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Notes on Driver's Leviticus.

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DRIVER'S Leviticus, like the other volumes of the series which is appearing under the editorship of Professor Haupt, has the two-fold object of restoring the original Hebrew text and of exhibiting the sources out of which that text was composed.

The first of these aims Professor Driver has realized in a most satisfactory manner. His textual criticism is judicious and cautious, and one seldom feels hesitation in accepting the emendations which he proposes.

In the analysis of the sources, out of which the book of Leviticus has been composed, his work seems to me less satisfactory than in his textual criticism. The chief literary problem of the book of Leviticus is, of course, the separation of the older Holiness legislation from the later Priestly legislation in which it has been imbedded. In its main features Driver's analysis is the one followed by Dillmann, Kuenen, Wellhausen, Kautzsch, Baentsch, and other recent writers. There is no doubt that in a rough way it represents the true relation of the documents, but we miss that fine discrimination which is indispensable for historical purposes and which would make the analysis a real contribution to criticism. Driver recognizes that H has not merely been combined with P, but has been amplified by the compiler in the spirit of P; but he does not carry out this idea logically, and there are many phrases occurring in the midst of H sections, which he gives to H, which a consistent application of his own principles would compel him to assign to P. Let me give a few illustrations.

Lev. xi. 2-23, 41-45 is quite universally regarded as an extract from the Holiness Code on the subject of the eating of clean and unclean meats. Between the two fragments of this law of food stands a section, written in the pure priestly style, in regard to defilement through touching unclean things. This section is evidently an addition of the priestly editor of H and is recognized as such by Driver. With this exception and the priestly title in verse 1 f., he prints all the rest of the chapter in the color which denotes H. In

the midst of these H sections, however, there are many sentences and clauses which are as purely priestly in their diction as verses 24-40; and, besides, these priestly phrases are wanting in the other recension of this law of food which is found in Deut. xiv. The only natural construction to put upon this fact is, that these added phrases come from the hand of the editor who has combined H with P. They should, therefore, be printed in a different color from the body of H in which they stand.

The reason why Professor Driver does not analyze here is a foregone conclusion in regard to the age of H, whose compiler, he says, "cannot be separated very widely in time from the priestly prophet Ezekiel (about 570 B.C.)." H being assumed to be later than D, the inference is natural, that all the additions which Lev. xi. makes to the form in Deut. xiv. are to be set to the account of the compiler of H, who borrowed the legislation from D and enlarged it with sundry priestly additions.

A close comparison of the two recensions shows, however, that it is impossible to regard the form in Lev. xi. as based upon that in Deut. xiv. Lev. xi. 21 preserves a more primitive form of the law than the indefinite prescription which stands in Deut. xiv. 20; and Lev. xi. 41 contains a law which is needed to give theoretical completeness to the code and, therefore, must be original, but which is lacking in Deut. The fact is, that these two recensions each contain primitive matter that is not found in the other; and the only tenable theory of their relation is, that they are based upon a common original, which they have modified in accord with the spirit of the respective books. It is generally admitted that D has here borrowed an older priestly torah, and there is no reason why that torah should be distinguished from the one which underlies Lev. xi. The common original of both recensions was H, and, therefore, all that is found in the form in Lev. xi. which does not occur in Deut. is to be set to the account, not of the compiler of H, but of the priestly editor.

This conclusion is confirmed by the fact that in all places where Lev. xi. differs from Deut. xiv. the variations are in the pure style of P, and not of the author of H as we meet him elsewhere in the code. It is claimed that H approximates to the style of P, but this claim rests almost entirely upon an analysis which, as here, assigns passages to H which, according to the linguistic criteria, should be assigned to P. For instance, in Lev. xi. 2b we meet חיה instead of בהמה of Deut. xiv. 4. In the sense of 'living thing' it is peculiar to P (see Gen. i. 28; vii. 14; viii. 1, 17, 19; ix. 2; Lev. xi. 27). The

other documents of the Hexateuch use חיה of wild beasts, and so also H in Lev. xvii. 13; xxvi. 6. This word is, therefore, unquestionably an interpolation of Rp.

Similarly the clause מכל־הבהמה אשר על־הארץ, which is not found in D, is also a characteristically priestly gloss. P is fond of connecting ארץ with חיה, as, for instance, in חיה הארץ instead of חיה השדה of the other documents and Lev. xxvi. 22 (see Gen. i. 25, 30; ix. 2, 10), and also אשר על הארץ (Gen. i. 20, 26, 28).

Lev. xi. 8, Deut. xiv. 8b, "Of their flesh ye shall not eat and their carcasses ye shall not touch," is a gloss upon the original legislation, in spite of the fact that it is found in both recensions. The code has just said that these animals should not be eaten, and the repetition of the statement is uncalled for. Besides, H always says, "Ye shall not eat them," not "Ye shall not eat of their flesh," and the prohibition of touching is foreign to the subject of the code as stated in the first law, "Thou shalt not eat any abominable thing." This verse is pronounced a gloss by nearly all recent critics, and it is remarkable that Driver should retain it as an integral part of H. In thought and diction it has the closest affinity with the priestly sections. For אכל מבשר see Lev. vii. 19, 20, and for the prohibition of touching a carcase see xi. 24 f., 27 f., 31 f., 36, 39.

The redundant words of Lev. xi. 9, במים בימים ובנחלים אתם, which are not found in D, are also an addition by Rp, as is clear from the love of minute detail which they display, and from the expression במים בימים (Gen. i. 22; cf. i. 10).

The primitive form of the law which underlies Lev. xi. 10-12 is found in Deut. xiv. 10. All the differences in Lev. are pure priestly additions. After the word 'scales' Rp has added, as in the previous law, "In the seas and in the streams," and also, "Of everything that swarmeth in the water and of every soul of living thing in the water." The author of the Holiness Code never wrote in this way: this is the unmistakable style of P. שרץ in the broad sense which includes the lower animals is peculiar to P (Gen. vii. 21; Lev. v. 2; xi. 23-31). H uses שרץ only of insects (Lev. xi. 20, 21, 41-43). The phrase ישרצו המים שרץ המים suggests the language of Gen. i. 20, שרצו המים שרץ המים. נפש חיה is an unequivocal priestly expression (Gen. ix. 12, 15, 16; Lev. xi. 47). What follows in Lev. xi. 11-12 is not found in D, and is again nothing more than a priestly expansion of the original law, for after שקץ הם לכם the words ושקץ יהיו לכם are superfluous, and the next clause, "Of their flesh ye shall not eat and their carcasses ye shall loathe," evidently comes from the same hand as

xi. 8, 24-40. שִׁקָץ in the sense of 'regard as loathsome' is not found in H. Instead of this, it is characteristic of H to use it in the sense of 'make loathsome' (xi. 43; xx. 25). In xi. 13, moreover, the word is an interpolation. Verse 12 also is nothing but a repetition of verse 10 in identical language, and this fondness for verbal repetition is characteristically priestly.

Deut. xiv. 19 reads, "All winged swarming things are unclean unto you, they shall not be eaten." To this Lev. xi. 20 adds after שִׁרְץ הַעוֹף the phrase הַהֹלֵךְ עַל אַרְבַּע, "which go on all four." This is an absurd interpolation, because there are no insects or עוֹף of any sort which go on four feet. What the person who inserted this comment understood עוֹף to mean, is hard to say. As remarked on verse 10, H uses שִׁרְץ of the lower orders of invertebrates, but P extends it to include smaller animals like the weasel and the mouse (Lev. xi. 29), which are not properly included under H's prohibition of eating animals which do not chew the cud or divide the hoof. The expression הַהֹלֵךְ עַל אַרְבַּע occurs also in verse 27, and with it the similar phrase הַהֹלֵךְ עַל כַּפָּיו (cf. verses 21, 23). It is probable, therefore, that this is an addition of Rp designed to extend this law in regard to שִׁרְץ so that it would include certain kinds of quadrupeds. The same considerations apply to הַהֹלֵךְ עַל אַרְבַּע in verse 21, and verse 23 is nothing but a repetition of verse 20.

Passing over to the continuation of H in Lev. xi. 41, we find the law which is needed to give completeness to the code, namely, in regard to wingless creeping things; that is, all the lower orders of creatures not already specified in the previous laws. The amplification of this law in verse 42 by the enumeration of various creeping things which creep, adds nothing to the sense, and displays the priestly love for detail. It uses the expression הַהֹלֵךְ עַל אַרְבַּע, as in verses 20, 21, 27. It extends the idea of שִׁרְץ to animals, manifestly contrary to the intention of the original document, which treats the orders of creatures in logical order and did not mean to bring quadrupeds in again here at the end of the code. The resumption with לְכָל in the sense of 'namely' is thoroughly priestly (Gen. ix. 10b; xxiii. 10b; Ex. xiv. 28; Lev. v. 3; xi. 26; xvi. 16, 21; xxii. 18, etc.), and the words which follow are nothing but a reiteration of verse 41. Accordingly, there can be no doubt that here we have another addition of Rp.

The conclusion of H's law of food is found in Lev. xi. 43-45. This is followed by a second conclusion in verses 46-47. If this were original, it must have stood after the completion of the torah

proper in verse 42. It now comes in as an afterthought, and thus indicates that it was added later than the exhortation. On its face it is the work of the last editor of Leviticus, and the counterpart to the priestly superscription in xi. 1, 2a. Nearly all of the critics assign it to Rp; but Driver, strange to say, gives it to H. Its diction, however, is throughout that of P. On נפש חיה, see the comments on verse 10. On לכל, see verse 42.

הבדיל is characteristic of P over against JE (Gen. i. 4, 7, 14; Ex. xxvi. 33; Lev. i. 17, etc.), but it is not peculiar to P (see Deut. iv. 41; x. 8; xix. 7; xxix. 20; 1 Ki. viii. 53; Is. lvi. 3; lix. 2; Ezek. xxii. 26; xlii. 20). H uses it in Lev. xx. 24, 25, 26. This is probably the reason which has led Driver to assign Lev. xi. 47 and with it verse 46 to H. He has, however, ignored the fact that, although H uses הבדיל, it does not use it in the phrase הבדיל בין ובין, but says (xx. 25) הבדיל בין ל'. In this it agrees with the usage of all the Old Testament writers except P (see Ezek. xxii. 26; xlii. 20; Is. lix. 2). P stands alone in the uniform use of הבדיל בין ובין (Gen. i. 4, 7, 14; Ex. xxvi. 33; Lev. x. 10). Accordingly, the similarity of this verse to H is only superficial; in reality, its diction is one of the strongest evidences that this subscription comes from Rp.

The same considerations apply to the closing formula in Lev. x. 10, 11, which Driver also gives to H. Here we find הבדיל בין ובין, and therefore it must be priestly. It is true that this formula makes an anacoluthon in the syntax, and it may well be that it is borrowed from some old priestly source; that source, however, is not H.

I think now that I have shown that in all cases in which the law of food in Lev. has undergone amplification, this amplification is to be set to the account of the priestly editor of Lev. and not of the author of H. Consequently, consistency would require that all these later glosses should be indicated in the text by a different color, instead of printing these sections in solid color as if they belonged as a whole to H.

The same failure sharply to distinguish the priestly additions from the primitive H is seen in Driver's analysis of Lev. xvii. Here again the feeling that H approximates to the diction of P has led him to assign much to H which should be given to P. He recognizes as priestly additions the editorial title in xvii. 1-2, the phrases אל פתח אהל מועד, במחנה או אשר ישחט מחוק למחנה in verse 3, חרק הכהן את הדם על מזבח ידו, פתח אהל, in verses 4, 5, 9, חקת עולם מועד והקטיר החלב לריח ניחח ליהוה in verse 6, and חקת עולם תהיה זאת להם לדרתה in verse 7. These are doubtless correctly

regarded as priestly glosses, but this is not all that has come from the hand of Rp. **להקריב קרבן ליהוה** is a purely priestly expression (see Lev. i. 2 ; ii. 1, 4, 12 ; vii. 13 ; xxvii. 9, 11 ; Nu. ix. 7, 13). H uses **להקריב** in later sacrificial legislation, and it is probably this fact which has led Driver to give this whole phrase to him, but H never says **להקריב קרבן**. This is characteristically priestly, and is not found even in Ezekiel.

In verse 5 the whole clause **והביאם ליהוה אל פתח אהל מועד אל הכהן** is to be regarded as a priestly addition, and not merely **אל פתח אהל מועד**, because **והביאם** is nothing more than an editorial resumption of the previous **יביאו** (verse 5), and because **הכהן** has nothing to do with the slaughtering of the animal except in verse 6, which Driver himself assigns to P. In this verse, although the animal is said to be brought to the priest, it is not slain by the priest, but by the man who brings it.

In verse 5 **וזבחו זבחי שלמים** is not priestly, but the addition of **שלמים ליהוה** to **זבחים** is characteristically priestly (Lev. iii. 6 ; Nu. vi. 17). The other codes and the older histories say either **זבחים** (Ex. x. 25 ; xviii. 12 ; 1 Sam. vi. 15 ; 2 Ki. v. 17 ; x. 24) or **שלמים** (Ex. xx. 24 ; xxxii. 6 ; Josh. viii. 31 ; Ju. xx. 26 ; xxi. 4 ; 2 Sam. vi. 18 ; xxiv. 25 ; 1 Ki. iii. 15 ; ix. 25 ; Prov. vii. 14), but they do not combine **זבחים** and **שלמים**. With the exception of Ex. xxiv. 5, which is anomalous, **זבחי שלמים** occurs only in 1 Sam. x. 8 ; xi. 15, passages which, for independent reasons, have long been recognized as part of the framework added by one of the latest editorial hands ; and in 1 Ki. viii. 63, a sentence which is omitted in the parallel narrative in 2 Chr. vii. 5.

Verses 15, 16 are certainly preponderatingly priestly in their tone, but I doubt whether Driver is right in assigning them as a whole to P, since their standpoint is somewhat different from P. In Lev. xi. 39 P combines the prohibition of eating carrion with the prohibition of touching it on pain of defilement. This discloses a later and more punctilious stage of legislation than that disclosed here. If P had composed this law himself, we should expect that he would have added the item in regard to touching a carcass. This law is not a subdivision of the preceding law in regard to the pouring out of the blood of clean animals taken in hunting (Wellhausen, Dillmann, Driver), for it applies chiefly to *domestic* animals. The appropriateness of legislation on this subject in the midst of the Holiness legislation is attested by Ex. xxii. 30 and Deut. xiv. 21, in both of which passages it is viewed from the standpoint of holiness. Presumably the original

form of this law was, "Any man of the house of Israel who eateth that which is fallen or torn shall bear his iniquity," and all else is the enlargement of Rp.

Lev. xix. 21, 22 is universally regarded as an interpolation from P, since both diction and thought are characteristically priestly, but there is some difference of opinion in regard to verse 20. Driver follows Kuenen (*Onderzoek*, p. 89) and Wellhausen (*Composition des Hexateuchs*, p. 156) in giving this to H. This seems to me very improbable. Verse 20 has the closest connection with what follows, but is absolutely unrelated to what precedes. Knobel's idea, that verse 20 is related to the foregoing laws by the thought that the intercourse of a free man with a bond-woman is as unnatural as the mixing of two breeds of animals, is absurd, because in ordinary cases such concubinage was freely permitted. Verse 20 shows also the diction of P over against H; שפחה instead of אמה (H in Lev. xxv. 6, 44), ישכב שכבת זרע (see Lev. xv. 18; Nu. v. 13).

With the exception of the title at the beginning of chap. xx. there are no priestly additions until we come to chap. xxi. With this chapter the ceremonial institutions of the Holiness Code begin and extend through chap. xxv. In this section of the code there was naturally a larger opportunity for combination with P, and here more than ever H has been enlarged and annotated. In this section Driver's work is the most unsatisfactory. He distinguishes the main sections which belong to P, but he fails to distinguish the numerous smaller glosses scattered throughout the H sections, which break the connection and which have no other object than to assimilate H to the standpoint and diction of P.

To take a single instance, the phrase אשי ידוה (xxi. 6, and frequently elsewhere) is uniformly assigned by Driver to H. This phrase, however, is redundant with לחם אלהים, and is characteristic of P (see Lev. ii. 3, 10; vi. 11; vii. 35; x. 12, 13; xxiv. 9, etc.). It is not found in connection with לחם אלהים in xxi. 8, 17, 22; xxii. 25. Ezekiel, whose linguistic affinity with H is so remarkable, never uses it, although לחמי in the same sense in which H uses לחם occurs in xliv. 7. There is no reason, therefore, why this phrase should be supposed to come from H. On the contrary, it is practically certain that it has been added by Rp.

To carry this study in detail through Lev. xxi.-xxv. would require more space than I have at my disposal. I must content myself with remarking that here, as in the chapters which we have examined carefully, Driver assigns a great deal to H which a closer study of the

development of thought, and particularly of the diction, must lead one to assign to Rp.

Another main criticism which I would offer upon Driver's analysis is that it makes no attempt to distinguish the different elements which exist within the Holiness Legislation itself. After all the priestly additions have been eliminated, it is evident that what remains is not a strict unity. Let me exhibit this fact by a few examples.

The law in Lev. xvii. 3, 4 relates to the slaughtering of animals for food, and prescribes that they must be brought to the altar of Yahweh and slain there, in order to make sure that the blood is properly poured out. Verses 8, 9 relate to the slaying of animals in sacrifice and prescribe that sacrifice may not be offered to any other god but to Yahweh only. This is a natural and logical development of thought, but it is interrupted by verses 5-7. These relate, not to the slaughter of animals for food, which is the subject of the first law, but to sacrifice, which is the subject of the second law. These verses are partly priestly, as we have seen; but there is a non-priestly residuum which reads as follows, "In order that the children of Israel may bring their sacrifices which they sacrifice upon the face of the field . . . and may sacrifice them as sacrifices . . . upon the altar of Yahweh . . . and may no longer sacrifice their sacrifices to the satyrs after whom they go a whoring." This exhortation is an anticipation of the second law, which says that any man who slays a sacrifice and does not offer it to Yahweh shall be cut off, and, in view of the systematic character of the Holiness Code, it is unlikely that this irrelevant comment on the first law is original.

Again, in xviii. 5 we find a repetition, in a different order and with a small hortatory addition, of the same two precepts which have just been given in verse 4. This verse is not priestly, and yet it is clearly not a part of the original code, but is the work of an editor who wished to emphasize the original commands by repeating them in a slightly altered form.

Lev. xviii. 6-24 contains a long group of laws on the subject of sexual purity. In verse 21, however, is a law against sacrificing children to Molech, which has nothing to do with this context, but which nevertheless is not priestly. Verse 24 sums up in a general proposition all the purity legislation when it says, "Defile not yourselves in all these things, for in all these things the nations are defiled which I am to cast out before you." The historical standpoint here assumed is that of xviii. 3 f., namely the time of the Exodus; Israel has just left Egypt and is about to enter Canaan. This is the situation which

is consistently maintained by the entire Holiness Legislation, but the verses which follow (25-30) depart singularly from this standpoint. In verse 24 the conquest of the land is still future, but here we read, "And the land was defiled, and I visited its iniquity upon it, and the land vomited out its inhabitants . . . for all these abominations the men of the land did which were before you, and the land was defiled ; lest the land vomit you out as it vomited out the nation which was before you . . . and ye shall keep my charge so as not to do any of these statutes of abominations which were done before you." Here it is evident that the writer looks back upon the time of the conquest as long past. These verses add nothing to the legislation, but simply expand the thought of verse 24 and exhort to obedience. They are a sermon preached by a later editor upon verse 24 as a text. The original continuation of verse 24 is found in 30b and in xix. 2b, and the conclusion of this group of laws read originally, "Defile not yourselves in all these things, for in all these things the nations are defiled which I am to cast out before you ; I am Yahweh your God ; ye shall be holy, for I Yahweh your God am holy."

Lev. xx. is simply a repetition in a different order and with hortatory additions of the same legislation which has already been given in Lev. xvii., xviii. It is not probable that this was the original form of the code. This is either an exhortation analogous to the one just noticed in xviii. 25-30, or else it is a doublet to the foregoing legislation which owes its combination with it to a later hand. In either case it should be distinguished in some way from the body of the Holiness Code.

It is very questionable whether the exhortations which are now and then appended, apparently at random, to certain laws are original. These are for the most part set formulæ of exhortation, and they are not always appropriate to the laws to which they are appended. It is probable that they all, together with the longer exhortations in Lev. xxv. 18-22 and xxvi. 3-45 come from the hand of an earlier non-priestly editor who annotated this code before its combination with P. These facts should be indicated in the analysis ; but Driver is content with his partial discrimination of the priestly elements, and makes no attempt to indicate the various elements out of which H itself is composed ; and yet in the passages which I have just enumerated the evidence of composition is clear, quite as clear, in fact, as that H has been combined with P.