

# The Manumission Laws in Leviticus and Deuteronomy: The Jeremiah Connection

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## I

The complex relationship between the legislation in Deuteronomy (D) and the Holiness Code (H) in Leviticus continues to provide fruitful avenues of inquiry for researchers into the formation and function of Biblical law. These two legal collections provide an invaluable resource for understanding the thought of disparate Israelite religious groups living in relative temporal proximity to each other, both inheriting a common intellectual, cultic and sociological legacy of a much older Israelite culture. There is wide agreement that D emerges from the scribes associated with Josiah's court in the late 7<sup>th</sup> century BCE; no such consensus exists, though, with respect to H.<sup>1</sup> While many scholars agree that the work arises from a "Holiness School" faction of the Zadokite priesthood,<sup>2</sup> they remain divided on the matter of a date for the composition of H. Israel Knohl and Jacob Milgrom argue for a pre-exilic origin to the legislation concurrent with Hezekiah's reign, pointing to features in the H laws that presuppose life in the land among a mixed rural/urban populace and the prophetic critiques of the 8<sup>th</sup> century BCE.<sup>3</sup> There is much to recommend this position, and many scholars consequently view H as a source for the (re)visionary hermeneutics of the D scribes.<sup>4</sup>

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\* The present study refers to some works that are soon to be published. Information from articles that fall under this category is cited generally under the article's title. Relevant passages from forthcoming books are cited by the book title and the chapter in which the discussion appears. Subsequent versions of this paper will reflect the full bibliographic information.

<sup>1</sup> There is little agreement on the identification of the D's authors, but most scholars recognize a connection to Josiah's court and a strong interest in Levites. See Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York/Oxford: Oxford University Press, 1997); Gary N. Knoppers, "The Deuteronomist and the Deuteronomic Law of the King: A Reexamination of a Relationship," *ZAW* 108 (1996) 329-46; Marvin A. Sweeney, *King Josiah of Judah: The Lost Messiah of Israel* (New York/Oxford: Oxford University Press, 2001) 137-69; Jack R. Lundbom, "The Lawbook of the Josianic Reform," *CBQ* 38 (1976) 293-302; William M. Schniedewind, *How The Bible Became A Book: The Textualization of Ancient Israel* (New York/Cambridge: Cambridge University Press, 2004) 108-114; Jeffrey C. Geoghegan, "'Until This Day' and the Pre-Exilic Redaction of the Deuteronomistic History," *JBL* 123 (2004) 225-27 (Geoghegan makes the case for the Deuteronomistic History [DH] as originating with Levites akin to those behind D, *pace* Schniedewind, *How The Bible Became A Book*, 228 n. 40); Mark Leuchter, *Josiah's Reform and Jeremiah's Scroll: Historical Calamity and Prophetic Response* (HBM 6; Sheffield: Sheffield Phoenix Press, 2006) 33-49; *idem*, "Why is the Song of Moses in the Book of Deuteronomy?," *VT* 57 (2007, forthcoming).

<sup>2</sup> There are, however, notable exceptions to the general scholarly consensus regarding P/H divisions. See especially Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 2001).

<sup>3</sup> Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995) 204-220; Jacob Milgrom, *Leviticus 1-16* (AB; New York: Doubleday, 1991) 13-28; *idem*, "Does H Advocate the Centralization of Worship?," *JSOT* 88 (2000) 63, 68.

<sup>4</sup> For a review of scholarship with different views regarding the priority of H or D, see Christophe Nihan, "The Holiness Code between D and P: Some Comments on the Function and Significance of

Nevertheless, more recent examinations of the relationship between Pentateuchal legal collections have made clear that the authors of H have taken up legislation originating in D at certain points. Bernard Levinson has made a strong case for the slave manumission law in H (Lev 25:39-46) as an exegetical response to its parallel in D,<sup>5</sup> and a study by Jeffrey Stackert further reinforces Levinson's view.<sup>6</sup> While this need not preclude seeing the ideology of H (and perhaps even some of its laws) originating during Hezekiah's reign,<sup>7</sup> the exegetical development of D laws in the current form of H makes clear that the latter underwent significant development during a period subsequent to D. But if D indeed emerged in 622 BCE,<sup>8</sup> it is unclear whether or not the subsequent response in H should be seen as a late pre-exilic, exilic or even early post-exilic reflex.<sup>9</sup>

One might argue that the emphasis on the Jubilee in the H manumission law is evidence that it was developed before the destruction of Jerusalem and the exile of its inhabitants. From this perspective, the prospect of an active Jubilee cycle (a mytho-sacral institution bound to hinterland life) would only apply while the author and his audience still resided on their native soil.<sup>10</sup> Conceiving this legislation during the pre-exilic period, however, would cause more difficulty than it would purport to rectify. Binding slave manumission

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Leviticus 17-26 in the Composition of the Torah", *Das Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk* (ed. Eckart Otto and Reinhard Achenbach, FRLANT 206; Göttingen: Vandenhoeck and Ruprecht 2004), 81-83; Bernard M. Levinson, "The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory", *Congress Volume 2004* (VTSup 109, ed. Andre Lemaire; Leiden: Brill, 2006) 284-88. For the D scribes' hermeneutical strategies, see idem, *Deuteronomy*, 144-52.

<sup>5</sup> Levinson, "Manumission of Hermeneutics".

<sup>6</sup> Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (Ph.D. Diss., Brandeis University, 2006).

<sup>7</sup> Lauren Shedletsky Monroe has demonstrated an H substratum to the current Deuteronomistic account of Josiah's reform, indicating the strong influence of a pre-exilic Holiness School (*Josiah's Reform and the Dynamics of Defilement: A Phenomenological Approach to 2 Kings 23* [Ph.D. Diss., New York University, 2004] 159-200); Knohl's proposed Hezekian-era origin to the Holiness School seems an appropriate period for the formation of such a movement (*Sanctuary of Silence*, 209).

<sup>8</sup> Thomas C. Römer raises important concerns regarding the literary category of 2 Kings 22 and its historical accuracy; see his article "Transformations in Deuteronomistic and Biblical Historiography: On 'Book Finding' and other Literary Strategies", *ZAW* 109 (1997) 1-11. Yet even if the report of D's discovery is stylized, there is no reason to doubt that the first year of D's public appearance would have indeed been 622 BCE, an otherwise arbitrary year, and one that the Zadokite Ezekiel implies is the beginning of Judah's woes (Ezek 1:1-2). Still, the ideological antecedents to D, as many scholars recognize, extend far back in time; see Moshe Weinfeld, *Deuteronomy 1-11* (AB; New York: Doubleday, 1991) 44-57; Jeffrey C. Geoghegan, *The Time, Place and Purpose of the Deuteronomistic History: The Evidence of "Until This Day"* (BJS 347; Providence: Brown University, 2006) 149-50.

<sup>9</sup> Knohl accepts the ongoing activity of the Holiness School into these periods (*Sanctuary of Silence*, 200-203).

<sup>10</sup> Knohl, *Sanctuary of Silence*, 204-220 (though Knohl recognizes that the legislation itself is utopian in nature). See also the brief comments by Deborah Rooke, *Zadok's Heirs* (Oxford: Oxford University Press, 2000) 14 n. 6. William W. Hallo notes that while the distinctively Israelite Jubilee conception resulted from the shift to a monarchic system ("New Moons and Sabbaths: A Case Study in the Contrastive Approach", *HUCA* 48 [1977] 15-16), it was geared to preserve the interests of the regional land-holder, who would have been rooted in the clan system, yet the rhythm of hinterland clan life possessed its own sanctity. See Halpern, "Jerusalem and the Lineages", 49-59; Jeffrey C. Geoghegan, "Israelite Sheepshearing and David's Rise to Power", *Bib* 86 (2007) 55-62.

to the 50-year Jubilee cycle is a dramatic departure from the D legislation which serves as the author's source, since in D (as well as in the earlier Covenant Code), the slave is given a six-year term of servitude with release in the seventh. This term is specific to each slave on a case-by-case basis with independent periods of term initiation; as many commentators recognize, it strains credulity to imagine that the end of a six-year term of one slave would automatically coincide with the end of every other slave's term of servitude as well. The result would be no defined period of servitude for any slave: in waiting for the Jubilee as the time of release, some terms could conceivably last over forty years while others could last less than one.<sup>11</sup> The economic problems are readily apparent. Slavery within ancient Israel was rooted in matters of financial debt,<sup>12</sup> and someone who enters servitude only a year before the Jubilee could not be expected to work off a debt that traditionally required 6 years of service, disadvantaging the slave owner in terms of fair restitution. The difficulty is felt on the other side of the equation as well, as extended tenures of servitude disadvantage the slave and leave room for abuse.

The H author must have been aware of this; legitimizing financial disadvantages could hardly qualify as a way of reinforcing national holiness. This alone would suggest that H was reworked during the exile, at a time when such a law had no hope of being implemented in a practical setting but could contribute to a literary/ideological surrogate for land-bound institutions.<sup>13</sup> Levinson is thus quite right to see this legislation as part of an idyllic literary work espousing a utopian vision, with the "Jubilee" itself serving as a hermeneutical *topos* by which the nature of life in the land is measured and evaluated by a community separated from it.<sup>14</sup> Indeed, the very inapplicability of the manumission law in H automatically calls attention to what must have been a widespread sentiment among the Israelites in exile, namely, that older texts and the laws they contained had to be mined for a deeper meaning beyond that of the *peshat*, especially if the *peshat* was no longer tenable.<sup>15</sup>

We thus can see that the placement of the manumission law within the H Jubilee legislation is motivated by rhetorical concerns, engaging the D code's temporal specifications with a semantic parallel more closely related to a Zadokite perspective.<sup>16</sup> Whereas the Deuteronomists attempt to infuse a democratic dimension into their legal tradition by granting the individual the right to carry out the sacred law, the Zadokites opt

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<sup>11</sup> So also Calumn A. Carmichael, "The Sabbath/Jubilee Cycle and the Seven-Year Famine in Egypt", *Bib* 80 (1999) 225.

<sup>12</sup> Nahum Sarna, "Zedekiah's Emancipation of Slaves and the Sabbatical Year", *Studies in Biblical Interpretation* (Philadelphia: Jewish Publication Society, 2000 [reprinted from the 1973 article]) 300-301; Niels P. Lemche, "The Manumission of Slaves – The Fallow Year – The Sabbatical Year – The Yobel Year", *VT* 26 (1976) 44; Lundbom, *Jeremiah 21-36*, 559-60.

<sup>13</sup> Additional evidence will be discussed below to suggest that the redaction of H was exilic rather than post-exilic.

<sup>14</sup> Levinson, "Manumission of Hermeneutics", 322, 324.

<sup>15</sup> Stackert concisely expresses this idea: "the Holiness slavery and manumission laws are a 'learned text', reflecting not the historical *realia* of ancient Israelite social practice but instead a particular intellectual engagement with the religious and cultural (textual) tradition." (*Rewriting the Torah*, 218).

<sup>16</sup> Stackert, *Rewriting the Torah*, 198-99.

for an opposite approach to legal philosophy.<sup>17</sup> In contrast to D, it is no longer up to the individual to carry out the law and release an indentured servant. In H, it is a matter of the cosmos and its eternal Jubilee cycle,<sup>18</sup> dictated directly by YHWH and mediated by the Zadokite priesthood. This position is well attested in Ezekiel (a prophet of Zadokite heritage who had much in common with the Holiness School)<sup>19</sup> and this attitude is consistent with the polemics between the exilic Deuteronomistic and Zadokite groups in the Ezekiel and Jeremiah traditions.<sup>20</sup>

The final form of Leviticus 25 follows a clear literary logic and the location of the manumission law therein is rhetorically sound,<sup>21</sup> but to get from point A (the source material in D) to point B (the categorization of manumission under the Jubilee) requires an enormous exegetical leap. The H author does more than simply polemicize against the D tradition by qualifying manumission under the rubric of the Jubilee cycle. The implication is that all aspects of Israel's social world, even if hitherto unrelated to the cult or the mythic dimensions of the cosmic order, now resonate at a decidedly sacral frequency.<sup>22</sup> In the case of the manumission law in H, this is accomplished solely through the regulation of release with the Jubilee, and the effect contributes to the Zadokite attempt to maintain potency among a population prohibited from accessing their traditional national cult.

The question concerning us here is how the H author conceived of this particular hermeneutical strategy (the abstraction of a social institution and its makeover as a

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<sup>17</sup> I use the term “democratic” here in a very qualified sense, insofar as D hardly mandates a rule by the people. Still, the laws of D are directed to each individual, provide each individual with the opportunity to directly engage and study them (Deut 6:5-9), and hold each individual accountable, eliminating clan hierarchies and interests. On the accountability of the individual and the sidelining of clan hierarchies in D, see Baruch Halpern, “Jerusalem and the Lineages in the Seventh Century BCE: Kinship and the Rise of Individual Moral Liability”, *Law and Ideology in Monarchic Israel* (ed. Baruch Halpern and Deborah W. Hobson, JSOTSup 124; Sheffield: Sheffield Academic Press, 1991) 71-75.

<sup>18</sup> See Robert Kawashima, “The Jubilee Year and Cosmic Purity”, *CBQ* 65 (2006) 389; Lee W. Casperson, “Sabbatical, Jubilee, and the Temple of Solomon”, *VT* 53 (2003) 283-96; Jacob Milgrom, *Leviticus 23-27* [AB; New York: Doubleday, 2001] 2241-42.

<sup>19</sup> Moshe Greenberg, *Ezekiel 1-20* (AB; Garden City: Doubleday, 1983) 80; M.A. Sweeney, “Ezekiel: Zadokite Priest and Visionary Prophet of the Exile”, *SBL 2000 Seminar Papers* (Atlanta: SBL, 2000) 735-39; Dalit Rom-Shiloni, “Facing Destruction and Exile: Innerbiblical Exegesis in Jeremiah and Ezekiel”, *ZAW* 117 (2005) 189-205. For Ezekiel's relationship to the Holiness School, see Milgrom, *Leviticus 23-27*, 2348-63. See also Avi Hurvitz, *A Linguistic Study of the Relationship Between the Priestly Source and the Book of Ezekiel* (Paris: Garbada, 1982) 76-78 for an instructive example of the subtle linguistic divergence between H and Ezekiel. The altered terminology in Ezekiel identified by Hurvitz may not be a matter of a significantly later composition so much as Ezekiel's strategy regarding the appropriation of D's language. For a full discussion, see Risa Levitt Kohn, *A New Heart and A New Soul: Ezekiel, The Exile and The Torah* (JSOTSup 160; Sheffield: Sheffield Academic Press, 2002).

<sup>20</sup> For the polemical relationship between Zadokites and Deuteronomists in the Ezekiel and Jeremiah traditions respectively, see Mark Leuchter, *The Polemics of Exile in Jeremiah 26—45* (New York/Cambridge: Cambridge University Press, 2007), chapter 5.

<sup>21</sup> See the comments by Jacob Milgrom, *Leviticus 23-27*, 2150-51.

<sup>22</sup> This argument was doubtlessly facilitated by the disruption of life in the land by the conditions of exile and the itinerant questioning of long-held sociological assumptions. For a full discussion of the massive social disruption caused by the exile, see Lipschits, *The Fall and Rise of Jerusalem* (Winona Lake: Eisenbrauns, 2005).

mytho-sacral one) that allowed him to get from point A to point B. The linchpin in clarifying how the H author developed his own hermeneutical strategy is to reconsider his sources. Though the H author behind Leviticus 25 most closely engages D as a source, his revisionary composition also engages the Covenant Code and earlier P traditions as sources;<sup>23</sup> to this list we should also add Jeremiah 34 (vv. 8-22). Though most scholars have correctly recognized that Jeremiah 34 factors into the development of the slave manumission laws, its direct impact upon Leviticus 25 has not been adequately explored. We shall see that Jeremiah 34 in fact sets a methodological and hermeneutical precedent allowing the H author to subsequently engage in his own radically innovative composition.

## II

Scholarly views of Jeremiah 34 fall into two basic categories: those who see the episode as historically reliable and largely based on the prophet's words, and those who see it as arising primarily from a secondary redaction, and good arguments have been advanced for both of these views.<sup>24</sup> The chapter does contain a certain ring of historical veracity: its characterization of Zedekiah as heading independent religious initiatives is consistent with ancient near eastern royal prerogatives,<sup>25</sup> the manumission of slaves coincides with Judah's defensive needs in the face of an approaching Babylonian army, the repeal of manumission meshes well with Nebuchadnezzar's temporary removal of his forces from Judah in 587 BCE, cancelling the need for additional Judean military manpower, and the entire affair would have been a ripe occasion for criticism from a prophet like Jeremiah.<sup>26</sup> Those who see the text as redactional in nature, however, call for caution in viewing the oracular material in Jer 34:13-22 as the *ipsissima verba* of the prophet; even if the oracles attributed to Jeremiah are based on a real event,<sup>27</sup> they have likely been subsequently shaped. Supporting this view is the difficult passage in Jer 34:14a:

At the end of seven years (מִקֵּץ שֶׁבַע שָׁנִים), you shall let go every man his brother that is a Hebrew, that has been sold to you, and has served you six years (וְעַבְדֶּךָ שֵׁשׁ שָׁנִים), you shall let him go free from you...

<sup>23</sup> Stackert, *Rewriting the Torah*, 149-219; Levinson, "Manumission of Hermeneutics", 305-322; idem, "The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code's Manumission Law by the Holiness Code (Leviticus 25:44-46)", *JBL* 124 (2005) 617-39.

<sup>24</sup> Among the first group are Sarna, "Zedekiah's Emancipation", 297-302; Lundbom, *Jeremiah 21-36*, 568; Helga Weippert, *Die Prosareden des Buches Jeremia* (BZAW 132; Berlin: De Gruyter, 1973) 86-106; Holladay, *Jeremiah 2*, 238. Among the second are William M. McKane, *A Critical and Exegetical Commentary on Jeremiah*, vol. 2 (ICC; Edinburgh: T. & T. Clark, 1996) 880; Winfried Thiel, *Die deuteronomistische Redaktion von Jeremia 26-45* (Neukirchen-Vluyn: Neukirchener, 1981) 42-43; Robert Carroll, *Jeremiah* (OTL; Philadelphia: Westminster, 1986) 648; Lemche, "The Manumission of Slaves", 51-53.

<sup>25</sup> This is especially the case with the appearance of the term דָּרָוּר; see part III below for further discussion.

<sup>26</sup> So also Levinson, "Manumission of Hermeneutics", 283; Lundbom, *Jeremiah 21-36*, 568.

<sup>27</sup> With many scholars, I view the oracles in the chapter as likely deriving in some part from the memory or record Jeremiah's activity and thought (see Leuchter, *Polemics of Exile*, chapter 3, for a discussion), though this is ancillary to the present discussion.

The immediate and primary source for most of this passage is, as generally recognized, Deut 15:12. The introductory formula, however, is identical with Deut 15:1 (מקץ שבע שנים), which is an unrelated passage. The grafting of the formula onto the legal citation, however, causes problems for any easy reading, specifying a seven year term in the same breath as the citation of a law specifying six years (ועבדך שש שנים). Some scholars have tried to make sense of the temporal inconsistencies in this text by reading a degree of flexibility in the measuring sixth/seventh year term in ancient Israel (e.g., reading מקץ שבע שנים as “in the seventh year” or “at the beginning of seven years” as opposed to “at the end of seven years”) or by suggesting that the citation is of an earlier and alternate form of the D lawcode.<sup>28</sup> These arguments are speculative, though, and Levinson’s view that the author of the passage has exegetically joined together two unrelated passages in an exegetical manner provides a more satisfactory way of approaching the text.<sup>29</sup> This provides a more feasible explanation than the alternative (that this troublesome fusion of unrelated texts resulted from the prophet’s original oral pronouncement or a single scribal composition). However, one is then left with the question of the exegetical *purpose* served by the introduction of the מקץ שבע שנים formula.

As almost all commentators have noted, it is possible that the מקץ שבע שנים formula was introduced in order to deliberately classify the D manumission law with the institution of the seventh-year *shemitta* addressed in Deut 15:1.<sup>30</sup> Considering the temporal inconsistencies noted above, this was done for some ideological purpose (a strategy guiding the H author’s manumission legislation as well).<sup>31</sup> However, another alternative emerges, and that is that the introduction of the מקץ שבע שנים formula refers not to Deut 15:1 but, rather, to Deut 31:9-11:

And Moses wrote this law, and delivered it to the priests the sons of Levi, that bore the ark of the covenant of YHWH, and to all the elders of Israel. And Moses commanded them, saying: 'At the end of every seven years (מקץ שבע שנים), in the set time of the year of release, in the feast of tabernacles, when all Israel is come to appear before YHWH your God in the place which He shall choose, you shall read this law before all Israel in their hearing.

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<sup>28</sup> See Lundbom, *Jeremiah 21-36*, 563; Carroll, *Jeremiah*, 645; Holladay, *Jeremiah 2*, 238. For a summary of the opinions regarding an alternate form of Deuteronomy and a critique of this view, See Levinson, “Manumission of Hermeneutics”, 302 n. 61. Supporting Levinson’s critique of a proposed alternate Deuteronomistic source is Carr’s study of ancient scribal education-enculturation, where memorized texts are often reproduced with minor variants (*Writing on the Tablet of the Heart*, 160).

<sup>29</sup> Levinson, “Manumission of Hermeneutics”, 302 n. 61.

<sup>30</sup> For overviews of scholarship reaching this conclusion, see McKane, *Jeremiah 2*, 870, 880.

<sup>31</sup> Milgrom suggests that the מקץ שבע שנים formula in Jer 34:14a is not deployed in relation to a calendar event but addresses ethical concerns (*Leviticus 23-27*, 2257-58). This reading is an improvement over those who view the formula as a strict reference to the *shemitta* of Deut 15:1, but Milgrom’s ensuing discussion regarding Jeremiah 34 in relation to the Jubilee suffers from the assumption that the episode is bound to a fixed Jubilee release. This is based on his view that the term *דְּרוֹר* in Jeremiah 34 draws from Lev 25:10, where it is equated with the Jubilee; this position must be reconsidered (see below).

In this passage, we find two elements at least as compelling as those in Deut 15:1 for viewing it as a source for Jer 34:14a. Both passages deploy the **מקץ שבע שנים** formula, and both passages speak to a release at the end of seven years. However, Deut 31:9-11 possesses one additional feature that makes it the more likely source, namely, that the passage concerns the responsibility of the Levites to proclaim Torah every seven years. Here several additional considerations support Deut 31:9-11 (v. 10 in specific) as the source for the author of Jeremiah 34, the first of which is one of historical chronology. Assuming that the episode in Jeremiah 34 did take place in 587 BCE, the timing coincided with the scheduled septennial reading of D.<sup>32</sup> In addition, and more importantly, Jeremiah himself was a well known Levite whose oracles (poetic or otherwise) demonstrate the influence of Deuteronomistic thought and language.<sup>33</sup> There is no reason to doubt that if Zedekiah had engaged in a misguided religious rite around the scheduled time of a public invocation of the Torah, a prophet like Jeremiah possessing Levitical heritage would have expressed his critique by invoking or alluding to D. Next, Deut 31:11 specifies that the law must be decreed publicly, and it is clear from the context of Jeremiah 34 that the prophet castigates not just Zedekiah but the public elite of Jerusalem. Finally, and most significantly, Jeremiah 34 appears in a unit of text that repeatedly emphasizes the importance of Levites (Jeremiah 26—45) and associates the prophet and his Shaphanide scribal peers with Levitical responsibilities, including the reading and preservation of binding, authoritative text in ritual and legal contexts.<sup>34</sup>

All of this strongly suggests that the author who introduced the **מקץ שבע שנים** formula into Jer 34:14a did so not to categorize the release of slaves with the *shemitta* but to emphasize Jeremiah as a Levite of the Deuteronomistic type executing the duties of his office. Viewing the formula as an allusion to the Levitical charge in Deut 31:9-11 alleviates the aforementioned temporal difficulties regarding the question of a six or seven year term – the reference is not concerned with a calendar event but a socio-religious institution. The allusion also brings to light an important consideration, and that is that the **מקץ שבע שנים** formula is not meant to be read as syntactically contiguous with the citation of Deut 15:12. Rather, the formula forms a subheading of sorts, meant to categorize the ensuing text in a distinct manner and provide an exegetical guide for the interpretation of what follows.<sup>35</sup> In the case of Jer 34:14a, the formula is used to

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<sup>32</sup> Here, Holladay's theory regarding the delivery of Jeremiah's parenthetic exhortations at the same time as the septennial readings of Deuteronomy appears attractive (*Jeremiah 2, 27*), though it is too speculative to posit this scheme as a background to all the parenesis in the book.

<sup>33</sup> See Leuchter, *Josiah's Reform*, 88-89, 93-94, 100; Friedman, "The Deuteronomistic School", 75-78; Weinfeld, *Deuteronomy 1-11*, 67-69.

<sup>34</sup> Notable instances include both Baruch and Seraiah as the trustees of Jeremiah's written words akin to the Levites in Deuteronomy 27 and 31 (see Jer 32:6-15; Jer 51:59-64; though the latter lays beyond Jeremiah 26—45, the redactor of those chapter is very likely responsible for its current locus and possibly its current literary form); the presentation of the scribes as readers/teachers of prophetic *torah* in Jeremiah 36, and the characterization of Gedaliah in Jeremiah 40. On the latter, see especially the lexical parallel between Deut 31:12 and Jer 40:7; the LXX counterpart to the MT Jeremiah passage lacks this parallel, but this may be attributed to haplography. For a full discussion, see Leuchter, *Polemics of Exile*, chapter 4.

<sup>35</sup> We find obtuse exegetical reflexes elsewhere in Jeremiah as well: the opening **לֵאמֹר** ("[it is] said...") of Jer 3:1 cannot be read as syntactically contiguous with what follows, but rather establishes a referential category in light of the D law it invoked as the verse goes on (Deut 24:1-4), and may be viewed

reinforce the relationship between a law code (D) and social typology (Levite) with an authoritative prophet.

Since the exilic audience would have viewed Jeremiah's prophecies as authentic,<sup>36</sup> emphasizing his Levitical status in a Deuteronomistic manner would lend legitimacy to those in exile with Deuteronomistic and/or Levitical sympathies. The introduction of Jer 34:14a thus points to a scribe advancing Levite interests and authority. As Jeffrey Geoghegan has convincingly argued, the Shaphanides behind the D tradition possessed Levitical heritage,<sup>37</sup> and this same group likely wished to associate themselves with other Levites in the exilic period.<sup>38</sup> Considering the derisive view of the Levites voiced by the Zadokite Ezekiel (Ezek 44:10-13), his general critique of Deuteronomistic thought and his considerable influence among the exilic community, a well-regarded prophet like Jeremiah would be a valuable vehicle for a Deuteronomistic/Levitical apology.<sup>39</sup>

Looking beyond the Deuteronomic **מִקֵּץ שִׁבְעַת שָׁנִים** formula, Jeremiah 34 contains a broad condemnation of the Jerusalem cult in both royal and priestly terms, especially the covenant-between-the-parts in vv. 18-19. Significantly, the critique of this ceremony

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as a secondary accretion (perhaps resulting from the prophet's own redactional clarification of his earlier oracles). We may also look to the **שָׁמְעוּ עַמִּים כֻּלָּם** of 1 Kgs 22:28 for a redactor's insertion of a lemma from an older prophetic oracle (Mic 1:2) and which also defies normative syntactical construction. For a detailed discussion of the Micaiah episode and its relation to Mic 1:2, see Keith Bodner, "The Location of 1 Kings 22:28: A New Proposal", *JBL* 122 (2003) 533-43. Though the insertion of the lemma in 1 Kgs 22:28 refers to a preceding text rather than an ensuing one, its purpose is otherwise identical to the **מִקֵּץ שִׁבְעַת שָׁנִים** formula in Jer 34:14 in terms of qualifying one text through reference to another. Syntactically obtuse explanatory glosses are more generally attested in a variety of contexts; see Bill T. Arnold and Brent A. Strawn, "*b<sup>e</sup>yāh š<sup>e</sup>mō* in Psalm 68,5: A Hebrew Gloss to an Ugaritic Epithet?", *ZAW* 115 (2003) 428-32; Mark Leuchter, "Jeroboam The Ephratite", *JBL* 125 (2006) 55; Fishbane, *Biblical Interpretation in Ancient Israel*, 48-51; Benjamin D. Sommer, "Prophecy as Translation: Ancient Israelite Conceptions of the Human Factor in Prophecy", forthcoming in the Stephen Geller Festschrift (New York/Winona Lake: JTS and Eisenbrauns).

<sup>36</sup> An early version of Jeremiah 1—25 existed already by the beginning of the exile; for an overview, see Schniedewind, *How The Bible Became A Book*, 154-57. The content of these oracles repeatedly predict doom and the rise of Babylon, something that must have legitimized Jeremiah as a true prophet for those who saw those oracles come to pass. Jeremiah's authenticity and authority appears to set the standard for later discourse, with the book of Jeremiah obtaining a paramount position in subsequent prophetic and historiographic traditions. See Benjamin D. Sommer, *A Prophet Reads Scripture: Allusion in Isaiah 40-66* (Stanford: Stanford University Press, 1998) 32-72; Baruch Halpern, "The New Names in Isaiah 62:4: Jeremiah's Reception in the Restoration and the Politics of 'Third Isaiah'", *JBL* 117 (1998) 623-43; idem, "Why Manasseh is Blamed for the Babylonian Exile: The Evolution of a Biblical Tradition", *VT* 48 (1998) 510-14; Christine Mitchell, "The Ironic Death of Josiah in 2 Chronicles", *CBQ* 68 (2006) 435; Brian Peckham, *History and Prophecy* (New York: Doubleday, 1993) 750-55; H.G.M. Williamson, "The Death of Josiah and the Continuing Development of the Deuteronomistic History", *VT* 32 (1982) 242-48.

<sup>37</sup> See especially Geoghegan, *The Time, Place and Purpose of the Deuteronomistic History*, 148-52, who argues convincingly that the pre-exilic redactors of the Deuteronomistic History were Levites. See also Leuchter, "Song of Moses", for similar observation regarding the book of Deuteronomy.

<sup>38</sup> Leuchter, "The Levite In Your Gates"; idem, *Polemics of Exile*, chapter 6.

<sup>39</sup> See Ezek 8:1; 14:1; 20:1 for the prophet's interaction with the exiled elders. Levitt Kohn correctly notes how Ezekiel employs Deuteronomistic language (*A New Heart and A New Soul*), though this is done for the purpose of subverting its original purpose and subordinating it to Zadokite authority; see Leuchter, *Polemics of Exile*, chapter 5.

culminates in a threat visited upon Zedekiah in the following verse, namely, death without burial in the ancestral tomb due to captivity by the Babylonians (vv. 20-21). This threat draws directly from Jeremiah's pre-exilic oracles:

I will even give them *into the hand of their enemies, and into the hand of them that seek their life*; and their dead bodies shall be for food unto the fowls of the heaven, and to the beasts of the earth (וְהָיָה נְבִלָתָם לְמֵאֲכָל לְעוֹף הַשָּׁמַיִם וּלְבְהֵמַת הָאָרֶץ)...(Jer 34:20)

They shall die of grievous deaths; they shall not be lamented, neither shall they be buried, they shall be as dung upon the face of the ground; and they shall be consumed by the sword, and by famine; and their dead bodies shall be food unto the fowls of heaven, and to the beasts of the earth (וְהָיָה נְבִלָתָם לְמֵאֲכָל לְעוֹף הַשָּׁמַיִם וּלְבְהֵמַת הָאָרֶץ). (Jer 16:4)<sup>40</sup>

The divine threat to the people of pre-exilic Judah in which this extended lemma originally appears had come to pass;<sup>41</sup> its application in Jer 34:20 applies the same condemnation to those in the exilic audience who overvalue defunct Jerusalemite cultic praxes. The author of Jeremiah 34 thereby establishes semantic parallels between the Levitical invocation of Torah on the one hand (v. 14) and the proper understanding of Jeremiah's authentic oracles (v. 20) through the abstraction and transplantation of these lemmas from their original contexts. And yet through this semantic identification of Jeremiah's oracles with Torah, the next logical step reveals itself – the Shaphanide scribe who invokes Jeremiah's oracles is thus essentially invoking Torah in the same manner as the prophet, i.e., as an exegetical Levitical teaching. Through the strategic use of these lemmas, the author of Jeremiah 34 affirms the scribe as the inheritor of Jeremiah's prophetic and Levitical authority and sidelines Zadokite ideology in one fell swoop.

### III

Jeremiah 34 is more than just a narrative account of the prophet's critique of Zedekiah, the priests of Jerusalem and the city's elite in the last days of the monarchy. The chapter is a sharp and deliberate attack on the exilic Zadokites, attempting to equate their views with those of the misguided former king.<sup>42</sup> This is part of a polemical culture that obtained in exile between Deuteronomists and Zadokites; the manumission law in Lev 25:39-46 reflects this as it radically redefines D's manumission law. But in redefining the D legislation, the H author simultaneously responds to the charge levied against him and his priestly kin in Jeremiah 34. The Holiness School had its beginnings in a priestly response to prophetic critiques,<sup>43</sup> and one might reasonably expect that the Holiness

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<sup>40</sup> For a full discussion of these verses, see Leuchter, *Polemics of Exile*, Chapter 3.

<sup>41</sup> I use the term "extended lemma" here as the phrase in question is not simply deployed in a stereotyped manner (as many scholars conclude with respect to recurring phrases in Jeremiah) but serves an exegetical purpose akin to the lemmatic transformations in the Deuteronomic tradition. See Levinson, *Deuteronomy*, passim. Peckham also recognizes that the recurrence of terms and phrases are deliberate points within the text indicating dialogical relationships with other Jeremianic passages (*History and Prophecy*, 302-317); see also idem, "Writing and Editing", *Fortunate The Eyes That See*, 366-71, 382-83.

<sup>42</sup> This is evident not only in the paralleling of Zedekiah's covenant ceremony with the P covenant-between-the-parts ceremony within Jeremiah 34, but also via similar condemnations throughout Jeremiah 26—45 more generally. See Leuchter, *Polemics of Exile*, chapter 5.

<sup>43</sup> Knohl, *Sanctuary of Silence*, 214-16.

School would have formulated a similar response to Jeremiah's persistent indictment of the Jerusalem cult throughout his post-Josianic career. Indeed, such a response may be sensed in Ezekiel's oracles, which take up Jeremiah's rhetoric but subvert it for his own Zadokite purposes.<sup>44</sup> Yet Ezekiel's oracles support a program of restoration that, if idealistic, is nonetheless practical in nature, quite different from the theological/polemical purpose of the H manumission law.<sup>45</sup> The exilic H author, as we have seen, conceives of law as a forum for ideology. And yet this approach is also evident in Jeremiah 34, whose author qualified the citation of the law in Deut 15:12 to advance his own ideological agenda. If Jeremiah 34 was known to the H author, its own ideological underpinning would certainly have evoked a response in kind.<sup>46</sup> Thus, the H author behind Leviticus 25 fights fire with fire, capitalizing on the hermeneutical possibilities left open to him by the author of Jeremiah 34 and using that writer's own work to construct a counter-argument.

The catalyst for the H author's revision of manumission laws is found in the unavoidable ambiguity built into Jer 34:14, namely, that while the **מִקֵּץ שִׁבְעַת שָׁנִים** formula was meant to qualify Jeremiah's oracle as a Levitical reading of Deuteronomic Torah, it also appears verbatim in Deut 15:1 in reference to the *shemitta*.<sup>47</sup> If the episode in Jeremiah 34 is based on an actual event, then Jeremiah's critique of Zedekiah would have indeed transpired in the year of *shemitta* release. Thus while the author of Jeremiah 34 may have wished to direct attention to the Levitical emphasis of the **מִקֵּץ שִׁבְעַת שָׁנִים** formula in Deut 31:9-11, the ancillary *shemitta* elements associated with this formula in not one but two places within the D law code (Deut 15:1 and 31:10) and the year in which the episode is set opened a very large exegetical window. If the proximity of the in Deut 15:1 to the manumission law in Deut 15:12 has led virtually all modern scholars to view the formula's appearance in Jer 34:14 as a fusion of these two passages, it is fair to assume that the H author recognized the possibility and the usefulness of this reading in his own time and exploited it for his own purposes.

Abstracted from the larger thematic context of Jeremiah 26—45, the manumission episode in Jeremiah 34 might very well read as a witness to an authoritative prophet licensing the release of slaves according to a fixed calendar event, with the **מִקֵּץ שִׁבְעַת שָׁנִים** formula read as a reference to Deut 15:1. It is clear from elsewhere in H that the author abstracted material from set narratives in order to reinforce and inform his legislation.<sup>48</sup> Reading Jer 34:14a as a reference specifically to Deut 15:1, the H author

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<sup>44</sup> Leuchter, *Polemics of Exile*, chapter 5. See also Holladay, *Jeremiah 2*, 81-84.

<sup>45</sup> See especially John Seitz Bergsma, "The Jubilee: A Post-Exilic Priestly Attempt To Reclaim Lands?" *Bib* 84 (2003) 225-46, for the contrast between H and Ezekiel on this matter. Even if certain laws in H were conceived to be practical, the code could not have been geared for implementation under the conditions of the exile when so much of its legislation remained theoretical.

<sup>46</sup> The ensuing discussion will suggest that Jeremiah 34 was indeed known to the H author in a fairly mature form. The formation of Jeremiah 26—45 itself may be seen as a response to the growing influence of Ezekiel; see Leuchter, *Polemics of Exile*, chapter 5.

<sup>47</sup> On the relationship between the *shemitta* and the Neo-Assyrian *šamattu* practice, see Stackert, *Rewriting the Torah*, 175-76.

<sup>48</sup> Stackert, *Rewriting the Torah*, 213-14.

was able to legislate manumission according to a precedent ostensibly set by Jeremiah, namely, associating manumission with a calendar event, the *shemitta*.<sup>49</sup> But the H author went one step further by making this issue of servitude a problem that could be purged on a mytho-sacral level via the Jubilee.

This not only placed social institutions within the jurisdiction of the priesthood as mediators of the cosmic order, it also made a strong statement on the limitations of Levitical authority. Manumission in D is legislated to take place as a regional matter,<sup>50</sup> and it is in the regional sphere that D charges the Levites to act as exegetes, jurists and local administrators of the law.<sup>51</sup> In short, the extant normative law codes preceding the H author's revision allowed for the administration of manumission to remain in the hands of the regional Levites. The H author's innovation removes manumission from the regional sphere and the auspices of the Levites entirely. And yet by reading Jer 34:14a as a reference to Deut 15:1, the H author's marginalization of the Levites follows Jeremiah's (ostensible) precedent. In this way, the H author's position would appear to be completely legitimate and an extension of Jeremiah's work rather than a subversion of it.

The H author's use of Jeremiah 34 is not restricted to the manumission law in Leviticus 25. The Jubilee that governs all forms of release in Leviticus 25 is classified by the term *דְּרֹר* (Lev 25:10), which refers to a well entrenched near eastern decree of amnesty and reflects a decidedly monarchic idiom.<sup>52</sup> The appearance of *דְּרֹר* in Lev 25:10 constitutes the single occurrence of the term in the entire corpus of Priestly literature in the Pentateuch (P or H). By contrast, the term occurs four times within Jeremiah 34 (vv.

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<sup>49</sup> This raises the possibility of a distinctively Zadokite exegetical tradition concerning the Jeremianic literary corpus, as the H author here either capitalizes on an extant interpretation of Jer 34:14a as a reference to the Deuteronomistic *shemitta* law or initiates such an interpretation. Space precludes a full examination here, but we may tentatively suggest that a specifically Zadokite reading strategy of the Jeremianic literature did evolve during the exile, as it is the book of Jeremiah that strongly influences pro-Zadokite literature of the Restoration period and beyond. The prophet himself had earlier engaged P traditions in the formation of his oracles within Jeremiah 1—25, which must have prompted a Zadokite response in the late pre-exilic period in some form; we find some indication of this in Jer 18:18 (see also below). In a future examination, I hope to demonstrate the manner in which certain Zadokite hermeneutical strategies presuppose a tradition of reading and teaching concerning the Jeremiah tradition in light of its relationship to the larger Deuteronomistic literary works.

<sup>50</sup> Deut 15:14 makes this explicit: "you shall furnish him generously from *your* flock, *your* threshing floor and *your* winepress", i.e., from the regional fixtures of hinterland village life. Schniedewind comes to a similar conclusion regarding the origins and concerns of D (*How The Bible Became A Book*, 113). See also Moshe Weinfeld, *The Place of the Law in The Religion of Ancient Israel* (Leiden: Brill, 2004) 80-94.

<sup>51</sup> *Sifre Deuteronomy* 15 already understood the Levites as regional administrators, which rests on a much older tradition evident already in D and pre-supposed by many passages in Jeremiah 1—25. See Mark Leuchter, "The Levite In Your Gates: The Deuteronomistic Redefinition of Levitical Authority", *JBL* (forthcoming). See also Alexander Rofé, "The Organization of the Judiciary in Deuteronomy", *The World of the Arameans Vol. 1* (Fs. P. E. Dion, ed. P.M.M. Daviau et al, JSOTSup 324; Sheffield: Sheffield Academic Press, 2001) 92-112; Moshe Weinfeld, "Judge and Officer in Ancient Israel and in the Ancient Near East", *IOS* 7 (1977) 65-88.

<sup>52</sup> For the near eastern background of the term *דְּרֹר*, see Lundbom, *Jeremiah 21-36*, 560; Sarna, "Zedekiah's Emancipation", 299, 303 n. 17; Lemche, "The Manumission of Slaves", 56-57; Hallo, "New Moons and Sabbaths", 13-14; Milgrom, *Leviticus 23-27*, 2167-69.

8, 15, twice in v. 17), and given the narrative context, the frequency is appropriate. The same cannot be said of its appearance in Leviticus 25, which makes no allusion to kingship in any way.<sup>53</sup> One might argue that *דָּרֹר* is a term at home in the Zadokite tradition as it appears also in Ezek 46:17, but that verse is part of a pericope that legislates the behavior of the *נָשִׁי*, the descendant of the royal Davidic line as envisioned in Ezekiel 40—48, and is thus embedded within a context concerned with Israel's monarchic legacy.<sup>54</sup>

Since Leviticus 25 does not openly address monarchic institutions, the appearance of *דָּרֹר* in Lev 25:10 is best viewed as inspired by another text that employs it in reference to royalty.<sup>55</sup> This is not to suggest that the H author's familiarity with the institution and term is entirely dependent on a source text, as immersion in Mesopotamian culture would adequately account for its appearance in any literature dated to the late pre-exilic or exilic periods.<sup>56</sup> Rather, we should see the H author's use of the term as motivated by its earlier appearance in a thematically relevant (and perhaps potentially provocative) literary source. It is unlikely that the H author draws here from Ezekiel, as Ezekiel 46 does not concern itself with manumission or matters of calendar-based release. As we have seen, though, both elements surface in Jeremiah 34, which as we have seen has already influenced the H author's compositional strategy.

The counter-argument to this view is plausible, i.e., a later editor has reworked Jeremiah 34 in light of Leviticus 25. This position is carefully defended by Simeon Chavel, who sees a 5<sup>th</sup> century BCE hand contemporaneous with Nehemiah's governorship behind the current form of Jer 34:8-14.<sup>57</sup> Chavel concludes that the redactor of Jeremiah 34 has relied upon legislation in an extant version of Leviticus 25 to augment the episode regarding Zedekiah's manumission. The basis of Chavel's position is his discussion of

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<sup>53</sup> Pace Milgrom's acceptance of the equation between the term *דָּרֹר* and the Jubilee, which is based on his assumption that Lev 25:10 is the source for Zedekiah's manumission in Jeremiah 34 (*Leviticus* 23-27, 2258).

<sup>54</sup> We should exclude the occurrence of the term in Isa 61:1, a post-exilic text that is often regarded as a part of a criticism of the Zadokite priesthood, and therefore could be referring to a fully developed H corpus including Leviticus 25 fostered by this priesthood.

<sup>55</sup> Lemche views the appearance of the term as directly influenced by the royal institution deployed by Zedekiah ("The Manumission of Slaves", 57), but the chapter's literary character strongly suggests that the *דָּרֹר* of Lev 25:10 is at least partially inspired by a literary source rather than strictly a sociological precedent.

<sup>56</sup> For the pre-exilic influence of Mesopotamian culture on Israelite writers, see Peter Machinist, "Assyria and its Image in the First Isaiah", *JAOS* 103 (1983) 719-37; David P. Wright, "The Laws of Hammurabi as a Source for the Covenant Collection (Exodus 20:23-23:19)", *Maarav* 10 (2003) 11-87; Leuchter, "Jeremiah's 70-Year Prophecy and the *קְמַי לֵב שִׁשְׁתֵּי אֲבָשׁוֹת* Atbash Codes", *Bib* 85 (2004) 511-16; idem, "Tyre's '70 Years' in Isaiah 23,15-18", *Bib* 87 (2006) 412-17. That Ezekiel knows the term *דָּרֹר* (Ezek 46:17) demonstrates the Zadokite priesthood's familiarity with the institution, possibly learned in exile but more likely already part of the pre-exilic vernacular.

<sup>57</sup> Simeon Chavel, "Let My People Go!": Emancipation, Revelation and Scribal Activity in Jeremiah 34:8-11", *JSOT* 76 (1997) 93-95. Milgrom makes a similar argument in terms of literary dependence, but this is due to his view that Leviticus 25 is from the reign of Hezekiah and would have been well known to the historical Jeremiah (*Leviticus* 23-27, 2245), and does not argue that Jeremiah 34 was subsequently reworked.

the odd locution of לבלתי עבד בם ביהודי אִחִיהוּ אִישׁ in Jer 34:9b, which he sees as a conflation of terms from Lev 25:39 and 46b.<sup>58</sup> It is the last two words of this sequence (אִחִיהוּ אִישׁ) that create the difficult syntactical construct.<sup>59</sup> These last two terms, however, form a semantic reversal of אִישׁ אֶת אִחִיו, which appears in v. 14. Jer 34:9b is part of the author's contextual introduction to the episode, and the semantic reversal may be part of a literary strategy (related to Seidel's Law of lexical inversion) geared to facilitate the inclusion of a received source into the larger redactional complex of Jeremiah 26—45.<sup>60</sup> In this case, the author's use of אִחִיהוּ אִישׁ in Jer 34:9 in relation to the דָּרוֹר declaration reinforces the topicality and impact of the אִישׁ אֶת אִחִיו in the Deuteronomically inflected critique in v. 14.<sup>61</sup>

The odd locution of Jer 34:9 should therefore be seen as emerging from internal redactional considerations rather than as an intertextual allusion to Leviticus 25, part of a strategy focused upon subordinating Zedekiah's manumission to Jeremiah's citation of Deut 15:12. In short, the author of Jeremiah 34 makes the hitherto independent monarchic דָּרוֹר subject to Deuteronomic legal classification; this is precisely what the H author accomplishes with respect to Zadokite law and ideology by working the term into his Jubilee legislation in Lev 25:10.<sup>62</sup> Thus in addition to exegetical methodology, the H author draws from the language and themes of Jeremiah 34 in the formation not only of the H manumission law but its literary context. The end result is that the legislation in Leviticus 25 becomes consistent with Jeremiah's critique of Zedekiah, and in fact presents itself as the standard of law that the prophet defends and to which the king should have complied.

<sup>58</sup> Chavel, "Let My People Go", 88-92.

<sup>59</sup> The first part, לבלתי עבד בם ביהודי, is less problematic, with the term ביהודי functioning as an emphatic clarification that fellow Judeans were the ones subject to abuse. It is perhaps to this, specifically, that the H author responds in his formulation of Lev 25:44-46, specifying that only foreigners may be subject to slavery. In aligning his legislation with Jeremiah's critique, the H author reworks lexemes from the Covenant Code; see Levinson, "Manumission of Hermeneutics", 310; idem, "The Birth of the Lemma" 638-39. This suggests that the H author viewed the Covenant Code as a potential rival to his own legal collection as the legal standard vindicated by the Jeremiah tradition; his reworking of its lexemes exclude it along with D, positioning H alone as consistent with Jeremiah.

<sup>60</sup> For a discussion of Seidel's Law, see Levinson, *Deuteronomy*, 18-20. As in Jer 34:14a, the redactional/exegetical accretion in Jer 34:9b foregoes a concern with easy syntax in order to establish a legal category and to provide a hermeneutical guide through which the reader may interpret the text. For a similar example of anticipatory lexical inversion in the redaction of sources in Jeremiah, see Leuchter, *Polemics of Exile*, Excursus 2.

<sup>61</sup> The LXX presents a less problematic alternative text (so also McKane, *Jeremiah 2*, 871) but the LXX tradent may simply be clarifying a syntactical sequence which he did not understand and thus deemed corrupt. For similar misreadings in the LXX, see Levinson, "Birth of the Lemma", 625-30; idem, "Text Criticism, Assyriology, and the History of Interpretation: Deuteronomy 13:7a as a Test Case in Method", *JBL* 120 (2001) 211-43, and the MT of the chapter presents a better reading on other grounds as well (discussed above).

<sup>62</sup> Though the foregoing suggests an alternative to Chavel's model of compositional sequence, Chavel's position that the דָּרוֹר in Jer 34:8 is not dependent upon its occurrence in Leviticus 25 ("Let My People Go", 75 n. 12) is correct. However, Chavel's statement that the appearance of the term in both Jeremiah 34 and Leviticus 25 is coincidental ("Let My People Go", 93) should be reconsidered in light of the latter's engagement of the former.

#### IV

The foregoing discussion carries some significant implications for our understanding of H as a developing tradition and its contribution to the intellectual history of the exile. The H author clearly knows Jeremiah 34, an exilic text that must have eventually obtained an authoritative position in order for the H author to appeal to it in support of his own work. To get to this point, Jeremiah 34 and the larger enterprise of Jeremiah 26—45 must have become the subject of much debate and discussion, with enough time for its contents to have become familiar enough that the H author's allusions to it would not have gone undetected. Though it is difficult to determine when the redaction of Jeremiah 26—45 began, its completion should be dated to approximately 570 BCE.<sup>63</sup> The redaction of H should therefore be placed some years later, perhaps fairly contemporaneous to the exilic redaction of the DH (especially the notice regarding Jehoiachin in 2 Kgs 25:27-30) circa 562-560 BCE, or shortly thereafter.<sup>64</sup>

Related to this point concerning the date/purpose of the redaction of the DH, we may sense in the H author's work a subtle attempt to eclipse the institution of the monarchy not only by aligning his corpus with a prophet who stood in opposition to the last kings of Judah but also through the appropriation of the expressly monarchic term *מלכות*.<sup>65</sup> By grafting this term into the Jubilee legislation of Leviticus 25 before the chapter reaches the topic of manumission, the H author makes clear that the use of this once-monarchic term is not simply a matter of literary response to its appearance in Jeremiah 34. Rather, it is entirely at home in the broader concerns of H and is now subject to Zadokite hegemony. The subordination of royal interests to those of the Zadokite priesthood had earlier begun to surface in Ezekiel 40—48;<sup>66</sup> the appropriation of the *מלכות* initiative by the H author in Leviticus 25 reflects the next evolutionary step, facilitated and even catalyzed by the term's usage in Jeremiah 34 and the H author's engagement of that

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<sup>63</sup> I have argued elsewhere for dating the redaction of Jeremiah 26—45 to roughly 570 and no later than 567 BCE, based on significant international political events, the manner in which the author/redactor of these chapters refers to them, and intertextual connections to Ezekiel's oracles, the last of which date to 572/571 BCE (Leuchter, *Polemics of Exile*, chapters 5). This would not include such obvious later interpolations as Jer 33:14-26, however, which reflect a post-exilic setting. See Boccaccini, *Roots of Rabbinic Judaism*, 52.

<sup>64</sup> The exilic version of the DH appears to presuppose and depend upon a mature form of the Jeremiah tradition inclusive of chs. 26—45 in several places. See Leuchter, *Polemics of Exile*, chapter 7; Friedman, "The Deuteronomistic School", 79-80; Halpern, "Why Manasseh", 510-12; Holladay, *Jeremiah* 2, 85-86. The redaction of the DH appears to support the policies of Amel-Marduk and is unlikely to have taken place after the deposition of that king in 560 BCE. See Albertz, *Israel in Exile*, 61-62. See above re: the low likelihood that H was redacted in the post-exilic period.

<sup>65</sup> Lemche's analysis is suggestive of this as well ("The Manumission of Slaves", 57), though he does not view the intermediate position of Jeremiah 34 in facilitating this process.

<sup>66</sup> Boccaccini, *Roots of Rabbinic Judaism*, 47-48 (though Boccaccini's view that this collection is a post-561/2 composition is open to question). See also Tirzah Meacham, "The Missing Daughter: Leviticus 18 and 20", *ZAW* 109 (1997) 254-59, who suggests an anti-Davidic stance intimated elsewhere in H.

text.<sup>67</sup> Whereas the Shaphanide-Levite authors behind 2 Kgs 25:27-30 seem supportive of Jehoiachin's submission to Babylon (a position Jeremiah had himself advocated), the H author uses the Jeremiah tradition to claim the  $\text{דָּרָר}$  for the Zadokites, suggesting that the king who had capitulated to Babylonian hegemony had forfeited any claim to that institution. The H author declares the Zadokites, not the D scribes who remained close to Jehoiachin, the custodians of such initiatives and authority.

Pursuant to this last point is a somewhat anti-Levitical stance discernible in the current locus of each law code within the Pentateuch. The placement of D at the outer margin of the Pentateuch hermeneutically reverses the actual sequence of exegesis, making D a mere interpretation of H, which is more closely connected to the Sinai revelation.<sup>68</sup> Symbolically, the role of the social group associated with D (the Levites) is thus dependent upon a revelation entrusted to the Zadokites behind H which anchors the structure of the entire Pentateuch itself.<sup>69</sup> Neither the Holiness School authors nor Ezekiel go so far as to eradicate the place of the Levites within Israelite religion, but they do limit and redirect their duties; as Stackert notes, the Zadokites minister to YHWH while the Levites minister to the people.<sup>70</sup> From this perspective, the notice in Deut 1:5 ( $\text{בְּשֵׁה בְּאֵר אֵת הַתּוֹרָה הַזֹּאת}$ ) may be understood as a statement qualifying the ensuing Deuteronomic corpus as only an explanation of "this Torah" (i.e., P/H), and not as a work of revelation in and of itself.<sup>71</sup> This dynamic may lay behind the eventual presentation of the Levites as interpretive agents of the Zadokite Pentateuch in Nehemiah 8, though this text also betrays sensitivities to the Levites by emphasizing the importance of their interpretive role in the completion of the *torah* process.

Finally, we may detect some significant differences in the H author's exegetical response to D and Jeremiah 34. While the H author reworks the lexemes of his D source material for the purposes of superseding it, this approach is not applied to Jeremiah 34. Instead, the H author relies upon the internal literary dynamics and language of Jeremiah 34 and wishes to argue that his own work is not at odds with the report of the prophet's words. Thus despite Jeremiah's harsh pre-exilic criticism of the Jerusalem priesthood, the H author views Jeremiah – both the book and the man – as sacrosanct.<sup>72</sup> Unlike the laws in

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<sup>67</sup> This anticipates the eventual tension that arose between the Zadokite and Davidide groups charged with leadership of the Restoration era community in Yehud, with the Zadokites eventually eclipsing the Davidides.

<sup>68</sup> Levinson, "Birth of the Lemma", 637. The hermeneutical significance of textual sequences is not the invention of the Holiness School. The D tradition had already deployed this strategy in the pre-exilic period; see Levinson, *Deuteronomy*, 107-37; Leuchter, "Song of Moses".

<sup>69</sup> So also Eckart Otto, "The Pentateuch in Synchronical and Diachronical Perspective: Protorabbinic Scribal Erudition Mediating Between Deuteronomy and the Priestly Code", *Das Deuteronomium*, 31-32.

<sup>70</sup> *Rewriting the Torah*, 269-71. The complaints of Malachi against the marginalization of Levites in the early Second Temple period bears witness to this sacral stratification; see Fishbane, *Biblical Interpretation in Ancient Israel*, 332-34.

<sup>71</sup> This may not have been the original intention of Deut 1:5, but the sequential/hermeneutical relationship between the Pentateuchal law codes imply such a reading.

<sup>72</sup> The deference the H author shows to a text obviously developed by a competing socio-religious group should be attributed to ambiguous distinction between text and author in ancient Israel; see Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*

D, Jeremiah could not be revised or otherwise undone.<sup>73</sup> This is certainly a far cry from the pre-exilic priestly attitude toward the prophet echoed in Jer 18:18:

Then said they: 'Come, and let us devise devices against Jeremiah; for instruction shall not perish from the priest, nor counsel from the wise, nor the word from the prophet. Come, and let us smite him with the tongue, and let us not give heed to any of his words.'

Here, the Jerusalem priesthood is part of a triumvirate conspiring against Jeremiah and his warnings of impending disaster. Such a posture, however, could not survive the destruction of Jerusalem and exile into Mesopotamia. It is not surprising that the H author would defer to Jeremiah's words – those words had unfurled a living reality that was impossible to ignore, regardless of partisan politics. The influence of Jeremiah 34 upon the exilic redaction of H indicates a metamorphosis within the Holiness School itself. The pre-exilic H literature may have emerged in response to the critique of the 8<sup>th</sup> century prophets, but there is little to suggest that the authors of this time intended for their literature to work in tandem with these prophetic critiques. The H author behind Leviticus 25 may have similarly been spurred by the prophetic traditions of his day, but he endeavored to produce a literary work that was consonant with them. For him, older law codes could be subject to revision, but that revision only obtained an authoritative status in agreement with the prophets. It is not surprising, then, that a canonical parity between Law and Prophecy established the axiom for later modes of exegesis, as the one provided the hermeneutical context for reading the other.

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(Boston/Leiden: Brill, 2003) 9-13. The literary tradition of Jeremiah would carry the force of the prophet himself, an idea presupposed within the Jeremiah tradition itself via the characterization of the scribal process as semantically equal to prophetic phenomenology. See Leuchter, *Polemics of Exile*, chapter 3, for a discussion of Jeremiah 36:17-18, which specifies that the divine דבר placed in Jeremiah's mouth is authentically transmuted into the redacted text produced by Baruch's pen. See also Jack R. Lundbom, "Baruch, Seraiah, and Expanded Colophons in the Book of Jeremiah" *JSOT* 36 (1986) 96-108, for a discussion of the scribe/prophet relationship.

<sup>73</sup> So also Ezekiel's reliance upon Jeremiah, as he appropriates that latter's oracles without rejecting them in a manner similar to his appropriation of certain D lexemes (Levitt Kohn, *A New Heart and A New Soul*). The same cannot be said, though, regarding Ezekiel's view of the D laws themselves. See Scott W. Hahn and John Seitz Bergsma, "What Laws Were 'Not Good'? A Canonical Approach to the Theological Problem of Ezekiel 20:25-26", *JBL* 123 (2004) 201-18. This might raise questions as to how Jeremiah's oracles are indeed revised and reworked in Isaiah 40-66 (Sommer, *A Prophet Reads Scripture*, 32-72), though emerging canonical categories of scripture may have established certain boundaries: as a Pentateuchal law code, H could revise other law codes but not authoritative prophetic texts, whereas a developing prophetic literary tradition such as Isaiah could revise another authoritative prophetic text such as Jeremiah. It is clear from Sommers' analysis, though, that the Isaianic reviser of Jeremiah does not seek to negate or supersede Jeremiah but to demonstrate the fulfillment of his words.