

The Book of Numbers – Formation, Composition, and Interpretation of a Late Part of the Torah. Some Introductory Remarks¹

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1. To P or Not to P. Difficulties in Attributing Texts in the Process of “Making the Pentateuch”

The overarching goal of this volume about “Torah in the Book of Numbers” addresses the so-called priestly (and/or post-priestly) texts in the book of Numbers and their locus in the formation process of the book within the Torah as Torah.² This concern takes place against the background of the much bemoaned incoherent status quo of recent Pentateuchal research and its heterogeneous models, hypotheses, and methods, and not least its regional fragmentations. The situation regarding the Pentateuch as a whole and the priestly writings respectively is outlined and documented namely in at least three recent volumes, so that we can limit ourselves in this introduction to some crucial points regarding the book of Numbers in particular.³ Despite the evidence of what Ludwig Schmidt titled the “Dickicht der Pentateuchforschung” (the thicket of Pentateuchal research),⁴ these latest developments give proof of renewed dialogue

¹ I am grateful to Kirsten Schäfers for the assistance in wording this text. All shortcomings and flaws remain unquestionably mine.

² The phrase “book of Numbers” is used to label the textual nexus introduced by Num 1:1 and closed by Num 36:13. The phrase does *not* intend to claim a separate existence or reception of this textual continuum as a “book”. Nevertheless, the framing formulae indicate a cohesion of the text, which is clearly discerned (but *not* separated) from Leviticus and Deuteronomy.

³ The Strata of the Priestly Writings. Contemporary Debate and Future Directions, ed. by Sarah Shectman/Joel S. Baden, ATANT 95, Zürich: Theologischer Verlag 2009; The Pentateuch. International Perspectives on Current Research, ed. by Thomas B. Dozeman/Konrad Schmid/Baruch J. Schwartz, FAT 78, Tübingen: Mohr Siebeck 2011; Pentateuch, Hexateuch, or Enneateuch? Identifying Literary Works in Genesis through Kings, ed. by Thomas B. Dozeman/Thomas Römer/Konrad Schmid, SBLAIL 8, Leiden et al.: Brill 2012.

⁴ Schmidt, Ludwig: Im Dickicht der Pentateuchforschung. Ein Plädoyer für die umstrittene Neuere Urkundenhypothese, VT 60 (2010), 400–420.

and a certain atmosphere of departure aiming to overcome some of the aporias of recent decades.

Let me give three examples which are most relevant for our subject. First, I would acknowledge a quasi-consensus that multi-layered post-priestly redactional activity took place in the Pentateuch, which has manifested in Leviticus and Numbers in particular and which was pivotal for the formation of the Pentateuch as Torah. Second, I perceive a quasi-consensus in contemporary debates that there are texts of a more or less non-priestly character that may reflect older tradition(s) but that are integrated only into late post-priestly strata. A third example in my estimation gives rise to an issue of new discussion: Especially in European contributions the importance of the so-called “Pentateuchredaktor” has decreased or been displaced by a more complex multi-layered description of the process(es) in which the Pentateuch as Torah came into light.

In the traditional newer documentarian hypothesis following Graf-Kuenen-Wellhausen the “Pentateuchredaktor” was a simple editor who assembled and conjoined P and non-P without adding much and who was placed at the very end of the redactional process. The discussion of the eighties and nineties considered this inadequate and increased the portion of the “Pentateuchredaktor” who became responsible for many texts beyond the redactional linkage of P and non-P. This heavy duty made the “Pentateuchredaktor” a heterogeneous reservoir of redactional processes of “Fortschreibung”, and he lost the formative capacity in terms of “making” the Pentateuch. In more recent discussions the pendulum has swung back again. The term “Pentateuchredaktor” is used in a narrow sense only for the process of combining P and non-P (considered here as pre-P) so that some of the models do not engage the classical “Pentateuchredaktor” either, because they presume that the Priestly source was the starting point of the redactional process. Facing these options, my impression is that the redactional process, which may be described as the “making of the Pentateuch”, has become more complex and multi-layered in recent European discussions.

In contrast to that appraisal is the picture drawn in two recent American monographs that focus on the “making of the Pentateuch” by David M. Carr and Joel S. Baden.⁵ Both of them determine the proportion of the “Pentateuchredaktor” very differently. While the “neo-documentarian hypothesis” represented by Joel S. Baden minimizes his activity on the one hand (he is responsible only for a *few verses*) it enlarges his duty in being responsible for

⁵ Baden, Joel S.: *The Composition of the Pentateuch. Renewing the Documentary Hypothesis*, New Haven/London: Yale University Press 2012; Carr, David M.: *The Formation of the Hebrew Bible. A New Reconstruction*, New York: Oxford University Press 2011.

joining *all four* documents JEDP, which existed separately before this redaction, in a single process into one. The process is called “compilation”,⁶ hence, the “Pentateuchredaktor” is labeled “compiler” and he is the “maker” of the Pentateuch in the strictest sense.⁷ There is no reason or instigation for this process, nor even a temporal horizon, when, why, and by whom the four documents were compiled.⁸ In contrast David M. Carr in his monograph does not employ a final redactor or compiler either. Instead, he is most skeptical in terms of the methodological limits in reconstructing the textual growth of biblical literature. Inner- as well as extra-biblical evidence of ancient scribal practices motivates him to take into account several diffusing factors for the transmission process, like textual fluidity, continuous revisions and extensive harmonization that might have diffused especially the seams of pre-priestly textual traditions. “The most we can hope to achieve is partial reconstruction.”⁹ Consequently, as he polemically states, “a return to the clarity and simplicity of the documentary hypothesis is no longer possible”.¹⁰ Carr imagines the formation of Torah as a conflation of non-P and P sources, which are not reconstructable in detail. Nevertheless, this process took place in several stages whose historical backgrounds can be illuminated for some texts from which criteria for dating others should be extrapolated.¹¹ Since he desists from taking into account a “Pentateuchredaktor”, the harmonizing process of P and non-P material takes place over time not at a certain point. In the end, “[m]any of the elements assigned in the

⁶ Baden, *Composition*, 214–229.

⁷ For J. S. Baden the redactor/compiler “owes his existence solely to the theory” of four combined documents (op. cit., 215). This is why his role should not be “expanded” beyond his core function as a compiler and is completely different to that of a “genuine author” (215). As a consequence, “[...] every effort must be made to understand a given passage as part of one of the four documents, with an attribution to a redactor being the last resort. [...] A]ny text attributed to a redactor must serve the purposes of redaction [...]” (215). This redactional process is thought of as limited to compilation: “What we attribute to the compiler can be only those elements that contribute to the process of compilation” (218). This concept deliberately opposes European notions of the term redactor: “The wider conceptual gap between this silent compiler and the active theological redactors of the European approach is worth noting” (224). This compiler “is not an author” (223), instead he is “first and foremost, a preservationist” (224). Furthermore, Baden claims to stick to the “the most economical explanation” (221) by assuming “unless proved otherwise, only as many compilers as are necessary to put the four sources together – in other words, one” (220).

⁸ It is one of the most problematic points, which has often been criticized, that there is no localization or socio-historical contextualization of the texts and their compilation in Baden’s theory. This is in contradiction to the critical tradition of European scholarship in the Graf-Kuenen-Wellhausen tradition.

⁹ Carr, *Formation*, 148.

¹⁰ Op. cit., 124.

¹¹ Cf. op. cit., 215–216 passim.

past to R^P may instead be late Hellenistic-period coordinations of disparate P and non-P Pentateuchal materials”.¹²

In searching for the “Trägerkreise” of these processes, i.e., the groups that had an interest in the formation, adaption, and preservation of the literary material, we are almost stranded in biblical research. Departing from Ezra the scribe, earlier debates drew on the second temple and its priests as the powerhouse behind the formation of the Pentateuch. In times of the “Reichsautorisation” it was the political establishment including the Second Temple administration that must have produced the Pentateuch that had been accepted as imperial law by the Persian authority.¹³ In theories that fostered the mixed or intermingled character of the Pentateuch by stressing the image of a “compromise” produced to counterbalance deuteronomistic and priestly traditions, sometimes the one, sometimes the other, and sometimes both were engaged in “making the Pentateuch”. In recent research there is no clear consensus about the “Trägergruppen” because there are no identifiable clues of finalization by a specific group. If – as we tend to assume in this volume – the formation of the book of Numbers has something to do with the “making of the Pentateuch” the same questions arise, but may obtain pieces of an answer.

Reinhard Achenbach, for example, has identified a certain theocratic trait in late redactional work on the book of Numbers that one may identify with priestly circles.¹⁴ The conflict or better the defined hierarchy between Aaronides and Levites, the decisive role of the priests in processes of legal interpretation, and the privilege of the High Priest therein, etc. may point in the same direction. But what is meant by the attribute “priestly”?

In his “Introduction” into “The Strata of Priestly Writings” Baruch J. Schwartz has shaped two different approaches imagining the formation and development of the “priestly writings” in the Pentateuch:

On the one hand, one might be moved to imagine priests who, with the aim of preserving, recording, expressing, publicizing, promulgating or legitimizing the laws, interests and beliefs of the priesthood, wrote down their traditions. Over time, it would then follow, some of these compositions somehow found their way into the Bible. Such a reconstruction paints an image

¹² Op. cit., 199.

¹³ For an assessment of the “Reichsautorisation”, the limits of its implementation and the state of discussion see Zenger, Erich et al.: *Einleitung in das Alte Testament*, ed. by Christian Frevel, Stuttgart: Kohlhammer 2012, 152–157 (with further literature); Schmid, Konrad: *Persische Reichsautorisation und Tora*, TRu 71 (2006), 494–506; *The Pentateuch as Torah. New Models for Understanding Its Promulgation and Acceptance*, ed. by Gary N. Knoppers/Bernard M. Levinson, Winona Lake, Ind.: Eisenbrauns 2007; *Persia and Torah. The Theory of Imperial Authorization of the Pentateuch*, ed. by James W. Watts, SBLSymS 17, Atlanta: Society of Biblical Literature 2001.

¹⁴ Cf. Achenbach, Reinhard: *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*, BZAR 3, Wiesbaden: Harrassowitz 2003, 443–628.

of “Priestly Writers” as literate priests, trained to think, speak and write in a certain unmistakable style, creating, copying and circulating scrolls containing the teachings of the priesthood – the priestly tales and the priestly *tôrôt*. Some of these, we would then imagine, were eventually gathered together to become components of some of the biblical books. On the other hand, especially in the current climate of biblical studies, one might be persuaded to imagine an entirely different picture: literate priests taking successive turns at reshaping, censoring, expanding and otherwise modifying existing writings which had attained a degree of sanctity. In this conception, the “Priestly Writers” would be those priests who, with the aim of polemicizing and correcting, indoctrinating and controlling, scrutinized the already canonical writings and, with the tools of the scribe, revised and reissued them in their own image.¹⁵

He considers that in both mental images – which may for reasons of clarity be sketched in broad strokes – there is some truth, but that nevertheless both are built on the presumed knowledge that there is textual material which is identifiable as “priestly”.¹⁶

In sum, the processes of finalization and “making of the Pentateuch” which accumulate and concentrate in the book of Numbers are open for discussion. How precisely can we reconstruct antecedent stages of what now presents itself to us as Pentateuch, what modes of literary production are to be presupposed for it, and what value can and should be given to socio-historical evidence within those reconstructions? Recent proposals still lack a cogent model for the processes of “Fortschreibung”, supplementing and commenting already existing laws in Exod–Num, in short the way from formation to interpretation within (“Fortschreibung”, “innerbiblical interpretation”) to interpretation beyond the finalization of the Pentateuch (“midrash”, “rewritten scripture”, “extrabiblical exposition”, etc.). Both processes interfere and overlap in some way, but we do not see clearly how, yet. Hence, concentration on the finalization and completion of the redactional processes that formed the book of Numbers will be at the core of recent Pentateuchal discussions.

Facing this background of discussion in the following introduction I will give a short outline of the present status of research on the book of Numbers with special respect to its (in whatever way) priestly contents (section 2) coming to the conclusion that the search for “Torah in the Book of Numbers” is one of the most crucial aspects of the formation of the Pentateuch (section 3).

¹⁵ Schwartz, Baruch J.: Introduction. The Strata of the Priestly Writings and the Revised Relative Dating of P and H, in: *The Strata of the Priestly Writings. Contemporary Debate and Future Directions*, ed. by Sarah Shectman/Joel S. Baden, ATANT 95, Zürich: Theologischer Verlag 2009, 1–12, 1–2.

¹⁶ Cf. *ibid.*

2. Core Issues in Contemporary Research on Numbers

The present situation in Pentateuchal research sketched above is of utmost importance for research on the book of Numbers and vice versa since most if not all its desiderata lead into the wilderness. This becomes obvious if we trace four different, but by no means separate, developments in recent research. The discussion on Numbers is mainly determined by:

- (1) The challenge of the European consensus in terms of the end of the P narrative in current source-critical scholarship.
- (2) The dissent with regard to the existence and extent of Holiness School material in Numbers taking into account the wider background of different concepts of how H and P materials generally relate in the Pentateuch.
- (3) The challenge of a pre-priestly continuation of the Exodus narrative in the wilderness in some influential parts of present day scholarship.
- (4) The increased interest for the formation of the Torah in the Persian period and its relation to religious, social, and political developments in the Second Temple period.

2.1. *The Challenged European Consensus and the End of P*

Some 20 years ago in an article entitled “Priesterschrift im Deuteronomium”, Lothar Perlitt questioned the substance of P in Deut 34, which had previously been generally accepted.¹⁷ Based on linguistic and textual arguments he challenged any allocation of the Priestly source (P^s) in Deut 34 and suggested tentatively the end of the Priestly source in the Sinai narrative. Many scholars were convinced by his argumentation and the discussion on the P narrative and its relation to legal material in particular was reopened again with reinforced severity. Several proposals were suggested for the end of P in the Sinai narrative,¹⁸ and all positions have special implications regarding the crucial question of the relationship of legal and narrative material in the Priestly source and the composition of P at all: In Lev 16 (Matthias Köckert, Christophe Nihan),¹⁹ Lev

¹⁷ Perlitt, Lothar: *Priesterschrift im Deuteronomium?*, in: *Lebendige Forschung im Alten Testament*, ed. by Otto Kaiser, Berlin/New York: de Gruyter 1988, 65–88. = *Idem: Priesterschrift im Deuteronomium?*, in: *idem, Deuteronomium-Studien, FAT 8*, Tübingen: J.C.B. Mohr 1994, 123–143.

¹⁸ For an overview of positions see Zenger et al., *Einleitung* (8²⁰¹²), 196–203.

¹⁹ Nihan, Christophe: *From Priestly Torah to Pentateuch. A Study in the Composition of the Pentateuch, FAT II 25*, Tübingen: Mohr Siebeck 2007, esp. 340–394; Köckert, Matthias: *Leben in Gottes Gegenwart. Zum Verständnis des Gesetzes in der priesterschriftlichen Literatur, JBTh 4* (1989), 29–61; but with a different emphasis *idem: Das Land in der priesterlichen Komposition des Pentateuch*, in: *Von Gott reden. Beiträge zur Theologie und Exegese des Alten Testaments. Festschrift für Siegfried Wagner zum 65. Geburtstag*, ed. by Dieter Vieweger/Ernst-Joachim Waschke, Neukirchen-Vluyn: Neukirchener Verlag 1995, 147–162.

9:26 (Erich Zenger),²⁰ Exod 40:33b (Thomas Pola),²¹ Exod 40:34 (Reinhard G. Kratz),²² and most drastically Exod 29:46 (Eckart Otto).²³ There were only very few attempts to search for an appropriate ending in the book of Numbers: Num 27:23 (Bernd Janowski),²⁴ and Num 10:9 (Otto Kaiser).²⁵ However, as regards the book of Numbers, these proposals are not followed anymore within the recent discussion. Some scholars defended the standpoint of Julius Wellhausen, i.e., ending the priestly narrative with the death of Moses in Deut 34. They argue that an ending in the Sinai narrative causes shortcomings in the coherence of the structure of P. Furthermore, they identify the lack of an appropriate theory in order to sort the P^g and P^s material in Numbers, whose existence should not be disputed in general (Peter Weimar,²⁶ Ludwig Schmidt,²⁷ Christian Frevel,²⁸ and, for example, within a different framework Erhard Blum²⁹).

²⁰ Zenger, Erich et al.: *Einleitung in das Alte Testament*, Stuttgart et al.: Kohlhammer 1995, 95, as well as in following editions of the study book, e.g. ⁴2001, 150–151; idem: *Art. Priesterschrift*, TRE 27, 1997, 435–446, 438–439.

²¹ Pola, Thomas: *Die ursprüngliche Priesterschrift. Beobachtungen zur Literarkritik und Traditionsgeschichte von P^g*, WMANT 70, Neukirchen-Vluyn: Neukirchener Verlag 1995, esp. 213–349.

²² Kratz, Reinhard G.: *Die Komposition der erzählenden Bücher des Alten Testaments*, Göttingen: Vandenhoeck & Ruprecht 2000, 105–107, 116–117, and 327–329.

²³ Otto, Eckart: *Forschungen zur Priesterschrift*, TRu 62 (1997), 1–50.

²⁴ Some tentative arguments can be found in Janowski, Bernd: *Tempel und Schöpfung. Schöpfungstheologische Aspekte der priesterschriftlichen Heiligtumskonzeption*, in: idem, *Gottes Gegenwart in Israel. Beiträge zur Theologie des Alten Testaments*, Neukirchen-Vluyn: Neukirchener Verlag 1993, 214–246, esp. 224, 231, and 243–244. That the end of P^g can be found in Num 27 is also the position of Jean-Louis Ska (cf. idem: *Introduction to Reading the Pentateuch*, Winona Lake, Ind.: Eisenbrauns 2006, 147–151; and idem: *Le récit sacerdotal. Une „histoire sans fin?“*, in: *The Books of Leviticus and Numbers*, ed. by Thomas Römer, BETL 215, Leuven et al.: Peeters 2008, 631–653).

²⁵ Kaiser, Otto: *Grundriß der Einleitung in die kanonischen und deuterokanonischen Schriften des Alten Testaments. Band 1: Die erzählenden Werke*, Gütersloh: Gütersloher Verlagshaus 1992, 58–59 and 62.

²⁶ Weimar, Peter: *Studien zur Priesterschrift*, FAT 56, Tübingen: Mohr Siebeck 2008, 10–17 and 26–90.

²⁷ Schmidt, Ludwig: *P in Deuteronomium 34*, VT 59 (2009), 475–494; idem: *Die Priesterschrift – kein Ende am Sinai*, ZAW 120 (2008), 481–500; idem: *Studien zur Priesterschrift*, BZAW 214, Berlin/New York: de Gruyter 1993, 207–271, esp. 241–251.

²⁸ Including a detailed survey and critique of the discussion and suggesting Deut 34:8 as the end of P^g, cf. Frevel, Christian: *Mit Blick auf das Land die Schöpfung erinnern. Zum Ende der Priesterschrift*, HBS 23, Freiburg et al.: Herder 2000; see further the related passages in Zenger et al., *Einleitung* (⁸2012), 196–203.

²⁹ Blum, Erhard: *Studien zur Komposition des Pentateuch*, BZAW 189, Berlin/New York: de Gruyter 1990, 227–228 and 287; cf. also his reemphasis of his opinion in idem: *Issues and Problems in the Contemporary Debate Regarding the Priestly Writings*, in: *The Strata of the Priestly Writings. Contemporary Debate and Future Directions*, ed. by Sarah Shectman/Joel S. Baden, ATANT 95, Zürich: Theologischer Verlag 2009, 31–44, 39–41.

Others neither followed Peritt's suggestion, nor the inner differentiation of the P narrative. They assume a Holiness School that added "priestly" material (HS) to the Priestly source to whatever extent. But the book of Numbers causes problems in these alternative models too, because the additional material does not fit comprehensively into the framework of HS either. I will leave this strand of the discussion aside for the moment (see section 2.2). Without going further into detail,³⁰ the challenge of shortening the P narrative by cutting off the priestly material in Numbers, Leviticus, and large parts of Exodus is obvious as regards the unsettled multiplicity of "post-P" redactional layers within the Penta- or Hexateuch.³¹

On the contrary, the reduction of the P narrative and the insistence on a homogenous narrative, be it skeletal as it may, carries forward some prejudices of Christian scholarship of the 19th century. Ideological presumptions in handling the priestly material create severe problems by dividing primary "narrative" from secondary "legal" strands; contrasting "Geschichte und Gesetz" ("history" and "law"); forming at least a Priestly Document with an "unpriestly" character that is completely free from ritual, from specifications of priestly operations, orders of sacrifice, and cultic organization, etc. It is an embarrassing and regrettable fact, that this differentiation was often accompanied by a misrepresentation of priestly theology as rigorist, hierocratic, or nomistic – and thus formed *one* part of common anti-Judaism in Christian theology in the 19th and 20th centuries.³² It keeps us aware that no theory is harmless, even if it has been developed by scholars of highest moral integrity.

³⁰ I have dealt with this problem extensively in my book "Mit Blick auf das Land die Schöpfung erinnern" and most recently in the paper "Und Mose hörte (es), und es war gut in seinen Augen" (Lev 10,20). Zum Verhältnis von Literaturgeschichte, Theologiegeschichte und innerbiblischer Auslegung am Beispiel von Lev 10, in: Gottes Name(n). Zum Gedenken an Erich Zenger, ed. by Ilse Müllner et al., HBS 71, Freiburg et al.: Herder 2012, 104–136, 107–109 and 131–133.

³¹ See Noort, Ed: Bis zur Grenze des Landes. Num 27,12–23 und das Ende der Priesterschrift, in: The Books of Leviticus and Numbers, ed. by Thomas Römer, BETL 215, Leuven et al.: Peeters 2008, 99–119, 104: "je weiter Pg in den Sinaibereich zurückgedrängt wird, desto mehr Bearbeitungsstufen [müssen] postuliert werden".

³² Cf., e.g., Jan Rohls' paraphrase of the Wellhausenian view that the law formed no part of the old Israelite cult, but is linked with the emergence of Judaism: "Die Priesterschrift ist das Produkt des Judentums, und ihre Funktion war es, als Form zu dienen zur Aufbewahrung eines edleren Inhalts, der anders als in einer so engen Schale nicht hätte gerettet werden können". (Rohls, Jan: Protestantische Theologie der Neuzeit. Vol. 1: Die Voraussetzungen und das 19. Jh., Tübingen: Mohr Siebeck 1997, 802). Cf. additionally on Wellhausen Krapf, Thomas: Die Priesterschrift und die vorexilische Zeit. Yehezkel Kaufmanns vernachlässigter Beitrag zur Geschichte der biblischen Religion, OBO 119, Freiburg, Schweiz: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht 2002, 28–29.

The discussion about the “end of the P narrative” at Sinai or beyond, encompassing texts in the book of Numbers, shares the aforementioned problematization of the false contrast of “law” and “history”. On the other hand we cannot escape the fact that the division of the P narrative and the P^s material within the so called Priestly source was one of the main issues in European scholarship concerning P in the 20th century and thus forms an important part of the history of research on P.

The need for a new model regarding the priestly narrative material in Numbers beyond the so called “Strukturgerippe”³³ (i.e., “structural skeleton”) of P^s on the one hand meets the quest for the earliest narrative bridge between the Sinai-episode and the border of the land on the other hand; in short, the earliest existence of a literary post-Sinaitic wilderness account as continuation of the Exodus narrative. At the latest since the existence of Deut 1:1–5 one should expect a narrative bridge between Sinai and Moab, which was in my opinion not created for the very first time in Deut 1.³⁴

If one assumes the closure of the Priestly Document in the Sinai narrative, one has to give an explanation for the growth of the narrative regarding the so-called “priestly” material beyond Sinai, esp. in the book of Numbers (Num 1–

³³ A phrase polemically coined by Helmut Utzschneider (cf. idem: *Das Heiligtum und das Gesetz. Studien zu Bedeutung der sinaitischen Heiligtumstexte* (Ex 25–40; Lev 8–9), OBO 77, Freiburg, Schweiz: Universitätsverlag/Göttingen: Vandenhoeck & Ruprecht 1988, 28), when he refers to the structural observations on P^s by Peter Weimar (cf. idem: *Struktur und Komposition der priesterschriftlichen Geschichtsdarstellung*, BN 23 (1984), 81–134; BN 24 (1984), 138–162, 113). But note that already Karl Elliger characterizes the priestly account from Gen 23 onwards as “nackte[s] Gerippe”, i.e., “bare bones” (idem: *Sinn und Ursprung der priesterlichen Geschichtserzählung*, ZTK 49 (1952), 121–143. = Idem: *Kleine Schriften zum Alten Testament*, TB 32, München: Chr. Kaiser, 1966, 174–198, 177).

³⁴ Deut 1:1–5 does not construct the bridge formulated in Deut 2 by itself because it only mentions the way from Horeb to Qadesh, while the way from Qadesh to Moab remains unmentioned. Detlef Jericke has shown that the location in Deut 1:1 already *presupposes* a statement of place in Moab (cf. idem: *Der Ort des Mose nach Deuteronomium 1:1*, JNSL 34 (2008), 35–57, 40 and 51). Usually Deut 1:1–5 is attributed to a “late” *Fortschreibung* (in several steps: L. Peritt), which is dated post-priestly. The crucial question is whether Deut 1:3 presupposes Num 14:33–34, or the other way round. The answer is not independent from the analysis and dating of Num 13–14; see for instance Eckart Otto: “Das Motiv der vierzigjährigen Wüstenwanderung hat seine narrative Begründung im Tetrateuch postpriesterschriftlich in Num 14:33–34” (idem: *Deuteronomium 1–11. Erster Teilband 1,1–4,43*, HTKAT 8/1, Freiburg et al.: Herder 2012, 307). Furthermore, it is questionable whether the forty years in Deut 1:3 presuppose Num 13–14. Cf. Frevel, Christian: *Understanding the Pentateuch by Structuring the Desert. Numbers 21 as a Compositional Joint*, in: *The Land of Israel in Bible, History and Theology. Studies in Honour of Ed Noort*, ed. by Jacques van Ruiten/J. Cornelis de Vos, VTSup 124, Leiden/Boston: Brill 2009, 111–135. Achenbach, Vollendung, 174–175 n. 3, attributes v. 3 to the Pentateuch-redaction. A different view is held by Seters, John van: *The Life of Moses. The Yahwist As Historian in Exodus–Numbers*, Louisville, Ky.: Westminster Press 1994, 383–404, who chronologically subordinates Num 20–21 to Deut 1–3 and Judg 11.

10; 13–14*; 15; 16–17*; 18; 19; 20; 25:6–18; 26–31; 33–36). These texts were previously, correctly ascribed to different literary levels. Thus the inner differentiation of the priestly strata in the book of Numbers is an open question, too. The scholarly debate has led to various differentiations and different layers of “Fortschreibung”, e.g., in Num 1–10; 16–18; 19; 20; 25; 26; 27–31; 33; 34; 35; and 36. There are various proposals (a–e) in the recent discussion that are more or less dependent on the framing Pentateuch hypothesis. We will comment on them with short remarks beginning with the most traditional, progressing to the most recent proposal with some additional notes:

(a) Linguistic differences between the P texts in Exodus and Numbers led Thomas Pola to the assumption of a new supplement called P^{8e} to which he attributed the materials Num 1–4; 10:11–12; 13–14; and Exod 16*.³⁵ While his analyses were cited often with approval, his proposal was not widely followed by scholars, although the idea of reworking within the separate Priestly source was thought to be highly attractive. One of the obstacles may be the assessment of an addition and its presupposed context.

(b) Attributing the predominant part to P^s – meant as a secondary strand of a yet independent stratum of the P narrative in early post-exilic times – is a variant defended mostly by scholars who adhere to the traditional Graf-Kuenen-Wellhausen source-critical model JEDP in one form or another.³⁶ However the problem of the inner differentiation of P and the sequence of additions is obvious, as Horst Seebass notices: The additions “lassen sich kaum festen Schichten zuordnen, wie etwa P^{s,ss,sss} usw., da eine durchgehende Ergänzungstheorie [...] bisher nicht gelingen will”.³⁷ Convincing criteria to match these priestly additions to literary strands are lacking in Seebass’ view.³⁸ “Man

³⁵ Cf. Pola, *Priesterschrift*, 51–146.

³⁶ See for example the work of Diether Kellermann (idem: *Die Priesterschrift von Numeri 1,1 bis 10,10. Literarkritisch und traditionsgeschichtlich untersucht*, BZAW 120, Berlin: de Gruyter 1970) and the commentaries of Ludwig Schmidt (*Das vierte Buch Mose. Numeri 10,11–36,13*, ATD 7/2, Göttingen: Vandenhoeck & Ruprecht 2004) and Horst Seebass (*Numeri. 3 Vols.*, BKAT 4/1–3, Neukirchen-Vluyn: Neukirchener Verlag 2003–2012), although both mentioned commentaries attribute a large amount of text to layers beyond P^s, too. Cf. exemplarily the recent introduction to the commentary of Seebass, *Numeri*, BKAT 4/1, 3*–30*, who assumes a first post-P^s composition dated in the second half of the 4th century BCE, which was supplemented in several stages. The final form has received canonical additions in Num 7:1–88; 9:1–14; and 31:1–54 from the 1st century BCE up to the 1st century CE.

³⁷ Seebass, *Numeri*, BKAT 4/1, 30*. His own model to assume an original priestly design of the book of Numbers, a later composition, several additions, and finally canonical additions tries to overcome the lack of a convincing source model and has its merits in combining the source critical model with a fragmentary hypothesis. Nevertheless, it must face the suspicion of circularity in those parts where the original design is presupposed to form a literary argument.

³⁸ “[Es gibt] keine einleuchtenden Kriterien für eine spezifische Zuordnung zu einer der P^s-Varianten“ (op. cit., 34*).

muß vielmehr mit einer Fülle von P-Nachträgen [...] rechnen, ohne daß man diese in eine verlässliche zeitliche Folge bringen könnte oder müßte”.³⁹

(c) The priestly material in Numbers was attributed widely to the “Pentateuchredaktor” including the texts of the Holiness School (HS). This proposal implies that there is not any material from a Priestly source to be found in Numbers but all the more redactional material. The priestly texts were a later redactional layer attached to the corpus of the “Hexateuch-Redaktion”, which included pre-priestly material in the book of Numbers. This suggestion was made by Eckart Otto in general but he has not implemented it in the whole book yet by a continuous analysis of the book of Numbers. Nevertheless, Eckart Otto sees many supplements to this stratum of the Pentateuch which he calls “post-P”, “postpentateuchredaktionell” or “postendredaktionell”.⁴⁰

(d) A remarkable variant of the framework of Eckart Otto was developed by Reinhard Achenbach in his seminal work on “Die Vollendung der Tora”.⁴¹ He adopts the two central stages of the “Hexateuch-Redaktion” and the “Pentateuchredaktion” successively in the 5th century BCE, and adds three further redactional layers in the 4th century BCE, which he calls “Theokratische Bearbeitungen” (“theocratic revisions”). To these supplementary reworking phases he

³⁹ Op. cit., 31*–32*.

⁴⁰ In his general model, as he presents it in Otto, Eckart: Art. Pentateuch, RGG⁴ 6, 2003, 1089–1102, these last supplements in Leviticus and Numbers before the “closure” of the Pentateuch are labeled “postredaktionell” (1101). They comprise controversial issues of law and priestly/levitical hierarchy and only Num 27:1–11; Lev 10; and Num 16–18* are given as examples. In several other of Otto’s contributions the label “postredaktionell” seems to be synonymously used with “postpentateuchredaktionell” and “postendredaktionell” and is also applied to a much larger amount of text in Numbers, as well as to supplements in Deuteronomy. See for example the famous collection of papers in idem: Die Tora. Studien zum Pentateuch. gesammelte Aufsätze, BZAR 9, Wiesbaden: Harrassowitz 2009, 461–469, 468; *ibid.*, 515–560, 544 and 558–559; or the monograph idem: Das Deuteronomium im Pentateuch und Hexateuch. Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens, FAT 30, Tübingen: Mohr Siebeck 2000, 94–101, 106, 133–134, 230–233, 242–244, and 262–264. Moreover, these labels serve as a designation for several additions in the context of the Enneateuch in Exodus, Numbers, Joshua, and Judges, esp. in idem: Geschichte der spät-biblischen und frühjüdischen Schriftgelehrsamkeit, in: idem, Altorientalische und biblische Rechtsgeschichte. Gesammelte Studien, BZAR 8, Wiesbaden: Harrassowitz 2008, 564–602, 582 and 597. Otto’s terminology was often criticized; e.g., Rüterswörden, Udo: Rez. R. Achenbach/M. Arneith/E. Otto, Tora in der Hebräischen Bibel. Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformationen, BZAR 7, Wiesbaden: Harrassowitz 2007, TLZ 134 (2009), 160–162, 162, speaks of Otto’s “charakteristischen, aber nicht unbedingt logischen Terminus”; Frevel, Verhältnis, 108: “*contradictio in adjecto*”; Schmid, Konrad: Der Pentateuchredaktor. Beobachtungen zum theologischen Profil des Toraschlusses in Dtn 34, in: Les dernières rédactions du Pentateuque, de l’Hexateuque et de l’Ennéateuque, ed. by Thomas Römer/Konrad Schmid, BETL 203, Leuven et al.: Peeters 2007, 183–197, 184: “ohne forschungsgeschichtliches Rückraumwissen ist diese Redeweise kaum verständlich”.

⁴¹ Achenbach, Vollendung.

attributes much of the priestly legal material in the book of Numbers, which is partly older than the redactional layers in traditional respect. While this model has considerable advantages in differentiating the “late” bulk of texts in the book of Numbers, it has been criticized regarding the criteria that allow the differentiation of the three stages of additional reworking.⁴² Within the recent discussion, the model of Achenbach was generally lauded as progress, but it was questioned likewise whether it addresses the variety and diversity of the material in the book of Numbers properly.

(e) This holds also true for the model of redactional growth in Numbers by Rainer Albertz, which relates to the inner-differentiation of P texts as well. In a sophisticated paper he recently shaped a model for the redactional growth of Num 20–24 from which he explores the redactional history of the whole book.⁴³ Generally, his Pentateuchal model sticks to Erhard Blum’s bipartite KD and KP composition, but develops this further by combining it (a) with Achenbach’s hypothesis on the diachronic differentiation of the late priestly texts within the Hexateuchal and Pentateuchal contexts, and (b) with Thomas Römers suggestion of the book of Numbers as bridge between (Gen–)Exod–Lev and Deut. He assumes five stages of priestly working and reworking. All of the so-called priestly texts in Numbers are later than P¹⁴⁴/KP/P⁸ and P²/HS in Exodus and Leviticus, while the bulk of texts, especially Num 25–36, is ascribed to one or two very late and almost end-compositional priestly strata P⁴ or P⁴ and P⁵. These latest strata were meant to replace the deuteronomistic conception of the book of Joshua and foster a Pentateuch against the former Hexateuch; they are also called “spätpriesterliche Pentateuchredaktionen”.⁴⁵ Though the analysis of Num 25–36 is still to be continued in detail,⁴⁶ his proposition embraces the evolution of the Pentateuch and its relation to the Hexateuch and the Enneateuch by integrating former publications on the exodus narrative, on the late D-composition, and on the links between the books of Numbers and Joshua.⁴⁷ For the

⁴² Cf. Frevel, Christian: *Rez. Achenbach, Vollendung*, OLZ 100 (2005), 278–285.

⁴³ Albertz, Rainer: *Das Buch Numeri jenseits der Quellentheorie. Eine Redaktionsgeschichte von Num 20–24 (Teil I und II)*, ZAW 123 (2011), 171–183 and 336–347.

⁴⁴ Albertz uses also the sigla PB¹⁻⁵ for “priesterliche Bearbeitungsschicht”.

⁴⁵ See Albertz, Rainer: *Exodus 1–18*, ZBK.AT 2.1, Zürich: Theologischer Verlag 2012, 25.

⁴⁶ As is conceded by Albertz himself several times. Cf. his comments in *idem*: *Ex 33,7–11, ein Schlüsseltext für die Redaktionsgeschichte des Pentateuch*, BN NF 149 (2011), 13–43, 38 n. 94; *idem*, *Buch Numeri*, 345–346; *idem*, *Exodus 1–18*, 25.

⁴⁷ Albertz, Rainer: *The Late Exilic Book of Exodus (Exodus 1–34*)*. A Contribution to the Pentateuchal Discussion, in: *The Pentateuch. International Perspectives on Current Research*, ed. by Thomas B. Dozeman et al., FAT 78, Tübingen: Mohr Siebeck 2011, 243–256; *idem*, *Ex 33,7–11*; *idem*: *The Canonical Alignment of the Book of Joshua*, in: *Judah and the Judeans in the Fourth Century B.C.E.*, ed. by Oded Lipschits et al., Winona Lake, Ind.: Eisenbrauns 2007, 287–303; *idem*: *The Controversy about Judean versus Israelite Identity and Persian Government: A New Interpretation of the Bagoses Story*, in: *Judah and the Judeans in the Achaemenid*

earlier literary stages dated around the exilic times he builds upon single corpora like an exodus narrative,⁴⁸ the patriarchal narratives, the primeval history, and a core of the book of Deuteronomy. These texts formed the background of a P-composition (P¹), which was later extended by the Holiness School (P²), and a DtrG. They were followed by a post-priestly D-composition which then is mostly congruous with Blum's KD in the adjusted form without the Sihon-Og, the Balaam, and the Dathan and Abiram narratives. It is within this D-composition in the middle of the 5th century BCE that the earliest parts of the book of Numbers⁴⁹ came into being for the first time, when there was a need to bridge the narrative to Deuteronomy. By considering the narrative bridging function between the Triateuch and Deuteronomy as crucial, he sees himself in line with the idea of Thomas Römer and Christophe Nihan (see below). The further growth of Numbers in his model is significantly contingent on several alternating priestly and non-priestly redactions. The P³-composition added Num 13–14*; 16–18*; 20:1–13, 22–29; 22:1. HexR: 20:14b–21; 21:21–32, 33–35; 22:2–24:19, 25; [...] Josh 24. PentR=P⁴ and P⁵: Num 25–36; [...] Deut 34, succeeded by a final redactor in the early 4th century BCE.

The proposal of Rainer Albertz has its merits in combining some of the most influential assumptions in modern research and it is too complex to deal with it here in detail. Beyond the presupposed literary decisions,⁵⁰ one wonders whether it is a convincing model at all. This touches for instance on the priestly stratum as a redactional layer or the theory of the ephemeral Hexateuch, which I have discussed elsewhere. Let me indicate here just two other general aspects: On the one hand one wonders whether the combination of different theoretical assumptions (KD, KP, DtrG, Pentateuch-redaction, Hexateuch-redaction, Triateuch, etc.) leads to *one* model of “making” the Pentateuch or whether these assumptions remain conflicting aspects of models. In terms of the book of Numbers one may question the (in some way bold) redactional homogeneity of Num 25–36. Not only does the delimitation of this passage remain doubtful in a compositional respect, but so does the attribution of Num 25 (in its entirety with vv. 1–5 as an earlier tradition integrated in the P-strand [sic!]) to the same layer as Num 26, which is linked clearly to the composition of the book of Numbers. The same is true for Num 27 and Num 31, or Num 32 and Num 33, which are each distinct and may not easily be attributed to the same redactional layer. Can the Eleazar-Phinehas thread in Num 25; 27; and 31 actually be seen

Period. *Negotiating Identity in an International Context*, ed. by Oded Lipschits et al., Winona Lake, Ind.: Eisenbrauns 2011, 483–504.

⁴⁸ See his most recent Exodus commentary Albertz, *Exodus 1–18*, 19–21.

⁴⁹ In his view the late deuteronomistic layer is restricted to Num 10:29–36; 11:14–17, 24b–30; 12:1–10; 13–14*; 21:1–3, and 4–20*, cf. Albertz, *Numeri*, 336–337.

⁵⁰ For instance the unity of Num 20:1–13 and its problematic affiliation with Num 20:14–21 (Albertz, *Numeri*, 177), which is possible but by no means compelling.

in the same line as the great priest or high priest in Num 35? Thus it seems more plausible to foster redactional differentiation beyond the twofold P⁴, P⁵ level of Rainer Albertz.

Of course we could continue to address recent positions in the Pentateuch discussion and their solutions for the so-called priestly texts in the book of Numbers. The situation becomes all the more complex if we take the Leviticus material into account as well, not least because the so called Holiness School for some scholars following Israel Knohl has left positive marks in the redactional reworking of the book of Numbers (see below). Hence, more attention should also be paid to the connections between Leviticus and Numbers.

In compositional respect the organization of the narratives in Exodus and Numbers should be taken into account, too. As often was noted, there is a certain correspondence between the wilderness narratives before and after Sinai. For instance there are particular post-priestly relations between Exod 16 and Num 11; Exod 17 and Num 20:1–13, or Exod 19 and Num 11. Apart from redactional repercussions, the book of Leviticus moves into the center of the Torah. This implies in some way “priestly” interest in the compilation of the Torah⁵¹ which should be considered in the model building process referred to above, too.

However, the handling of the priestly parts of the book of Numbers in recent research has become much more eclectic and multi-layered by bringing in various contexts, presupposition, backgrounds, leading hypotheses, etc. The redactional hypothesis of a multi-layered “Fortschreibung” within the priestly material is in danger of degenerating to a black box without clear contours.⁵² The present situation is highly dependent on Pentateuchal theories and far from a consensus in recent discussions. If one takes roughly Num 1–10; 13–14*; 15; 16–17*; 18; 19; 20; 25:6–18; 26–31; 33; and 34–36 as belonging to “the priestly material”, the evidence is more complex on a literary level than attributing it to one or two different literary strands. The majority of scholars recently agreed that a differentiated redactional process beyond the so called “Pentateuchredaktor” can be identified, which led at the end to the formation of the book in its final form. Was there a final redactional stage of an “Endredaktion” or not, and if so, were there textual additions or redactional supplements beyond this compositional literary stratum? There is no consensus on how the priestly strata in the book of Numbers relate to each other and not at all on how this redactional process relates to the formation process of the Torah in general. Facing the literary complexity of the texts in the book of Numbers, there should

⁵¹ See Zenger, Erich/Frevel, Christian: Die Bücher Levitikus und Numeri als Teile der Pentateuchkomposition, in: *The Books of Leviticus and Numbers*, ed. by Thomas Römer, BETL 215, Leuven et al.: Peeters 2008, 35–74; Zenger et al., *Einleitung* (⁸2012), 79–80.

⁵² For the term ‘black box’ see Blum, *Issues*, 33.

be a cautious reluctance against redactional models that are too simple and linear, be it as Fortschreibung *en bloc* or in only a few great chunks of redactional backfilling of the gap between Sinai and the land. We may add that even beyond this trail of discussion the situation remains diverse. However, this is not a phenomenon of (post-)modern depravation, but rather characteristic if not essential in the Pentateuch/Hexateuch historical-critical research from its beginning.

2.2. *The Dissent Regarding the Existence and Extent of Holiness School Material in Numbers*

As was developed above, the apocopation of the narrative of the Priestly source to the Sinai narrative in Exodus or Leviticus produces severe problems in reconstructing the literary process that had formed the narrative between Sinai and the land in the book of Numbers. The material in Numbers is diverse, often related to the former narrative and law, but likewise idiosyncratic. Current models of explanation differ in attributing parts of the material in Numbers to overarching redactional layers that extend this book, comprising either Leviticus and Numbers, Exodus–Leviticus–Numbers, or the Tetra-, Penta-, Hexa-, or Enneateuch. One hotspot of discussion is the intervention of the so called Holiness School in Numbers. While the special role of the Holiness Code in Lev 17–26 is relatively undisputed, the affiliation of material related explicitly to the Holiness Code outside is disputed.

Thus, defining and confining the amount of text attributed to the Holiness School, esp. regarding the book of Numbers, differs in particular between scholars.⁵³ Nor is there a consensus whether H and HS are just additional redactional layers of “Fortschreibung” outgoing from the implementation of the Holiness Code or whether H and HS intend to correct and contrast explicitly the foregoing priestly texts.

Israel Knohl has gone furthest. He sees the Holiness School represented in almost the entire Pentateuch and ultimately responsible for the final composition of the Pentateuch.⁵⁴ Following the general assumption of Israel Knohl that

⁵³ Against Knohl, cf., e.g., Achenbach, Reinhard: *Das Heiligkeitsgesetz und die Sakralen Ordnungen des Numeribuches im Horizont der Pentateuchredaktion*; and Nihan, Christophe: *Israel’s Festival Calendars in Lev 23 and Num 28–29 and the Formation of “Priestly” Literature*, both in: *The Books of Leviticus and Numbers*, ed. by Thomas Römer, BETL 215, Leuven et al.: Peeters 2008, 145–175 and 177–231; idem: *The Holiness Code between D and P. Some Comments on the Function and Significance of Leviticus 17–26 in the Composition of the Torah*, in: *Das Deuteronomium zwischen Pentateuch und deuteronomistischem Geschichtswerk*, ed. by Eckart Otto/Reinhard Achenbach, FRLANT 206, Göttingen: Vandenhoeck & Ruprecht 2004, 81–122, 120–122.

⁵⁴ See Knohl, Israel: *The Sanctuary of Silence. The Priestly Torah and the Holiness School*, Minneapolis: Fortress Press 1995, 101–106; idem: *Who Edited the Pentateuch?*, in: *The Pentateuch. International Perspectives on Current Research*, ed. by Thomas B. Dozeman et al., FAT

H follows P and that the Holiness School has integrated or added not only the “Holiness Code” Lev 17–26 to the priestly texts but – in the case of Knohl – much of the legal material in the book of Numbers⁵⁵ – the literary growth of the book of Numbers beyond the non-priestly material becomes complicated and in fact disputed. The methodological problem, that the Holiness School becomes more vague the more redactional material is attributed to it (which was already outlined for the so called “Pentateuchredaktor” above), is clearly addressed by Baruch J. Schwartz:

If all redactional activity is automatically attributed to HS, the catalogue of features associated with HS will soon come to include a number of those having no connection with H whatsoever and whose only qualification for inclusion among the literary features of the Holiness School is that they appear in redactional passages in the Pentateuch [...].⁵⁶

It is also emphasized by Christophe Nihan who states that “H’s phraseology is significantly more diffuse in this book [scil. the book of Numbers] than in Exodus and Leviticus”.⁵⁷ In contrast to Israel Knohl he argues explicitly against significant redactional traces of H in the book of Numbers. “Indeed, the so-called ‘Priestly’ legislation in Numbers is hardly comparable to the few limited HS interpolations detected elsewhere in Exodus and Leviticus”.⁵⁸ Comparing language and conception, one may argue in favour of H regarding the second Passover in Num 9:13–14 (cf. Exod 12:48–49), in Num 15 (cf. esp. v. 40), and perhaps also Num 35:33–34. But if one accepts a clear dependence in terminology to the Holiness Code and the holiness-Sabbath-conception, then a redactional layer of H in Numbers is not a convincing solution for the material in Numbers. Methodologically one should restrict the siglum HS (Holiness School) to those texts which are clearly dependent on the Holiness Code.

Furthermore, the presuppositions of each redactional approach either to H or to P^s entail far reaching consequences. Joel S. Baden for instance states boldly:

[...] few scholars today would deny that, for example P is in fact at least two layers, P and H (which stands for Holiness Codes: the laws in Lev 17–26, and perhaps some further material in Exodus and Numbers). [...] Yet insofar as these layers are seen as the literary prehistory of a single source, the Documentary hypothesis itself is largely unconcerned with them.⁵⁹

78, Tübingen: Mohr Siebeck 2011, 359–367. For a detailed and fundamental critique on Knohl’s methodology see Blum, *Issues*, 34–39, and Nihan, *Torah*, 571–572.

⁵⁵ Cf. Knohl, *Sanctuary*, 71–106.

⁵⁶ Schwartz, *Introduction*, 9.

⁵⁷ Nihan, *Torah*, 571.

⁵⁸ Nihan, *Torah*, 571–72.

⁵⁹ Baden, *Composition*, 32.

The embedding of H and the successive H-Fortschreibungen exclusively within a *separate* Priestly Document is assumed by Jeffrey Stackert as well: “The Holiness authors betray a *pre-redactional* literary approach”.⁶⁰ This is accompanied by the far reaching assumption of Baden that neither P nor H relate on the non-priestly material: “Nowhere does H or any other purportedly secondary priestly redaction supplement, revise or interact in any discernible way with the nonpriestly text.”⁶¹ This statement begins to waver with regard to priestly material in Numbers, for instance in Num 20:1–13*; 25:6–18*; 26:9; 31:18; 33:40, 51–53, etc., which is by no means totally independent of the non-priestly material.⁶² Furthermore, that this assumption is axiomatic is in my view deniable in terms of juridical hermeneutics of the Holiness Code (which is much more interpretative revision than replacement⁶³). Nevertheless, this holds more or less true for the HS material outside of the Holiness Code. But also within this material, one has to “call to mind the observation of Knohl that some of his ‘Holiness texts’ show dependence on the pre-priestly material”.⁶⁴

In sum, the situation in Numbers is much more complex than merely restricting the priestly material to internality within the broader context of the Priestly source. Priestly and non-priestly material in the book of Numbers is often intertwined, both parts have strong relations not only to the book of Exodus, but to Joshua as well, and the understanding of Torah tends to completion by interpretation (see below).

2.3. *Interlocking Post-priestly Traditions in the Book of Numbers in a Hexateuchal Horizon*

One set of problems which has not been mentioned so far is the strong relatedness of the latter part of Numbers Num 25:19–36:13 (or better Num 27–36) to the book of Joshua and the distribution of the land in Josh 13–21.⁶⁵ Within traditional Pentateuchal models there is no place for this literary reference. Alt-

⁶⁰ Stackert, Jeffrey: The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement, in: *The Strata of the Priestly Writings. Contemporary Debate and Future Directions*, ed. by Sarah Shectman/Joel S. Baden, ATANT 95, Zürich: Theologischer Verlag 2009, 187–204, 188.

⁶¹ Baden, *Composition*, 187.

⁶² Cf., e.g., Knoppers, Gary N.: Establishing the Rule of Law? The Composition Num 33,50–56 and the Relationships among the Pentateuch, the Hexateuch, and the Deuteronomistic History, in: *Das Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk*, ed. by Eckart Otto/Reinhard Achenbach, FRLANT 206, Göttingen: Vandenhoeck & Ruprecht 2004, 135–152.

⁶³ See for this the argument of Nihan, *Torah*, 545–559, in contrast to Jeffrey Stackert.

⁶⁴ Blum, *Issues*, 42.

⁶⁵ Cf. Zenger/Frevel, *Bücher*, 49–53 and 68–70.

though the existence of a post-priestly Hexateuch is sometimes disputed or marginalized as a temporal solution, the book of Numbers provides a strong impetus to discuss the development of the Pentateuch-Hexateuch question anew.⁶⁶

The very late Hexateuchal perspective was a problem already for Martin Noth⁶⁷ and has been discussed with recent proposals towards the “canonical alignment” of the book of Joshua by Rainer Albertz,⁶⁸ an extension of the “theocratic redaction” by Reinhard Achenbach⁶⁹ or a late post-P Hexateuchal “Fortschreibung” by myself.⁷⁰ If some of the texts in Numbers are attributed to the Holiness School, one has to ask whether this “Holiness School” can be identified as or equated with the Pentateuch-redactor. Most scholars will apparently answer this suggestion of Israel Knohl with “no” because the framing compositional function comprises only a few texts (Num 5:1–4, 5–8; 35:9–34; 27:12–14)⁷¹ and it remains vague to identify these passages with a final editing of the Pentateuch.

2.4. *Interim Conclusion: A Least Common Denominator Proposed*

Thus, disagreement is one certain fact that meets overall consensus in Pentateuchal research. However, some general consensual points may be addressed cautiously: (a) There *is* in fact priestly *narrative* material in Numbers in Num 10*; 13–14*; 16–17*; 20*; 27*; etc. that has linguistic and conceptual peculiarities if it is read against the background of a Priestly source in Exodus, but that is related to the plot of the Sinai narrative or at least sorted into the wilderness on the other hand. It is often related to non-priestly strata or non-priestly material (e.g., in Num 13–14; 16–17). To discuss the literary character of this material and the conclusions which may be drawn from textual observations therein remains an unfinished task. Moreover, it is of renewed importance with regard to the fact that the character and coherence of priestly writings can be

⁶⁶ See the contribution of Olivier Artus on Num 32 and the two and a half lost tribes in this volume and Frevel, Christian: *Die Wiederkehr der Hexateuchperspektive*, in: *Das deuteronomistische Geschichtswerk*, ed. by Hermann-Josef Stipp, ÖBS 39, Frankfurt et al.: Peter Lang 2011, 13–53.

⁶⁷ Cf. his remarks on the function of Deut 1–3, on the supplemental character of Num 25:6–27:11 and on a post-DtrGW date of Num 32–35* later than Josh 13–21* in Noth, Martin: *Überlieferungsgeschichtliche Studien. Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament*, Tübingen: Niemeyer 1973, 45–47 and 184–214; and my discussion of the shortcomings of his argumentation in: Frevel, *Wiederkehr*, 17–22 and 25.

⁶⁸ Albertz, *Alignment*.

⁶⁹ Achenbach, Reinhard: *Der Pentateuch, seine Theokratischen Bearbeitungen und Josua–2 Könige*, in: *Les dernières rédactions du Pentateuque, de l’Hexateuque et de l’Ennéateuque*, ed. by Thomas Römer/Konrad Schmid, BETL 203, Leuven et al.: Peeters 2007, 225–253, esp. 234–239.

⁷⁰ Cf. Frevel, *Wiederkehr*, 17–25 and 31–45; Frevel, *Joint*, 124–134.

⁷¹ Cf. Knohl, *Pentateuch*, 363–365, see further Knohl, *Israel: The Guilt Offering Law of the Holiness School* (Num. V 5–8), VT 54 (2004), 516–524, 518–519.

seen as a core issue of the question, “is the documentary hypothesis or a model based on source criticism to be abandoned or not”: In addition to the dissent concerning the existence of J and E documents, the well-known and yet never consensually solved dispute whether P^(e) (the so-called “Priestly source”) has to be considered as a source or a redaction arises anew. (b) Furthermore, there is much more priestly material in the book of Numbers, especially legal material related to other material in Exodus and Leviticus, which often has some idiosyncrasies, too. Yet, it is nevertheless part of the priestly legislation and its gradual growth.⁷² (c) A third point of consensus pertains to the shortcomings of the diachronic distinction between narrative and legislative portions in the book of Numbers. Num 27 and 36 are narrative and supplementary legal justification,⁷³ and Num 16–18 has to be seen as entanglement of “Geschichte” and “Gesetz” as well.⁷⁴

2.5. The Challenge of a Pre-Priestly Continuation of the Exodus Narrative in the Wilderness

Let me briefly address the second development in Pentateuchal studies regarding the book of Numbers that has a certain impact on the aforementioned issue of the priestly texts: The challenge of a pre-priestly continuation of the Exodus narrative in the wilderness in some influential parts of current scholarship. The “Forschungsgeschichte” in this regard is well documented in the discussion of the Graf-Kuenen-Wellhausen-model and its critics,⁷⁵ so I may restrict myself to mentioning only the so-called “Farewell to the Yahwist”, which was fostered by a book edited by Jan C. Gertz, Konrad Schmid, and Markus Witte. This book – respectively, these books, because a different anthology with the same title was edited by Thomas B. Dozeman and Konrad Schmid in 2006 documenting the SBL Pentateuch Seminar⁷⁶ – was much more a provocative hallmark of

⁷² Treated exemplarily by the contributions of Christophe Nihan, Eckart Otto, and Reinhard Achenbach in this volume.

⁷³ See below.

⁷⁴ For priestly scribal techniques in this regard, see Reinhard Achenbach’s article on Num 15 in this volume.

⁷⁵ See exemplarily the Zurich-volume *The Pentateuch – International Perspectives on Current Research*, ed. by T. Dozeman/ K. Schmid/ B. Schwartz. Concentrated on the book of Numbers cf. Römer, Thomas: *Das Buch Numeri und das Ende des Jahwisten. Anfragen zur ‘Quellenscheidung’ im vierten Buch des Pentateuch*, in: *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion*, ed. by Jan C. Gertz/Konrad Schmid, BZAW 315, Berlin/New York: de Gruyter 2002, 215–231.

⁷⁶ *Abschied vom Jahwisten. Die Komposition des Hexateuch in der jüngsten Diskussion*, ed. by Jan C. Gertz et al., BZAW 315, Berlin/New York: de Gruyter 2002; *A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation*, ed. by Thomas B. Dozeman/Konrad Schmid, SBLSymS 34, Atlanta: Society of Biblical Literature 2006; note the remarkable difference: the English title was followed by a question mark!

some recent trends in the discussion than a beacon of the end of redaction criticism following the source-critical tradition. Nevertheless, it has had a profound impact on the discussion in recent years. Three articles in the German edition focused on Numbers, which underlined the crucial role of this book in recent debate on the textual dimension of the pre-priestly narrative in the Pentateuch. In the English volume Konrad Schmid wrote:

The Yahwist (J) has also come under controversial discussion as well in the recent years. Which texts should be assigned to J? [...]Where is its literary end? [...]It becomes more and more clear that J as a coherent *redactional work* can only be detected in the book of Genesis. The J hypothesis was developed from the texts in the book of Genesis, and it never really fit the other books of the Pentateuch. Martin Noth, for example, wrote at the outset of his commentary on Numbers: “If we were to take the book of Numbers on its own, then we would think not so much of ‘continuous sources’ [...]”⁷⁷ Limiting J to the book of Genesis means at the same time that one leaves the usual definition of J behind, in which J was understood to be the main ordering thread of the pre-Priestly Tetrateuch. A Yahwistic work that is limited only to the book of Genesis no longer matches the fundamental criteria of this hypothesis. Therefore, it seems appropriate to argue for a “farewell to J”. For some this might sound radical, but it is a scholarly fact that this perception is gaining more and more acceptance at least in the European context.⁷⁸

Whether this appraisal was premature or not has been discussed recently. The situation is complex: A considerable number of scholars have abandoned the Yahwist already, but there are still a considerable number of scholars who question the cogency of the alternative, that the priestly account is the only remaining *document* in the Pentateuch; there are some who still adhere to the Yahwist in one or the other variation; some who question that along with the farewell of the Yahwist the pre-priestly account reaching from Genesis to Numbers has become implausible; and finally for some the situation is even worse, because P as the remaining source was not likewise abandoned.

In the German anthology “Abschied vom Jahwisten” only Thomas Römer presents an alternative view of the growth of the book of Numbers beyond the hypothesis of a documentary Yahwist, and this may demonstrate the far reaching consequences of a farewell: In his roughly outlined view, the first Pentateuch was a “Tritoteuch”, that is, the collection of traditions in Gen–Lev that were edited (as Noth’s former Tetrateuch) under the auspices of priestly tradents.⁷⁹ The deuteronomistic history existed separately and the book of

⁷⁷ Noth, Martin: Numbers: A Commentary, Old Testament Library, Philadelphia, Penn.: Westminster Press 1968, 4.

⁷⁸ Schmid, Konrad: The So-Called Yahwist and the Literary Gap between Genesis and Exodus, in: A Farewell to the Yahwist? The Composition of the Pentateuch in Recent European Interpretation, ed. by Thomas B. Dozeman/Konrad Schmid, SBLSymS 34, Atlanta: Society of Biblical Literature 2006, 29–50, 31 (italics mine).

⁷⁹ Cf. Römer, Numeri. From this follows that the end of P is supposed to be in Lev 9 or, more likely, following Christophe Nihan in Lev 16; the Holiness Code would then be a later unit.

Numbers was formed within a postexilic process aimed at finding a compromise between priestly and deuteronomistic circles in Persian times:

Der erste “Pentateuch” war ein Tritoteuch, d.h. die Zusammenstellung der Traditionen in Gen-Lev unter priesterlicher Federführung. Unabhängig davon gab es ein von Dtn-Kön reichendes “Deuteronomistisches Geschichtswerk”. Im Rahmen der Bemühungen um ein breit akzeptierbares Gründungsdokument des in der Perserzeit entstehenden Judentums kam es zu einem Kompromiss zwischen priesterlichen und deuteronomistisch-laizistischen Kreisen. Dabei steuerten die Deuteronomisten hauptsächlich das Deuteronomium und deren priesterliche Kollegen ihren von der Gründung der Welt bis zur Gründung des Heiligtums reichenden Bericht (Gen-Lev) bei. Bei dieser Zusammenfügung wurde das Buch Numeri zu einer Art Brücke zwischen Tetrateuch und dem vom DtrG abgetrennten Dtn. Das bedeutet, dass Numeri als das letzte Buch der Torah entstanden ist.⁸⁰

The book of Numbers was created, resp. composed, to bridge the gap between Tritoteuch and Deuteronomy – Römer calls it “un livre-pont”, a “book bridge”.⁸¹ Within this process additions and actualizations were integrated and other texts, such as Num 16–17; 25 and 32, were composed as mediation between priestly and deuteronomistic traditions. The whole book from יהוה ידבר אלה המצות והמשפטים אשר צוה יהוה ביד-משה אל-בני סני אל-משה במדבר סני in Num 1:1 to ישראל מערבות מואב על ירדן ירהו in Num 36:13 is regarded as a post priestly addition or supplement. This appears to “cut the Gordian knot”, but it ultimately causes several problems. One may wonder, for instance, whether Num 1–10 can be simply addressed as a marginal addition to the consecration of the sanctuary in Exod 40;⁸² or whether Num 16–17 search for a *mediation* of positions between dtr and priestly circles; why the obviously earlier Balaam narrative was inserted and Balaam killed at the same time;⁸³ why the non-priestly parts of the spy story in Num 13–14, which should be reckoned as dependent on Deut 1 in Römer’s view, were different from this deuteronomistic account; etc. If the non-priestly narratives and their integration are not considered as belonging to one single literary level the question arises whether there were several redactions that aimed at a literary compromise. And if so, what is the relationship to the process of priestly growth in the book of Numbers? Is the book of Numbers really held together by the idea of compromise?

However, I have not only mentioned the statement of Thomas Römer to criticize his view but rather to demonstrate the role of the book of Numbers within the discussion on the farewell to the Yahwist and to illustrate the difference, for

⁸⁰ Op. cit., 222–223.

⁸¹ Römer, Thomas: De la périphérie au centre: Les livres du Lévitique et des Nombres dans le débat actuel sur le Pentateuque, in: The Books of Leviticus and Numbers, ed. by idem, BETL 215, Leuven et al.: Peeters 2008, 3–34, 22.

⁸² Cf. Zenger/Frevel, Bücher, 61–68.

⁸³ Cf. Frevel, Christian: Are There Any Reasons Why Balaam Has to Die? Prophecy, Pseudo-Prophecy and Sorcery in the Book of Numbers, in: Torah in Psalms and Prophecy, ed. by Dirk J. Human/Eckart Otto/Jurie LeRoux, LHBOTS 562, London, forthcoming.

instance, between Joel S. Baden and Baruch Schwartz on the one hand and Thomas Römer and Eckart Otto on the other.

My short comments on the debate should also have demonstrated that there is not only strong interrelatedness between the questions of priestly and non-priestly material in Numbers, redaction criticism, and Pentateuchal models, but also between questions of composition and literary growth as well. Let us turn now to the question of Torah in the book of Numbers.

2.6. Increased Interest in the Social-historical Context of the Formation of the Torah in the Persian Period

The final form of the book of Numbers is a compositional unit that has been observed too faintly due to the devastating, but uninformed, judgement of Martin Noth in his commentary, who considered the structure of the book as “reichlich undurchsichtig” (abundantly opaque, amply obscure), which was interpreted a bit more cautiously in the English edition: “From the point of view of its content, the book lacks unity, and it is difficult to see any pattern in its construction”.⁸⁴ The structure and content of the book are of course undervalued in European critical research. The first steps towards renewed interest and estimation are documented in the Leuven volume edited by Thomas Römer “The Books of Leviticus and Numbers”.⁸⁵ However, the date of the final form has to be reconsidered against the background of social and political history as well. If we do not employ the theory of “Reichsautorisation” for the implementation of Torah, we have various clues in the book of Numbers that hint at a concrete social background in post-exilic times. These are connected, for example, with questions of land ownership, land law, and inheritance laws, or with the organization of priesthood, its hierarchy, and succession. The role of Aaron, Eleazar, and Phinehas is crucial (Num 17; 18; 25; 31) as regards the leadership of the congregation on the one hand. The role of Moses is minimized on the other hand, but his authority as law-giver is strengthened in some passages that complement and interpret the legal system (Num 15; 27; 36). Thus, the law is becoming “Torah”; a “Regelungsinstanz” (“instance of control”) in the book of Numbers.

Let me thus turn to the issue “Torah” in the book of Numbers, which can be addressed on different levels. The easiest perspective is the lexemic occurrence of the term תורה which is attested ten times in the book of Numbers (Num 5:29, 30; 6:13, 21[twice]; 15:16, 29; 19:2, 14; 31:21). The first instances continue the use of תורה in the book of Leviticus. As in Lev 6:2, 7, 18; 7:1, 11; 11:46; 12:7; 13:59; 14:2, 32, 54, 57; and 15:32, תורה is used in combination with the demonstrative pronoun זאת in Num 5:29, introducing the concluding sentence of the

⁸⁴ Noth, Martin: *Das vierte Buch Mose. Numeri, ATD 7*, Göttingen: Vandenhoeck & Ruprecht 1966, 5; idem, *Numbers*, 1.

⁸⁵ BETL 215, Leuven et al.: Peeters 2008.

jealousy ordeal (זאת תורת הקנאות) in Num 5:11–31, and in Num 6:21 to close the law of the Nazirites (זאת תורת הנזיר) in Num 6:1–21. The same זאת תורת הנזיר is used in Num 6:13 as an introductory formula. Comparable is Num 19:14 where תורה introduces a subset of the law of handling death and contact with corpses. These passages together with Num 5:30 and 6:21 use תורה in the sense of “(single) instruction”. In the collective sense of “law” or “instructions”, the term is used in Num 15:16 and 29 where – as in Exod 12:49 regarding the Pesach (cf. the slightly different terminology in Lev 19:34; 24:22; and Num 9:14) – it is stated that the same law (תורה אחת) applies to the resident (אזרח) and the stranger (גר). This equalization follows the treatment of resident aliens in the Holiness Code.⁸⁶ In these instances תורה becomes a generalized term that may be applied to the single law prescribed in that context or moreover to “any” law, that is “Torah”. Then the direction of impact is the uniqueness and singleness of the Torah, which has meaning and impact for the whole world (cf. Deut 4:8; Mic 4:2; Isa 42:21).⁸⁷ Because of the fact that the foreigner has to oblige to some, but not all, laws of the Torah, he may be integrated under one and the same law.⁸⁸

Num 19:2 and Num 31:21 finally attest the sophisticated formula זאת חקת התורה “this is the statute of the law”, which is almost unique in the Pentateuch. חקת in the construct state sg. (!) is not combined with another legal term anywhere else.⁸⁹ The only other determined noun that is combined in a construct chain with חקת is הפסח in Exod 12:43; Num 9:12 and 9:14; all other 22 instances have חקת עולם.⁹⁰ In light of the frequency of חקת עולם, which underlines the stability and invariability of the law given by Moses, the two instances of חקת התורה gain a particular emphasis. As the חקת is invariable and constant, the חקת of Num 19:2 (the ordinance of handling the red heifer) and Num 31:21 (the law of the ban in war contexts) is an invariable part of the Torah. Here, *tôrâh* is already oscillating between the whole law of Moses as a self-referential term

⁸⁶ See Achenbach, Reinhard: *gêr – nâkhrî – tôshav – zâr. Legal and Sacral Distinctions Regarding Foreigners in the Pentateuch*, in: *The Foreigner and the Law. Perspectives from the Hebrew Bible and the Ancient Near East*, ed. by idem et al., BZAR 16, Wiesbaden: Harrassowitz 2011, 29–51, 29 and 40–42, who considers Exod 12:19 and 12:48–49 as the endpoint of this development and attributes it to the “Pentateuchredaktion”.

⁸⁷ This is the rationale of the identification of wisdom and Torah in Ps 19; 119; Sir 24; or Bar 3–4; et al.

⁸⁸ See Nihan, Christophe: *Resident Aliens and Natives in the Holiness Legislation*, in: *The Foreigner and the Law. Perspectives from the Hebrew Bible and the Ancient Near East*, ed. by Reinhard Achenbach et al., BZAR 16, Wiesbaden: Harrassowitz 2011, 111–134, esp. 116–117.

⁸⁹ Gen 26:5, which uses חקת beside מצוה and תורה, all plural and with suffixes 1. per. sg. Other plural attestations are Lev 18:3, 4, 5, 26, 30; 19:19, 37; 20:8, 22, 23; 25:18; 26:3, 15, 43; Num 9:3; Deut 6:2; 8:11; 10:13; 11:1; 28:15, 45; 30:10, 16; etc.

⁹⁰ Exod 12:14, 17; 27:21; 28:43; 29:9; Lev 3:17; 7:36; 10:9; 16:29, 31, 34; 17:7; 23:14, 21, 31, 41; 24:3; Num 10:8; 15:15; 18:23; 19:10, 21; and only one instance outside the Pentateuch in Ezek 46:14. Cf. חקת משפט in Num 27:11; 35:29.

and the statute of a single law. There can be little doubt that these two instances in Num 19 and Num 31 belong to the latest strata of the book of Numbers where – this may be drawn from the argument – the context is already “Torah”. Thus *תורה* refers to the legal case and *התורה* to the context already. It may be debatable whether there is a reference to a set of laws identified as *תורה* or a reference to a more or less already fixed literary text called *תורה* of which the single legal cases are part. The different uses of the term *תורה* in the book of Numbers and its increasingly referring to a textual reality in particular can be read as a signal of processes of the finalization of the Torah. Torah has become more than a single instruction, perhaps even more than “law”. The complex growth and redactional finalization of the book of Numbers were coined appropriately by Reinhard Achenbach in his seminal work on Numbers as “Vollendung der Tora” (completion of the Torah). That “completion”, “redactional and compositional work”, and midrashic “interpretation” intertwine can be shown by the example of the daughters of Zelophehad.

2.7. A Test Case in Exegesis by Supplementing the Torah: Numbers 27 and 36

Num 27:1–11 and 36:1–12 prove the specification of a given law and the supplementation of the Torah thus implemented. It is striking that both texts frame the last part of the book of Numbers, which encompasses the material related to the land after the second census in Num 26.⁹¹ Finally, the narrative of the daughters of Zelophehad is one of the three stories in the book of Numbers in which law appears couched in narrative or at least narrative contexts (the case of the second Passover in Num 9:6–14; the story of the wood gatherer in Num 15:32–36),⁹² and Moses resorts to divine adjudication.⁹³ It is striking that these texts in the book of Numbers (and one has to add the story of the curser in Lev 24:10–23 here) are linked by the fact that Moses cannot settle the interpretation

⁹¹ I will not go into the discussion of structuring Numbers; see Zenger/Frevel, *Bücher*, 45–69. The framing compositional function is suspended in 4Q365 fragment 36 where Num 36:1 is immediately consecutive to Num 27:11.

⁹² Cf. Lev 24:10–23 for the fourth example in the book of Leviticus. Whether one has to consider these four texts as a “distinct, coherent group” as Simeon Chavel (*Numbers 15,32–36 – A Microcosm of the Living Priesthood and Its Literary Production*, in: *The Strata of the Priestly Writings. Contemporary Debate and Future Directions*, ed. by Sarah Shectman/Joel S. Baden, ATANT 95, Zürich: Theologischer Verlag 2009, 45–55, 46) has recently stated with reference to Philo and the Targumim, may be open for discussion, but these texts share indeed the same or similar peculiarities of the authorization of legal interpretation. See for further details Chavel, Simeon: ‘Oracular Novellae’ and *Biblical Historiography. Through the Lens of Law and Narrative*, *Clio* 39 (2009), 1–27, 14–16 and 25–26. Very close to these passages is the pre-midrashic chapter Lev 10, see Nihan, *Torah*, 576–607; Frevel, *Verhältnis*, 114–133.

⁹³ The term is borrowed from Vroom, Jonathan: *Recasting Mišpāṭim. Legal Innovation in Leviticus 24:10–23*, *JBL* 131 (2012), 27–44, 27.

on his own on the basis of the extant law, but rather is dependent on a supplementary revelation from God. The second part of the story of the daughters of Zelophehad in Num 36:1–12 is closely related to Num 27:1–11, but in Num 36 Moses no longer resorts to YHWH in an explicitly oracular manner, but amends the law more or less without a formal procedure. It is only stated in v. 5 that Moses decided according to the mouth of the Lord (ויצו משה את־בני ישראל על־פי יְהוָה).

In Num 27 the five daughters of Zelophehad assert that their father had indeed died in the desert, but nonetheless did not belong to the followers of Korah.⁹⁴ Thereafter they demand the right for daughters to inherit, as there is no male patrilineal descendant (see already the textual anchor in Num 26:33). They do not substantiate this by a claim of a living individual or group, but by remembrance of the deceased. Their father's name is in danger of dying out without a male descendant. This innocent decrease in social status is not justifiable and demands a regulation in the Torah. The underlying problem is often compared to Levirate marriage in Deut 25:5–10 (cf. esp. v. 7 with Num 27:4) and Ruth (cf. esp. 4:10–11). If there is no male offspring, male familial solidarity shall substitute a begetter by marrying the widow and fathering a son. The institution of Levirate marriage implies that daughters play no role in passing down the clan name in the patriarchal agnatic society. If daughters were permitted to have the right of succession, the position would be completely different. This is the situation with the daughters of Zelophehad in Num 27.

To understand the need for clarification, a general remark concerning inheritance law in the Pentateuch is required. Obviously, the bodies of law of the OT contain only a few statements on this matter.⁹⁵ Deut 21:15–17 rules in an exceptional case that the firstborn of the wife who is not loved (assuming there

⁹⁴ The rationale of this notice is not quite clear. Korah himself wouldn't have any heredity title because he was a Levite. His followers (who in contrast to Num 16:7 are not necessarily Levites here) are not excluded from the ownership of the land explicitly. In contrast it is emphasized that Korah had offspring who were not swallowed with his father and his company. No consequences are mentioned regarding the offspring. Even in Num 16–17 there is no indication of any trans-generational condemnation. Thus, the daughters of Zelophehad should not be excluded from inheritance, even if their father would have died with Korah. Furthermore, it is stated *explicitly* that Zelophehad died “for his own sin” (כִּי־בַהֲטָאוֹ מֵת Num 27:3). Thus, there is no sin that would exclude the daughters from inheritance. This is contested, among others, by Seebass, *Numeri*, BKAT 4/3, 207, who divines a principle of law that determines disinheritance because of a serious offence (see already *Baba Bathra* 117b and 118b). For this he points to 1 Kings 21:15–16; Lev 27:20–21; and Ezra 10:7–8. In my view, none of these cases can support the view that the daughters of Zelophehad would have lost their inheritance if their father would have been part of the Korah's company.

⁹⁵ This is reflected in the standard assessment in (at least German) Bible dictionaries (e.g., “Sozialgeschichtliches Wörterbuch”, WiBiLex, and NBL) in the entries on inheritance law, heritage, firstborn, etc. All articles emphasize that the different Old Testament bodies of laws

are two wives) is not to be disadvantaged. This rule presupposes – as so many texts do – a customary law of primogeniture. If the firstborn inherits a double share compared to the later-born, the son of the disliked wife could be disparaged, should he not earn his entitled share. Lev 25:46 rules that it is possible to bequeath slaves, but it does so without expounding any details of the (presumed) inheritance law. It remains an unanswered question whether Gen 15:2 indeed reflects an established law when it states that the servant Eliezer of Damascus could be rightful heir of childless Abram, being עֶשְׂרָא.⁹⁶ Far more often than specifications of inheritance law, the Pentateuch talks about the right of the firstborn and about the promise of the *land as an inheritance*. Only the fiction of the allotment of the land to the tribes (Num 26:52–56)⁹⁷ brings the problem of inheritance law in Num 27 to the forefront.⁹⁸

Division and distribution are connected with the idea of YHWH as the owner of the land who gives it to the tribes as indefeasible feudal tenure. Land should be kept in the family as tenure (Lev 25:10, 13, 25–28). As stated, this happens not in a general, but a generic sort of way with the exceptional case of the right for daughters to inherit. At the same time, this alludes to a socio-historical fact of the late Persian Period.⁹⁹

do not include any systematic or developed law of inheritance. By the way, this fact may raise further doubt about the question of the Torah being given as “Reichsrecht”.

⁹⁶ The explanation of Vieweger, Dieter/Gerber, Christine: Art. Erbe, in: Sozialgeschichtliches Wörterbuch, ed. by Frank Crüsemann et al., Gütersloh: Gütersloher Verlagshaus 2009, 114–115, 114, that this is a most exceptional case, is not sufficient to claim an established legal practice. According to Num 27, this case is almost completely impossible.

⁹⁷ The *terminus technicus* נחלה occurs more frequently from Num 18:20, 21, 23–24, and 26 (the special position of the Levites without an inheritance) onwards, after some occurrences where it is connected to some exceptions in Gen 31:14; 48:6; Exod 15:17; and Num 16:14. On the conceptual level the instruction for the allotment (Num 26:52–56) is crucial. Up to that point, the verb נחל occurs only in context of the promise of the land (Exod 23:30; 32:13; 34:9), and only once in the context of the bequest of slaves (Lev 25:46). The findings of שׁר in the context of hereditary endorsement (Gen 15:3–4; 21:10) seem to be only slightly clearer. In this case, occurrences in context of the promise of the land prevail. Even the rules concerning the אזהרה in a jubilee year and in the prescriptions concerning ransom in Lev 25 and 27 are still connected with the idea of the land as inalienable tenure, granted to the tribes by YHWH.

⁹⁸ See already Dillmann, August: Die Bücher Numeri, Deuteronomium, Josua, KEHAT 13, Leipzig: Hirzel 21886, 177: “Es steht mit der Musterung der Stämme zum Zweck der Ansiedlung C. 26 in Zusammenhang”.

⁹⁹ See also Job’s daughters in Job 42:15. The dating of the inheritance right of daughters is being currently discussed and some scholars vote for pre-exilic times because of the allusion of the daughters’ names to place names in Samaria (cf. Ben-Barak, Zafira: Inheritance by Daughters in Israel and the Ancient Near East: A Social, Legal and Ideological Revolution, trans. B. Sigler Rozen, Jaffa, Israel: Archaeological Center Publications 2006, 44–64; idem: Inheritance by Daughters in the Ancient Near East, JSS 25 (1980), 22–33, 27; Fleishman, Joseph: “Their Father Gave Them nahala ‘an Estate’ among Their Brethren” (Job 42:15b): What Did Job Give his Daughters?, ZAR 13 (2007), 120–134, 121–122) but the literary history of

Num 27 and 36 are rightly counted among the latest parts of the Pentateuch.¹⁰⁰ Bearing this in mind, we now turn to the *how* of the inheritance rules. The formulation Moses chooses to bring the case to YHWH for decision in Num 27:5 is quite uncommon (ויקרב משה את־משפטן לפני יהוה). The only other but slightly different occurrence of קרב משפט in the hiphil-stem is Deut 1:17, where Moses reminds the Israelites of the instruction to bring him cases (הדבר) that are too difficult for them to decide for themselves.¹⁰¹ Thus, it is indicated that Mose is addressed as decision maker.

Num 27 is one of the few laws in the Pentateuch not given by God's initiative, but evolved out of a necessity of regulation and of given rules; hence it is presented to YHWH by Moses with the plea to decide in the matter (see Lev 24:12; Num 9:8). God's answer is permissive (v. 7a): "Zelophehad's daughters are right" (כן בנוח צלפחד דברת). They should receive land tenure (להם נתן תתן). They should receive land tenure (אחוזת נחלה). The phrase אחוזת נחלה is almost unique (cf. only Num 32:32). This, the repetition of land transfer in v. 7b with נחלה, and the singular לבתו in v. 8 are often considered as indications of a secondary combination of the narrative and the law in Num 27.¹⁰² But to me the expression only seeks legal and linguistic accuracy: While אחוזה indicates land ownership or tenure as in Lev 25 and Lev 27, the term נחלה indicates inheritance in the land allocation process proper. The phrase אחי אביהם in v. 7a is very important because it emphasizes that there were brothers of Zelophehad who would have been usually taken as a substitute in the inheritance process. But now the daughters are equated in land ownership. Because up to now no clan has received its allotment, v. 7b emphasizes that Moses or the responsible council (Josh 17:3–4 taking up v. 7) has to transfer land to the daughters of Zelophehad. Thus, v. 7a and v. 7b are two sides of the same coin. Because the regulation in vv. 8–11 is a general decree, which is applicable even beyond the case of Zelophehad, it generalizes. Thus a single son is confronted with a single daughter. Although it

the biblical texts clearly points at a post-exilic date. For the early history and the parallels in ancient Near Eastern law see Ben-Barak, *Inheritance* 2006, 109–197; see also idem, *Inheritance* 1980, 23–31, where she differentiates Num 27 and 36 together with Sumerian cases and such from Nuzi and Ugarit ("daughters inheriting without a son") from Job 42:15 and evidence from Alalakh ("daughters inheriting after sons"). In contrast to her argument and to diverging propositions by Peter Machinist and Jacob Milgrom, Joseph Fleishman (cf. idem, *Father*, 120–134) doubts the inheritance- as well as the "gift during lifetime"-theory and opts for reading Job 42:13–17 as the giving of a dowry by Job to his daughters. See further the document of a land endowment of a father to his daughter in Weippert, Manfred: *Historisches Textbuch zum Alten Testament*, GAT 10, Göttingen: Vandenhoeck & Ruprecht 2010, no. 291.

¹⁰⁰ See for instance Seebass, *Numeri*, BKAT 4/3, 205; Achenbach, *Vollendung*, 569.

¹⁰¹ This brings Exod 18 into play, too, but this cannot be discussed here.

¹⁰² Cf. for instance Chavel, *Novellae*, 22; Seebass, *Numeri*, BKAT 4/3, 200 and 205.

cannot be excluded that vv. 8–11 had a literary antecedent in a collection of laws, this assumption cannot be based on the singular alone.¹⁰³

For our focus, the processes of interpretative amendment of the law, v. 11b is important. The regulation, based on this particular case, shall become or becomes a law based on a particular adjudication (לחקת משפט) for the Israelites from then on, again expressed in an uncommon way.¹⁰⁴ Yet the rule does not survive for long even in the narrative of the Pentateuch. This is not by chance but in a way programmatic.

Shortly after the allotment of the land to the tribes east of the Jordan, the heads of the Gileadites demand amendments from Moses (and the leading council)¹⁰⁵ in Num 36, just before his last working day in Deuteronomy. They state that the land is threatened by loss should Zelophehad's daughters marry exogamously, as long as the given inheritance law is established. With emphasis on the long run they bemoan that even in the case of the Jubilee (v. 4) the inheritance will not revert to their own tribe. The allotted and thus divinely sanctioned portion will be diminished, just as the name of Zelophehad is in danger of diminishing without male heirs (מגרל נחלתנו יגרע v. 3, cf. 27:4). Thus, the daughters invoke a classical conflict of objectives. They underline their argument in Num 36:2 by referencing the legal situation and subtly bringing the mentioned difference between the divine and the mosaic lawgiver into play: "And they said, 'YHWH commanded my lord (את־אדני צוה יהוה) to give the land as an inheritance by lot (בנחלה בגורל) to the Israelites; and my lord was commanded by YHWH (ואדני צוה ביהוה) to give the inheritance of our brother Zelophehad to his daughters". Again, the matter is approved of and Moses orders—על־יהוה פי יהוה that Zelophehad's daughters must marry endogamously (vv. 5–7). Thus the conflict between the "right to inherit for daughters" and "possession of the land among kin" is solved.¹⁰⁶ Num 36 ultimately also records the implementation of this law: The daughters of Zelophehad did as Moses ordered them to do (v. 10: כאשר צוה יהוה את־משה כן עשו בנות צלפחד).

Following Baentsch, Seebass, Achenbach, Kislev, and even Levine and Milgrom (and many others) either Num 36:1–12 or Num 27:1–11 are regarded as a later addition: "Ein später Diaskeuast hat in der Art von Lev 24,10–23;

¹⁰³ Cf. similarly Achenbach, *Vollendung*, 569.

¹⁰⁴ See only Num 35:29: והיו אלה לכם לחקת משפט לדורותיכם בכל מושבתיכם.

¹⁰⁵ The combination of הנשאים ראשי אבות לבני ישראל (v. 1b) is unique, but against Itamar Kislev (*Numbers 36,1–12: Innovation and Interpretation*, ZAW 122 (2010), 249–259, 251), it is rather to be taken as indicated by the context than as indication of a later date. The נשאים are mentioned as the leading representatives of the Israelites as is often stated in Numbers. They are sorted in as ראשי אבות to form the equal counterpart to the Gileadites who are called ראשי האבות למשפחה בני־גלעד just before in v. 1a.

¹⁰⁶ It is in my view a misinterpretation that the inheritance to the daughters in Num 27 "becomes almost valueless in practice according to chapter 36" (Kislev, *Innovation*, 251).

Num 9,6–14; 15,32–36 in Kap 36 nocheinmal beispielhaft ‘Folgeverhandlungen‘ zur Erbtöchterfrage erzählt”.¹⁰⁷ The traditional sequence of this statement is contested by Seebass: “Überwiegend fiel zwar der Verdacht, sekundär zu sein, auf 36,1–12 [...] Es liegt jedoch näher, in 27,1–11 die förmliche, höchst-richterliche Anerkennung von Frauenerbrecht wiederholt zu finden, die auf dem Grundtext von 26,29aα.b.30aβ–34a fußt, in denen weibliche Namen Distrikte und Orte vertreten”.¹⁰⁸

Yes, there are some peculiarities and differences,¹⁰⁹ but the compositional argument, the clear relatedness of Num 36 to Num 27, and the legal adjustment that grows out of the condition that tenure and tribe belong together, may imply the same literary level. To say it with Abraham Kuenen: “This supplement might, of course, be due to a later legislator; but the two laws are so completely in harmony with each other that there is nothing to prevent our assigning them to the same author”.¹¹⁰ However, this is not crucial for the argument here.

Num 27 and 36 show a handling of conflicts of law and interests that aims at balancing legal positions in the late strata of the Pentateuch. Exegesis and supplementation are evident within the Mosaic framework still, yet they are distinguished from the preceding story of Moses’ revelation at Sinai by linguistic means. The necessity of regulations stems from the growth of ideas concerning the possession of land. At the same time the decisions settle the issue of succession in cases of childlessness and reassure the theological concept of the land as indefeasible feudal tenure to the kin.

This example of supplementing established law by *Fortschreibung* is based on the post-Sinaitic revelation and bound to Moses’ mediation. The interplay of Num 27 and 36 with the explicit and positively approved need for amendment, expressed by the objection of the people, paradigmatically demonstrates characteristics of legal exegesis in general.¹¹¹ Most remarkable is the change of an explicit plea of Moses (קרב לפני יהוה) in Num 27:5 to the tacit form in Num 36:5 (על-פי יהוה). This new formulation stresses the link between the supplementation of the law and the institution “Moses”, as the supplementation is

¹⁰⁷ Achenbach, *Vollendung*, 571.

¹⁰⁸ Seebass, *Numeri*, BKAT 4/1, 25*, cf. also idem, *Numeri*, BKAT 4/3, 205–206 and 456. However, linguistic arguments favor the traditional position: for instance the combination of שבט and מטה in Num 36:3, the ראשי האבות (with article) in v. 1a, the phrase מטה/משפחת מטה משפחה vv. 6, 8, 12, etc.

¹⁰⁹ As listed by Kislev, *Innovation*, 250–252.

¹¹⁰ Kuenen, *Abraham: An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch (Pentateuch and Book of Joshua)*, trans. with the assistance of the author by Philip H. Wicksteed, London: Macmillan 1886, 98; cf. Dillmann, *Numeri*, 221, who calls it a “Novelle zu jenem Gesetz [Num 27:1–11], vom selben Verfasser”.

¹¹¹ Again, this may be compared with the three aforementioned other cases of narrative amendment in the Torah; see esp. Fishbane, *Michael: Biblical Interpretation in Ancient Israel*, Oxford: Clarendon 1986, repr. 1989, 98–104 and 236–237.

given without an express order of God. This does not create an autonomous authority, but considerably increases Moses' competences in establishing law. That the decision of the supplementary legal case is not localized at the entrance of the tent of meeting, as it is the case in Num 27:2, is not an indication of a secondary nature but rather indicates a changed mode of legal decision. Thus, it is by no means by chance that the "elaborative exegesis" – as Kislev calls the development of decision in Num 36 – forms the end of the book of Numbers. Now the principles are provided for any further adaption, be it situational or necessary by conflicting objectives within the existing law. After this implementation of applied-oriented exegesis of the law, the book closes in v. 13. Moses starts to expound the Torah in Deut 1:6 anew.

Based on the exemplary case of inheritance laws in Num 27 and Num 36 it is obvious that the legal material in the book of Numbers is not just additional and peripheral, but crucial with regard to several aspects: The organization of the permanent cult (for instance the maintenance of the menorah in Num 8, or the postponed Passover in Num 9) and the organization of cultic activities of the people beyond the official sacrificial cult (for instance the *nazîr* in Num 6 or the regulations on vows in Num 15 and 30). Many aspects could be added, such as the impurity of corpses in Num 5 and 19. Like the inheritance law every issue has its own social and religious background and some of them clearly hint at the advanced Second Temple period.¹¹²

The book of Numbers includes legal material that is clearly linked with material in Leviticus and Exodus from the viewpoint of content (e.g., the festival calendars Num 28–29 with Lev 23;¹¹³ the inauguration of the priests in Num 8 and Exod 29/Lev 8–9), as well as from the viewpoint of composition (the unit Num 5:1–4, for instance, links Lev 11–15 and Num 19). It is evident that the redaction history of the book of Numbers has relevance for the formation of the Pentateuch as Torah.

Some of the material is obviously situational and sometimes developed from antecedent material. It adds, adapts, and amends legal material, which is neither misplaced nor superfluous. Noth coined the dictum that Numbers is without order: "collections of very varied material with little inner cohesion".¹¹⁴ Re-

¹¹² Cf. Frevel, Christian: Struggling with the Vitality of Corpses. Understanding the Rationale of the Ritual in Numbers 19, in: *Les vivants et leurs morts. Actes du colloque organisé par les chaires d'assyriologie et des milieux bibliques du Collège de France, Paris, les 14 et 15 avril 2010*, ed. by Jean-Marie Durand et al., OBO 257, Fribourg: Academic Press/Göttingen: Vandenhoeck & Ruprecht 2012, 199–226; idem: Purity-Conceptions in the Book of Numbers in Context, in: *Purity Conceptions in the Ancient Mediterranean World and Ancient Judaism*, ed. by idem/Christophe Nihan, DHR 3, Leiden: Brill 2012, 369–412.

¹¹³ Cf. Nihan, Festival Calendars.

¹¹⁴ Noth, Numbers, 2; ("in den meisten Fällen wenig geordnete Ansammlungen sehr verschiedenartiger Materialien" [Noth, Numeri, 6]).

garding the final section of the book, Num 26–36, he stated: “No proper sequence is maintained in this whole complex of later additions. We shall have to reckon with the fact that the individual units were simply added one after the other in the order in which they appeared”.¹¹⁵ This often borrowed opinion, that Numbers was a sort of reservoir in which material that could not be integrated into the Sinai pericope was inserted without plan or order, proves to be oversimplified. Even if it is true that merely so-called “late” material at the end of the redaction history of the Pentateuch was integrated in the book of Numbers, the product is by no means without a plan.¹¹⁶ But the final form proves to integrate not only legal supplements and amendments, but also their interpretation *as* Torah. Reinhard Achenbach has made a point with this felicitously chosen title “The Completion of the Torah”. Nevertheless, the process of the formation of the Torah and the role of the book of Numbers therein is disputed, as was argued above. Some still adhere to a concept of a redactional finalization of the Pentateuch, esp. by joining and linking the older sources that had existed separately. Others opt for a variant of the “Reichsautorisation” in which the Pentateuch was created as a compromise between deuteronomistic and priestly schools, and some would not find a final redaction that finalized the Pentateuch intentionally as the “last hand”. As shown above, newer models try to conceptualize the birth of the Torah as a process of densification of self-referencing of the *תורת משה* instead of as an intentional process of finalization. The modifying exegesis of the law, its amendments, and pre-midrashic interpretation indicate completion that is close to closure.

3. The Crucial Role of Numbers

The search for “Torah in the Book of Numbers” intends to animate the discussion on the formation process of the book of Numbers in relation to the Torah, within the Torah, and as Torah. The outline provided here has emphasized the close interrelation between both aspects. Desiderata of Numbers must be seen as pivotal for Pentateuchal theories.

To go one step further, one crucial set of questions must become the focus: How are the so-called priestly and post-priestly texts in the book of Numbers

¹¹⁵ Noth, Numbers, 10. (“Eine gute Ordnung ist in diesem ganzen Komplex von späten Hinzufügungen nicht enthalten. Man wird damit rechnen müssen, daß die einzelnen Stücke so aneinandergereiht wurden, wie sie eines nach dem anderen hinzukamen”. [Noth, Numeri, 12]).

¹¹⁶ Cf., e.g., Adriane Leveen’s insights with regard to narrative and theological features (idem: *Memory and Tradition in the Book of Numbers*, Cambridge et al.: Cambridge University Press 2008), even though her assumptions in the field of literary and redactional history, which inter alia base on Israel Knohl, (cf. Leveen: *Reading the Seams*, JSOT 29 (2005), 259–287) would from my view require further discussion.

related to other texts within the Pentateuch, the Hexateuch, and other traditions? To give just some examples: How does the composition of Num 1–10 with its different traditions about the tent of meeting, the Levites, the organization of the camp, the installation of the Sinaitic cult, etc. relate to the differentiated priestly traditions of Exod 25–40*; Lev 1–10; 11–15; 16; 17–26 and their redactional horizons? If one considers the particular relation between the law of the Nazirite in Num 6 and specific regulations for priests in Leviticus, one has to ask how the law of the Nazirite relates to the redactional processes of the book of Leviticus.

How are the texts in Numbers related to the Priestly source (P^s), the priestly additions (P^a), or to the Holiness Code? How are the redactional relations between the books of Exodus and Numbers, Leviticus and Numbers, Deuteronomy and Numbers, Joshua and Numbers to be described more adequately and properly? How do the priestly “strata” in Numbers relate to each other (e.g., [the addition of] the Phinehas covenant in Num 25:12–13 to the traditions of Num 1–4 and 18; the laws in Num 18 to the priestly literary strata in Num 16–17*; the law of Num 5:1–3 to Num 19; etc.), resp. to the non-priestly layers (e.g., the killing of Balaam Num 31:8 to Num 22–24*, the war against the Midianites to the Deuteronomic legislation of war Deut 20, etc.)?

Summing up from a more general point of view four aspects of recent Pentateuch-discussion can be determined pivotal:

1. The search for an appropriate explanation for the literary and redactional growth of the book of the book of Numbers, esp. in its priestly parts.
2. The review of recently debated models in the Pentateuch discussion especially as regards their explanatory value for the complex situation in the book of Numbers.
3. The relationship between the legal material in the book of Numbers and the book of Leviticus.
4. The *concept of torah* in the book of Numbers against the background of the books of Leviticus and Deuteronomy, on the one hand, and the Pentateuch, resp. Hexateuch on the other hand.

The present volume contributes to these questions in various ways. I hope to have given the larger framework of discussion of the present volume: the book of Numbers as (part of the) Torah.

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