

3a) Canaanite Cultic Law and its Yahwistic Repainting in Leviticus 1-16, Shown by a Close Reading of the Chapter Leviticus 1

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Our general thesis is that we have in the chapters Lev 1-7 a collection of originally Canaanite cultic prescriptions for offerings that have been overtaken for use in the Israelite cult. Our intention is by removing the numerous, but rather superficial repaintings from the hand of an Israelite redactor – we may call him “P” – to restore the original Canaanite tradition.

Our proof text is Lev 1. If we remove the Yahwistic introduction formula, the old text begins in v. 2bβ with an impersonal-casuistic sentence: אדם כי יקריב קרבן "When anyone presents a gift". The form is exactly parallel to the introduction formula in the Ancient-Oriental casuistic law. We know it since the late Sumerian period¹ Also the initial position of the subject אדם before the preposition כי corresponds to the Ancient Near East paradigm (amēlu šu). Looking on the continuation in v. 3, speaking again in the 3rd person, it can be presumed that the preparing מכם in v. 1 and the plural formulations V.2bβ are a subsequent revision. They intentionally give the impression that the Israelites are addressed here. The original text formulates statements in the 3rd person sg. Already K. Koch² perceived that an old ritual stands here in the background. For the understanding of the form B. Levine's observations are important. He noticed in Accadian, Hittite, Ugaritic and Old Testament texts the form of a "descriptive ritual" and presumed its origin in archive documents of certain rituals. Later they would be reworked into a didactic form.³ The original text seems first to

¹ Already from the laws of king Urnammu of Ur (ca. 2111-2094 BCA). Better known are the similar formulations in CH.

² K. Koch, Die Priesterschrift von Exodus 25 bis Leviticus 16. Eine überlieferungsgeschichtliche und literarkritische Untersuchung (FRLANT 71). Göttingen 1959, 49. His division of the text, however, is not correct.

³ B.A. Levine, Ugaritic Descriptive Rituals, in: JCS 17 (1963), 105-111; id., The Descriptive Tabernacle Texts of the Pentateuch, in: JAOS 85 (1965), 307-318; id., The Descriptive Ritual Texts from Ugarit: Some Formal and Functional Features of the Genre, in: C. L. Meyers /M. O'Connor, eds., The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman. Winona Lake 1983, 467-475; id./W. W. Hallo, Offerings to the Temple Gates at

comprise V. 2aβ (without מכם and ליהוה) and v. 3a:⁴ The person willing to offer from the herd is admonished to take a male animal that is perfect. The original sentence continues in V.3b with the words יקריב אתו לרצונו "he shall present it as he likes". The original text can be restored by the grammatical form: The use of the 3rd pers. sg. distinguishes it from the context, which is characterized by the address to the people in the 2nd. pers. pl. The mention of the "tent of meeting" (אהל מועד), to which has been added ליהוה, seems to connect the chapter with the foregoing context in Ex 35-40 and not to belong to the original text. This is continued by the account of a ritual, describing the exact procedure of the offering (v.4-6*.9abα). Here perfecta consecutiva follow one upon the other. Most commentaries translate them correctly as indicatives:⁵ "He lays his hand on the head of the burnt offering ... He slaughters the bull ... he flays the burnt offering and cuts it into its parts ... Its entrails and legs he washes."⁶

As far goes the part of the lord of the sacrifice. In v.4b we find the only statement on the effect of the act: "It will be accepted" (ונרצה) "to expiate him" (לכפר עליו). The passive form is to be observed (niph'al): In this way a kind of automatism, as regards the result of the act of laying the hand on the head of the burnt offer is indicated. The difference to the final formulation in v.3 is obvious: There the noun רצון is used and a personal relation to YHWH expressed.

The original continuation follows perhaps - in the final text rather isolated - in v. 9b: "And the priest burns up all on the altar". It strikes that at this place the text speaks without any more exact definition about "the priest" and "the altar". Neither the "sons of Aaron" nor the "tent of meeting" are in view. In no way it becomes visible that a

Ur, in: HUCA 38 (1967), 17-58; id./J.-M. de Tarragon, The King Proclaims the Day: Ugarit Rites for the Vintage (KTU 1.41// 1.87), in: RB 100 (1993), 76-115. - J. W. Watts' criticism (Rhetoric, 84) is based on his own position and therefore not unprejudiced.

⁴ V.2b has been added by the Yahwistic redaction: Following the development of the praxis it allows the choice between bulls (בקר) and small cattle (צאן) and is addressed to the community in the 2nd pers. pl.

⁵ Among others, the translation of R. Rendtorff, Leviticus, is correct. The use of jussives (for instance RSV; G. J. Wenham, The Book of Leviticus (NICOT) Grand Rapids 1979); M. F. Rooker, Leviticus [New American Commentary; Nashville 2000]) shows that some translators did not recognize the form. Grammatically we have to do with normal imperfects. The form is a ritual, the style describes the single acts.

⁶ Here the imperfect is used. The understanding as jussiv, however, is unlikely in the context.

certain sanctuary (if one at all; cf. Ex 20:24) is meant or one of the well-known dynasty of priests. This lets us ask whether V. 7 still contains a rest of the original text at the place where the word הכהן "the priest" follows upon the "sons of Aaron". The word gives a sense in the present context if it is regarded as an apposition to the name "Aaron". But because in other cases normally the whole expression has the form בני אהרון הכהנים "the sons of Aaron the priests" (Lev 1:5.8.11 etc.), it seems very likely that this is the rest of the old formulation, in which a single priest acted alone. This is confirmed by the fact that in the following verses (v.12.13.15-17) thoroughgoing one priest is responsible for the offering. The act of splashing the blood over the altar (v.5b.11b) and the other acts described in v.7-8 are clearly secondary in the context.⁷ They seem to have been introduced in analogy to other rituals. We can understand its addition as an attempt to harmonize the text with the larger context of Ex 35-40 until Lev 8-9. In V.9b one word הקטיר is enough for the priest's role. V. 11, which continues the ritual in the 3.pers.sg.,⁸ surprisingly mentions as locality for the sacrifice the place on the north side of the altar. This also seems to be a general rule, not specified for a single identifiable altar. The second passage v.10-13 - about small cattle from the flock (sheep and goats) - runs parallel to v.2-9. In the original text only the lord of the sacrifice and the priest are the acting persons. Elliger also states that in the final passage (v.14-17), in which birds are spoken about as animals to be offered, the Aaronides are not mentioned any more.⁹ Here mostly the priest is acting. The function of the priest as mediator, who guarantees the efficiency of the ritual, is obviously very old. That he is introduced with the general title "the priest" has been intentionally done: Fixing the ritual on one exact cult should be avoided. That we have to do with three parallel structured passages, is also visible at the final formulations of each. Originally the final words were: עלה הוא (v.13.17; in V.9 the word הוא apparently has been lost by a gap in the text). These words can be understood with G. von Rad¹⁰ as a "declaratory formula". However, the idea of "Faith reckoned as

⁷ K. Elliger, *Leviticus* (HAT I,4). (Tübingen 1966), 29, calls this level in the text the "Aaronide redaction".

⁸ LXX in v.5.6.7.9.11 has harmonized by choosing the plural form.

⁹ *Leviticus*, 29.

¹⁰ G.von Rad, *Die Anrechnung des Glaubens zur Gerechtigkeit*, in: id., *Gesammelte Studien zum Alten Testament* (I) (ThB 8) (Munich 1958), 130-135 [= Faith Reckoned

Righteousness" that was basic for von Rad does not appear in this text. The formula states officially that a sacrifice completed according to this form can be acknowledged as efficient. Later in all the three verses a second definition has been added: אשה "a fire offering". The last sentence in each belongs to the Yahwistic redaction: the sacrifice is ריח ניחוח ליהוה "an agreeable odor for YHWH".

If we ask what authority stands behind the original formulations, it is significant that it is not mentioned in the original text. Evidently the efficiency of the ritual is self-speaking for the people involved (the sacrificing person and the priest). The biggest part of the text is filled with the description of three sacrifices with a parallel ritual. Only the animals offered differ. A closer reading shows that the account begins with a cultic-juridical definition of the case. אדם כי "Given, a man" (V.2) is the typical juristic opening clause of a case. The conditions of such a case are valid for everybody. The postponed כי introduces the main case; the subordinate cases that differ by the kind of animal offered, are opened by the word אם (V.3) and ואם (V.10.14), as usual in casuistic law. Especially important seems to be the understanding of V.4b, which declares that the laying on of hands is reckoned for the sacrificing person as atonement. We pointed to the passive formulation, which fits exactly to the impersonal style of the ritual. The grammatical form (perf. cons.) shows that this sentence belongs to the original ritual.¹¹

A long dispute discussed the fact that the statement follows upon the laying on of hands.¹² Especially B. Janowski explains the formulation in V.4b (which he regards as an addition in the text) theologically: the sacrificing person identifies himself with the offered animal. We have to do with the " *eigenen* , von dem sterbenden Opfertier stellvertretend übernommenen *Tod des Sünders* "¹³ But his interpretation is based on the connection with the blood-rite. We saw that this is a secondary element in the text

as Righteousness, in: *The Problem of the Hexateuch, and other Essays*. Edinburgh, London, New York, Toronto 1966, 125-130].

¹¹ Against i. a. M. Noth, *Das dritte Buch Mose. Leviticus (ATD 6)* Göttingen 1962, 13; Elliger, *Leviticus*, 29.f.36, who assumes a redactor "Po", and Janowski, *Sühne*, 216, following him.

¹² R. Rendtorff treats the importance of the laying on of hands with offerings in a long excursus (*Leviticus*, 32-46). Cf. also H.-J. Fabry, in: D. P. Wright/J. Milgrom/H.-J. Fabry, *Art. סמך*, *ThWAT V* (1985), (872-889), 883f.

¹³ (the own death of the sinner, taken by the dying animal offered on itself), *Sühne*, 220. He follows therewith the thesis of his teacher H. Gese, *Die Sühne*, in: id., *Zur biblischen Theologie. Alttestamentliche Vorträge (BevTh 78)* Munich 1977, 85-106, 97.

and cannot be used for the understanding of the original sense of the ritual. At another place he remarks himself: " So wenig allerdings der Handaufstimmung selbst, d. h. unabhängig von einem Blutrītus, schon Sühnefunktion zukommt - dafür ist auch Lev 1, 4 kein Beleg."¹⁴ R. Rendtorff rightly criticized Janowski's opinion: His thesis of the "Lebenshingabe des homo peccator"¹⁵ does not fit into the context. Here we have not to do with a crime deserving death. Besides, the idea that the sacrificing person eats meat of an animal, which died his own death, cannot be imagined.¹⁶ The theological overstatement connected with Janowski's interpretation must be repudiated as incorrect. In the original ritual, to which the splashing of blood did not yet belong, it has in any case no place. This remarks also Rendtorff.¹⁷ He remains, notwithstanding, in a final irresolution to follow one of the proposed explanations, because the Old Testament itself does not offer one, and because Lev 1,4 is the only passage in which the laying on of hands is connected with a ritual of atonement.

But if one sees that the blood-rite does not belong to the original context, on the other side V.4b is an integral part of the original ritual, another explanation suggests itself. Occasionally it has already been discussed, but mostly it has been repudiated. R. Rendtorff considers it in detail under the superscription "Identifikation", but at last cannot decide in its favor.¹⁸ According to Elliger the rite causes a psychic fluid to flow from one being to the other¹⁹ and therewith an identification of the sacrificing person with the victim. If, however, the following sentence is to the point, must be doubted: "indem er der Gottheit sich selbst hingibt". In the original form of the ritual God is nowhere spoken about! But the first sentence of Elliger is convincing: For the magic view the contact with powerful beings - the victim becomes it by being offered - lends to the person who has to do with it the same power. An analogy from the Ancient Near East is the Hittite ritual of Ashella.²⁰ For this ritual it is characteristic that by laying of hands on a ram a catastrophe (an epidemic broken out in the camp) can be transferred upon animals that are regarded as powerful and diverted. In laying on of hands a

¹⁴ (Whereas, however, the laying on of hands itself, independent from a blood-rite, has no effect of atonement - also Lev 1,4 is no proof for this), Sühne, 240.

¹⁵ (The abandonment of life by the sinning human), Janowski, Sühne, 221.

¹⁶ Rendtorff, Leviticus, 43.

¹⁷ Rendtorff, Leviticus, 44.

¹⁸ Rendtorff, Leviticus, 43.

¹⁹ Elliger, Leviticus, 34.

²⁰ Text: E. Laroche, Catalogue des textes hittites. Paris 1971, 394.

contact between human and animal is at stake that self-efficient (with a modern simile: like electric power) can remove evil, understood as a fluid substance. Noteworthy is the passive formulation ונרצה. The impersonal construction is chosen with intention.²¹ H. Barstad's²² remark that all examples for the niph'al form occur "in priesterlichen Texten, die das Verhältnis zwischen JHWH und den Opfernden regeln wollen",²³ fails, because it is based on the final text. Important is at least the observation that the cases of niph'al are restricted to priestly texts. All of them belong to cultic law. For a closer evaluation it is useful to have a look upon the negative formulations. The formula לא ירצה is used in Lev 7:18 with the rule that meat from an offering cannot be eaten at the third day. At the third day it is פגול.²⁴ A first addition explains: "To the person who offered it will not be accepted (ni. יחשב) [as a valid offering]"²⁵ This remark is completely impersonally-materially meant.²⁶ The root ני.רצה has an exclusively cultic meaning (cf. also Lev 19:7; 22:25). The positive meaning, exclusively in Lev 1,4, has to be understood correspondingly: The person who offers lays his hand on the head of the animal; thereby the sacrifice is accepted as valid. The root כפר has been derived from Arabic *kafara* "cover" or, since H. Zimmern²⁷ from Accadian (Babylonian) *kuppuru* "cultic clean". In this context the second meaning seems to be evident: The effect of a valid sacrifice is for the person who offers that he cleans himself in a cultic sense. Moral aspects are not visible.²⁸ Also a reference to God is lacking. The term of cultic cleanness²⁹ belongs to magic thinking.

²¹ A passive construction is also used for God's acting, but never with the root ני.רצה.

²² Art. ני.רצה, in: TWAT VII (1993), (640-652), 645

²³ (in priestly texts, which intent to regulate the relation between YHWH and the persons who sacrifice).

²⁴ The sense of the word is debated. For the problem cf. D. Kellermann, art. פגול, in: ThWAT VI (1989), 500-501.

²⁵ The meat is subject of the sentence, cf. Elliger, s.l.; Rendtorff, s.l., against Wenham, s.l., who regards the man as subject.

²⁶ R. Knierim, Text und Concept in Leviticus 1:1-9 (FAT 2) (Tübingen 1992), 41, is mistaken in starting too quickly from the final text, as he does in his whole book. Therefore he jumps to the conclusion that we have to do with YHWHs ני.רצון.

²⁷ H. Zimmern, Akkadische Fremdwörter als Beweis für babylonischen Kultureinfluß (Leipzig 1917²).

²⁸ H. Ringgren's opinion (art. טהר, in: ThWAT III (1982), 306-315, 313, that "die Reinheit in naher Beziehung zu dem ethisch und religiös Guten" (cleanness in close relation to the ethic

It has to be seen that the Ancient Oriental rituals known to us - as the Namburbi-ritual dealt with by S. M. Maul - are not enacted in an atheistic environment. Maul states³⁰ "daß die hier vollzogenen Ritualhandlungen keineswegs aus sich heraus wirksam wurden (*ex opere operato*), sondern nur mit dem Einverständnis und durch den Willen der Götter"³¹ This refers to our general topic of the relationship between magic and religion. For magic, however, exactly the belief on the automatic efficiency of powers in the material world is characteristic. This leads to the dualism caused by the integration of magic actions into a world interpreted by polytheistic religion, indicating a secondary development. The ritual in Lev 1 in its uncommented original form has no religious connotation. To my opinion this is a reference to a very old origin, in a period when magic alone held the field.

We are now back at the beginning. The sense of the ritual as the basis of Lev 1 cannot be measured with the usual theological scales that we are used as theologians to apply to biblical texts. Instead for the most ancient basis of the text a magical explanation is advisable. V. 4b, in which something about the original sense of the ritual is told, has a key function. Seemingly the laying of hand on the head of the animal to be offered is an important element in the beginning of the sacrifice procedure. The sense of this act cannot be valued except before a magical background. As we have seen, a magical world-view regards the world as a power field of interdependencies. The human has to integrate himself in it, but he also has to try to influence it by certain measures. Cult is one of these, an important one. It is especially important in its effects, which serve above all to preserve life. Cultic purity can be lost. As it is needed for life, it has to be renewed perpetually. For this purpose one has to use powers in nature, also animals. One gains part on their life-power by offering them. Therefore they have to be male, strong and bodily intact (v.3a). But they can also divert negative powers upon themselves. One can understand the order, into which cultic acting, especially offering,

and religious good) stands, is confuted by the examples he mentions (Koh 9:2; Hi 14:4; 4:17; 15:14; 25:49). All belong to the Hellenistic period and received in it their moralistic touch. For the old understanding it is characteristic that it is morally neutral. Besides, this shows how wrong the one-sided post-exilic dating of the priestly source is.

²⁹ H. Ringgren, art. טהר, gives a short oversight over the occurrences.

³⁰ *Zukunftsbewältigung*, 74.

³¹ (that the ritual acts enacted here are not at all efficient automatically, but only with the consent and by the will of the Gods).

belongs, as an inner circle in the power-field of the whole order of the world. The term "holiness" - still conceived without relation to a divine being - would be fitting for this. But this theme can not be touched upon in this context.

Efficiency is the decisive keyword in connection with an orderly sacrifice. The person, who offers wishes that the offer is effective. He needs thereto the holy place, the altar - it is remarkable that no special sanctuary is mentioned - and the priest as functionary who executes officially special acts in which he is an expert. Splashing of blood, however, is not yet his duty (or is not mentioned in the text).

The lack of a relation to a divine being in the ritual renders an exact dating and the search for a special place of origin for the form nearly impossible. The Hebrew language excepted, in which it is documented, no signs for its origin can be detected. The material can be rather old, as the parallels from the Ancient Near East suggest.

Neither is it easy to guess when and where the redaction has taken place. At any case, the usual starting-point with the narrative sources and the endeavor to find for them a chronological one-line order is not helpful, in spite of its popularity with the scholars. We see that this redactional process besides the special Israelite traditions (Mose as mediator, the "sons of Israel" as the addressees) introduced the relation to YHWH as the divine being. What earlier had been an order, resting in itself with a might balance (in spite of competing powers), has now been placed under an authority: the rule of God YHWH. This happens by the transmission of the divine word in the formulaic introduction in the threefold chain YHWH - Mose- sons of Israel. Additionally the old-fashioned ritual text was revised at numerous places by adding a relation to YHWH. Thus is received a completely new ideology. These additions are comparatively easy to detect - though many exegetes did not see that. By removing them the original form can be restored.

At this turning point, we can say, the transition from magic to religion takes place. As least in our text a clear sequence of both stages can be observed. In later periods the belief in a divine being was self-speaking and did not permit another basis as divine authority for the ritual. But the efficiency lying in the execution of the sacrifice-ritual itself was therewith not extinguished. But now one acted as the ritual prescribed, because it was derived from God's word, mediated by Mose.