

The Structure and Substance of Numbers 15

Joel S. Baden

Yale Divinity School

joel.baden@yale.edu

Abstract

Numbers 15 has long been seen in scholarship as a vaguely haphazard collection of disparate legal elements, with few obvious connections between them. Although some attempts have been made to find a thematic thread linking the various parts of the chapter, there has been little consensus on how best to understand the rationale behind the location and grouping of these legal passages or their particular order. This paper will make a new suggestion regarding the means by which Numbers 15 came to have its canonical shape.

Keywords

Numbers 15, composition, Priestly writings, Holiness Code

Numbers 15 has long been seen in scholarship as a vaguely haphazard collection of disparate legal elements, with few obvious connections between them.¹

¹ Scholars have variously described the chapter as “a section of various fragments of priestly law . . . having no connection whatsoever with the story” (B. W. Bacon, *The Triple Tradition of the Exodus* [Hartford, 1894], p. 190); “mixed supplements to laws” (H. Holzinger, *Numeri* [KHC 1; Tübingen, 1903], p. 60); “miscellaneous laws . . . [with] little or no connection with one another” (G. B. Gray, *A Critical and Exegetical Commentary on Numbers* [ICC; Edinburgh, 1903], p. 168); an “unsystematically arranged collection . . . The individual parts of this collection have no connection with each other” (M. Noth, *Numbers* [OTL; Philadelphia, 1968], p. 114); “a collection of priestly laws . . . [for which] no reason has yet been found why it was placed here in particular” (J. Sturdy, *Numbers* [Cambridge, 1976], p. 108); a “strange collection of cultic laws” (G. J. Wenham, *Numbers: An Introduction and Commentary* [Leicester, 1981], p. 126); “a miscellany of diverse laws” (J. Milgrom, *The JPS Torah Commentary: Numbers* [Philadelphia, 1990], p. 117); “an addition or appendix . . . a repository of late ritual law” (B. A. Levine, *Numbers 1-20* [AB 4; New York, 1993], p. 386); “something of a hodgepodge of literary units” (S. Chavel, “Numbers 15,32-36—A Microcosm of the Living Priesthood and Its Literary Production”, in S. Shectman and J. S. Baden [eds.], *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* [ATHANT 95; Zurich, 2009], pp. 45-56 [at p. 45]).

Although some attempts have been made to find a thematic thread linking the various parts of the chapter, there has been little consensus on how best to understand the rationale behind the location and grouping of these legal passages or their particular order. In what follows I will make a new suggestion regarding the means by which Numbers 15 came to have its canonical shape.

To begin, it is worth summarizing the five distinct sections of Numbers 15. The first, in vv. 1-16, presents laws dealing with vow and freewill offerings; the second, in vv. 17-21, contains the command to bring a first-fruit offering of baked bread; the third, in vv. 22-31, presents laws dealing with sacrifices required for inadvertent sin (and the impossibility of sacrificial atonement for intentional sins); the fourth, in vv. 32-36, is the legalistic narrative, what S. Chavel calls the oracular novella, of the Sabbath wood-gatherer;² and the fifth, in vv. 37-41, contains the law of *šîšîr*. (It should be noted from the outset that, despite the variety of topics dealt with, numerous scholars have correctly assigned the entirety of Numbers 15 to H.³ For many, this assignment is based on the stereotypical H themes, language, and form that are present in every section, detailed in the notes below. As we will see presently, however, there are other reasons to conclude that the chapter belongs to H.)⁴

² Chavel, "Numbers 15,32-36." See also M. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford, 1985), pp. 98-106.

³ J. Wellhausen, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin, 1963), p. 175; A. Kuenen, *An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch* (London, 1886), p. 96; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis, 1995), p. 53; J. Milgrom, *Leviticus 17-22* (AB 3A; New York, 2000), pp. 1341-43. Some scholars have attributed the chapter to a post-H author, though still noting the many similarities between the chapter and H: R. Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (BZAR 3; Wiesbaden, 2003), pp. 517-25; C. Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (FAT II/25; Tübingen, 2007), pp. 570-72.

⁴ I recognize that there are those scholars who deny the existence of H altogether, at least as it has been defined recently by Knohl and Milgrom; among the most cogent arguments in this direction is that of E. Blum, "Issues and Problems in the Contemporary Debate Regarding the Priestly Writings," in S. Shectman and J. S. Baden (eds.), *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* (ATHANT 95; Zurich, 2009), pp. 31-44. It should therefore be stated that I understand H to be a layer of the priestly writings, neither the first nor the last (and certainly not any part of a global pentateuchal redaction), but one that is identifiable primarily by its theological and thematic differences with the earlier P text to which it has been added. The linguistic and stylistic features that are commonly associated with H are, to my mind, supporting evidence rather than primary, though their consistent coexistence alongside the theological and thematic markers is highly suggestive.

Even this cursory listing of the five sections of Numbers 15 makes clear that their sequence requires some explanation. There are two sections, vv. 1-16 and 22-31, regarding irregular offerings—that is, offerings that have no set time—but they are separated from each other by the law regarding the first-fruit of baked bread, vv. 17-21. There are two sections of laws dealing with sin, either sacrifices resulting from it (vv. 22-31) or clothing accessories to prevent it (vv. 37-41), but they are separated from each other by the story of the Sabbath wood-gatherer (vv. 32-36). In short, it is unclear what meaning we are supposed to derive from the order of the presentation.

It is tempting to read the laws regarding freewill offerings and those regarding sacrifices resulting from sin, vv. 1-16 and 22-31, as intrinsically linked.⁵ They are of course similar in content, each detailing what animals, along with the requisite meal and libation offerings, are to be brought under the particular circumstance in question. Moreover, these two sections seem to replicate the order of Leviticus 1-5: Leviticus 1-3 deals with freewill sacrifices, and Leviticus 4-5 deals with sacrifices resulting from sin. It hardly seems coincidental that Numbers 15:1-16, 22-31 should follow this same pattern. It would seem, rather, that H is intentionally replicating Leviticus 1-5 here in order to provide its new reconfigurations of those P ritual laws.⁶

⁵ See, e.g., A. Dillmann, *Die Bücher Numeri, Deuteronomium und Josua* (Kurzgefasstes exegetisches Handbuch zum Alten Testament; Leipzig, 1886), pp. 83-84; R. P. Knierim and G. W. Coats, *Numbers* (FOTL 4; Grand Rapids, 2005), p. 198.

⁶ A comparison of Num 15:1-16 and Leviticus 1-3 reveals a number of differences in the commanded ritual procedure. Most notably, and indeed the main purpose of this passage, is the addition of the meal and libation offerings to accompany the sacrifices—additions which, logically enough, are to come into force only when the Israelites have established themselves as an agricultural society in the promised land. It is important to recognize that the *minhâ* described in Num 15:1-16, an accompaniment to the established animal sacrifices, is of a very different character from the independent *minhâ* of Leviticus 2 (see Gray, 169). Whereas Leviticus 2 prescribes the addition of incense to the meal offering (2:2, 15-16), there is no mention of that here. We also find in v. 3 reference to the sacrifices offered at festivals, a reference that assumes the reader's knowledge of the H festival calendar in Leviticus 23 and the mentions there of the meal and libation offerings (Lev 23: 13, 18, 37). Naturally, the concluding reference to the equality of the law for the Israelite and the *gēr* (Num 15:14-16) is unknown in Leviticus 1-3.

Even clearer distinctions can be seen between 15:22-31 and Leviticus 4. In Lev 4:13-21, when the community sins they are to bring “a bull of the herd as a purification offering” (4:14); in Num 15:24-26, the community is to bring “one bull of the herd as a burnt offering . . . and one he-goat as a purification offering” (15:24). (The question of whether there is evidence of internal growth within v. 24, as suggested by R. Rendtorff, *Studien zur Geschichte des Opfers im Alten Israel* [WMANT 24; Neukirchen-Vluyn, 1967], pp. 22-23, 81-83, 209-10, is largely irrelevant to the argument of this paper, as his proposal, that the he-goat of the purification offering is a later addition, still retains

Yet when a connection is drawn between Numbers 15:1-16 and 22-31, the status of vv. 17-21 is thrown even more dramatically into question. If the first and third sections are a logical unit, then why are they interrupted? Even if we were to attribute vv. 17-21 to a later hand, we would still be at a loss to explain why a later editor would have considered this an appropriate place to insert the law of the first fruits of baked bread. Given the ostensibly random nature of the chapter as a whole, it would have been just as easy, and far less disruptive, to place this law after v. 31.

I suggest that the solution to this problem, and indeed the beginning of the explanation for the shape of the chapter as a whole, emerges when the law of vv. 17-21 is understood in its proper context. I have elsewhere argued that the priestly manna story in Exodus 16 has been dislocated from its original place in the independent priestly source.⁷ To briefly summarize that argument: the P material in Exodus 16 comprises vv. 1-3, 6-25, 31-36. It is full of anachronisms, elements that presuppose aspects of the priestly narrative that have not yet occurred: the appearance of the Presence of Yahweh (vv. 7, 10); the use of the phrase "before Yahweh," which in the priestly writings has the technical meaning of "in front of the Tabernacle" (vv. 9, 33); the assumed knowledge of the Sabbath law (v. 23); Aaron putting the manna before the *'ēdūt* (v. 34); and the reference to the forty years of wandering (v. 35). This collection of anachronisms strongly suggests that the priestly story has been moved; since the inception of the provision of manna could occur only once, P's narrative of this event was relocated and combined with the nonpriestly account of the same, which took place far earlier in the story of Israel's wilderness wandering than it did in P. The anachronisms also provide us with a general idea of where in the independent priestly text the story must have once stood: after the sentencing of the Israelites to wander for forty years, in Numbers 14, and before the death

the distinction with Leviticus 4. It is also unclear whether any changes to a purported original text of 15:24 were made before or after it was taken up and edited by H.) In Lev 4:27-35, when an individual sins he is to bring "a female goat without blemish" as a purification offering (4:28); in Num 15:27-29, he is to bring "a she-goat in its first year as a purification offering" (15:27). More broadly, the laws of Numbers 15 apply to all inadvertent sins, while those in Leviticus 4 apply only to violations of prohibitive commandments (Milgrom, *Numbers*, 402-3). On the transformation of Leviticus 4 in Num 15:22-31, see Fishbane, *Biblical Interpretation*, 190-94, and especially the seminal article by A. Toeg, "Numbers 15:22-31: A Halakhic Midrash" (Hebrew), *Tarbiz* 43 (1974), pp. 1-20 (esp. pp. 10-14). It is beyond the scope of this paper to detail the possible rationales for the changes H makes to P.

⁷ Joel S. Baden, "The Original Place of the Priestly Manna Story in Exodus 16", *ZAW* 122 (2010), pp. 491-504.

of Aaron in Numbers 20. In my earlier publication, I wrote that “the only question is whether the episode of the manna came before or after Korah’s rebellion in Numbers 16-17, and it is largely impossible to determine the answer either way.”⁸

I would like now, however, to suggest that we can in fact pin down with far more precision exactly where the priestly manna story originally stood: namely, immediately before Numbers 15:17-21. It is common practice in H to append a legal addition to a P text, and these legal extensions always have a thematic link with the priestly material that they build on.⁹ In the case of Num 15:17-21, the link to the priestly manna story is particularly clear. The P story in Exodus 16 ends with the notice that “the Israelites ate manna forty years, until they came to a settled land; they ate the manna until they came to the border with Canaan” (Exod 16:35).¹⁰ And indeed, in Jos 5:11-12 we find the narrative fulfillment of this verse: “On the day after the passover offering, on that very day, they ate of the produce of the country, unleavened bread and parched grain. On that same day, when they ate of the produce of the land, the manna ceased. The Israelites got no more manna; that year they ate of the yield of the land of Canaan.” What we have in Num 15:17-21 is a law that grows organically from this notion of the cessation of manna and the consumption of Canaanite produce: “When you enter the land to which I am taking you, and you eat of the

⁸) Baden, “Original Place”, p. 500.

⁹) This thematic link is evident both in cases where H expands on a legal passage from P (e.g., Lev 11:44-45; 16:29-34a) and in those where H expands on a priestly narrative (e.g., Exod 12:14-20; Numbers 18). In the case of Num 15:17-21, the thematic connection is bolstered by the appearance of some typical H elements: the introductory phrase “when you enter the land to which I am taking you” (15:18; cf. Lev 18:3; 20:22); the reference to the *ṭrûmat gôren* (15:20; cf. 18:27, 30; these references allude to nothing found in the priestly legislation, but most likely rather to Deut 15:14, yet another indication that these verses stem not from P but from H, who probably knew D [see J. Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (FAT 52; Tübingen, 2007)]); and *ḥdôrôtékem* (15:21; though not exclusively H, this word is from H in at least seventeen out of its twenty-four occurrences).

¹⁰) Exod 16:36, as has long been recognized, is a gloss. Note that the same measurement defined in this verse, a tenth of an ephah, appears elsewhere in the Pentateuch, including (implicitly) in Num 15:4, without any gloss (see Lev 5:11; 6:13; Num 5:15; 28:5). If the priestly manna story originally stood after Num 15:16, it would make little sense to gloss the measurement only there, in what would be its fifth appearance in the priestly writings. We may thus suggest that this gloss must have been added after the manna story was moved to its current position in Exodus 16, where it became the first appearance of the tenth of an ephah, and thus the logical place to explain the measurement.

bread of the land, you shall set some aside as a gift to Yahweh" (15:18-19).¹¹ The law follows directly on the proleptic description of the very moment to which it is addressed: the Israelite entrance into the land, the cessation of manna, and the first consumption of Canaanite produce.¹²

The possibility that the priestly manna story originally stood before Num 15:17-21 explains both the content and the form of these verses. The law, which in its canonical position seems to have no relationship to its context, now makes good sense as a legal extension of a narrative on the same topic. We may now also understand the reason for the new and full formal introduction of the law, "Yahweh said to Moses, 'Speak to the Israelite people and say to them . . .'" (15:17-18a). In the context of the canonical Numbers 15, this introduction is odd, as it repeats verbatim the introduction in 15:1-2a. If an entire narrative intervened between vv. 1-16 and 17-21, however, the canonically difficult repetition is rendered unproblematic.¹³ In addition, the rationale for the unusual form of the introductory "when you enter the land" clause is now clarified. Elsewhere in H, this clause usually appears as *kî tábô'û* (as in 15:2, for example).¹⁴ In 15:18, however, we find the rare form *b³bô'^akem*, which picks up directly not on the *kî tábô'û* of 15:2, but rather on the repeated *bô'âm* of Exod 16:35—"until they entered the land"—with which it was intended to be continuous.

If it is recognized that the priestly manna story in Exodus 16 originally stood before Numbers 15:17-21, the question of the logic of Numbers 15 as a whole is put in a new light. In previous discussions of the chapter, it was thought

¹¹ Rashi, on 15:20, already drew a connection between the law of Num 15:17-21 and the manna story in Exodus 16 by claiming that the implicit amount of "your baking" (*'arisôtêkem*) in Num 15:20 is the omer that the Israelites gathered in the wilderness according to Exod 16:16. The linguistic link between Num 15:17-21 and Jos 5:11-12 was seen by Levine, 394.

¹² It may be noted that another feature typical of H's legal style is to turn an ostensibly one-time prescription into a regular occurrence. This is most evident in the H expansions of P's Passover instructions in Exod 12:14-20, 24-27a and of P's Yom Kippur legislation in Lev 16:29-34a.

¹³ Although the simple repetition of introductory speech formulae is by no means uncommon in the Hebrew Bible, this extended introduction is much rarer, appearing only in Lev 1:1-2; 18:1-2; 23:1-2, 9-10; 25:1-2; 27:1-2; Num 5:11-12; 6:1-2; 15:1-2, 17-18, 37-38; 33:50-51 (with some additions); 35:9-10. Some observations on this phrase and its distribution: it is exclusive to priestly texts; of the priestly writings, it is almost always from H (with the exceptions of Lev 1:1-2 and possibly Num 33:50-51; 35:9-10); there is in almost every case either a significant block of legal material or a narrative intervening between the occurrences of the phrase (with really the only exception being Lev 23:1-2, 9-10). Even in the chapter under discussion, Numbers 15, the third appearance of the phrase, in 15:37-38, is preceded by the narrative of the Sabbath wood-gatherer. Thus, although mere repetition of basic introductory speech formulae is not uncommon, the repetition of the full phrase in 15:1-2 and 17-18 is, in fact, noteworthy.

¹⁴ See also Exod 12:25; Lev 23:10; 25:2.

necessary to find some rationale for the order of the elements: freewill offerings, bread, unintentional and intentional sins, the woodgatherer, and the *šišit*. What does bread have to do with freewill offerings? What do the sins and their offerings have to do with the first fruits of the bread? Why is the case of the woodgatherer—as opposed to any other example of a sin—particularly apposite? If the priestly manna story stood between Num 15:16 and 17, however, the shape of the chapter is radically altered. No longer do we need to wonder how the freewill offerings connect with the rest of the laws (this section, 15:1-16, will be treated below). Now we can be concerned only with the last four sections of the chapter, and we may recognize, as I will argue here, that these elements all make good sense not merely as laws that must be explained in relation to each other, but as laws that can be explained as developing, like the first fruits of the bread, from the priestly manna story.

The least obvious transition in the canonical text of Numbers 15 is from the law of the bread in 15:17-21 to the laws of unintentional and intentional sins in 22-31, a transition that is, ironically, heightened by the lack of an introductory formula in v. 22.¹⁵ The difficulty of this sequence is undoubtedly one of the primary reasons why 15:17-21 have been considered an interpolation.¹⁶ We may, however, read the laws of 15:22-31 not as a direct development from 17-21, but as a second legal commentary on the priestly manna story, also from H.¹⁷ This section begins with emphasis on Israel's disobedience of the laws given to Moses by God, and assumes that the laws have already been given: "any one of

¹⁵ See the bewildered comments of Gray, *Numbers*, p. 180; Noth, *Numbers*, p. 116. Milgrom, *Numbers*, p. 122, correctly observes that the lack of an introduction "indicates that this section was intended to be a continuation of the previous one."

¹⁶ See, e.g., Dillmann, *Numeri*, 81; H. Seebass, *Numeri 10,11-22,1* (BKAT; Neukirchen-Vluyn, 2003), pp. 135-36; Achenbach, *Vollendung*, pp. 518-19.

¹⁷ Complicated arguments for multiple layers in 15:22-31, exemplified by the study of D. Kellerman, "Bemerkungen zum Sündopfergesetz in Num 15,22ff.," in H. Gese and H. P. Rüger (eds.), *Wort und Geschichte* (Neukirchen, 1973), pp. 107-13, have fortunately been largely set aside in more recent scholarship. Typical H elements in this section include: *ʿdōrōtēkem* (15:23); reference to the meal and libation offerings (15:24); mention of the *gēr* (15:26, 29, 30); *wʾnikrʾtā hannepesš* (Num 15:30; like *ʿdōrōtēkem*, not exclusive to H, but at least eleven out of fifteen attestations in the Pentateuch are from H); perhaps *hēpar* (Num 15:31; cf. Lev 26:15, 44, and see J. Stackert, "Distinguishing Innerbiblical Interpretation from Pentateuchal Redaction: Leviticus 26 as a Test Case", in T. B. Dozeman, K. Schmid, and B. J. Schwartz [eds.], *The Pentateuch: International Perspectives on Current Research* [FAT 78; Tübingen, 2011], pp. 369-86 [at p. 380]). It is equally typical of H to develop multiple legal comments from a single P precedent, the textually proximate case of Numbers 18 and 19, both proceeding from the P narrative of Numbers 16-17, being perhaps the clearest example.

these *mišwôt* that Yahweh has declared to Moses" (15:22). The priestly law-giving concluded, of course, with the departure from Sinai in Numbers 10, and only two episodes have taken place in the priestly narrative since then: the spies in Numbers 13-14,¹⁸ and the giving of the manna now found in Exodus 16. Although the Israelites do misbehave in the spies story, they do not formally disobey, nor do they in any respect disobey a *mišwâ*.¹⁹ The crime in the spies story is one of a lack of faith—the Israelites are deceived by the “calumnies” of the spies (13:32). At no point in that narrative does God issue a command to the Israelites to enter the land, so in no way can their behavior, though worthy of condemnation, be considered a violation of a *mišwâ*.²⁰ The priestly manna story, on the other hand, contains just that: “Moses said to them, ‘Let no one leave any of it over until morning.’ But they paid no attention to Moses” (Exod 16:19-20). Although it is not said explicitly that God gave Moses this command to convey to the Israelites, it is certainly implicit; furthermore, just this sort of instruction may well be what the author of Num 15:23 had in mind when he glossed “any one of the *mišwôt* that Yahweh has declared to Moses” as “anything that Yahweh has enjoined upon you through Moses.”²¹ The priestly manna story is the first time after the departure from Sinai that the Israelites have had to reckon with the practical application of the laws they have just received—in this case, the practical question of how to observe the Sabbath in the wilderness.²² And in this they fail.

¹⁸ Here and throughout, references to the priestly spies story in Numbers 13-14 are meant to refer specifically to Num 13:1-17a, 21, 25-26a, 32; 14:1a, 2-10, 26-38.

¹⁹ The equation of the Israelites' behavior in the spies story and the sins mentioned in Num 15:22-31 is drawn by ibn Ezra, on 15:2; so too, more recently, O. Artus, “Le problème de l'unité littéraire et de la spécificité théologique du livre des Nombres”, in T. Römer (ed.), *The Books of Leviticus and Numbers* (BETL 215; Leuven, 2008), pp. 121-44 (at pp. 136-37).

²⁰ Many scholars make the error of equating the behavior of the Israelites in the spies story with the technical priestly category of “sin,” either unintentional or defiant, described in Numbers 15. See, e.g., P. J. Budd, *Numbers* (WBC 5; Waco, 1984), pp. 173-74. Most striking in this regard is perhaps the statement of Wenham, *Numbers*, p. 127: “Their unbelief that was focused in the spy story did not nullify these covenant promises. Whole-hearted repentance and the offering of sacrifice can restore them to a position where they can fully experience God's blessing.” “Repentance” and “sacrifice” cannot be so easily elided; furthermore, the laws of Numbers 15 are to come into effect only after Israel has entered the land, thus the sacrifices described therein cannot serve to “restore” Israel, nor to allow them to “fully experience God's blessing.”

²¹ See Seebass, *Numeri*, p. 135.

²² A similar notion is expressed by Wenham, *Numbers*, p. 129, though he links it to the laws of vv. 17-21: “The dough law illustrates how demanding God's law is, and leads naturally into the next provision [i.e., the laws of vv. 22-31].” See also Knierim and Coats, *Numbers*, p. 198: “This element

The laws of Num 15:22-31, therefore, can be understood as speaking directly to the narrative situation of the priestly manna story—indeed, of all the episodes that precede this in the priestly writings, the manna story is the only one that raises the question of Israel disobeying God’s commands. The narrative context of the manna story explains yet another feature of 15:22-31: while P’s description of the offerings for inadvertent sins in Leviticus 4 contains instructions for the procedure depending on whether it is the priest, the community, the *nāšî’*, or the individual Israelite who sins, the version in Numbers 15 refers only to the community (vv. 24-26) and the individual Israelite (vv. 27-29)—that is, to precisely the parties, corporate and individual, at fault in the manna story.

Of course, the disobedience of the Israelites in the manna story is not inadvertent at all, but seems to be a direct defiance of Moses’s instructions. It is this feature of the story that occasions the climax of the laws in 15:22-31, the decree that the person who acts “with upraised hand” will be subject to *kārēt* and will “bear his *‘āwōn*” (15:30-31). Unlike the sacrificial procedures for unwitting sins in 15:22-29, this final section has no parallel in Leviticus. The earlier priestly stratum describes how defiant sins are cleansed from the Tabernacle, in Leviticus 16, but nowhere states the punishment for the individuals who commit such acts.²³ Numbers 15 fills a perceived gap in the priestly legislation, in commenting on the first priestly narrative that contains just such defiant disobedience.²⁴

At the same time, the law in Numbers 15 underlines a feature of the priestly manna story that is often overlooked: although the people directly disobey Moses’s instructions, their actions go unpunished. We are told only that “Moses was angry with them” (Exod 16:20). The author of Num 15:30-31 seems to have recognized the oddity of this, and perhaps recognized also that the explanation for it was simple enough: the Israelites go unpunished because no punishment had been legally laid out for such brazen behavior. The law about defiant disobedience in 15:30-31 thus turns the original priestly story into the logical

[vv. 17-21] . . . functions as a foil for the second element [vv. 22-31] . . . any ordinance would have been adequate. It serves in the structure of the unit to set the stage for the second element.”

²³ It is important, as many scholars have noted, to distinguish between “intentional” sins, which are, according to Leviticus 5, capable through confession of being downgraded in cultic terms to the status of “unintentional,” and “defiant” sins, that is, brazen, unrepented sins. See the penetrating analysis on this issue by R. Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, 2005), pp. 204-13.

²⁴ See Gane, *Cult*, p. 86: “Num 15:30-31 makes explicit what could be deduced from the silence in Leviticus regarding the sacrificial expiability of defiant sin.”

place for just such a punishment to be pronounced. In line with standard legal procedure, the Israelites could not be punished as the law demands, for the law had not yet been given; the insertion of the law here actually explains the seemingly missing punishment in the priestly story.²⁵ From this point forward, however, the Israelites will be responsible for upholding God's commands.²⁶ This claim, in turn, highlights an important distinction between the laws of voluntary sacrifices in 15:1-16 and those for sins in 15:22-31: the laws of voluntary sacrifices are to go into effect "when you enter the land that I am giving you to settle in" (15:2), while the laws of sacrifices for unintentional and intentional sins are in effect "from the day that Yahweh gave the commandment and on throughout the ages" (15:23).²⁷

It is clear enough that the narrative of the wood-gatherer in 15:32-36 serves to illustrate and provide further detail to the law regarding defiant sins in 30-31.²⁸ Immediately following the law, we have in these verses a story of someone who commits just such a defiant sin—this is the illustration. The further detail comes with the oracular decision as to what the people are to do with this man. As Chavel has correctly argued, this story adds the new information that the people are to punish the man, by stoning him; the law in 30-31 says only how he will be punished by God, with *kārēt*.²⁹ The open question about the wood-gatherer story has always been why this particular sin, gathering on

²⁵ This same sort of filling-in of legal details that are unmentioned in P is common particularly in H's oracular novellae: Lev 24:10-23; Num 9:1-14; 15:32-36; 27:1-11. See S. Chavel, "Law and Narrative in Four Oracular Novellae in the Pentateuch: Lev 24:10-23; Num 9:1-14; 15:32-36; 27:1-11", Ph.D. diss., Hebrew University, 2006.

²⁶ See G. Brin, "Num xv 22-23 and the Question of the Composition of the Pentateuch", *VT* 30 (1980), pp. 351-54.

²⁷ At the same time, though the two sections of sacrificial ritual in Numbers 15 are distinct, they are equally clearly closely related. As noted by many, Num 15:24b seems to refer back to the instructions regarding meal and libation offerings: "with its meal offering and libation according to the ruling." This should not be surprising, as in any reconstruction of the chapter the laws of 15:22-31 came after those of 1-16.

²⁸ In this passage there are few obvious H features beyond the broad recognition that this story, like those mentioned in n. 22 above, belongs to the category of the oracular novella, and that all four examples of this genre almost certainly belong to H.

²⁹ Chavel, "Numbers 15,32-36", p. 50; this argument was already made, though not with the same implications, already in *b. Sanh.* 78b and Rashi on 15:34. See also Fishbane, *Biblical Interpretation*, 100. One may, but need not, presume that the law of Exod 31:14-15 prescribing death for the Sabbath violator is assumed in the case of the wood-gatherer (see on this passage J. Stackert, "Compositional Strata in the Priestly Sabbath", *JHS* 2011 [http://www.jhsonline.org/Articles/article_162.pdf]). If Exodus 31 is assumed, then the question is not whether the man need die by human hands, but the precise method of his death by stoning.

the Sabbath, was chosen, out of every possible act, to illustrate the law of defiant sins. Yet with the manna story as the narrative introduction to the law, the answer becomes obvious. Sabbath observance is the motivating feature and practical exemplar for the entire chapter from v. 22 on.³⁰ We can, with this in mind, add some further nuance to our understanding of this brief episode. As noted above, the Israelites are not punished for their defiance in the manna story, because the law governing such punishment had yet to be given. The story of the wood-gatherer thus provides a parallel text to the manna story, the two narratives framing the law: it is the same kind of sin—gathering in the wilderness on the Sabbath—differing only in that it occurs after the law has taken effect.³¹ Pointedly, the body that sinned in the case of the manna becomes, after the giving of the law, the body that administers punishment for the parallel sin in the case of the wood-gatherer.³²

The law of *ššīt* in 15:37-41 is largely unaffected by the introduction of the manna story earlier in the chapter. As in the canonical text, this passage responds to the law of 30-31 and the narrative of the wood-gatherer in 32-36, providing the Israelites with a mnemonic mechanism for avoiding defiant sin.³³ It may take on some added significance, however, if it is read as the conclusion

³⁰ We may still accept the basic premise of Chavel, “Numbers 15,32-36”, pp. 50-51, that the placement of the oracular novella of 15:32-36 between the laws of sins in vv. 17-31 and that of *ššīt* in vv. 37-41 “makes the Sabbath representative of any of God’s laws.” It is not quite the case, however, that the “ultimate significance of the Sabbath has determined the placement of the wood-gatherer story itself within Numbers 15” (ibid.). The theme of the Sabbath was already in place, and the oracular novella is taking it up in the appropriate manner.

³¹ This parallel is recognized by Achenbach, *Vollendung*, p. 522; Chavel, “Numbers 15,32-36”, pp. 48-49.

³² In this regard one may agree with the assessment of Achenbach, *Vollendung*, p. 522: “So sehr also vordergründig Kap 15 eine Digression innerhalb des Darstellungszusammenhangs von Num 10-25 bildet, so geht es doch auf seine Weise auf den Kontext ein, indem es fragt, was Israel wohl in der Wüste gelernt habe. Die Antwort, die das ganze Kapitel zusammenhält, lautet: Treue gegenüber dem Wort Jahwes und seinen Geboten.” See also T. Novick, “Law and Loss: Response to Catastrophe in Numbers 15”, *HTR* 101 (2008), pp. 1-14 (at pp. 1-8), although the connection he draws between the narratives of the wood-gatherer and the spies should, in light of what is argued here, be reconfigured to link the wood-gatherer and the manna.

³³ It may also hearken back to the episode of the spies, as suggested by Milgrom, *Numbers*, p. 127, in its use of the verbs *t-w-r* (cf. Num 13:2, 25; 14:34) and *z-n-h* (14:33). This final section of Numbers 15 is saturated with typical H elements: *w’āmartā ’alēhem* (Num 15:38; attributable to H in at least sixteen out of twenty-two occurrences in the Pentateuch); *wa’āsšitem* with reference to laws (Num 15:39, 40, and nine times in Leviticus 17-26); the metaphoric use of *z-n-h* with regard to disobedience and/or idolatry (15:39; cf. Lev 17:7; 20:5, 6); reference to the people being holy (Num 15:40); “I am Yahweh your God” (15:41, and twenty-three other times in H).

to the sequence initiated by the manna story. As noted above, the priestly manna episode functions as the first time the Israelites are confronted with the constant responsibility of obeying the divine law. It is their failure in that very first moment that sets the rest of Numbers 15 in motion, and it is therefore quite reasonable for the final law of the chapter to address explicitly that need for constant vigilance.³⁴

When these three sections of Numbers 15—the laws of sin-offerings in 22-31, the oracular novella of the wood-gatherer in 32-36, and the law of *šîšîr* in 37-41—are read in light of the priestly manna story, it becomes evident that they are deeply and quite intentionally linked. There is thus no need to posit multiple layers here. All of the seemingly disparate topics are part of a continuous legal discourse built on a single narrative basis, with each section dependent on that which precedes it and none complete in and of itself.³⁵ If any one of these sections exhibited clear signs of belonging to H, such evidence would be enough to attribute all three to the same author. Since, as it turns out, there are good signs of H in every one of the sections (and in the law of the first fruits of bread in 17-21 as well), the assignment of the entirety of 15:17-41 to H seems reasonably assured.³⁶

We may now turn back to the beginning of the chapter, to the laws of free-will offerings in vv. 1-16. As with the rest of the chapter, the assignment of this passage to H is clear on internal grounds.³⁷ The more pressing question is how

³⁴ Here again we may see how the author of H is taking material from D (where the law of ritual fringes appears in Deut 22:12) and expanding and reconfiguring it to conform more closely to its context. See Achenbach, *Vollendung*, pp. 523-24.

³⁵ This is not to say that each of these sections may not have some independent origin, be it oral or written (see, for example, the striking introduction to Num 15:32-36, as noted by Chavel, "Numbers 15,32-36", pp. 51-52. It is quite likely, in fact, that we have here a collection of distinct legal claims—but these claims have been worked together into a unified sequential whole. Milgrom, *Numbers*, pp. 402-3, also observes that the law of *šîšîr* mimics the language of 15:22-23 in its use of 'š-h + kol *hammîswôt* (15:39-40). In this regard, we may mention Knohl's observation (*Sanctuary*, p. 186) that H is particularly keen to ensure that all of the commandments are equal in importance—thus the suggestion of the medieval commentators that the sin referred to in Numbers 15 is specifically idolatry may be discounted.

³⁶ I have suggested elsewhere that it was a claim of the original P document that the laws were given in only one place and at only one time—from the Tabernacle at the foot of Mount Sinai—and that all law-giving that is set in the wilderness is virtually by definition from a later stratum of P (including H). See J. S. Baden, "Identifying the Original Stratum of P: Theoretical and Practical Considerations", in S. Shectman and J. S. Baden (eds.), *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* (ATHANT 95; Zurich, 2009), pp. 13-29.

³⁷ There are numerous H features in this section: *w'âmartâ 'alêhem* (Num 15:2); *môš' bôtêkem* (15:2; cf. Exod 12:20; Lev 3:16; 7:26; 23:3, 21); the mention of *mô'adîm* (15:3; cf. Leviticus 23);

to understand H's insertion of this material at this point in the text. Recognition that the priestly manna story stood between vv. 1-16 and 17-41 means that there can be no possibility of viewing the laws of freewill offerings and those of sin-offerings as connected. That is, what may look in the canonical text like intentional mimicry of Leviticus 1-5 is, in fact, merely coincidental. The legal discourse of 15:1-16 stands by itself, independent from the rest of the chapter that follows. The original order of the P + H text would have been: spies (Numbers 13-14); laws of freewill offerings (15:1-16); manna (Exodus 16); laws of first fruits of bread, etc. (15:17-41).³⁸ Just as the laws that follow it are dependent on the manna story, so too we may imagine that the laws of freewill offerings are somehow dependent on the spies story that precedes it.³⁹ This dependence is of a different kind than what we see in the case of the manna story and the laws of Num 15:17-41, however. There is nothing in the spies story that relates to or introduces the notion of freewill offerings. What is the narrative impetus for these H laws?

I venture to suggest that the narrative impetus is to be found in the conclusion of the priestly spies story, which is also its very *raison d'être*.⁴⁰ The climax of P's spies story is God's speech in Num 14:26-35, in which he condemns the generation of the Exodus to die in the wilderness.⁴¹ For the H legislator, this narrative moment created an opportunity: it allowed for any or all of P's previous laws to be understood as potentially directed only to the first generation of the Exodus, and thus for variant laws to be given for the next generation, the

reference to meal and libation offerings (Num 15:4-7, 9-10); the mention of the *gēr* (15:14-16); *ḥdōrōtēkem* (15:14-15).

³⁸ This same pattern of alternating narrative and law in P + H continues with Numbers 16-17 (P) + 18-19 (H).

³⁹ Contra, e.g., Gray, *Numbers*, p. 168: "These laws . . . have little or no connection with one another . . . and none with the narrative of the spies (c. 13. 14) which precedes."

⁴⁰ Many commentators, from the medieval period to the present, have seen in these laws a reaffirmation of God's promise to bring the Israelites into the promised land despite the condemnation of the Exodus generation in the preceding narrative (see, e.g., Wenham, *Numbers*, pp. 126-27; Budd, *Numbers*, pp. 167-68; Dennis T. Olson, *The Death of the Old and the Birth of the New: The Framework of the Book of Numbers and the Pentateuch* [BJS 71; Chico, 1985], pp. 171-72; T. R. Ashley, *The Book of Numbers* [NICOT; Grand Rapids, 1993], p. 277; Seebass, *Numeri*, p. 134; Adriane Leveen, *Memory and Tradition in the Book of Numbers* [Cambridge, 2008], pp. 105-6). This may play some part in the decision to insert these laws here, but to deem it the main reason seems, to my mind, to be overly midrashic.

⁴¹ In the priestly text, this climactic speech is followed only by the denouement of 14:36-38, in which the spies (except for Caleb and Joshua) die in a plague.

Israelites who would actually enter the land.⁴² Unlike P's laws, which are addressed to the narrative present—"you shall do x"—H introduces its laws, here and virtually everywhere, with the introductory phrase "when you enter the land." Even though the new H laws are given in the wilderness, they are not to take effect until the Exodus generation has passed from the scene. H takes advantage in Numbers 15, and elsewhere, of the possibility that P's laws are in effect only for the generation that heard them.⁴³ H's laws, on the other hand, are now positioned as the ones that count for the future—that is, parenetically, for the audience of the text.

But why freewill offerings? Here I believe that the parallel with P's sacrificial laws at the beginning of Leviticus is relevant. The author of H recognized that with the story of the spies he now had free rein to introduce laws that not only expanded on those found in P, but that actually contradicted them in some respects.⁴⁴ This new beginning for legal revision was marked, logically and pointedly, by the modification of P's first sacrificial laws. The first ritual laws delivered in P upon the construction of the Tabernacle—the first moment

⁴² In many respects this technique is very similar to that employed by the author of D, who also regularly uses the phrase "when you enter the land" to introduce his laws (cf., e.g., Deut 18:9). In D, this phrase is part of the presentation of the laws as being given immediately before the Israelites cross the Jordan into Canaan, a presentation which is intended to further negate the earlier claims of the Covenant Code. The difference between D and H is that D attempts to blot out the existence of the Covenant Code entirely, while H can allow the laws of P to stand for a single generation before altering them. It is possible, perhaps even probable, that the author of H learned and adapted this technique from D, with which he seems likely to have been familiar; see Stackert, *Rewriting*.

⁴³ See J. Scharbert, *Numeri* (NEchtB 27; Würzburg, 1992), p. 62: "Im Bericht über den 40 Jahre dauernden Aufenthalt in der Wüste versuchen die Tradenten immer wieder neue und ergänzende Gesetzesbestimmungen unterzubringen." So too F. Crüsemann, *The Torah: Theology and Social History of Old Testament Law* (Edinburgh, 1996), pp. 363-4: "It is only after the announcement of this generation break in Num 15 that we have the first block of post-Sinai laws... these were extrapolations, realizations, supplements, and amplification of subjects and questions that had already been regulated in the revelation at Sinai."

⁴⁴ Although it is too broad a topic to explore fully here, there may be a distinction between the laws that H appends to P's Sinaitic legislation (i.e., Leviticus 17-26 and other H materials between Leviticus 1 and Numbers 10) and those laws that H sets in the wilderness after the departure from Sinai (those in Numbers 15 and thereafter). It seems as if those that are appended to P's Sinai legislation tend to be expansions, additions, and supplements that do not contradict features of P's established law, and that can thus belong to that same original moment of law-giving to the first generation without creating any narrative confusion. Those that are set in the wilderness, however, are those that do entail direct contradictions to those P laws given at Sinai, and so are put off until the transitional moment of the spies story opened the door for just such contradictory laws to be given.

when ritual laws could be delivered in any sense—are in Leviticus 1-3, with P's laws of freewill offerings. The first ritual laws delivered in H upon the condemnation of the Exodus generation—the first moment when contradictory ritual laws could be delivered—are in Num 15:1-16, with H's laws of freewill offerings. It is therefore not the content of H's laws of freewill offerings that is derived from the priestly spies narrative, but rather the very existence of H laws, of any sort, that contradict those found in P.⁴⁵

When the priestly manna story stood between Num 15:16 and 17, the connection of the H laws in 15:1-16 with the preceding spies story would have been clearer—or at least it would have been more difficult, if not indeed impossible, to try and connect them with the other laws in Numbers 15. It was the removal of the manna story to its current location, interwoven with the nonpriestly version in Exodus 16, that created the confusion in our chapter. The priestly manna story was displaced, as I noted elsewhere, because in the nonpriestly narrative the manna was given directly after the departure from Egypt, to sustain the Israelites for their journey (expected at that point to be relatively brief) to Canaan. The manna could not be introduced to the people twice, naturally enough—this is a one-time event that could not be repeated, and as with all such functional parallels, including the flood, the plagues, and many others, the two stories were interwoven into a single account out of narratological necessity. In this process, however, one of the main differences between the priestly and nonpriestly manna accounts was lost: in P, and only in P, the manna was given not for the expected quick trip from Egypt to Canaan, but rather only after the Israelites were condemned to wander for forty years. The manna in P was the solution to a long-term problem.

The compiler of the Pentateuch who removed the priestly manna story to its current location in Exodus 16 worked after the combination of P and H.⁴⁶ It may appear remarkable that he was able to select precisely those verses that belonged to P and transfer them to the earlier point in the story, while keeping the H legal commentary on the narrative exactly where it was originally. Yet this is, in fact, not so surprising. The shift from P to H is not merely one of

⁴⁵ We may also wonder: where else would have been more appropriate for the author of H to have appended the laws of freewill offerings? There are no other narrative or legal sections that obviously lend themselves to such a theme.

⁴⁶ This is apparent from the fact that everywhere in the Pentateuch H comments only on P, and never on any nonpriestly material—even when the P text to which it is responding has been interwoven with a nonpriestly parallel (as, for example, in Numbers 18-19, which addresses issues raised exclusively in P's Korah narrative of Numbers 16-17 despite the interweaving of that P narrative with the nonpriestly story of Dathan and Abiram).

author, it is one of genre. The priestly passage is narrative; the H supplements to it are legal. Moreover, the compiler would have readily seen that the laws following the manna story would have been not only out of place in Exodus 16, but in fact entirely insensible. At that point in the story, what meaning would a reader have made of the regular mentions of the commandments that God had given them (15:22-23, 31, 39-40)? The laws of Num 15:17-41 require that the Sinai event have already occurred, as any capable editor would have recognized.

The removal of the manna story resulted in a chapter, Numbers 15, that is made up of nothing but H, but that H never intended. Two connections were obscured: that between 15:1-16 and the spies story, and that between 15:17-41 and the manna story. Instead, we have in the canonical text laws that do not belong together (15:1-16 and 17-41) and a narrative (the spies) that in no way prepares us for the ostensibly bizarre set of laws that seem to depend on it (15:17-41). This false sequence gives H a bad name: when the manna story is restored to its proper place, it reminds us that H here and everywhere appends its legal supplements in close connection with its priestly antecedents. The type of hodgepodge that we see in the canonical Numbers 15 is in no way representative of H's technique elsewhere—and, as I have argued, it is not really representative of H's technique here either. Similarly, Numbers 15 cannot be seen as a microcosm of the book of Numbers as a whole, which is often regarded as being little more than a repository for leftover legal material. Numbers 15 is constructed with intention and with close attention to context—as is true, I would argue, for the vast majority of the book of Numbers in its entirety.

To conclude, it is worth setting out once again the process by which the canonical text came to have its current form. In the first place, there was the priestly document without any H additions. The original P sequence would have moved from the spies in Numbers 13-14 directly into the manna story. The logic here is easy: after the people were condemned to wander for forty years, they now needed sustenance in the wilderness for that same time. From the manna episode the priestly narrative moved to Korah's rebellion in Numbers 16, and on from there. To this string of narratives of Israel's time in the wilderness, H added a series of legal supplements. To the spies story, H appended its laws of freewill offerings (15:1-16), a mimicry of P's similar laws in Leviticus 1-3, marking the narrative opening for H to relegate P's laws to the Exodus generation alone and to introduce contradictory laws that will, upon the entrance to the land, replace those laws given to those who were condemned. This legal statement of intent, as we may think of it, was followed by the priestly manna story, to which H added legal commentary. First, following directly on the

proleptic conclusion to P's manna narrative, H introduced the law of the first fruits of bread (15:17-21). Second, in recognition of the manna story as the first time that the Israelites had directly disobeyed a divine command after the Sinai event, H presented the laws of sin-offerings (15:22-31). Although the Israelites could not be retroactively punished according to these newly-given laws, H could and did offer an illustrative example, that of the wood-gatherer (15:32-36), providing thereby a narrative framework around the laws of sin-offerings. Finally, H wrapped up the entire legalistic discussion of defiant sin that had been initiated by the manna story with the law of *šîšîr*, intended to prevent just such missteps from occurring in the future (15:37-41).

Had the compiler of the Pentateuch left this P + H sequence as it stood, it is likely that scholars would have had no difficulty in recognizing both the delineation of the priestly strata and the logic underlying H's additions. Yet once the priestly document writ large was combined with the non-priestly narrative, there was no choice but to remove the manna story from its context, thereby leaving us with the considerably messier and more confusing canonical text we read today.