Christian Frevel

Practicing Rituals in a Textual World: Ritual *and* Innovation in the Book of Numbers

1. Introduction

My essay addresses questions of performance and indexicality of the rituals in the book of Numbers, which are very interesting in terms of ritual performance. My focus will be on textuality *and* performance, asking about their relationship to one another, rather than playing one off against the other. Although aspects of ritual theory are in the background,[1] my primary interest is explaining certain aspects of innovation within the rituals of the book of Numbers. The underlying assumption of my essay is that the textual context of the rituals in the Pentateuch shapes and transforms them in terms of their indexicality, meaning, and performance.[2] Out of the limited number of rituals in the book of Numbers, I will address only Num 5–6, by focusing on: a) the composition of these two chapters, and b) the relation of these rituals to other texts, especially Lev 5.[3] My question will be: How does the *textuality* of the rituals relate to innovation? I will also draw some conclusions on the relation between text and ritual in the book of Numbers. Since the subtle, but significant, alteration of the book's title from "Ritual Innovation" to "Ritual *and* Innovation" has been deliberately chosen in this essay let me start with some general observations on ritual innovation.

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1 See esp. Jens Kreinath, "Semiotics", *Theorizing Ritual: Issues, Topics, Approaches, Concepts*, ed. Jens Kreinath et. al. (Leiden: Brill, 2006), 429–70 and other essays in that volume.

2 This aspect was discussed under the descriptor "rhetoric" in James W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007). It was also underlined by Brian Bibb in his study on Leviticus as a complex blending of descriptive narrative and prescriptive ritual and how it "ritualizes narrative" and "narrativizes ritual". See Brian D. Bibb, *Ritual Words and Narrative Worlds in the Book of Leviticus*, LHBOTS 480 (New York: T&T Clark International, 2009).

3 Anthropological issues of these rituals were raised in a parallel paper entitled "On the Imperfection of Perfection: Remarks on Ritual Anthropology in the Book of Numbers", which will be published in the volume Christian Frevel, *Studies in the Book of Numbers*, FAT (Tübingen: Mohr Siebeck, 2016).

2. Ritual Innovation in Ritual Mastery, Performance and Textual Representation

The understanding of ritual innovation has two aspects: on the one hand, the textual process of redaction and composition, and, on the other, the ritual performance and its relation to religious history. For the first aspect, we may observe in general, that adaptation, adjustment, and alignment, or in other words "innovation", has been an explanatory approach to the *arrangement* of laws in the book of Numbers for a long period. Quoting, for instance, Heinrich Holzinger with regard to Num 5:5–10:

> Für eine Vermutung darüber, warum die Novelle nicht an Lev 5 26 angeschlossen wurde, sind keine bestimmten Anhaltspunkte ersichtlich. Am nächsten liegt die Vermutung, dass ein R^S Novellen zu den Sinaigesetzen, die vielleicht nach der Redaktion des Korpus des Esra oder erst nach dessen Vereinigung mit JED aus praktischem oder theoretischem Bedürfnis in den maßgebenden Schriftgelehrten Kreisen angewachsen waren, vielleicht aber auch schon vorher vorhanden gewesen sind und bei der Redaktionsarbeit R^iedp bei Seite gelassen worden sind, ohne Eingriff in das gegebene Gefüge der Sinaigesetzgebung einfach als Nachträge zu dieser noch vor dem Aufbruch vom Sinai unterbrachte.[4]

This assumption has evolved into something like the standard hypotheses for the compilation of Num 5 in modern research. Diether Kellermann conjectures, for instance, that since this supplement was not attached to Lev 5, the author was writing at a time when Lev 5 was already embedded in a larger context. For him the only docking place for this supplement was after Num 1–4, which was not as stable as the antecedent material.[5] We can find the same idea in Jacob Milgrom's commentary that Num 5:5–10 is a supplement to Lev 5:20–26.

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4 Heinrich Holzinger, *Numeri,* Kurzer Hand-Commentar zum Alten Testament (Tübingen: Mohr Siebeck, 1903), 18. My own translation: "For a guess as to why the amendment was not added to Lev 5:26, no specific indications are apparent. The most probable is to assume that the R^S redactor supplemented the Sinai laws without changing the already given framework of the Sinai laws. Hence he put it just before the departure from Sinai. These materials were either of older origin and formerly rejected by the redactor of the Yahwist-Elohist-Deuteronomistic-Priestly-sources within the course of his editorial work; or they were accrued in authoritative scribal circles as a result of practical or theoretical needs. This took place in the time after the editing of the Ezra material or after the association of JED with Ezra."
5 "Da dieser Nachtrag nicht mehr an Lev 5 angeschlossen wurde, muß man annehmen, daß der Verfasser zu einer Zeit schreibt, in der Lev 5 bereits fest in einem größeren Zusammenhang eingefügt vorlag und in der nach Num 1–4 der Zustand des Textes noch die Möglichkeit bot, den Abschnitt einzufügen" (Diether Kellermann, *Die Priesterschrift von Numeri 1,1 bis 10,10: Literarkritisch und traditionsgeschichtlich untersucht*, BZAW 120 [Berlin: de Gruyter, 1970], 69).

> That this law assumes and supplements the law of Lev. 5:20–26 bears momentous weight in determining the redaction of the Book of Numbers. The fact that the redactor could not merely attach this supplement to the main body of the law on Leviticus can only mean that, for him at least, the text of Leviticus was already fixed. Thus, if this supplement was incorporated into the Book of Numbers, the only possible conclusion is that it was assembled after the Book of Leviticus had achieved its final form.[6]

This idea was generally followed by Thomas Römer and others with the hypothesis of a "Triateuch" which ended either in Lev 9:24 or Lev 16:34. For Römer this corpus and the book of Deuteronomy had a *proto-canonical* status, so that any additional material which belonged to the legal material in these books was clustered in Numbers. "Apparently it was impossible to interpolate them in these books, which were already more or less closed to important additions".[7] Although it is true that Num 5:5–10 is supplementary to Lev 5, the general hypothesis, namely that the amendment was *too late* to be placed within the book of Leviticus, is not the only possible explanation. In contrast to this view, Israel Knohl has argued for different schools as the origin of both texts:

> Num 5:5–8 is, in my opinion, the revised version of that law [Lev 5:20–26]. Although this passage is usually explained as a supplement to the Law of Leviticus 5, adding the law applying to theft from someone who has no heirs, I find this explanation difficult: why, then, did the codifier add the law in another passage, when he could have appended it directly to Leviticus 5! I believe that the key to understanding this passage, its location in the text, and its innovation lies in the recognition of its H[oliness] S[chool] origin...Once we recognize that the two versions of the law were composed by two different schools who agree as to the relation between morality and cult, we may identify the essential difference between the version in Leviticus an the text in Numbers.[8]

Although I am not convinced by the assumption of a "Holiness School", the statement on composition and difference is important. In terms of composition

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6 Jacob Milgrom, *Numbers*, JPS Torah Commentary (Philadelphia: Jewish Publication Society of America, 1990), 302 n. 5.

7 Thomas Römer, "Israel's Sojourn in the Wilderness and the Construction of the Book of Numbers", in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld,* ed. Robert Rezetko, Timothy H. Lim and Brian Aucker, VTSup, 113 (Leiden: Brill, 2007), 419–45, (here 428, cf. 427, 438, 443) and for a discussion of this hypothesis: Christian Frevel, "Alte Stücke – späte Brücke? Zur Rolle des Buches Numeri in der jüngeren Pentateuchdiskussion", *Congress Volume Munich 2013,* ed. Christl M. Maier; Leiden: Brill, 2014), 255–99 (English translation in Christian Frevel, *Studies in the Book of Numbers* [Tübingen: Mohr Siebeck, 2017]).

8 Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Winona Lake, IN: Eisenbrauns, 2007), 176.

– as we will see in a moment – Num 5 is *not* an accidental hodgepodge, but comprises several cases of ritual innovation. In general, one has to emphasize that ritual innovation in texts is often, but not necessarily, "late".

This first aspect that we have been discussing identifies ritual innovation within the relation of two texts, one supplementing, correcting, commenting, adjusting, or amending the other. The range of relations is wide: the dependent text may require the presumed text and cannot be understood without it, or it may be possible to read both texts independently of the other, even if they are also obviously related to each other. The example mentioned above lies between these two poles: "The Numbers version is patently a digest of its Levitic counterpart".[9] But this aspect, particularly the reference to "breaking faith with the Lord" (למעל ביהוה מעל; Num 5:6), will be discussed further below in all its profoundity. These sorts of issues have been discussed extensively under the heading "inner biblical/scriptural interpretation".[10] The second aspect of innovation in ritual performance mentioned above is much more recent and has been inspired by ritual studies in general. It also needs to be elaborated briefly.

Within religious studies, the term or phrase "ritual innovation" is part of a more recent discussion of theorizing rituals. It is used alongside invention, adoption, adaption and transformation of ritual by, in, beneath and beyond practice. Since the traditional view took rituals as fixed repetitive patterns, which were essentially unchangeable, ritual invention and substantial innovation were simply considered as contradictions in terms. By taking the dynamics of ritual performance, the perspective of ritual agents, ritual masters and recipients and finally the dynamics of textual representation into account, the situation has changed dramatically in ritual studies.[11] Recent topics focus on adoption, adaption, transformation and invention of rituals.

We have to face ritual transfer and adoption from different religious contexts, adaptation and transformation of rituals and ritual aspects by recipients and ritual masters, and even ritual invention that results from taking ritual ele-

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9 Jacob Milgrom, *Leviticus 1 – 16*, AB 3 (New York: Doubleday, 1991), 368.

10 See as an overview Andrew Teeter, *Scribal Laws: Exegetical Variation in the Textual Transmission of Biblical Law in the Late Second Temple Period*, FAT 92 (Tübingen: Mohr Siebeck, 2014); Bernhard Levinson, *Der kreative Kanon: Innerbiblische Auslegung und religionsgeschichtlicher Wandel* (Tübingen: Mohr Siebeck, 2012), 107 – 206, and Christian Frevel, "Vom Pathos zur Patina: Das Neue im Alten Testament und die Innovation der Tradition", *Die Theologie und "das Neue": Perspektiven zum kreativen Zusammenhang von Innovation und Tradition*, ed. Wilhelm Damberg and Matthias Sellmann (Herder: Freiburg, 2015), 29 – 54.

11 Nadja Miczek, *Biographie, Ritual und Medien. Zu den diskursiven Konstruktionen gegenwärtiger Religiosität* (Bielefeld: Transcript, 2013), 212.

ments and composing them anew in religious practice.[12] In these processes of invention, the ritual script of the "new" ritual is rarely completely new, but rather *adopted* from other contexts and transformed. Thus ritual innovation is a new perspective in modern ritual research. Ritual innovations, however, give rise to questions about legitimacy, authority (or better: authoritativity), authorization, ritual interpretation, the role of ritual mastery, and not at least about ritual innovation beyond ritual practice within ritual scripts or better ritual texts. Whereas ritual performance and ritual scripts are mutually dependent on each other rather than fully detached, textual fixation or, better, representation of rituals may diverge severely from ritual practice.

3. Ritual Grammar and Ritual Innovation – Some Preliminary Methodological Remarks

Taking a short detour in my argument, the addition or supplementation of a given ritual by new ritual parts or even a change in ritual immediately raises a question of method. Due to the obvious formality of ritual which has been uniformly emphasized, for instance by Catherine Bell[13] or Roy Rappaport[14], it seems natural to describe ritual action in a formalized and structured way. Thus one should be sensible to the possibility of developing an abstract meta-language for the description of rituals in a formalized way. The way for this was paved by the pioneers Edmund Ronald Leach, E. Thomas Lawson and Robert N. McCauley, following Claude Lévi-Strauss.[15] Recently this has been discussed in ritual

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12 For the topic of invention in religious tradition see first and foremost Eric Hobsbawm, "Introduction: Inventing Traditions", in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, 1983), 1 – 15; further, *Religious Identity and the Invention of Tradition: Papers Read at a Noster Conference, Soesterberg, January 4 – 6, 1999*, ed. Jan Willem van Henten and Anton Houtepen (Assen: Van Gorcum, 2001) and Michael A. Williams, Collett Cox and Martin S. Jaffee, "Religious Innovation: An Introductory Essay", in *Innovation in Religious Traditions: Essays in the Interpretation of Religious Change*, ed. Michael A. Williams, Collett Cox and Martin S. Jaffee, Religion and Society 31 (Berlin: de Gruyter, 1992), 1 – 18.
13 Catherine Bell, *Ritual: Perspectives and Dimensions*, 2nd ed. (Oxford: Oxford University Press, 2009), 139 – 44 (note that she often uses language as a paradigm).
14 Roy Rappaport, *Ritual and the Making of Humanity* (Cambridge: Cambridge University Press, 1999), 29 – 35.
15 See Bell, *Ritual*, 68 – 76; Ingwer Paul, *Rituelle Kommunikation: Sprachliche Verfahren zur Konstitution ritueller Bedeutung und zur Organisation des Rituals* (Tübingen: Gunter Narr, 1990).

studies from a structural viewpoint under the rubric "grammar of rituals".[16] The term "grammar", however, is employed much more on a metaphorical level than by taking rituals as a language.[17] That being said, one should not expect to identify the structural relations of clauses, phrases in rituals as in a language, but rather to describe some set of structural rules in a formal way as "syntax" of rituals. In addition, one may ask with Roy Rappaport, whether the surface of a ritual can be "dealt with apart from the symbolism of a ritual".[18] Therefore, heuristically (!) it may even be seen as an improvement to define the elements of ritual and their compositions without finding an overall grammar.[19] In the field of Hebrew Bible studies Naphtali Meshel has attempted to develop "The 'Grammar' of Sacrifice".[20] This is not the place to discuss this book extensively, but one may wonder, whether Meshel reached the level of ritual syntax or a parataxis of elements (see for instance his "Jugational Patterns" for several rituals). The "grammar of ritual" of Axel Michaels addresses the "question of how and to what extent ritual sequences can be transformed, left out, added, and transposed, and how, by this, the priest creates his own ritual referring to, or as agency for, a set of established formal ritual elements more or less known to his fellow priests and customers, thus using a kind of ritual language in both a stereotype and creative way".[21] This is most relevant for understanding "ritual innovation", despite the fact that the practice of biblical rituals and thus their spontaneous performative variability is missing. In addition, I doubt that the aspect of "ritual innovation" can be comprehensively described within a grammar of ritual, although it has to be conceded that the formal description can properly emphasize changes

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16 Axel Michels, ed. *Grammars and Morphologies of Ritual Practices in Asia* (Wiesbaden: Harrassowitz, 2010); Axel Michaels, *Homo Ritualis: Hindu Ritual and Its Significance for Ritual Theory* (Oxford: Oxford University Press, 2015), 74.

17 Michaels, *Homo Ritualis*, 78.

18 Rappaport, *Ritual*, 30. Although using the term "grammar" often (e.g. Rappaport, *Ritual*, 172, 251), Roy Rappaport remains generally reluctant about the idea, when he – discussing form and structure of rituals – states: "This is not to say that ritual should be conceived as somehow analogous to grammar" (Rappaport, *Ritual*, 470). See the same reluctance in Bell, *Ritual*, 68, questioning the priority of "description" against "interpretation".

19 See also Gerald A. Klingbeil, *Bridging the Gap: Ritual and Ritual Texts in the Bible* (Winona Lake, IN: Eisenbrauns, 2007), who addresses ritual *morphology, syntax, semantic, and pragmatics* without systematizing ritual in a structuralist grammar scheme, but rather emphasizing a certain meaning of rituals in their textualization.

20 Naphtali Meshel, *The "Grammar" of Sacrifice: A Generativist Study of the Israelite Sacrificial System in the Priestly Writings with a Grammar of* Σ (Oxford: Oxford University Press, 2014).

21 Michaels, *Homo Ritualis*, 72.

between rituals on a very formal level. As a result of the above argument, I do not focus on a structuralist attempt to formalize ritual innovation in this paper.

4. Ritual Innovation and Tradition

How old are the rituals in the biblical tradition? Are they the ancient heritage of a priestly class from a mostly unchanged, conservative, traditional cult? The biblical account suggests performance began at Mt. Sinai in the desert and then continued within the cult of the Solomonic temple. The assessment of the antiquity of ritual in Exod 19–Num 10 is determined by the date of the textual tradition, which is broadly assigned by academics to the priestly literature. The range of dates for this textual material and its traditions could not be wider. Since the school of Yezekiel Kaufmann assigns a preexilic date to P, all the ritual of P should be from the First Temple cult. In Western European scholarship this dating has fewer followers than the exilic or post-exilic dating of the Priestly Code. But dating the textualization is not the same as dating the ritual tradition: "Needless to say, a postexilic date does not exclude some degree of continuity in liturgical and ritual practice, though in fact, practices alluded to in texts generally thought to be preexilic rarely, if ever, confirm the antiquity of practices described in P and are often quite different".[22] The situation is puzzling due to the lack of reliable criteria. Asking for the variables or conditions that effect the conservation of tradition, former study (especially in the Western European context apart from the Kaufmann-School) often hinted at the so-called "templeless age" (borrowing a term from Jill Middlemas[23]), that is, the time between the destruction of the First Temple and the consecration of the Second. The exiled priests (following the fate of Ezekiel in Babylon or the lists of priestly and Levite returnees in Ezra 2:1–67; Nehemiah 7:6–68) were made responsible for the preservation of the oral ritual tradition of the temple cult despite their distance from actual practice. Thus they put the rituals into writing and scripturalized them within the "Priestly Code" which was then brought into the Torah in the time of the Second Temple. The priestly Code could thus become *a ritual textbook* for the continued cult within the Second Temple. By this they produced a lot of innovation in comparison to the oral rituals of the cult of the First Temple. "Perhaps the most popular explanation for religious innovation has been to

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22 Joseph Blenkinsopp, *Sage, Priest, Prophet: Religious and Intellectual Leadership in Ancient Israel* (Louisville: Westminster John Knox, 1995), 70.
23 Jill Anne Middlemas, *The Templeless Age* (Louisville: Westminster John Knox, 2007).

point to the role of some personal and/or social stress or crisis. Religious individuals and communities experience a crisis with which the existing religious tradition does not allow them to cope, and so they innovate".[24] Having said that, Michael A. Williams, Collett Cox, and Martin S. Jaffee address correctly the overemphasis upon the crisis paradigm: "However, we do mean to suggest that crisis has been much overused as an explanation".[25] Although one should not neglect the fact that crisis, challenge and the threat of loss are important triggers for determining or preserving a tradition, the crisis paradigm is not the only background for the textualization of rituals. This simple, but common model can already be questioned on the basis of more recent scholarly discussion about the dating of the Priestly Code and the constant reduction of this literary strand, which excluded most of the rituals from the original narrative.[26] Already Julius Wellhausen understood the priestly texts "to reflect postexilic innovations in the ritual of the Second Temple which, after being codified, would have found their way into P's account of Israel's origins to be granted a greater legitimacy".[27] However, the diametrical opposition between oral transmission and textualization is much too simple. Textualization of rituals is much more complex; it is not just the securing of existing oral rituals textually for the sake of preservation. It has often been emphasized "that texts are not rituals and rituals are not texts".[28] One obvious aspect of textualization is the authorization of tradition; another is an interest in systematization and homogenization of different aspects of ritual practice. The role of shared traditions (for instance between "Jews" and "Samaritans") has been underrated so far.

5. Ritual Innovation and Rituals in the Book of Numbers

All of these aspects are relevant, when it comes to the question of ritual innovation. But as recent ritual studies have emphasized, rituals are rarely completely new, they consist of antecedent or prior components and aspects. "Often, it is the connection to earlier, ancient ritual tradition that makes ritual innovation

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24 Williams, Cox and Jaffee, "Religious Innovation", 7.
25 Williams, Cox and Jaffee, "Religious Innovation", 8.
26 See Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT II/25 (Tübingen: Mohr Siebeck, 2007), 1–19 for the history of exegesis and the certain bias therein.
27 Nihan, *Priestly Torah*, 3.
28 Watts, *Leviticus*, 63.

attractive".[29] As Angelos Chaniotis has shown, ritual recursiveness or ritual recycling was already an important factor in antiquity.[30] Thus, cultural exchange or the taking over of ritual elements from other contexts, merging existing rituals to form new ones, ritual transformation, recycling of ancient rituals and ritual innovation are also to be expected in biblical rituals. This is even more probable, if we recognize the fact that most of the biblical rituals are integrated into post-exilic priestly strata. Apart from the sacrificial and festival cult, it is striking that rituals and similar texts in the Torah are found particularly in the book of Numbers: the *sôtah* of Num 5:11–31, the vow of the Nazirite in Num 6:1–21, the ritual formula of priestly blessing in Num 6:22–27, or very prominently the ritual of the red heifer in Num 19. In older commentaries all this material was considered to belong to "age old traditions" tracing back to the First Temple cult and beyond. The texts – even if they were perceived as belonging to P[s], H, or other late redactional layers – were considered to be condensed priestly knowledge based on oral tradition or constant practice, rather than the result of ritual invention or innovation. As we have already seen, this approach is unproductive, and the relation between textualization and practice is more intricate as is the relation between oral and textual practice.[31] The gap between ritual text and ritual practice becomes obvious, when one takes into account that not all elements of ritual are represented in the text.[32] On the one hand, the ritual text is not completely detached from practice. It refers to practice and is related to practice rather than based solely on practice or borrowed from practice. On the other hand, the ritual text has its own focus, intention, context, pragmatic etc. "Written texts usually encode rhetorical purposes different from the goals that motivate ritual performances".[33] Biblical rituals are not only part of literature, they *are* literature.[34] Nevertheless, we should expect the ritual script is capable of being applied in practice, rather than forming a completely fictive ritual.

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29 Klingbeil, *Gap*, 144–45.

30 Angelos Chaniotis, "Wie (er)findet man Rituale für einen neuen Kult? Recycling von Ritualen – das Erfolgsrezept Alexanders von Abonouteichos", *Forum Ritualdynamik* 9 (2004), 16 pages (here 7), http://www.ub.uni-heidelberg.de/archiv/5103.

31 There is very much discussion on this aspect. I just mention from the "rhetoric" side: Dorothea Erbele-Küster, "Reading as an Act of Offering: Reconsidering the Genre of Leviticus 1", in *The Actuality of Sacrifice: Past and Present*, ed. Alberdina Houtman et al., Jewish and Christian Perspectives Series 28 (Leiden: Brill, 2014), 34–46.

32 See Bibb, *Words*, 95–97.

33 Watts, *Leviticus*, 63.

34 See Watts, *Ritual*, 27–29.

6. Textualized Rituals and Ritualized Texts

How are we then to relate ritual scripts to religious practice in general? Presuming that biblical ritual scripts were not identical with the performative practice at any time, I discuss briefly the three basic options: ritual texts reflect practice, establish practice, or generate practice. In other words, either all the rituals of the biblical texts were rooted in antecedent ritual practice of the First and Second Temple cult, as was assumed in earlier biblical studies; or, biblical ritual scripts established innovative ritual practice, they were produced to form new practice; or, finally – and this possibility should not be excluded *a priori* – biblical rituals reflect theoretical considerations of textual experts rather than any ritual practice. They solve problems of the *textual world*, were merely known to the very limited circles of priests, solely used within the learned study of literary traditions, and, most importantly, were *never* practiced, even if they relate to practice. What is meant by this absolute negation is that the rituals were not practiced according to the allegedly "ritual script" we find in the biblical text. If what was mentioned above about the preserving, legitimizing, authorizing and homogenizing function of biblical rituals holds true, the process of textualization may hint at an additional issue: despite the fact that several postexilic groups acknowledged the same tradition, they differed in practice and belief at particular points. For instance, we have the Judeans in Jerusalem, the Samarian Yahwists with their cult at Gerizim, the community of the Nabu-Yhw-temple in the Negev, the "Jews" of Elephantine, the exiled Babylonian communities and perhaps even the inhabitants of Transjordan as another group. The textualization of rituals may also formulate a certain cultic benchmark, by which a single "religion" under the rule of the Torah is formed. The ritual world is placed at the sanctuary in the Sinai desert (thus avoiding identification with any of the sacred sites of the mentioned communities). The function of the priestly ritual world and the fictional Aaronide priesthood is, thus, to form a reservoir of identity to which each and every group may relate themselves. The actual practice of the ritual cult may in fact be different. Thus the puzzling question of whether the rituals in the book of Numbers were practices along the lines of the ritual scripts of the biblical texts, is wrongly put, if the primary function of textualization is not the preservation of a certain practice. Nor do the rituals in Num 5–6 exactly mirror a practice in the temple cult, nor do they prescribe such a practice. One cannot be sure (particularly if one reflects on the appearance of ritual in the Qumran evidence), but it appears that neither Num 6:24–26 nor Num 5:11–31 nor Num 19:1–22 were practiced in the Second Temple cult (at least in the form in which they were transmitted in the text). The same holds true for the con-

fession of misconduct in Num 5:5 – 10. The texts are innovating rather than reproducing established practice.

The textualization of rituals has used ancient and traditional rituals as well as composing "new" ones from elements of common ritual practice. Although it may be difficult to corroborate this hypothesis, the homogenizing function would fit very well to the overall function of Torah in the identity processes of the late 5th and early 4th centuries BCE as it is seen in recent discussions. However, to make things clear, this context shall not be understood as the one and only explanation for the textualization of rituals, but simply as one aspect, which needs further consideration.

I mentioned two aspects of innovation earlier: the first was that ritual makes an innovative statement by commenting on a legal or ritual text. The second was the amendment of a norm or a ritual by the addition or transformation of certain elements, sequences of acts or patterns of interpretation, which could be borrowed from other contexts. Both aspects seem to be two sides of the same coin in biblical ritual texts. The composition of Num 5 – 6 in particular, which will be examined in a moment, combines the two aspects impressively.

7. The Ritual-Composition Num 5 – 6

If we examine the commentaries on Numbers, the use of the label "composition" for Num 5 – 6 already suggests something too systematic. There is no need to collect the opinions for chaos, disorder, or contingency in Num 5 – 6 here in detail. I just quote two voices out of the many. Martin Noth's statement was influential in German research for a long time: "In ch. 5 – 6 several ordinances of very varied scope and very varied contents have been juxtaposed, with no recognizably close relationships, as far as subject-matter is concerned, either with each other or with what precedes and follows".[35] Different, but not in contrast to Martin Noth, is the assessment of Baruch Levine. He begins his exegesis by minimizing the rationale of textual order, too: "As is true of certain other sections of Numbers, chapter 5 is not a coherent unit but rather a collection of diverse laws and rituals. There are, to be sure, suggestive thematic links pertaining to such subjects as impurity and betrayal, but as a whole Numbers 5 is best seen as a repository of priestly legislation".[36] A repository is a more or less jumbled assemblage

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35 Martin Noth, *Numbers: A Commentary*, OTL (London: SCM Press, 1968), 44.

36 Baruch A. Levine, *Numbers 1 – 20: A New Translation with Introduction and Commentary*, AB 4 (New York: Doubleday, 1993), 181.

without systematic order or focus. While the bulk of material in Num 5 – 10 was seen by Horst Seebass as preparation for the wilderness wandering, he considered Num 5 – 6 to be three intrusive additions which emphasize priestly competence and authority against the background of the appreciation of the Levites in Num 3 – 4.[37]

In my view these statements have to be reconsidered beginning with the striking fact that Num 5 – 6 is the most "ritualistic" passage in the entire Torah (the *sôta* of Num 5:11 – 31, the ritual of the Nazirite vow in Num 6:1 – 21 and the priestly blessing ritual in Num 6:22 – 27). These rituals are well chosen and form an elaborate *composition*. As I have shown elsewhere, the compositional function of Num 5:1 – 4 is crucial by bridging across Leviticus and Numbers with the three demands for expulsion out of the camp: cases of skin disease, bodily discharge and defilement by corpses.[38] The concrete content is insignificant because it functions as a reference to the broader context. The disorder is to be shifted from centre to periphery and beyond. They shall keep their camps clean by exclusion of impurity out of the camp (ולא יטמאו את־מחניהם אשר אני שכן בתוכם Num 5:3). The purity of the camp, which is constituted by the presence of the Lord, is to be kept by expulsion of the impure. It is important that this perfect state is breached by the three cases that follow, starting with the bold heading: people who commit sins that are common to men (כי יעשו מכל־חטאת האדם; Num 5:6). These people should be expelled from the community too, just as the woman who committed adultery and the Nazîr who defiled his vow by touching a corpse. But they are not! In contrast, the centrifugal movement of expelling is contrasted to centripetal actions: the em-

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37 "Dagegen sind 5,5 – 10; 5,11 – 31 und 6,1 – 21 drei Ergänzungen zu den Marschvorbereitungen unter dem Gesichtspunkt, priesterliche Kompetenzen nach der massiven Vorstellung des Levitismus Num 3 – 4 hervorzukehren, ohne dass ein Bezug zur Marschvorbereitung erkennbar wäre" (Horst Seebass, *Numeri. Kapitel 1,1 – 10,10*, BKAT [Neukirchen-Vluyn: Neukirchener, 2012], 90, cf. 106).

38 See for a description of the sophisticated character of Num 5:1 – 4: Christian Frevel, "Purity Conceptions in the Book of Numbers in Context", *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, Dynamics in the History of Religions 3 (Leiden: Brill, 2013), 369 – 411. Thus, the suggestion of R. Achenbach, that Num 5 – 6 forms a catechetical compendium for teaching the ordinary people ("daß hier ein einheitlicher, als Kompendium gedachter Text mit Beispielen für die katechetische Unterweisung des Volkes vorliegt") is not compelling. Similarly regarding Num 5:11 – 31: "Dem Text geht es ja um die prinzipielle Reinerhaltung der Heiligtumsgemeinde" (Reinhard Achenbach, *Die Vollendung der Tora. Redaktionsgeschichtliche Studien zum Numeribuch im Kontext von Hexateuch und Pentateuch*, BZABR 3 [Wiesbaden: Harrassowitz, 2003], 508). But this is true only on a very general level. The focus is much more the intermediate state of undiscovered defilement which will afflict the sanctuary indirectly only in the longer run.

bezzler comes to the sanctuary to confess and to refund; the woman is brought to the entrance of the tent of meeting; the defiled Nazîr moves to this liminal area, too, to renew his vow. It is a community of individuals, which is described as a fragile order; human individuals – men as well as women (note that all three cases emphasize both genders) – unsettle the stability by misbehaviour.
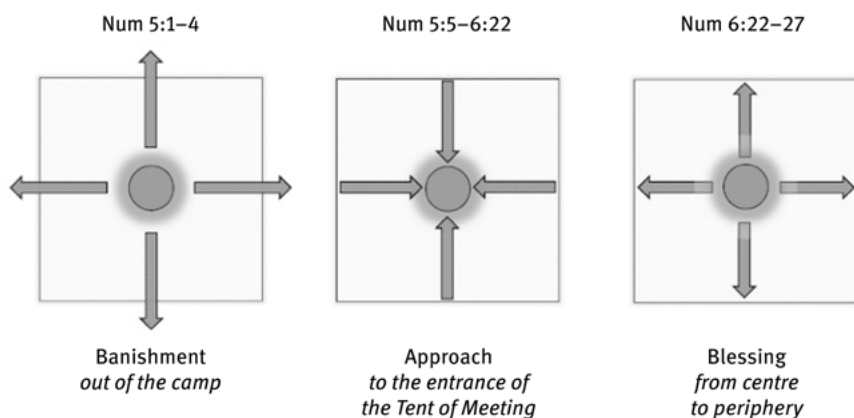

Fig. 1: Spatial Order in Num 5 – 6

The demand for purity within the camp forms the background of the composition of Num 5:5 – 6:22 only in an implicit manner. This is not the dominant rationale as it is often noted. "Verunreinigung, Veruntreuung und Ehebruch bedrohen die Heiligkeit und Integrität des Raumes gleichermaßen und sind in ihrer Häufigkeit gleichermaßen exemplarisch."[39] But one has to face the fact, that neither the embezzler nor the adulteresses are explicitly expelled at the moment he or she is convicted. So, too, the unclean Nazirite is not explicitly excluded from the camp. If this is right, the rationale of the composition in Num 5 – 6 goes beyond the implicit defilement of the camp by misappropriation, adultery or notfulfilment of a vow. Thus, the compilation of Num 5:5 – 10; 5:11 – 31; 6:1 – 21 is not just exemplary for important issues of impurity, as R. Achenbach noted,[40] but rather for handling the tension between unseen jeopardy by concealment

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39 Achenbach, *Vollendung*, 504.
40 "Im Anschluß an die Lagerordnung sind damit modellhaft die wichtigsten Fälle möglicher Unreinheit (Num 5) und besonderer Reinheit (6,1 – 21) im Volke am Heiligtum exemplarisch geregelt worden" (Achenbach, *Vollendung*, 511).

and responsibility through confession and compensation. Not only the priests (Lev 10:10), but the ordinary people are required to look after the holiness and to long for purification through the assistance of the priests.

It is not by chance that these movements are completed by a centripetal one again: the blessing of wellbeing, prosperity, shelter – in short שלום (Num 6:26) – emits from the centre and reaches to the periphery and all Israelites (Num 6:22–27). In the literarily constructed sacred space in the composition of Num 5–6, the blessing becomes "the verbal extension of the temple".[41] The consecrating power of God is mediated by priests to the people (note that it is by no means by chance that priests play a crucial role in all three cases of ritual earlier in the unit). The presence of the life-providing God in the temple,[42] whose potential impact is safeguarded by the purity of the camp in Num 5:1–4, is here disseminated again to every single Israelite, who lives in the presence of this God. Hence, the order of these passages appears to be by no means haphazard or just associative (note for instance the repetition of the key phrase מעל in Num 5:6,12,27). All three cases comprise men and women; all are related in some way to the sanctuary, and all address hidden impairment of the order that affects God; all integrate human responsibility in a substantial manner.

If we are allowed to read Num 5:5–10 in light of Lev 5:20–26, then all go with a particular sort of oath/vow and its potential or actual breach: (a) Num 5:5–10 a person committing perjury; (b) Num 5:11–24 the oath of a wife who did or did not commit adultery; and, finally, (c) Num 6:1–21 a person who made a vow willingly, but is hindered from fulfilling it, because he or she was defiled by a corpse. In all three passages something implicit is made explicit: the person who has embezzled property, will confess his or her fault (within the sanctuary); the woman who is suspected of committing adultery will make explicit her deeds; the Nazirite who has defiled herself or himself by contact with a corpse will cut his or her hair as a public sign of determination regarding his or her vow. In all three cases the alternative option is concealment or implicitness. In sum: there is more than a superficial order to Num 5–6, rather content and structure form a *coherent unity:* the camp is not the perfect world which it appears to be in Num 1–4. It is threatened by everyday situations and its holiness is endangered by humans.

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41 Jeremy D. Smoak, *The Priestly Blessing in Inscription and Scripture: The Early History of Numbers 6:24–26* (Oxford: Oxford University Press, 2015), 134.
42 See the relation of the temple and blessing rituals which is emphasized by Smoak, *Blessing*, 112–13, 131.

8. Aspects of Ritual Innovation

To address aspects of ritual innovation in Num 5–6 we have to go a bit deeper into the text. I will concentrate on the relation to Lev 5 which is most interesting *in all three passages*, not only in Num 5:5–10 with regard to Lev 5:20–26, which has been constantly noted in scholarship. Already August Knobel (1861) viewed Num 5:5–10 "as a supplement to Lev 5:14–26; 7:1–10",[43] and Heinrich Holzinger (1903) noted that "vv. 5–8 are an addition to Lev 5:20–26, not only in terms of substance, but also in terms of form".[44] But the relation between Num 5 and Lev 5 does not only consist of misappropriation, but rather concerns all the cases in Num 5. In seeking to demonstrate this claim, I will not go into every detail of the exegesis of the following passages:

a) The Case for Num 5:5–10 Supplementing Lev 5

Beginning with Num 5:5–10, it seems difficult to speak of *ritual* innovation because Num 5:5–10 is not a ritual in the strictest sense. While the exact meaning of the misdeed in vv. 6–7 remains unclear, the last verse of the passage especially appears to concern priestly dues in general (cf. Num 18). The insistence that every gift/donation/offering – and modern versions differ significantly in the translation of כל־תרומה לכל־קדשי בני־ישראל [45] – should belong to the priest resembles Lev 22:2,15; Num 18:8,19,32. The passage begins with "when a man or a woman *wrongs another*, breaking faith with the LORD, that person incurs guilt" (following NRSV's translation), but the Hebrew text reads איש או־אשה כי יעשו מכל־חטאת האדם למעל מעל ביהוה ואשמה הנפש ההוא, and it is not clear whether sins in general ("sins of humans", "any wrong") or the wronged party ("sins against humans") are being addressed. And it is quite unclear how these trespasses are מעל, "sacrilege, unfaithfulness, or embezzlement", against YHWH. Is ואשמה הנפש ההוא the apodosis or an additional condition of the protasis

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43 August Knobel, *Die Bücher Numeri, Deuteronomium und Josua erklärt nebst einer Kritik des Pentateuch und Josua* (Leipzig: S. Hirzel, 1861), 19: "Die Verordnung über die Ablieferung unrechtmäßigen Eigenthums an Jehova erscheint als ein Nachtrag zum Schuldopfergesetze Lev. 5,14–26; 7,1–10 und betrifft den besonderen Fall, dass der Beeinträchtigte nicht mehr vorhanden ist und die Erstattung nicht in Empfang nehmen kann".

44 Holzinger, *Numeri*, 17: "5–8 ist eine Ergänzung zu Lev. 5,20–26 nicht nur sachlich, sondern auch formell".

45 Septuagint reads καὶ πᾶσα ἀπαρχὴ κατὰ πάντα τὰ ἁγιαζόμενα and links the passage more tightly to Num 18.

("than this person incurs guilt" or "and/or that person incurs guilt")? As already observed, Num 5:5–8 is closely related to Lev 5:20–26. Most of the text in Numbers consists of an abridgement of the more detailed text. Leviticus 5 encompasses "fraud, embezzlement, and misuse of belongings entrusted to one's keeping"[46] which are identified as "sacrilege against the Lord" מעל ליהוה, because the person has committed a perjury concealing the true property relations or liability. Thus, it is generally agreed that Num 5:5–10 should be read against the background of Lev 5:20–26.[47] Three aspects can be viewed as amendments or innovations. First, by generalizing the wronged party the law is not restricted to the compatriot (עמיתו) anymore. Secondly, Num 5 adds the explicit confession of misdoing v. 7, and, finally, it adds the regulation of cases in which the wronged party has no legal successor (vv. 8–10). By using the verb ידה, which is rare in the Torah (Lev 5:5; 16:21; 26:40), it is signalled that the confession has been borrowed from Lev 5:5 (והיה כי־יאשם לאחת מאלה והתודה אשר חטא עליה). Acts, which were committed unwittingly, but later recognized as guilty, are to be confessed publicly. While Lev 5:20–26 may also *imply* a confession,[48] this is made explicit in Num 5:7. Besides the verb ידה, Num 5:7 resorts to Lev 5:23 by using שוב *hiphil* for the repayment demand. "The wording of this law appears to compress the statements of Lev 5:20–26".[49] The three aspects of innovation are summarized by Jacob Milgrom:

> First, it generalizes whereas Leviticus also cites specific cases, thus confirming that *ma'al* applies to all cases of defrauding man by means of an oath. Second, it adds the stipulation that in the case wherein the defrauded man dies and leaves no kin, the reparation belongs to the officiating priest. The third innovation is most crucial: restitution must be preceded by confession.[50]

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46 Levine, *Numbers*, 187. Cf. Nihan, *Torah*, 250–52 with reference to the history of research.
47 In contrast to the majority of scholars Calum Carmichael has suggested that Num 5:5–10 is *not* a supplement to Lev 5:20–26, and does not even relate to it. Instead he presumes both texts to refer to different contexts in the Book of Genesis. "I contend that the rules are similar not because there has been updating but because each is a response to two different issues arising on two separate occasions recounted in Genesis 37–50" (Calum Carmichael, *The Book of Numbers. A Critique of Genesis* [New Haven: Yale University Press, 2012], 45). While Lev 5 addresses the Joseph story, Num 5 relates to the Judah-Tamar account. See Carmichael, *The Book of Numbers*, 44–53.
48 See the discussion in Milgrom, *Leviticus 1–16*, 301, 344–345; Milgrom considers the necessity of a confession primarily with deliberate sins: "confession is never required for inadvertencies but only for deliberate sins" (301). Cf. the explicit confession in Lev 5:5 which is phrased with ידה, too, see below.
49 Levine, *Numbers 1–20*, 190.
50 Milgrom, *Leviticus 1–16*, 368.

Commentators are unanimous that in comparison to Lev 5 a novel aspect is found in Num 5:8.[51] If there is no redeemer of the aggrieved, the reimbursement passes over to God and from his title down to the priest (cf. Lev 23:20). Levine is correct in pointing to Num 18 for a systemizing perspective: "Whatever went to God, with the exception of sacrifices entirely consumed on the altar, actually went into the temple treasury, or was otherwise uses in support of the priesthood. This system is summarized in Numbers 18".[52] That the wording of the innovation in v. 8 is related to Lev 5, too, is corroborated by the unique expression "ram of atonement" (איל הכפרים; Num 5:8) which is comprehensible only as abbreviation of Lev 5:25–26.[53] In sum, Num 5:5–10 has recourse to both Lev 5:20–26 *and* Lev 5:5, thus already presupposing the final composition of Lev 5.

b) The Case of the *Sôta* and Its Relation to Lev 5

Numbers 5:11–31, the *sôta* case, is different in terms of innovation. Although ordeal practice in cases of conjugal suspicion was common in the Ancient Near East as already evinced in article §131 and §132 in the Codex Hammurabi, we do not have templates or older versions of the ritual itself. It may have been compiled by reference to traditional material, but we have none of that. The alternative view, that the ritual was designed for the present context, remains a matter of speculation. We cannot decide on ritual innovation in terms of performance.[54] Hence, with reference to the given text, the ordeal itself is innovative as are the specific practices of taking the dust from the floor or wiping writing into the ritual agent, which is "holy water" (מים קדשים; v. 16). Compared to the sacrificial practice in Leviticus, the *minḥāh* of the suspected adulteress is different from other אשם-offerings. It is to consist of barley flour (קמח שערים) instead of wheat (סלת), and no oil shall be poured on it and no frankincense shall be

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51 This aspect is often singled out as the only innovation: "8a ist das einzig Neue in den Versen 6–8 gegenüber Lev 5" (Kellermann, *Priesterschrift*, 66). "Einzig 8a enthält eine Neuregelung" (Seebass, *Numeri*, 115).

52 Levine, *Numbers 1–20*, 191.

53 Cf. Holzinger, *Numeri*, 18: "Dass Lev 5,22 ff. dabei formell vorausgesetzt wird, beweist der Artikel in אֵיל הַכִּפֻּרִים v. 8, der Lev 5,25 f. zitiert".

54 Interestingly enough, the emphasis on script and its magic effect is present in various cultures still today. I mention for instance the so called Taweez or Ta'wiz in Muslim societies. For the practice to write verses of the Quran on a piece of paper, and then drinking the water, see Margaret A. Mills, "Islam", in *South Asian Folklore: An Encyclopedia. Afghanistan, Bangladesh, India, Nepal, Pakistan, Sri Lanka*, ed. Margaret A. Mills et al.: New York and London: Routledge, 2003), 294–97 (here 294).

laid on it. This sort of offering can be understood only in relation to other *min-ḥāh*-offerings (Lev 2). The offering is specifically called "a cereal offering of jeal-ousy" (מנחת קנאת) three times (Num 5:15,18,25) and two times "a cereal offering of remembrance" (מנחת זכרון; Num 5:15,18). The unmixed flour is strange as offer-ing material in this context. Again, we are directed to Lev 5, where in v. 11 a spe-cific sort of purification offering (*ḥaṭṭaʾt*) is mentioned for the poor:[55] one-tenth of an ephah of choice flour for a purification offering instead of two turtle-doves. But no oil is to be put on it, and no frankincense shall be laid on it, "for it is a purification/sin offering" and not a *minḥāh* (עשירת האפה סלת לחטאת לא ישים עליה שמן ולא יתן עליה לבנה כי חטאת היא). By contrast in Num 5 the oil is not "poured out" over (לא־יצק in Num 5:15) instead of not "laid upon" (לא־ישים Lev 5:11). However, the phrase לא יתן על לבנה is identical in both texts.[56] Hence, as in Num 5:5–10, the ritual innovation in the *sôta* may not be coined independently from Lev 5. This again corroborates the assessment above that Num 5–6 is a text that relies on Lev 5 as a prior composition.

c) Innovation in the Case of the Nazirite and Its Relation to Lev 5

Num 6:1–21 has innovative aspects in respect to its ritual as well. That approach-ing or touching a corpse[57] inadvertently nullifies the vow is comprehensible only by assuming the defiling power of death which is developed in the Torah in Lev 21 (esp. vv. 1 and 11); 22:4; Num 5:2; 9:6–14; and extensively in the ritual in Num 19.[58] The issue is reckoned a very serious one in these texts, insofar as it post-

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55 For the חטאת in Lev 5:1–13 see Jacob Milgrom, "The Graduated Ḥaṭṭāʾt of Leviticus 5:1–13", *JAOS 103* (1983), 249–54; Milgrom, *Leviticus 1–16*, 292–318.

56 Milgrom, *Leviticus 1–16*, 306, mentions the parallel, but gives a different explanation: "Oil and frankincense are also deliberately omitted from the cereal offering of the suspected adulter-ess (Num 5:11). Thus it seems that both ingredients were considered signs of a joyous occasion, and their omission would accentuate the somber nature of the offerings". Even if this holds true, the special kind of cereal offering parallels both cases. Watts, *Leviticus*, 365, does not mention the parallel and considers the difference to be mindful of the social status of the sacrificer, who may not be able to finance the costly frankincense. This makes sense but does not fit as expla-nation for Num 5.

57 See Frevel, "Purity Conceptions", 373, for narrowing Num 6 to the *indirect* contact.

58 Cf. in addition Num 31:19–20 (implementation of Num 19 in the Midianite war); Lev 10:4–7 (avoidance of corpse contact by priests and prohibition of mourning rituals); Ezek 44:25–27 (restrictions for priests and handling of ritual impurity caused by corpse contact); Hag 2:13 (impurity by corpse contact in general). For the rationale of Num 19 see Christian Fre-

pones the date of the Pesach or justifies expulsion from the camp. In Num 6 contact with a corpse requires two turtle-doves or two young pigeons, one as a חטאת and one as a עלה in order to expiate the candidate after seven days uncleanness (Num 19:11,14,16). The priest shall make atonement for him, for he has incurred guilt or was defiled by reason of the corpse (מאשר חטא על־נפש). The combination of two turtle-doves or two pigeons is the regular substitute for a sheep (Lev 12:8), the ritual purification of the mother after giving birth (Lev 14:22), as a substitute within the ritual of cleaning the cured leprous person, מצרה, and finally as a regular offering after a bodily discharge (Lev 15:13,29). Although all cases are related to the completion of a period of seven days of uncleanness (Lev 14:10,23; 15:14,29), they do not match fully, because the Nazirite has neither given birth nor is he or she unclean due to a bodily discharge.[59] Nevertheless, there is one other case with the two pigeons, which is close to the issue here. It is Lev 5:7, 11, the cases of something hidden which require as a minor purification offering (חטאת) a female head of the flock regularly (Lev 5:4), or, as a substitute of less value, two pigeons.[60] The four cases in Lev 5 are: a) withholding witness; b) uncleanness by touching carcasses unwittingly and becoming aware of it later; c) defilement by "any kind of human uncleanness",[61] which is the usual interpretation of כי יגע בטמאת אדם;[62] and, finally, d) a person who swears an oath imprudently that cannot be kept, but he is unaware of this fact. The cases have in common the fact that the "implications [...] are not realized at the moment when they are performed".[63] It is especially the case in c) and d) which concern corpse impurity. While at first hand, Lev 5:1–13 fits best with the case of the Nazirite (Num 6:10), two differences are both obvious and striking: the *explicit confession* in Lev

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vel, "Struggling with the Vitality of Corpses: Understanding the rationale of the Ritual in Numbers 19", *Les vivants et leurs morts*, OBO 257 (ed. Jean-Marie Durand et al.; Göttingen: Vandenhoeck & Ruprecht; Fribourg: Presses Universitaires, 2012), 199–226.

59 Thomas Hieke interprets the offering of the two doves as related to the breaching of the vow: "Sodann sind am achten Tag ein Entsündigungs- und ein Brandopfer (von Tauben) erforderlich, um den 'Bruch' des Gelübdes, der gewiss unabsichtlich geschah, aber dennoch ein Faktum ist, zu überwinden und dieses von Gott trennende Ereignis (das in einer sehr erweiterten Begrifflichkeit als 'Sünde' bezeichnet wird, ohne dass es um moralische Schuld geht) zu beseitigen (6,10–11)" (Thomas Hieke, "Unreinheit der Leiche nach der Tora", in *The Human Body in Death and Resurrection*, ed. T. Nicklas, F. Reiter, and J. Verheyden, Deuterocanonical and Cognate Literature Yearbook [Berlin: de Gruyter, 2009], 43–65 [here 50–51]).

60 For the socially induced lowering of tariffs in Ancient Near Eastern cultic laws see Watts, *Leviticus*, 362.

61 Nihan, *Priestly Torah*, 241.

62 Cf. Lev 7:21.

63 Nihan, *Priestly Torah*, 241–42.

5:5 is lacking in the case of the Nazirite, and instead of offering a female animal from the flock, the requirement is lowered to two turtle doves or two pigeons as the standard offering. How are we to interpret this "innovation"? The lack of a confession may be due to the inadvertence of the defilement (v. 9), but this is not the only way to understand the difference. The Nazirite comes to the tent of meeting to settle the old vow and to renew it. His response is as public as a confession and it may have been seen as a substitute. Everybody can acknowledge that the Nazirite's outward appearance demonstrates that their vow has been broken since they have cut their hair. The renewal of the vow of the Nazirite is to be accompanied by an additional sacrifice as an אשם, namely a male lamb a year old (כבש בן־שנתו; Num 6:12[64]). The sacrificial tariff in Leviticus differentiates between female and male of the flock. Male sheep are mentioned explicitly in Lev 14 in the אשם rite in Lev 14:12,13,21,24,25, and once in Lev 12:6 in a חטאת (in contrast to Lev 4:32). Thus, in sum, the Nazirite has to invest more to restore his ritually purity than ordinary people. Besides the purity ritual of the מי נדה of Num 19, which fills in the period of seven days uncleanness (Num 19:11,14,16), and appears to be assumed in Num 6, there is no further requirement for the person who has been defiled by corpses. The need for a "higher degree" of purity agrees with the fact that the Nazirite must not be defiled by relatives, even if they are close family. The Nazirite "differs from any other corpse-contaminated person" and he "approximates the greater sanctity of the high priest".[65] It is striking that the phrase נפש מת is paralleled only by נפשת מת in Lev 21:11.

9. Summary – Practicing Rituals in a Textual World

The first part of this essay elaborated on ritual and the issue of innovation. While biblical rituals are textual, and not ritual scripts that match ritual practice, ritual innovation beyond the textuality of rituals is difficult to discern. Imaginable innovation in the performance of biblical rituals, be it by altering the ritual sequence, modifying ritual mastery, or changing contexts can no longer be observed. Hence ritual innovation in biblical rituals has to be discussed in textual form. Ritual innovation can particularly be described if various aspects of rituals can be examined comparatively on a textual level. We took as a case study the ritual composition of Num 5–6 which was first introduced in terms

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64 The phrase וכבש בן־שנתו is attested only in Lev 12:6 and Num 6:12,14.

65 Milgrom, *Leviticus 1–16*, 279–80.

of the space, ritual participants, and purposes of the individual rituals. Then the rituals were compared to Lev 5 as an antecedent composition. All three cases showed a specific relation to Lev 5 and differed with regard to the matter of *ritual innovation*. Num 5:5–10 was comprehensible only as amendment of Lev 5:20–26. Novel aspects were generalization, public confession and the absence of a legal successor. Each of these were added by drawing on the phraseology of Lev 5 in particular. The *sôta* drew on Lev 5 in terms of sacrificial systematics and the related ritual practices. This was also true with the law of the Nazirite in Num 6. In addition, the consequences of the unwittingly broken vow were developed by analogy with Lev 5:1–10. While Num 5:5–10 was obviously formulated for the present context, this solution is not compelling for the *sôta* (Num 5:11–31) or the law of the Nazirite (Num 6:1–21). There are good reasons to assume that both are not entirely ritual innovations coined completely for the context of Num 5–6. Certainly, it is not by chance that the literary unity of the *sôta* is so much discussed in exegesis.[66] This may indicate that the ordeal had a longer prehistory, which is generally accepted in scholarship.[67] The same holds true for the Nazirite vow, which is not a late Persian innovation,[68] but is rather accentuated in the late post-exilic period. But it was striking that all the innovative aspects of the Nazirite law were related to the specific situation in vv. 6–12, which was dedicated to the danger of the vow's defilement. However, it was conclusive that both the instructions for the *sôta* and the Nazirite were formulated with reference to Lev 5. The textual horizon of the Nazirite law was even wider, including both the requirement for priestly purity in Lev 21 and the ritual of Num 19 as well.

We have considered the rituals of Num 5–6 as a composition, which was well orchestrated with regard to its content, its spatial conceptions, and its function within the larger context. Num 5:1–4 functions as a compositional anchor that relates the rituals to the textual section Lev 11–Num 19.[69] The rituals in

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66 See, for instance, Sarah Shectman, "Bearing Guilt in Numbers 5:12–31", *Gazing on the Deep: Ancient Near Eastern and Other Studies in Honor of Tzvi Abusch,* ed. Jeffrey Stackert, Barbara Nevling Porter and David P. Wright (Bethesda: CDL Press, 2010), 479–93; Jaeyoung Jeon, "Two Laws in the Sotah Passage", *VT 57* (2007): 181–207. For a more reluctant position see Achenbach, *Vollendung,* 507–8.

67 See, for instance, Achenbach, *Vollendung,* 508.

68 See Ludwig Schmidt, "Nasiräer", *Wibilex.* https://www.bibelwissenschaft.de/stichwort/28839/. Or, Achenbach, *Vollendung,* 509: "Der Text bietet die redaktionelle Ausarbeitung eines auf älteren Regeln beruhenden Instituts."

69 As an aside, if this section Lev 11–Num 19 is accepted, Lev 10 and Num 20 are related by framing this section. While Lev 10 narrates the transgression of the sons of Aaron and its lethal consequences, Num 20 recounts the transgression of Moses and Aaron, and the death of Aaron.

Num 5 – 6 "take place" in the wilderness presuming the camp as a virtual space. In literary respects, they presuppose Lev 5 in particular. Even the Holiness Code with its legal considerations on the purity of priests and the high priest, and Num 19 (and probably Num 18, too), are presupposed. As a consequence we have to attribute the composition of Num 5 – 6 to a relatively late stage of literary growth in the Pentateuch. We should consider not only H as Jacob Milgrom and Israel Knohl did,[70] but rather the post-H priestly literary discourses (which are labelled *Theokratische Bearbeitung II* by Achenbach) as background. Christophe Nihan has suggested that Lev 5 is part of "the growing involvement of priestly scribes in legal matters during the Persian period".[71] Its "complexity and, indeed, sophistication [...] suggest an erudite work rather than a composition with a primarily practical design".[72] However, this is exactly the impression we got in Num 5 – 6, but on the next textual level of adaptation, cross-linkage, and interpretation. The performance of the rituals may have had a practical background, but they are now embedded in a textual world, which has an autonomous character and functions on the textual level. Thus, ritual innovation can take place in a textual world.

This is compositionally significant and underlines that the books Leviticus and Numbers were not seen as separate units although they were divided into "books".

70 Milgrom, *Leviticus 1 – 16*, 368 – 69.

71 Nihan, *Priestly Torah*, 255.

72 Nihan, *Priestly Torah*, 255 – 56.