolic representation. From the animal representation of the nome god of the ancient inhabitants, the concept of deity was developed by the Asiatic immigrants to a symbolic representation of the kingly deity. After this, the symbol was united with human form (the hawk-headed Horus, for example). Ancient inanimate symbols were discarded during this process. However, the ancient form of animal worship itself was not discarded due to the strength of the tradition in the lives of the population to whom it originally belonged. Also, Egyptian religion tended to conservatism and the maintenance of revival of old traditions. The old animal traditions were explained by later Egyptian orthodoxy as "the soul once freed from the earthly body, could inhabit whatever it chose" (A. H. Sayce, The Religions of Ancient Egypt and Babylonia [Edinburgh: T. & T. Clark, 1902], pp. 104-14).

3 The Qumran community, for example.

inhabitants themselves had just passed through a period of heavy Egyptian influence. Also, the biblical patriarch Abraham claimed to have left the Mesopotamian region and may well have brought with him remnants of that culture. Thus, it might be concluded that it was from these ancient forefathers that the vestiges of animistic, totemistic, and magical beliefs evident in the Old Testament derived.¹

¹H. J. D. Astley, Biblical Anthropology (London: Oxford University Press, 1929), p. 7, notes that animism is recognized in two states. Pre-animistic man recognizes nature is alive just as he knows he is alive himself. He concludes, therefore, that all things that exist possess a personality similar to his own. In animism proper man concludes he is alive because of the soul he possesses and therefore concludes that all things which exist are also alive because of the souls which possess them. In the Old Testament the sacred mountain which might not be touched may be derived from ancient pre-animistic thought (Exod 19:12,13, cf. Heb 12:18,10). The mountain was endowed with mana (a supernatural force which acts in all kinds of ways for good or evil and which it is of the greatest advantage to possess), which would smite anyone who touched it. The similar fate which befell Uzzah, who touched the sacred ark (2 Sam 6:67), is a second instance. In animistic thought it would not be strange to hear a serpent speaking out of a tree (Gen 2,3) or a speaking ass (Num 22). Sacred trees (Gen 18), and sacred stones (Gen 28:17,18) were common. However, this theory is not to suppose that the original intent was known at the times these instances were recorded. No doubt, they were considered evidence of superhuman power. Originally though, this was not thought to be a marvellous phenomenon, but all things were possible in a world in which all things were equally alive, all equally possessed of souls. Animism and totemism existed in a culture contemporaneously (Astley, p. 35). Totemism was the social side of animism and considered an animal or plant to be the badge or symbol of the clan. Cultures which passed through a stage of totemism bear three characteristics: (1) names derived from plants and animals; (2) a system of taboo; and (3) traces of group marriage. When the soul becomes differentiated from the object (e.g., the "living stone" becomes the "stone spirit"), both animism and totemism have given way to polytheism and fetishism. Magic arises from man's endeavor to bend the forces of nature to his will, or when he has learned to distinguish between blind forces and the spiritual beings behind them, to bend these to his will. But he soon finds that magic is impotent. The spirits too often refuse to be influenced by such means and so religion is born through the despair of magic (Astley, p. 26). But magic persists so it is found running concurrently and mixed with religion of all ages. Old Testament examples may include the trial by ordeal (Num 5:11-22), satyrs of the field (Lev 17:7; 2 Chron 11:15), scapegoat ritual (Lev 16), and the red heifer purification ritual (Num 19).
Primitive concepts of taboo were based on the ideas of clean and unclean as they related to the deity. That is, holy things and unclean things were restricted to men's use because both involved supernatural danger. The concept of danger must always be related to something else. For example, an object may be a danger to health, danger to an eye, or danger to life itself. In primitive thought both the holy and the unclean spheres were dangerous to life.

Nineteenth-century scholarship thought primitive religion was inspired by fear. This idea is now generally considered a "false trail." Fears, however, are not all of one type. "Craven" fear forces man to run blindly away from danger and has a negative action on human activity. "Cautious" fear, on the other hand, induces man to try to outwit or overcome the danger by intellectual means—thus having a quasi-positive action on human activity. Both fear types are obviously of one parentage—the father and mother of all fears being the fear of death.

Each primitive culture views itself as an energized structure at the center of the universe. Good powers radiate from this center which produce prosperity, while dangerous powers retaliate against attack. External pressures are exerted on this system so that the society assumes that that which is not with it, part of it, and subject to its laws, is potentially against it.

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1Douglas, pp. 1-2, notes that anthropological studies of the Nuer, Azande, Bemba, and Roman Catholics have concluded that these exceptions to the rule are sufficient reason to doubt the validity of the concept.

Thus, everything that can happen to man by way of disaster is catalogued with their causes.\(^1\) Ideas about separating, purifying, demarcating, and punishing transgression have as their main function to impose system on experience. The possibility of disaster and death make systematization of their causes the highest priority.

Although a definite dynamistic\(^2\) world view was held by early Israel, Yahwism soon took an aggressive stand against the technical ability of magic to influence the deity. Man could not use magic to influence the deity. Nor could man use magic to perform the tasks that belonged to the deity alone. The folk stories and customs which survived from more primitive stages of culture contained concepts which had long since ceased to carry their original meaning or significance to the thoughts of the people.

Thus, the original reasons for the prohibition of certain animals as food was probably not known to the authors/compilers/editors of the later codes. The compilers of the codes included animals whose traditional classification as clean or unclean originated with the ancient inhabitants of the Palestinian hill country, the Canaanites, Egyptians, or Mesopotamians. This was at a time before Israel had developed a national identity and was able to express herself polemically.

\(^1\)Douglas, p. 4.

\(^2\)That is, Israel was acutely aware of the possibility of the transmission of energy or forces through animate or inanimate objects. The holy and unclean possessed a material force which it was possible to transmit by physical contact from object to object (von Rad, O.T.T., 1:34).
The evidence of magic in the Pentateuchal food (and other) laws\textsuperscript{1} is similar to the vestiges of ancient pagan magical rites which persist in modern cultures, the origins of which modern populations do not know.\textsuperscript{2}

**Comparison of the Deuteronomic and Priestly Codes**

The priestly theology considered that the covenant had created a fellowship characterized by life and order (Lev 26), and harmony between God and man. Outside the covenant and its institutions was the realm of death and disorder from which Israel had been redeemed. A broken relationship between God and man was able to be restored through a system of sacrifice.\textsuperscript{3} One thing was

\textsuperscript{1}The cleansing rite of the red heifer, for example. See J. Milgrom, "The Paradox of the Red Cow: Num 19," *Vetus Testamentum* 21 (1981):62-72. A magical rite similar to that of boiling a kid in its mother's milk existed among the Hottentots of south-west Africa who traditionally carried out the ceremony to guarantee rain. The people gathered on the bank of a dry watercourse bringing quantities of milk, pregnant cows, and ewes. The animals were cooked for a great feast. Then, after due preparation, the uteri were held over a flame of sacred fire built on the riverbank from which a special channel ran down to the stream bed. As the uteri were pierced milk was poured onto the flames, the two fluids flowing together onto the fire and down into the stream bed produced billows of smoke. By imitation the Hottentots were inducing rain. The smoke represented the clouds; the liquid poured onto the fires and into the stream bed was the rain; and the milk and uteri were the symbols of fertility, the results of past rains and the guarantee of future abundance (Eugene A. Nida and William A. Smalley, *Introducing Animism* [New York: Friendship Press, 1966], p. 34).

\textsuperscript{2}For example, the Easter egg, Easter bunny, Christmas tree, superstitions of black cats, ladders, etc., the origins of which are basically not known in Western society.

\textsuperscript{3}In primitive cultures sacrifice was common. The sacrifice must first be killed (an inanimate object broken) and the symbol of life essence (blood in many religions) must be sprinkled or poured on some holy object. In many instances the god is offered the blood and the life essence while the people feast on the body. But if the
certain, however, all life emanated from YHWH, the Source of all life. As such, its symbol—blood—must be ceremonially returned to the Giver. It must not be eaten without the possibility of dangerous consequences (Lev 3:17; 7:26,27; 17:10,12,14,26; see also Deut 12:16,23; 15:23).¹

Participation in the cultic rites was essential to life, thus, the maintenance of cultic purity (which was a necessary pre-requisite to cultic activity) was of primary importance. Uncleanliness was like sin in the Priestly code but was separate from sin. "While the P code approaches the notion of uncleanness as a metaphor for sin it holds back from finally coming to that conclusion."²

The priests of YHWH recognized that their greatest danger to the cult was syncretism whereby the devotee might claim to worship YHWH but inadvertently have broken the covenant.³ Therefore, the laws of clean and unclean prevented false approaches to a holy God.

The author of Deuteronomy, in keeping with his priestly people wish to further impress the deity, they often burn the sacrifice completely (Nida & Smalley, p. 24).

¹ Blood was used by Israel's neighbors to participate intimately in the life of the deity and to induce ecstatic encounters. In Israel, blood belonged exclusively to YHWH (J. E. Hartley, "Clean and Unclean," ISBE [1939], 1:721).

² Neusner, p. 21.

³ Paul Radin, Primitive Religion: Its Nature and Origin (New York: Dover Publications, 1957), pp. 259-60 comments that monotheism in its strictly religious sense implies that it is the faith of the whole community. That is never found among primitive people. Rather, monolatry, which is essentially a form of polytheism, was actually practiced in Israel as Isa 65:2-7, 66:3,17, etc. indicate.
role, also advocated cultic purity and monotheism. He was concerned to teach the people the proper behavior becoming of a holy people which was required as a result of their election. Therefore, to God the food laws are only one of many similar behavioral injunctions of equal importance. As there was no sanctuary in the north equivalent to the Jerusalem sanctuary, no cultic regulations are given whereby the cultically pure state may be restored.

The aims of Deuteronomy parallel wisdom objectives and emphasize life, longevity, and prosperity. "And the Lord commanded us to do all these statutes to fear the Lord our God, for our good always, that he might preserve us alive, as at this day. And it will be righteousness for us, if we are careful to do all this commandment before the Lord our God as he has commanded us" (Deut 6:24-25). That the prevention of death is a factor in the prohibition of unclean foods is evident in the fact that death is possibly the common theme which unites the prohibited foods with the preceding legislation against pagan mourning rites.

The systematization of ancient traditions was the concern of both the Deuteronomic and the Levitical author. However, although both used the same ancient material, different formal features were emphasized by each. For example, numerical phenomena, sequence, and repetition in the Levitical outline are summarized in figure 12.

Therefore, a continuation of the tendency to group subjects in multiples of ten or four is noted in Leviticus as it was in Deuteronomy. The numbers in the lists are maintained even though

\[^{1}\text{Compare Ps 34:12-13. Also see Weinfeld, pp. 308-13.}\]
Fig. 12. A summary of formal features in the outline of Lev 11.

the actual species change. This would seem to indicate that form and systematization was of greater importance than the specification of a particular species.

The concluding formulae of Leviticus have no Deuteronomic parallel—concluding formulae being a characteristic of priestly writings. Leviticus is not so concerned as Deuteronomy to maintain the positive-negative sequence. However, the author has attempted to maintain a similar outline for the sections on land and aquatic animals.

The falcon and ibis have been introduced as species to Leviticus. The characteristic of paws is uniquely prohibited in Leviticus even though it is superfluous given the fact that paws and cloven hoofs are mutually exclusive. A great emphasis is laid on swarming things and death and so great is the pollution, especially from the latter, that the concepts of touching and carrying have been introduced as well as that of eating. Deuteronomy was concerned with eating only. Therefore, these concepts unique to Leviticus seem to have one thing in common—they are all part of
the detestable (sheqets) practices of the Egyptian religion. However, they were more than just part of the Egyptian religion; they were the principle symbols of death. Therefore, in the Levitical code there seems to be a pronounced polemic against the Egyptian cult of the dead, its rites, symbols, and theology.

The form of the Deuteronomic code has a greater symmetry and homogeneity than the Levitical code. The author was more concerned to preserve a positive negative sequence rather than have each animal class follow a similar outline. The chiasms, total of twelve maxims, present-absent sequence of 'et and the decreasing size of the creatures, serve to preserve balance. Use of toeba is consistent with the general aim of cultic purity—

1The ibis, sacred symbol of the moon god, Thoth, was represented as an Ibis-headed man. Thoth's role in the judgment was to weigh the heart of the deceased and declare it righteous or not. Once his judgment had been declared it could not be altered for all the gods declared "that which cometh forth from thy mouth is true and the deceased is holy and righteous (E. A. Wallis-Budge, The Gods of the Egyptians, 2 vols. [London: Methuen and Co., 1904], 1:408). The falcon-headed man, Horus, symbol of the sun god, served as advocate of the dead. "As he helped Osiris, all men hoped he would come to their assistance after death and act as mediator between the judge of the underworld and themselves." Horus was regarded as the god of the ladder which the deceased climbed in the ascent from earth to heaven. After aiding the climber, the bodies of the dead were taken into his care just as the body of Osiris was taken into his hands. Horus then superintended the performance of funeral ceremonies (Wallis-Budge, 1:486-94; A. Knight, pp. 46-54). Animals with paws were chiefly beasts of prey--the lion, leopard, cheetah, lynx, cat, fox, jackal, hyena, badger, and mongoose. Their constant contact with death precipitated their deification in the Egyptian pantheon. Whole cemeteries of mumified cats were discovered in Egypt and Diodorus relates that a Roman soldier who had accidentally killed a cat was torn to pieces by an Egyptian mob before his eyes even though the Roman officials did their utmost to save the offender (Sayce, p. 101). That the Hebrews adopted deification of swarming creatures is evident from Isa 65,66. Also, the polemic of Exod 7-11 makes the point that YHWH prevailed over the swarming gods--frogs, gnats, and flies--of Egypt.
Israel is exclusively the people of YHWH and all other practices are an abomination. Thus, while Deuteronomy is primarily concerned with the purity of the community, Leviticus is concerned with the purity of the individual.

A basically priestly ideology is evident in both codes and both employ a common hermeneutical corpus of symbols and metaphors based upon the holiness of the cult. However, differences in the codes make reconciliation impossible. It seems much more reasonable to suppose that the authors in both cases are quoting older sources, Leviticus resting on traditions preserved by the Jerusalem priesthood, and Deuteronomy on those traditions practiced in the north of Israel. Cultic practices in the respective areas allowed slightly different interpretations of the ancient sources to develop in response to specific community needs.

From the similarities and differences evident a concurrent development of the codes may be hypothesized. This is summarized in figure 13.

Therefore, it may be concluded that the common ancient source from which the two documents derive consisted of "X" number of unclean birds. Deuteronomy, as the cultic document of the

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1The similarities between Lev 11 and Deut 14 (noted in appendix E), as well as the common legal material of the various codes (noted in appendix B), suggest both may originate in an older series of laws now unknown to us.


3Alt, p. 86.
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<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>721-680 B.C.</td>
<td>+ and - list of animals</td>
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<tr>
<td>640-609</td>
<td>Animal characteristics</td>
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<td>609-586</td>
<td>Amalgamated with Lev tradition by Jerusalem cult</td>
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<td>Post-exile</td>
<td>Further birds added with particle and in association with 'et-min</td>
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<td>Present-absent sequence maintained with numerical emphasis on 4 and 10</td>
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<td></td>
<td>Anti-Egyptian emphasis</td>
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<td>Animals with paws prohibited</td>
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<td>Death emphasis</td>
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<td>First section on swarming things</td>
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<td>Falcon added</td>
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<td>Numerical emphasis on 4 and 10</td>
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<td>Further Anti-Egyptian emphasis</td>
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<td>Ibis added</td>
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<td>Further section on swarming things</td>
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<td>Clarification sections added</td>
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<td>Priestly professional knowledge in third person added</td>
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Fig. 13. Hypothetical reconstruction of the concurrent development of Lev 11 and Deut 14:3-21.
north, and in accordance with the list of ten animals listed in vss. 4-5 and the author's concern for symmetry, listed ten birds as examples of the unclean species prohibited as food. Upon the incorporation of Deuteronomy into the Jerusalem cultus an effort was made to synchronize the two codes as much as possible. The canonical status of the Levitical text, as well as the oral traditions that had grown up around the Deuteronomic text, of necessity meant that this process of incorporation and synchronization was limited. However, in adding a further ten birds to the Deuteronomic text, particles were introduced which were already present in the Levitical text. Although the particles were in opposition to the grammar of Deuteronomy, they were not able to be changed due to the canonical nature of the Levitical text.

The people who effected the transition, however, considered the canonical nature of the text to be such that the order could be changed for the sake of mnemonics although the words could not.

Noth generally agrees with this hypothesis as he concludes that although Deut 14 generally is the earlier text, some parts were borrowed directly from Lev 11, though not from Lev 11 as it now stands but from an earlier form of the text.¹

The Hebrew Purity Rationale

The concepts of clean and unclean are not unique to Israel and are embodied in the statutes of cultures both older and younger than the Hebrew Pentateuchal codes. However, the Hebrew laws them-

selves do not state why the prohibited animals were considered unclean—their pre-history is not recorded. Both Lev 11 and Deut 14:3-21 merely divide the animals into clean and unclean categories without explanation. Although holiness is cited as the reason for the distinction, holiness itself is not defined or explained. The people are merely admonished to be holy because YHWH is holy (Lev 11:45; Deut 14:21). Therefore, it may be assumed that the rationale behind the clean/unclean distinction belongs to its prehistoric period.

Efforts to discover the original rationale have focused on trying to deduce the common elements evident in the two categories. The relative success of each rationale hypothesis is dependent on the amount of consistency attained. None are totally consistent, with the result that all the various rationales still have some adherents.

Proponents of the "arbitrary" hypothesis admit the difficulty of discovering common characteristics in the clean/unclean categories and conclude that if the laws do have a rationale it is known only to God who chooses not to reveal it to man. Thus, obedience is expected as a test.

The "cultic" hypothesis is supported by noting that animal worship was a significant part of Egyptian religion and its cult of the dead. That Israel was continually tempted by this religion and other pagan practices is evident from Ezek 8. Here Ezekiel is shown "every form of creeping thing and abominable beasts, and all the doll-images of the house of Israel portrayed on the wall" of the temple itself. Sacred rites performed in the dark before these
animals were thought to avert impending calamities and restore prosperity to Israel. Isa 65:2-7 also describes a people who "sacrifice in gardens, and burn incense upon bricks, who tarry in graves, and lodge in secret places, who eat swines flesh and in whose vessels is the broth of unclean meats." Judgment for such acts is warned: "Keep by thyself, come not too near me, for else I shall sanctify thee. At such things there is smoke in my nostrils, a fire that burns continually." A similar description occurs in Isa 66:3,17 which describes YHWH's rejection of sacrificial acts made to Him while sacrifices are also made to other deities.

He who slaughters an ox, but also slays a man; he who sacrifices a sheep, but also strangles a dog; he who brings an oblation, but also pours out swines blood; he who burns incense, but also blesses an idol; as these have chosen their own ways and their soul has pleasure in their own abominations, so I will choose troubles that will harass them... Those who consecrate and purify themselves for the gardens, the one consecrating the other on the tip of the ear, who eat swine's flesh and the swarming creatures and mice, together they shall come to an end, says YHWH.

The reference to cultic rites featuring swarming creatures, mice, swine's flesh, pouring out the sacred blood, and tarrying in graves and secret places would support the hypothesis that the Pentateuchal texts prohibit animals as food which were used in foreign cultic practices. It also may explain anomalies such as the triple reference to swarming things in the Levitical text.

Also, the context of both Lev 11 and Deut 14:3-21 would suggest that the animals were prohibited as a protest against pagan practices. The covenant was designed to separate Israel from all

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1Astley, p. 61.

However, although this may have been the primary rationale for the clean/unclean distinction to those who compiled the Pentateuchal codes, it does not necessarily mean that all the animals can be explained on this basis.

While some unclean animals had obviously attained cultic significance in foreign religions, this hypothesis still does not explain on what basis the clean/unclean distinction was made. That is, clean animals also figured prominently in other religions. The cult of the bull at Memphis was the most important and oldest animal cult of Egypt. For thousands of years the kings of Egypt delighted to call themselves "Mighty Bull" as a result. The cow was sacred to Hathor. The king was said to have arrived in heaven in the form of a grasshopper which was considered sacred as early as the sixth dynasty in Egypt. The ram was worshipped in Mendes in the Delta as the symbol of Osiris. Also, the Canaanites sacrificed the same general range of animals as Israel did. Therefore, proponents of this view must explain why all these other cultically significant animals were not declared unclean also.

While a definite cultic emphasis is present in the Pentateuchal texts, this cultic hypothesis does not consistently explain the clean/unclean distinction. Proponents also need to explain why

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1A. Knight, p. 142.  
2Ibid., p. 153.  
3Ibid., pp. 160-68.
it is claimed that Israel absorbed foreign cultic ideas on one hand while directing a polemic against other ideas. That is, how can Israel act as a "sponge" on one hand and a "repellent" on the other?¹

The "anthropological" hypothesis suggests that the Israelite unclean category consisted of animals which were thought to be a mixture of kinds and therefore did not possess the characteristic features of a particular class. "Those members are unclean which are imperfect members of their class or whose class itself confounds the general scheme of the world."²

While fins and scales do seem to be a legitimate method of propulsion for aquatic creatures, proponents of this position need to explain what importance chewing the cud had either as a legitimate method of propulsion or as a species characteristic. Also, what difference is there, either in their method of propulsion or in their physical characteristics, between the clean and unclean birds? Douglas mentions that creatures who appeared to have "hands" (lizards, moles, chameleons, etc.) were prohibited as they violated class norms. Creeping things had an indeterminate method of propulsion and were therefore prohibited as not belonging to any specific class—that is, they were neither "fish, flesh, nor fowl."³

The main divisions between clean and unclean varieties of animals, fish, and birds seem to be explained by this hypothesis, however, it does not explain why sheep and goats are clean while camels and pigs are unclean.

¹ Douglas, p. 49. ² Ibid., p. 55. ³ Ibid., p. 56.
Douglas bases her conclusions on the assumption that the Pentateuchal laws are based on Israel's concept of wholeness and perfection as the criterion for holiness. After quoting Deut 20: 5-7 she concludes that the concept of wholeness is extended even to the social environment. Although Douglas acknowledges that the text does not imply defilement of any kind, she neglects to mention that the concept of wholeness is not mentioned either. In fact, any other possible interpretation of the text has been disregarded while the concept of wholeness has been simultaneously isogeted. It would seem that Carmichael's interpretation of the passage as part of Israel's inheritance theme would be more in keeping with the ideology of the book and should be considered.

In concluding that holiness means "to be whole, to be one" and that holiness is "unity, integrity, perfection of the individual and of the kind," Douglas has limited its meaning to one aspect only. As noted in chapter IV, many other connotations are implied by the term.

Finally, Douglas assumes, as does post-biblical Judaism and modern fundamentalism, that the Old Testament is a "whole and single document" passed on from generation to generation in a fixed state. The results of biblical criticism do not allow such an assumption. Douglas' rigid claim for the biblical text is puzzling since she does not claim such rigidity for anthropology. "The anthropologist falls into the same trap if he thinks of a culture

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1Douglas, p. 52.  
2Carmichael, pp. 156-59.  
3Douglas, p. 54.  
4Ibid., p. 49.
he is studying as a long establish pattern of values.\(^1\)

The "hygienic" hypothesis is supported by the fact that many of the prohibited animals are scavengers and as such have an increased susceptibility to disease. However, even if some of the dietary prohibitions were beneficial to health it does not necessarily follow that this is the primary reason for the clean/unclean distinction. Proponents of the view still need to explain why grasshoppers were permitted while the camel was prohibited.

The example of trichinae infestation resulting from the eating of undercooked swine's flesh is usually quoted. However, the problem could have been eradicated if the Levitical author had legislated an appropriate cooking method.\(^2\) Also, if hygiene was the primary purpose of the Levitical author, it was inconsistent to prohibit swine's flesh as a possible transmitter of trichinae parasites while at the same time permitting cattle, sheep, goat, and fish meat. These latter types may also transmit parasites such as flukes (trematodes), tapewords (cestodes), and round worms (nematodes). Rickettsial diseases such as Q. fever and other diseases such as Rift Valley fever, hepatitis, brucellosis, and tuberculosis may also be transmitted.\(^3\) Similarly, permitted chicken flesh may cause salmonellosis just as surely as prohibited rabbit flesh may cause tularemia. Also, it is probably more

\(^1\)Douglas, p. 5.


\(^3\)Adapted from a list from the Communicable Disease Center, Public Health Service, Atlanta, Georgia, 1960; and Morbidity and Mortality, vol. 16, no. 53, annual supplement, 1967, United States Department of Health and Welfare.
dangerous to human health for rodents to "eat" (bite) men (by which process bubonic plague is communicated) than it is for men to consume properly cooked rodent flesh.

The hygienic hypothesis is supported by the fact that the Israelite priests, like those of the surrounding cultures, functioned as a type of "sanitary police." Quarantine, isolation, and disinfection matters were overseen by them. However, to conclude that the basis for the clean/unclean distinction made by them was hygienic is to read the results of modern microbiological research into the ancient text. Rather, it should be recognized that much of ancient folk medicine was valid and was based on their empirical knowledge of the environment gained through experience. However, even if ritual washings were useful in preventing disease, this does not mean that their primary rationale was anything other than spiritual or symbolic.

Proponents of this view must contend with the problem that a theological reason—holiness—rather than a hygienic reason is given by the text itself.

The "symbolic" hypothesis has been offered as rationale for the laws since the pre-Christian Jewish writers. Aristeas suggested that chewing the cud made an animal clean because it reminded men to meditate on the law.¹ Likewise in the second century the author of the Epistle of Barnabas claims that the real reason the sow was forbidden was that "thou shalt not join thyself to such persons as are like unto swine; who whilst they live in pleasure,

forget their God; but when any want pinches them, then they know the Lord."¹ In the nineteenth-century Bonar suggested that sheep were clean because it reminded the ancient Israelite that the Lord was his shepherd.² Others have supposed that some animals were unclean because of their association with death or sin.³ This last suggestion does have some foundation as clean/unclean includes a moral connotation in the Old Testament.

The idea of moral purity developed outside of the priestly writings but concurrently with them. Clean hands (2 Sam 22:21,25; Job 17:9; 22:30; Ps 18:20,24) and a clean heart (Pss 24:4; 51:1,7; Prov 20:9), clean lips (Isa 6:5) and clean "innermost parts" (Prov 20:30) are symbolic of righteousness (2 Sam 22:21,25; Ps 18:20-24) and innocence (Job 11:4; 33:9; Ps 51:7,10; Prov 20:9).

This moral and symbolic emphasis is consistent with eighth-century prophetic themes particularly. The prophets discount ritual practices when they are considered an end in themselves and ethical responsibility is ignored. YHWH demands ethical purity--sinfulness being one form of uncleaness.

Ritual and moral purity are combined by Ezekiel who considers the exile and captivity were partly due to the failure of the priests to distinguish between the clean and unclean (22:23-26). In the new age YHWH will give the people a new heart and sprinkle clean water upon them (36:25,26, cf. Jer 38:8). YHWH's cleansing cleanses from all iniquities (36.33) and replaces the inadequate

¹Epistle of Barnabas 9:3. ²Bonar, p. 214. ³Keil and Delitzsch, Deuteronomy, p. 357.
rituals performed by the people and priests.

Again this hypothesis explains some of the data. The major problem it presents is that no criterion is available for preferring one interpretation over another.

Therefore, in all the suggestions offered as possible rationale for the clean/unclean distinction some plausible arguments are given. The "arbitrary" hypothesis correctly concludes that the rationale has not been stated in the text and is extremely obscure. The "cultic" hypothesis is right in noting that the biblical context suggests that the Israelite should obey the laws as a mark of fidelity to YHWH. Also certain unclean animals were significant in foreign cults. The anthropological concept of wholeness is part of Israel's concept of holiness. Certain animals with scavenging habits would be detrimental to health. And even the Old Testament itself uses the clean/unclean concept in a moral-symbolic sense.

Therefore, the idea which offers most consistency--that is, the "lowest common denominator"--must be included as part of the positive points of the hypotheses listed above, and/or various rationale may have gained pre-eminence at different periods of Israel's historical and religious development.

The "Lowest Common Denominator"

The idea of danger implies a danger to life. And it may be observed that in this idea, as in all of Israel's legal formulations, the basic concepts of life and death were always evident.

All religion is concerned with living. In its fundamental character it is a life and death struggle. Craven fear, as
twentieth-century anthropological study has rightly concluded, cannot enter into religion at all.\footnote{Marrett, p. 57.} Hopefulness of outlook is impossible in its presence. Cautious fear allows the primitive individual to fear the uncanny which conjures up for him the “grim form of the messenger of death.”\footnote{Ibid., p. 60.} The responsibility of the primitive priest was to intensify the life feeling. His evil counter-part, the sorcerer, sought to intensify the feeling of death.

As Israel sought to establish its separate universe and distinct national and spiritual identity, it developed a concept of death which may be considered a polemic against the pagan cults of the dead (Josh 3:10; 2 Kings 19:4; Hos 2:1), particularly that of Egypt. Its intention was to demythologize and desacrilize the death concept so that the people of Israel would be relieved of the temptation to consult the dead (Isa 8:19; Deut 18:11; 1 Sam 28:13; Deut 26:14).

By contrast with the Egyptian concept,\footnote{The Egyptians held that after justification, the soul was admitted to a state of blessedness during which it would enter any material it chose. It could fly to heaven in the body of a swallow, for example, or return to the mummified body in which it had once dwelt (Sayce, p. 102).} death in Israel was surrounded by no halo of any kind—no holiness whatever. In fact, death was the greatest disorder that could affect human affairs. It was the ultimate contradiction of the covenant promises of life and health (Lev 26). Wenham has summarized this concept of death as disorder in the Israelite universe as shown in figure 14.


<table>
<thead>
<tr>
<th>Life Normality</th>
<th>increasingly</th>
<th>Death Total Disorder</th>
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<tbody>
<tr>
<td>Holy of holies</td>
<td>altar</td>
<td>tabernacle</td>
</tr>
<tr>
<td>God</td>
<td>priests</td>
<td>deformed priests</td>
</tr>
<tr>
<td></td>
<td>perfect</td>
<td>blemished</td>
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<tr>
<td></td>
<td>sacrificial</td>
<td>sacrificial</td>
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</tbody>
</table>

Source: Wenham, p. 177.

Fig. 14. Life and death in the Israelite universe.

Two distinct theological strands are evident in the Israelite concept of death. This may be the result of an effort to superimpose a polemic against the Egyptian cult of the dead over the traditions which the patriarchs brought from their Mesopotamian home.

On the one hand it is clearly part of the proper entry into the rest of death that a man is buried in the place where his forefathers were buried (1 Kgs 14:31; 15:24). An improper burial had something horrible about it (e.g., 2 Sam 21). After the individual is honorably laid with his forefathers, nothing is said about the state of death itself.

On the other hand, the concept of sheol, the realm of the underworld, and hades, into which the dead enter as shades, parallels the Babylonian netherworld concept (Isa 14:4; Ezek 26:20; 31:13; 15:18; 32:17ff.).¹ One thing is certain, the gloomy and gruesome underworld is not in the remotest way connected with YHWH, the living God. The most severe admonitions exist against the use of

¹See the twelve tables of the Gilgamesh Epic in Prichard, *ANET*, pp. 97-99.
occult means to enter any type of relationship or communication with the world of the dead (Lev 19:31; 20:6,27; Deut 18:11; 2 Kgs 23:24; 1 Sam 28:3).

The breadth of the death concept is shown by C. Barth. In commenting on the Psalms he notes that death does not mean simply the physical death of the person but constitutes a broader threat to man. According to Barth's formulation, death is a "realm"--a world of opposition which threatens the living and which prevents man from dying "old and full of days." Death robs man of the normal length of time which God has assigned him. Hunger, weakness, illness, and disease warn the individual that death is threatening. The sinister powers of the world of the dead are forcing their way into the life of the individual. Their power over man may be nullified if YHWH wards them off.¹

In contrast to death, YHWH is portrayed as "the living God," "the fountain of life." The living God is a holy God; His life is holy life (Deut 32:40; Josh 3:10; Ps 42:2; 84:2-4; Jer 10:10).² The express promise of life to the community and thereby to the individual as well took place at the holy shrines. Here, where it was believed YHWH was present, were the sources of life (Pss 36:7-10; 42:1-3). YHWH dispensed life from the sanctuary.

The process whereby YHWH rescued man from death is described dramatically in Ps 18.


I love thee, O Lord, my strength.
The Lord is my rock, and my fortress, and my deliverer,
My God, my rock, in whom I take refuge,
My shield, and the horn of my salvation, my stronghold.
I call upon the Lord, who is worthy to be praised,
And I am saved from my enemies.
The cords of death encompassed me,
The torrents of perdition assailed me;
The cords of sheol entangled me,
In my distress I called upon the Lord
To my God I cried for help
From his temple he heard my voice,
And my cry to him reached his ears.
Then the earth reeled and rocked
The foundations also of the mountains trembled and quaked
Because he was angry.
Smoke went up from his nostrils,
And devouring fire from his mouth;
Glowing coals flamed forth from him.
He bowed the heavens, and came down;
Thick darkness was under his feet.
He rode on a cherub, and flew;
He came swiftly upon the wings of the wind
He reached from on high, he took me,
He drew me out of many waters.
He delivered me from my strong enemy,
And from those who hated me;
For they were too mighty for me.
They came upon me in the day of my calamity,
But the Lord was my stay.
He brought me forth into a broad place;
He delivered me, because he delighted in me.

The promise of life took place in a special way at the sanctuary when the community was gathered together. The refrain of Ps 80 is repeated in the communal blessing of Aaron in Num 6:24-26.

The Lord bless you and watch over you
The Lord make His face to shine upon you
And be gracious unto you
The Lord look kindly on you and give you peace.

"All these blessings and phrases describe basically what is meant by life—grace, protection, favor from the brightness of YHWH's face
which is turned towards them, all of which banishes the darkness of death.\textsuperscript{1}

However, one must not approach this area of life without preparation (Ps 15; 24:5). As YHWH is holy, to enter His presence in an unholy state would mean certain death (Lev 15:31; 2 Sam 6:1-8). Therefore, the priesthood claimed that death and disaster could be averted by obedience to the national legal code. By observing the lines of demarcation, the realm of death could be avoided. Life would be bestowed at the sanctuary when the individual came to worship in a state of purity. Purity was attained by cleansing rituals and maintained by avoiding prohibited objects, places, and persons. Thus the systematized ancient traditions, elevated during the peak of priestly activity to the status of national law, were couched in priestly theology. Codification began during the period of the monarchy, continued through the period of the divided kingdoms, and concluded after the exile.\textsuperscript{2}

Ancient taboos and uncanny processes through which mysterious powers were originally thought to work were systematized into seven categories. Contact with any of them caused the individual to be in an unclean state and thus prevented entry into the holy presence. As noted above, to enter the holy presence in an unclean state was

\textsuperscript{1}Zimmerli, p. 119.

\textsuperscript{2}Odil Hannes Steck, "Theological Streams of Tradition," in Tradition and Theology in the Old Testament, ed. Douglas A. Knight (Philadelphia: Fortress Press, 1977), pp. 201-02, notes: "In the following period of the divided kingdoms until the fall of the northern kingdom, Judah and Jerusalem presumably continued peacefully to develop and cultivate the heritage from the time of David and Solomon. . . . The legal tradition enjoyed a continuous existence in the north and south since early times."
dangerous and could result in death. Conversely, to absent oneself from the lifegiving powers of the temple over a prolonged period of time was also dangerous. Thus, the only viable alternative remaining to the individual was to perform the purification rites and regain the cultically pure state.

The seven conditions which produced the unclean state were:

The mysterious powers connected with childbirth have been the topic of legislation and comment in many cultures. The threat to life was particularly dangerous in this area. By declaring childbirth unclean, the priests disentangled it from the fertility connotations of the Canaanite cult. After childbirth, the mother was required to wait a symbolic unit of time (7 + 33 = 40 days for a male child or 14 + 66 = 80 days for a female child) before re-entering the cultic activities of the community. Skin diseases, which appeared as swellings or eruptions and raw sores on a formerly clear skin, had an uncanny quality which, to the ancient mind, indicated the work of evil powers, or divine judgment, or sin. The mysterious forces which produced these results were thought to be threatening the individual with death. The idea of cultic and biological contagion may have derived from these highly contagious diseases, the results of infection being readily evident. Mildew of garments and the fungal infection of houses with saltpeter and/or moss would have seemed similar to the spreading human skin diseases. Assuming both to be of the same aetiology—that is, caused by the mysterious forces from the realm of death—the priests included purificatory ceremonies to remove, as they thought, the forces of evil and restore the purity of the land. Bodily discharges—blood, semen, menstrual flow, and childbirth secretions—were all associated with the mysteries of life. These discharge laws contrast with Islamic purity regulations which declare all wet secretions impure unless they have a "fixed seat" and are subject to change. Therefore, pus, blood, feces, and urine were all impure. Sweat, semen, tears, and ovum are excreted from a "fixed seat" and were therefore pure (Al Ghazzali, The Mysteries of Purity, trans. N. A. Farris [Kashmiri Bazar, Lahore: Sh. Muhammad Ashrat, 1966], pp. 26-29). Thus, Israel's underlying concern with the forces of life and death are evident. The dead body of a human being was an object of horror and, to the primitive mind, of danger as well, for the spirit of the dead might be lurking nearby to do harm to anyone who approached (L. E. Toombs, "Clean and Unclean," IDB [1962], 1:644). Num 5:2-4; 19:11-16 commands that those who have had contact with the dead should be put outside the camp with the leper and those having a discharge. The practical need to bury the dead to inhibit the pollution of the land meant that this source of impurity could not be avoided. Therefore, elaborate purification rituals were provided for its purification.
(1) unclean foods (Lev 11); (2) childbirth (Lev 12); (3) skin diseases (Lev 13:1-46); (4) mildew in objects—houses and garments (Lev 13:47-53); (5) bodily discharges (Lev 15:1-16); (6) sexual discharges (Lev 15:16-33); and (7) death (Num 19).

As food was taken into the human body, it represented a potential source of uncleanness (Judg 13:4,7). Animals known or thought to have daily contact with death were thought to be in collaboration with the powers of death and were thus prohibited. Many of the scavenger species prohibited by Israel were probably deified in the Egyptian cult of the dead for this very characteristic. Therefore, rather than the prohibition being a direct polemic against the deification of each particular animal, it was a polemic against the underlying theology of death.

In the ordinary process of daily life, it was impossible to avoid death. Thus, the uncleanness incurred through its contact was temporary, lasting only until evening (Lev 11:24,25,27,28, etc.). Prolonged contact, such as sitting in tombs or bringing offerings of food to the dead (Isa 65:4), was an abomination.

Only dead animals were capable of causing pollution (vss. 24,27,29,31). Although an animal may have intrinsic uncleanness, while it is alive this cannot be transmitted. However, all dead animals (even clean ones) are unclean unless the blood—the symbol of life—has been returned to the Creator in ritual ceremony (vs. 39). Therefore, death is the most potent polluting factor, for while no living unclean animal pollutes, all corpses do. However, the polluting power of animals was only mild compared to greater
dangers which pollute for seven days (15:13), eighty days (12:5), or indefinitely (13:45-46).

The various animals exemplified in the Pentateuchal codes were probably originally associated with some danger (e.g., serpents, scorpions, electric eels) or else their contact with death (e.g., scavenging habits) suggested to the ancient mind that the animal was one of the agents of the forces of evil. Animals of the pastoral herd—sheep, goats, and cattle—possessed the common characteristics of chewing the cud and having the hoof cloven in two. The common game animals listed in Deut 14:4-5 with the pastoral animals also possessed these characteristics. The characteristics common to both groups were probably deduced during the priestly systematization process and were elevated to the status of divinely received criteria by which the animal kingdom could be ordered. Beasts of prey, in contrast to the other two groups, usually possessed claws or paws and were thus excluded.

The one exception to the rule, the camel, is the only animal that chews the cud but is not cloven footed. As noted earlier, a considerable amount of controversy surrounds its Near Eastern history. Camel remains are evident in Pleistocene layers of Palestine after which a gap till 5000-4000 B.C. occurs. After this occurrence, however, it is not known when the camel was introduced into Palestine. In Egypt, carvings are evident around 3000 B.C. after which a gap occurs till 1300 B.C. However, it was not until Ptolemaic times (c. 285-248) that they were introduced as beasts of burden.\(^1\)

\(^1\)Cansdale, pp. 64-70.
Therefore, if the camel was a late comer to the Palestinian environment, it could have been added to the prohibited list in the period when the cultic polemic was emphasized--thus being excluded on the grounds that it was a sacred animal elsewhere.

The coney makes its home in the rocks (Ps 104:18; Prov 30:26), so like the bat, may have been thought to be in contact with the spirits of the underworld. The coney's relative, the hare, likewise burrowed and lived in the ground or dark holes. The emergence of a hare from its burrow may have been a mysterious event to the ancient mind given his conceptions of the underworld. The swine is a scavenger and therefore is in constant contact with death. Also, in the wild state, it is dangerous to man.

Fish that were not free-swimming and did not possess fins and scales inhabited the mud, marshes, and dark regions of the waters. As previously noted, all prohibited birds feed on carrion with the exception of the hoopoe and bat. The hoopoe nests in the roofs of buildings and old ruins. It probes rubbish and manure heaps for worms (the symbol of death) and insects.¹ The bat also lives in caves and old buildings and feeds on insect prey.²

Lev 11:20-24 may have originally prohibited all winged insects as vs. 20 states. However, certain varieties of grasshopper gained popularity as food in the seventh-century B.C. as a wall relief of Ashurbanipal (c. 66) shows. Guests were served grasshopper as a delicacy. The varieties which had no contact with the netherworld but "leaped on to the earth" (vs. 21) may consequently have been permitted.

¹Ibid., p. 187. ²Ibid., p. 136.
Verses 24-28 restate the animal characteristics of vss. 3-8 in the negative form and were probably added during the period of priestly polemic against the Egyptian cult during the reign of the last Judean kings. The section on swarming things (vss. 29-30) probably was added then also, while vss. 31-47 were added after the exile. Although the cult of the dead was still a problem after the exile, greater clarification of the clean/unclean distinction was undertaken in an effort to absolve the guilt of the exile and explain why it had occurred. The priestly professional knowledge on these topics was recorded in the third person so that overwhelming of the clean by the unclean forces would never occur again (Ezek 37:23; 43:18-27; 44:15-31; 44:23; Isa 52:1; 35:8; 21:27).

Hence, the priestly role was one of codification and systematization of different collections of ancient traditions. Diverse material which was originally associated with the literal avoidance of death and danger was codified, and, after systematization, was given a common theological interpretation and rationale.

Summary

Therefore, it may be concluded that the ancient purity laws had nothing whatever in common with our modern concepts of cleanliness.

1During the period of the last Judean kings (especially Josiah) the "spiritual renaissance" was at its peak. The ancient traditions were gathered, expanded, and attained canonical status. National identity was emphasized. In a similar fashion Pharaoh Psammetichus (c. 664-610) in Egypt repaired the pyramids and increased emphasis on the cult of the dead (Hays & Miller, p. 466). However, priestly, prophetic, and political loyalty in Judah at this time was pro-Babylonian and anti-Egyptian. Thus, a pronounced polemic may be discerned in the priestly writings of the Jerusalem cultus against the cult of the dead.
Whereas our practices are based on hygiene and micro-biology, theirs were symbolic. We kill germs while they fought with evil forces.

The process by which the ancient Hebrew ancestors divided the world into clean and unclean categories probably was based on their empirical knowledge of the environment which they had gained through experience. By categorizing the mysterious forces which they thought threatened life, they attempted to explain the causes of disease, death, and disaster. Thus, meaning was attached to life events over which they had no power and by avoiding similar situations, similar results were prevented.

However, although self-preservation was the original reason for the laws, the passage of time spawned a variety of secondary reasons. Supernatural dangers, deriving from formidable spirits provoked by birth, blood, and death, did not enter the biblical framework of interpretation. The writers of the priestly code superimposed a theological rationale over the ancient material. However, these secondary reasons based on Israel's theological beliefs never really lost sight of the fact that the clean/unclean distinction was a matter of life and death. Death now came not from unknown and mysterious, hostile, or unclean powers, but from disobedience to God's law. Conversely, the observance of this law was essential to receiving the covenant promises of life.

Hence, we find that although the actual observances kept themselves "astonishingly unaltered" through time, the spiritual connotations and rationale given to the ordinances were subject to frequent change.¹

¹von Rad, Deuteronomy, p. 100.
The attainment of holiness developed as a secondary rationale for the laws. Holiness was not a peculiar human characteristic but it conveyed the idea of separateness for YHWH. Holiness was determined by ritual. Its purpose was to prevent the inherent danger of bringing uncleanness into the proximity of the tabernacle. Cleanness meant the correct ordering of one's daily routine so that the holy God may be approached without danger.

The meaning of death was a problem in all societies.\(^1\) Israel took a unique stand by emphasizing life while simultaneously de-emphasizing demythologizing and desacrilizing death. The authors of the later codes probably did not know why certain animals were considered a threat to life but they included them as part of ancient established tradition.

\(^1\)The first impulse of bereaved persons is identification with those who have died. Self-torture, seclusion, distinctive dress, blackened countenance, symbolic tattoo, and shaven head serve as processes of mourning. Modern Western society, like the ancient Egyptian culture, denies the reality of death and shrouds it in euphemisms. In whatever way death is thought of, the social fortification of one's friends as well as religious sanctions or beliefs, are necessary to carry the grief-stricken person through his troubled days (Nida & Smalley, p. 49).
CHAPTER VI

CONCLUSION

It may be concluded, therefore, that the Old Testament sources were the subject of compilation and editing and functioned as free and flexible interpretations of the early traditions. A primary editorial goal seemed to be the maintenance of ancient regulations in a form that was relevant and meaningful to the present community. To this end, irrelevant data were discarded and old traditions modified. The concepts of clean and unclean functioned in a unique way in both the northern and southern communities, drawing on ancient traditions as their specific needs and central assumptions permitted.

This process did not end with the canonization of the Old Testament sources. Just as Lev 11 and Deut 14:3-21 functioned uniquely in their respective environments by drawing on ancient traditions, so successive communities drew on Old Testament sources as an authoritative guide for philosophical thought and religious practices. A brief overview of the way in which some successive communities have interpreted and used the Pentatcuchal laws follows.\(^1\)

\(^1\)This overview is not meant to be exhaustive, it merely summarizes the hermeneutical and philosophical position of the scholars of the community as well as the position which the laws held in the community system itself.
Intertestamental Communities.

The purity regulations of the priestly code of the Old Testament focused on the temple, its priesthood, the cult, and ritual practices. The priests defined the lines of social and cosmic order (Lev 10:10).¹ The sects and communities of the intertestamental period were physically removed from the temple, therefore either the community itself claimed to function as its replacement, or community leaders provided abstract metaphors or emphasized social values which they claimed transcended the cult. Thus, in a community where the temple had ceased to be a physical reality (and consequently was unable to function as the unifying and organizing force of social and cosmic order), the cult assumed philosophical, social, or ethical values in an effort to replace it.

Josephus, for example, due to his priestly background, explains the laws primarily in relationship to the temple cult. Purity and impurity seldom were referred to in a metaphorical sense.² Philo, on the other hand, a philosopher in a community far removed from the temple influence, concludes that the laws were matters for private practice and figurative interpretation.³

¹Mary Douglas (p. 4) has defined pollution anthropologically as "a type of danger which is not likely to occur except where the lines of structure, cosmic or social, are clearly defined.

²Josephus occasionally suggests, however, that there are "higher reasons" behind the purity laws, or that uncleanness testifies to some other sin (War 5:194; 5:227; 6:426-7; Apion 2:103-4; Antiquities 9:260; 10:70; 3:261-4; 3:269).

³In discussing uncleanness, for example, Philo suggests that followers of philosophers discern truths which none of the unclean may touch. "By unclean I mean all those who without even tasting education at all . . . have changed the stamp of wisdom's beauty into the ugliness of sophistry" (Every Good Man is Free 4). Similarly,
The community at Qumran considered its members were the true priestly descendants of Zadok. They believed the old temple service was defiled and, therefore, was no longer efficacious. As a result, the presence of God had left Jerusalem and had come to the Dead Sea. The community itself constituted the new temple.¹

The pharisaic community—havurah—like the Qumran community believed that the purity laws were to be kept outside the Jerusalem temple. Rather than being restricted to the temple precincts only, however, they believed that the laws must be observed identically in the temple and in the home by priests and laymen alike. Although the restrictions were burdensome, this idea resulted in the advantage whereby all Jews were considered to have equal status. The concept of "a kingdom of priests and a holy people" was thus taken literally.²

Thus, Philo, Josephus, the Qumran community, and the havurah

the characteristics of the clean and unclean animals were understood as parts of the learning process. "He [Moses] subjoins a general test and verification of the ten species of animals, employing two signs, the parted hoof and the chewing of the cud. Animals lacking both or one of these are unclean. Now both these signs are symbols of the methods of teaching and learning most conducive to knowledge. . . . For just as the ruminant animal after chewing up the food fixes it in the gullet, again after a while draws it up and masticates it and then transfers it to the belly, in like manner the student, after receiving from the teacher through his ears the principles and intuitions of wisdom, prolongs the learning process. . . . The path of life is two-fold, one branch leading to vice, the other to virtue, and we must turn away from the one and never abandon the other. For this reason all animals that are either solid-hoofed or many-hoofed are unclean" ("Specialibus Legibus," 4:103-15).


²Neusner, p. 35.
all considered purity to be important to the cult. All regarded scripture as authoritative and biblical ideas predominated even among laymen. The concept of purity itself was not questioned but was taken for granted—it was one of the givens of the world.\(^1\) However, each community interpreted the purity laws according to their own intrinsic purposes or arguments. And generally, this interpretation depended on how the community understood its relationship to the Jerusalem temple.

**The New Testament Community**

The concept of ritual purity as described by the priestly code, was rejected by Christianity in favor of the moral and ethical concepts of prophetic and sapiential literature. This is not surprising, given their withdrawal and/or expulsion from the temple and synagogues.

Both Jesus and Paul agreed that neither animals nor men possessed intrinsic impurity. "There is nothing unclean" (Mark 7:19; Rom 14:14). The issues of unclean foods and table fellowship with Gentiles were not mutually exclusive. Both derived from the purity/impurity world view of the Old Testament. Foods and people that were not part of the holy commonwealth were considered unclean.

The new emphasis in purity matters and the distinction between the moral and ritual ideologies is exemplified in Mark 7:15. In contrast to the priestly ideology of the Old Testament, Jesus considered that ritual uncleanness was the result of a contaminating element which came into the life of the individual from outside.

\(^1\)Neusner, p. 30.
Moral uncleanness, He considered, was an act of rebellion arising from an inner defect of the heart.

In accordance with the concept of the priesthood of all believers, the process of defining clean/unclean was the responsibility of the individual Christian in the New Testament community. The believer was to separate himself from defilement and live a separate and unique life.

The Jewish Community

In rabbinic literature purity is a central theme comprising nearly 25 percent of Mishnaic law. Two basic strands of interpretation are evident. First, an allegorical hermeneutic similar to that of Philo is evident. However, in place of Philo's intellectual ideas, practical ethical and social values are emphasized. A second more concrete interpretation conceived the sacred community as replacing the temple. In this model impurity was equated with social vices, temple rites were figures of rabbinic practices, the priest was equivalent to the rabbi, and the sacrifice symbolized the study of the Torah.

Thus, while rabbinic Judaism focused on the Bible, it brought with it its own set of concerns and values. Like the views of Ezekiel and Jeremiah, the rabbinic view of purity attempted to explain in part the reason for the fate of Israel after A.D. 70.

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1 Neusner, p. 8.  
2 Ibid., p. 73.  
3 Specific sins were thought to be the result of specific transgressions. Thus, it is claimed, for example, that women die in childbirth for transgressing menstrual rules, and leprosy is a sign that a person is guilty of having gossiped.
Moral and ethical concepts again run parallel to the concrete. The rabbis rarely attempted to find rational explanations for the dietary laws which they generally regarded as aids to moral conduct. "For what does the Holy One . . . care whether a man kills an animal by the throat or by the nape of its neck. Hence, its purpose is to refine man."¹

Maimonides was the first to consider that the dietary laws had a hygienic/sanitary rationale. He commented that swine's flesh was forbidden because "its habits and its food are very dirty and loathsome. Fat was forbidden because it fattens and destroys the abdomen and creates cold and clammy blood."²

Modern orthodox Jews, however, while theoretically holding that the kashrut (food) laws are binding, have taken a more liberal view in practice. The laws are among the more unpopular and as such are rarely mentioned in synagogues. Therefore, modern orthodox Jews do not practice the strict observance of the laws for which their forefathers laid down their lives.³

Reform Judaism, by contrast, considers the laws as "anachronistic relics" and if not observed in their entirety should be abolished. A reform council in 1885 affirmed that "all laws regarding diet are apt to obstruct modern spiritual elevation."⁴

²Ibid., 6:42-3.
The Seventh-day Adventist Community

Other than Jews, the Seventh-day Adventist community is the only modern Christian community that still considers the Old Testament codes binding. Originating in nineteenth-century "reform" America, Seventh-day Adventism derives its philosophy from this historical context. At the time, health and religion were primary concerns and developed contemporaneously with microbiological research. Therefore, the dietary laws were understood in America as originating by divine revelation for the purpose of showing man the foods most suited to health.¹

This philosophical understanding of the hygienic hypothesis has been perpetuated by Seventh-day Adventists as part of their heritage from "reform" America. The inconsistency of considering only part of the Pentateuchal code as binding while disregarding other parts has been a continual source of criticism.² It seems inconsistent, for example, that people who believe all the animal characteristics should be applied in dividing clean from unclean animal foods (Lev 11:3-8) do not break a container in which a dead ant or cockroach is found. And yet the same passage (Lev 11:33) states "and if any of them falls into any earthen vessel all that is in it shall be unclean, and you shall break it." Similarly, ablutions, waiting periods, and purificatory sacrifices are difficult to practice given the fact that the temple is not a reality in the modern


community. How, for example, would an individual in an urban environment regain the clean state by slaughtering the red heifer (Num 19)?

Summary

Meaning in life and religious practice is a primary objective of every society. From primitive culture to modern Western society, "truth" is the hypothesis which is found to work best. Any community with its unique conceptions of the world, the human place and function within that world, and their own explanations of supernatural events, will of necessity arrive at a different conclusion regarding practices and opinions.

Inconsistency of interpretation is not unique to the Seventh-day Adventist community. Various other communities used parts of the purity laws in a way that suited their specific psychological and religious needs. The laws were not selected defiantly, however. Rather, the community interpretation seemed logical and, in fact, was internally consistent with their presuppositions and objectives. The inconsistencies became apparent with the availability of new information, or the transference of the laws to a new environment.

Also, the various hypotheses regarding the rationale for the food laws have functioned meaningfully in different cultures given their various presuppositions. The same animal forbidden as food to the Hebrew ancestors on the basis of a mysterious fear of death was prohibited to the Israelites on the basis of their elected and exclusive relationship with YHWH. Later communities considered the
symbolic, moral, or ethical significance more meaningful. After the "golden age" of microbiology in the nineteenth century, modern Western society has generally followed the thought of Maimonides that the "hygienic" rationale is the most consistent hypothesis.

To continue to assume Old Testament sources to be the unalterable law of God presents two problems. First, given the results of biblical criticism, it is difficult to assume that the text was fixed and static. Second, the problem of inconsistency is evident in assuming certain parts of the law to be more canonical and binding than others.

Although the nature and trend of modern religious ideas can be given some degree of perspective by viewing their development in the past, our primary concern is with the development of religion that is still occurring. The inconsistencies and irrelevant practices of modern communities who observe the laws suggest that a meaningful solution to the tension produced by such inconsistencies should be sought. As ancient communities sought solutions to such problems and reinterpreted traditional materials in order to maintain relevancy, so Western society should do the same.

Modern medical and microbiological research has altered the central assumptions of Western society and, therefore, the specific practices and opinions relating to disease aetiology differ with preceding communities.¹ In trying to make modern environments

¹For example, methods of disease and death prevention are still essential in any community. To this end care of the body is an important concern as is the prohibition of harmful environmental factors. Just as ancient man believed he was preventing death by avoiding evil forces, modern man can accomplish the same objective through different methods.
meaningful, modern Western societies should consider the interpretation of ancient communities as a guide, not as authoritative, inflexible, divine commands. The results of modern research in medicine, astronomy, ecology, and other sciences must be included if both the meaning and the credibility which a religious philosophy should have is to be maintained.
Map 1. New building activity evident in Judah during the seventh century as discerned in the archaeological remains of specific sites.
APPENDIX A

DRIVER'S SUGGESTED IDENTIFICATION OF PROHIBITED BIRDS IN THE LEVITICAL AND DEUTERONOMIC LISTS
<table>
<thead>
<tr>
<th>Hebrew name</th>
<th>Traditional translations</th>
<th>Suggested identification</th>
<th>Total Length of wing in inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. nešer</td>
<td>eagle</td>
<td>griffon-vulture</td>
<td>45</td>
</tr>
<tr>
<td>2. āres</td>
<td>ossifrage</td>
<td>(golden) eagle</td>
<td>34</td>
</tr>
<tr>
<td>3. və̀n̄yāh</td>
<td>osprey</td>
<td>black vulture</td>
<td>[45]</td>
</tr>
<tr>
<td>4. dā̀d</td>
<td>vulture</td>
<td>bearded vulture</td>
<td>[31]</td>
</tr>
<tr>
<td>5. ʾayyāh</td>
<td>kite</td>
<td>(black) kite</td>
<td>23</td>
</tr>
<tr>
<td>6. 'ūrēb</td>
<td>raven</td>
<td>saker falcon</td>
<td>22</td>
</tr>
<tr>
<td>7. bat yaʿānāh</td>
<td>owl</td>
<td>common buzzard</td>
<td>17</td>
</tr>
<tr>
<td>8. lakmās</td>
<td>night-hawk</td>
<td>eagle-owl</td>
<td>18</td>
</tr>
<tr>
<td>9. ṣaḥap</td>
<td>cuckoo</td>
<td>short-eared owl</td>
<td>14</td>
</tr>
<tr>
<td>10. nēṣ</td>
<td>hawk</td>
<td>long-eared owl</td>
<td>14⅓</td>
</tr>
<tr>
<td>11. kās</td>
<td>little owl</td>
<td>kestrel</td>
<td>14</td>
</tr>
<tr>
<td>12. tātāk</td>
<td>cormorant</td>
<td>sparrow-hawk</td>
<td>12</td>
</tr>
<tr>
<td>13. yānšāp</td>
<td>great owl</td>
<td>tufted owl</td>
<td>16</td>
</tr>
<tr>
<td>14. tinšemēt</td>
<td>swan</td>
<td>tawny owl</td>
<td>16</td>
</tr>
<tr>
<td>15. qaʿāt</td>
<td>pelican</td>
<td>fisher-owl</td>
<td>16</td>
</tr>
<tr>
<td>16. rāḏām</td>
<td>gier-eagle</td>
<td>scops-owl</td>
<td>13</td>
</tr>
<tr>
<td>17. hāsīdāh</td>
<td>stork</td>
<td>common buzzard</td>
<td>14⅔</td>
</tr>
<tr>
<td>18. 'ānāpāh</td>
<td>heron</td>
<td>heron</td>
<td>14⅔</td>
</tr>
<tr>
<td>19. dūkīpat</td>
<td>lapwing</td>
<td>heron</td>
<td>14⅔</td>
</tr>
<tr>
<td>20. tāʿalāp</td>
<td>bat</td>
<td>heron</td>
<td>14⅔</td>
</tr>
</tbody>
</table>

Approximate size of bird:

APPENDIX B

COMMON LEGAL MATERIAL IN THE
PENTATEUCHAL CODES
<table>
<thead>
<tr>
<th>Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>The worship of strange gods</td>
</tr>
<tr>
<td>Sacrificing children to Molech</td>
</tr>
<tr>
<td>Images</td>
</tr>
<tr>
<td>Abuse of the name of YHWH</td>
</tr>
<tr>
<td>Work on the Sabbath</td>
</tr>
<tr>
<td>Cursing parents</td>
</tr>
<tr>
<td>Ill-treating parents</td>
</tr>
<tr>
<td>Murder</td>
</tr>
<tr>
<td>Adultery</td>
</tr>
<tr>
<td>Sexual intercourse between relatives</td>
</tr>
<tr>
<td>Bestiality</td>
</tr>
<tr>
<td>Stealing of any sort</td>
</tr>
<tr>
<td>Stealing a man</td>
</tr>
<tr>
<td>False witness before a court</td>
</tr>
<tr>
<td>Depriving widows and orphans of legal rights</td>
</tr>
<tr>
<td>Taking bribes</td>
</tr>
<tr>
<td>Violation of others' property</td>
</tr>
<tr>
<td>Moving landmarks</td>
</tr>
<tr>
<td>Leading the blind astray</td>
</tr>
<tr>
<td>Conjuring up the dead</td>
</tr>
</tbody>
</table>

APPENDIX C

OUTLINE OF THE FORMULARY OF COVENANTS OF SINAI, SHECHEM, AND MOAB
### Source: Moshe Weinfeld, *Deuteronomy*, p. 60.
APPENDIX D

PARALLEL LEGAL PASSAGES IN THE JE, D AND P CODES
<table>
<thead>
<tr>
<th>J.E.</th>
<th>Deuteronomy</th>
<th>P (including II).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ex. 20:17</td>
<td>Lev. 17:4-6</td>
<td>19:10 (law of witness)</td>
</tr>
<tr>
<td>20:18</td>
<td>Lev. 17:10</td>
<td>c. 20 (military service and war)</td>
</tr>
<tr>
<td>cf. 23:17-18,16</td>
<td>Nu. 33:3</td>
<td>cf. 24:1</td>
</tr>
<tr>
<td>c. 22:18,20</td>
<td>Lev. 19:19</td>
<td>21:9 (expiation of an untraceable murder)</td>
</tr>
<tr>
<td>14:1-20 (not to imitate Canaanite rites)</td>
<td>cf. 21:10,12</td>
<td>21:10-11 (treatment of female captives)</td>
</tr>
<tr>
<td>c. 13 (cases of seduction to idolatry)</td>
<td></td>
<td>21:11-13 (primogeniture)</td>
</tr>
<tr>
<td>14:1-5 (disfigurement in mourning)</td>
<td></td>
<td>cf. Lev. 20:8</td>
</tr>
<tr>
<td>14:26 (food improperly killed)</td>
<td></td>
<td>21:16 (body of malefactor)</td>
</tr>
<tr>
<td>14:16 (food in mother's milk)</td>
<td></td>
<td>21:14 (animals straying or fallen lost property)</td>
</tr>
<tr>
<td>14:17 (tithes)</td>
<td></td>
<td>21:15 (sexes not to interchange garments)</td>
</tr>
<tr>
<td>15:11 (year of Release)</td>
<td></td>
<td>21:7-7 (bird's nest)</td>
</tr>
<tr>
<td>Ex. 21:11</td>
<td>Lev. 20:12-14</td>
<td>21:8 (laitement)</td>
</tr>
<tr>
<td>21:13-13</td>
<td>Nu. 18:10-13</td>
<td>21:15 (against non-natural mixtures)</td>
</tr>
<tr>
<td>21:11-12</td>
<td>Lev. 23:14-22</td>
<td>21:19 (law of &quot;tassels&quot;)</td>
</tr>
<tr>
<td>16:1-17 (the three annual pilgrimages)</td>
<td></td>
<td>22:10 (slander against a newly-married maiden)</td>
</tr>
<tr>
<td>16:14 (appointment of judges)</td>
<td></td>
<td>Ex. 20:24</td>
</tr>
<tr>
<td>16:15 (just judgment)</td>
<td></td>
<td>22:14 (adultery)</td>
</tr>
<tr>
<td>16:31-31 (Asherahs and &quot;pillars&quot; prohibited)</td>
<td></td>
<td>Lev. 16:10</td>
</tr>
<tr>
<td>17 (sacrifices to be without blemish cf. 15:21)</td>
<td></td>
<td>22:26 (seduction)</td>
</tr>
<tr>
<td>22:16 (Worship of &quot;other gods,&quot; or of the host of heaven)</td>
<td></td>
<td>23:3 (incest with stepmother)</td>
</tr>
<tr>
<td>17:2 (supreme tribunal)</td>
<td></td>
<td>23:16-18 (conditions ofabituance into the theocratic community)</td>
</tr>
<tr>
<td>17:30-31 (law of the king)</td>
<td></td>
<td>23:18-19:14 (cleanliness in the camp)</td>
</tr>
<tr>
<td>18:1 (rights and revenues of the tribe of Levi)</td>
<td></td>
<td>23:18 (humanity to escaped slave)</td>
</tr>
<tr>
<td>18:21 (law of the prophet)</td>
<td></td>
<td>23:19 (against religious prostitution)</td>
</tr>
<tr>
<td>22:10-10 (sorceresses alone)</td>
<td></td>
<td>23:20 (lust)</td>
</tr>
<tr>
<td>21:1-18 (asymmetry for manslayer; murder)</td>
<td></td>
<td>Nu. 23:6-7</td>
</tr>
<tr>
<td>21:14 (the landmark)</td>
<td></td>
<td>24:1 (divorce)</td>
</tr>
</tbody>
</table>
There are also in Ex. 20-23 and Lev. 17-26 prohibitions corresponding to most of the imprecations in 271, see the Table, p. 299.*

The passages should in all cases be examined individually; for sometimes, especially in the case of those cited from P, the parallelism extends only to the subject-matter, the details being different, or even actually discrepant. The instances in which the divergence is most marked are indicated by an asterisk (*); for a discussion of the differences the reader is referred to the Commentary.

* On the principle, so far as it is systematic, on which the laws in c. 12-26 are arranged, see p. 135 ff.

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APPENDIX E

COMPARISON OF THE PARALLEL PASSAGES OF
LEV 11 AND DEUT 14:3-21
DEUT. 14.

1 Thou shalt not eat any abominable thing (niti'n).

4 These are the beasts which ye shall eat:

the ox, the sheep, and the goat,
the hart, and the gazelle, and the roebuck, and the wild goat, and the addax, and the antelope, and the mountain-sheep. 6 And every beast that parteth the hoof and cleaveth the cleft of the two hoofs, that bringeth up the cud among beasts, that ye shall eat. 7 Nevertheless these ye shall not eat of those that bring up the cud, and of those that part the cleft hoof; the camel,

and the hare,

and the rock-badger; because they bring up the cud, but have not the hoof parted; they are unclean to you. 8 And the swine, because he parteth the hoof, but . . .

. . . . not the cud: he is unclean to you. Of their flesh ye shall not eat, and their carcases ye shall not touch.

9 These ye shall eat of all that are in the waters: whatsoever hath scales and fins, shall ye eat. 10 And whatsoever hath not fins and scales

ye shall not eat;

it is unclean to you.

LEV. 11.

1 Speak unto the children of Israel, saying: These are the living things which ye shall eat among all the beasts that are on the earth.

8 Every (thing) that parteth the hoof and cleaveth the cleft of the two hoofs, that bringeth up the cud among beasts, that ye shall eat. 4 Nevertheless these ye shall not eat of those that bring up the cud, and of those that part the hoof; he is unclean to you. 6 And the rock-badger, because he bringeth up the cud, but doth not part the hoof; he is unclean to you. 7 And the hare, because she bringeth up the cud, but hath not the hoof parted; she is unclean to you. 8 Of their flesh ye shall not eat, and their carcases ye shall not touch: they are unclean to you. 9 These ye shall eat of all that are in the waters: whatsoever hath scales and fins, in the waters, in the seas, and in the torrents, them shall ye eat. And whatsoever hath not fins and scales, in the seas and in the torrents, of all the swarming things of the waters, and of all the living souls that are in the waters, they are a detestation (ps?1 ) to you. 11 And they shall be a detestation to you: of their flesh ye shall not eat, and their carcases ye shall have in detestation.
11 Of all clean birds ye may eat.
12 But this is that of which ye shall not eat:
the griffon-vulture, and the bearded vulture, and the osprey; 13 [and the ...,] and the falcon, and the kite after its kind; 14 and every raven after its kind; 15 and the ostrich, and the night-hawk, and the sea-mew, and the hawk after its kind; 16 the little owl, and the great owl, and the water-hen; 17 and the pelican, and the carrion-vulture, and the cormorant; 18 and the stork, and the heron after its kind, and the hoopoe, and the bat.
19 And all winged swarming things are unclean to you: they shall not be eaten.

20 Of all clean winged things ye may eat.

21 And these ye shall hold in detestation of fowl; they shall not be eaten; they are a detestation to you:
the griffon-vulture, and the bearded vulture, and the osprey; 22 and the kite, and the falcon after its kind; 23 every raven after its kind; 24 and the ostrich, and the night-hawk, and the sea-mew, and the hawk after its kind; 25 and the little owl, and the great owl, and the water-hen, and the pelican, and the carrion-vulture,
26 and the stork, and the heron after its kind, and the hoopoe, and the bat.
27 All winged swarming things that go upon all four are a detestation to you.
28 Yet these ye may eat of all winged swarming things that go upon all four, which have bending legs above their feet to leap withal upon the earth: 29 even these of them ye may eat: the locust after its kind, and the bald locust after its kind, and the cricket after its kind, and the grasshopper after its kind. 30 But all (other) winged swarming things, which have four feet, are a detestation to you. 


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APPENDIX F

NUMERICAL OCCURRENCES OF TM AND THR IN THE PRIESTLY AND DEUTERONOMIC CODES
That the common ideology is cultic, and is characteristic chiefly of the priests, may now be shown statistically. Pure and impure (TM'/THR) in their various forms are primarily found in priestly literature, and, within that corpus, chiefly in Leviticus and Numbers. As to un-clean (TM*), the root occurs approximately 283 times, as follows:

<table>
<thead>
<tr>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leviticus and Numbers:</td>
<td>182</td>
</tr>
<tr>
<td>Ezekiel</td>
<td>44</td>
</tr>
<tr>
<td>Other</td>
<td>57</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Micah</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Haggai</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Jeremiah</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Psalms</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Genesis</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>II Kings</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Isaiah</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Chronicles</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Hosea</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Judges</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Lamentations</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Deuteronomy</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Rest</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

As to clean (THR), the root occurs approximately 212 times, and the majority of occurrences come either in the priestly literature or in reference to the cult:

<table>
<thead>
<tr>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leviticus and Numbers</td>
<td>93</td>
</tr>
<tr>
<td>Ezekiel (16) + Chronicles (15)</td>
<td>31</td>
</tr>
<tr>
<td>Exodus (pure gold for cult)</td>
<td>33</td>
</tr>
<tr>
<td>Other</td>
<td>55</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
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