

Identifying the Original Stratum of P: Theoretical and Practical Considerations

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Some years ago, Rolf Rendtorff acutely asked: what is «P»?¹ The question is not which writings derive from the priestly school; the limits (if not the nature) of the priestly writings as a whole, both law and narrative, have been recognized and accepted for well over a century, with disagreements only regarding very small parts thereof. There are in fact two major questions enfolded within Rendtorff's single inquiry: first, what do we mean when we refer to P as a body of work—where does the weight of the document fall? Is the substance of P to be found in the legal/cultic or the narrative material? This question is complicated by the recognition that P is not a unified composition in itself. The layered nature of P has been highlighted recently in the work of Knohl and Milgrom on the Holiness School, but was observed long ago by scholars labeling various parts of P as P_g, P_s, P₁, P₂, and so on. Contributing to the problem is the long-standing scholarly tendency toward textual atomization: as earlier literary units are discerned, and sub-units within those units; or as earlier independent traditions are isolated, and sub-traditions within those traditions, we find ourselves facing ever-smaller «strata» in the compositional history of the text. It is this author's firm belief that, current European scholarship notwithstanding, the documentary theory of the composition of the Pentateuch remains the simplest, clearest, and most comprehensive solution to the problems posed by the canonical text. Thus the second fundamental question is raised when dealing with «P»: what material represents the original stratum of the P source—the continuous, coherent, intentionally-structured document—and what is either a source thereof or a secondary accretion thereto?

In this paper I hope to address the two questions raised above from both a theoretical and a practical standpoint. In the first section, I will consider the relationship of the original stratum of P to its earlier constituent elements: this entails the question of how a source document is identified; the relationship between its various constituent elements (legal and narrative, earlier and later); and where the meaningful substance of the

¹ RENDTORFF, *Two Kinds of P?*

document is to be found. The theoretical implications of the first section will then be applied in a more detailed manner to the practical question of how the original stratum of P is to be identified over and against later additions to it found among the larger body of priestly writings in the Pentateuch.

I

The recognition that the priestly source consists of various textual layers is applicable not only to P, but across the pentateuchal sources: all the documents contain demonstrably earlier material, and for all of them it has been suggested that some passages can be viewed as secondary additions.² Despite their composite nature, what we call the pentateuchal sources—however many one thinks there are—are not simply collections of originally independent legal and narrative traditions, but are the work of rewriters; that is, authors. The overall coherence and continuity discernible in the pentateuchal sources indicates that the figures responsible for each of the pentateuchal documents were not the ancient equivalent of editors of modern collections of poetry, for example, in which none of the original texts are changed, but were more like—though one hesitates to say it—modern historians, who incorporate what is known of the past from both oral and written sources, and may include as part of their history both oral sources retold and written sources excerpted.

This analogy serves to remind us that older materials, though perhaps originally independent, have been reused, rewritten, or reframed as part of a new composition. These older materials have been selected by the author of the source because, to put it in the simplest terms, they have been deemed valuable by that author. Though we cannot always know, or discern, the rationale behind particular selections, what we can observe is that even within a single source different materials are treated differently: some are left largely as they must have been when independent, and some are thoroughly reworked. For example, the tribal poem of Genesis 49, which is preserved in the J document, has been virtually untouched, as far as we can tell, by the author of the document in which it has been transmitted.³ The flood tradition, on the other hand, appears for all the world to have been, in both J and P, completely rewritten by the author

² Thus the common sigla J₁, J₂, E₁, E₂, etc.

³ The archaic language throughout suggests a nearly uniformly early date for the poem (cf. CROSS and FREEDMAN, *Poetry*, 46–63), although cp. CARR, *Fractures*, 250–51.

of each respective source, according to the historical claims of, and using the terminology and style peculiar to, each.⁴

It may be suggested that the division between those materials that have been left as they were and those that have been reworked is directly correlated to the division between materials that were originally transmitted in writing and those that were transmitted orally. In other words, we may surmise that the poem of Genesis 49 was preserved in its original form because it came to the J author as an already written text,⁵ one that needed simply to be inserted at an appropriate place, whereas the flood story was an oral tradition, one that, like other oral traditions, was open to interpretation and reworking by each tradent. This correlation may be historically accurate, but is, in the end, irrelevant to the question of how the pentateuchal sources were composed. Both written and oral materials were equally taken up into the new, larger composition by the author of the document. The style of doing so in each case may have been different, but the act, and the end result, were the same: the earlier material was shaped and integrated into a larger structural whole, one with its own identifiable aims and integrity.

Somewhat contrary to appearances, then, it is the earlier materials, the component parts, that are the meaningful substance of the larger work, the source, while the form given to these components, and their historical setting, are provided by the newly composed framework, which shapes the whole. This is, again, akin to the work of a modern historian, whose work is based on, and is in fact entirely dependent on, his source materials: the written records and oral traditions regarding the historical figures and events in question. But these source materials are shaped, contextualized, and interpreted by the historian by means of his own words, which provide the framework for the earlier material. This analogy holds true particularly in the case of the pentateuchal laws, which, it is commonly assumed, were once independent of their current contexts, whether in written or oral form. For those sources that have them, the laws were the basis, or perhaps more accurately the impetus, for the composition of the source as a whole; but the laws have been framed, shaped, and contextualized by the author of the source.

We may see this process at work in the first major law code, that of the Covenant Code in Exodus 20–23. There is near-universal consensus in scholarship that these laws were originally independent, and probably in

⁴ Contra the common view that P wrote his version of the flood story as a direct response to the J text (cf. MCEVENUE, *Narrative Style*, 24–27; CARR, *Fractures*, 60–62)—a view which is entirely lacking in literary evidence (cf. BADEN, *Redaction*, 197–207).

⁵ Cf. DRIVER, *Genesis*, 381.

written form.⁶ Yet they have been reused and, in many places, rewritten, by the author of the E document, so that they fit into the larger structure of the source. Thus the laws are presented as having been given to Moses by God at Horeb, after the people have demanded that Moses act as intercessor between them and the deity. This historical setting is an aspect of the E source, not the law code; the laws have been framed and in places rewritten in order to fit into the narrative framework constructed by E.⁷ At the same time, it cannot be forgotten that the ultimate purpose of E is the promulgation of these very laws; their content is central to the source even as their form is simultaneously transfigured in deference to their newly-conceived narrative framework.⁸

Similarly, if not to an even greater degree, for P the component parts of the document, those that were, in fact, most important theologically for its authors, have been reshaped by those same authors. We may take for example Exodus 25–40 (excepting the non-P parts of chapters 32–34), if we follow, for the sake of argument, those scholars who claim that the text describing the details of the construction of the Tabernacle was originally an independent document.⁹ The nature of this presumed document is difficult to know: it may have been no more than a pure description of

⁶ Whether the Covenant Code is in fact an amalgamation of more than one originally independent law collection remains in question, but does not impact the discussion here. Cf. DRIVER, *Exodus*, 202; NOTH, *Pentateuchal Traditions*, 36 n. 139; HOUTMAN, *Exodus*, vol. 3, 84f; SCHWIENHORST-SCHÖNBERGER, *Das Bundesbuch*. See also the recent discussion of the dependence of the Covenant Code on the Laws of Hammurabi by WRIGHT, *The Laws of Hammurabi as a Source for the Covenant Collection* and IDEM, *The Laws of Hammurabi and the Covenant Code*.

⁷ See, e.g., Exod 22,20b: «for you were strangers in the land of Egypt». This historical reference situates the laws in the context of the E narrative. Attempts to describe this and similar passages as «secondary» or «Deuteronomic» are without foundation.

⁸ Some scholars, notably WELLHAUSEN (*Composition*, 191ff), similarly claim the law code of Deuteronomy 12–26 as an originally independent composition that was subsequently framed by the D authors as part of Moses' speech to the Israelites in the plains of Moab. Most, however, recognize that Deuteronomy 12–26 is rhetorically and compositionally connected with the exhortative introduction of Deuteronomy 5–11 (cf. KUENEN, *Hexateuch*, 107–117; DRIVER, *Deuteronomy*, ii).

⁹ As already intimated by MCNEILE, *Exodus*, 156; cf. CROSS, *Canaanite Myth*, 321–22. The various suggestions as to what part of Exodus 25–40 is original and what secondary, which make up a substantial body of scholarship, are not at issue; here I refer to the original kernel of the Tabernacle pericope, whether it be Exodus 25–28, 25–29, or some other textual grouping. On the relationship of Exodus 25–31 to Exodus 35–40, and of the MT to the LXX, cf. HOUTMAN, *Exodus*, vol. 3, 306–16.

what the Tabernacle was supposed to have looked like; it almost certainly would not have included any reference to the Sabbath.¹⁰ But its original form and purpose, whatever they might have been, have been rendered moot by its inclusion in the Sinai pericope of the P document. Here it has been reformed to fit the narrative framework of the source: the once-independent description of the Tabernacle is now given as divine instruction to Moses, and is placed historically at the revelation in the wilderness; the entire Tabernacle text is reformulated so as to hearken back to the creation narrative of Genesis 1.¹¹ This reshaping, however, does not *hide* the fact that the description of the Tabernacle is among the central theological concerns of the priestly author—rather, it *highlights* the centrality of this material. Again, the components of the source are its essence, but they are reshaped and reworked into a larger whole. This same type of analysis can be carried out with regard to much of the legal material in P, notably the sacrificial laws of Leviticus 1–7, and, of course, the common Israelite oral traditions (the flood, the patriarchal promises, the plagues, etc.) that have been transmitted as part of the P narrative.

In every case, the law, or the material to be transmitted, is primary, both chronologically—that is, it was conceived or composed, either orally or in writing, before the narrative that now frames it—and in terms of importance. As proof of this, one might pose the following hypothetical: given the choice between a text that preserved the particular terminology, style, and historical assumptions of P but contained completely different laws, and a text that had all the priestly laws but claimed that they were given to Abraham in a dream, or after he had built an altar, which would the authors of P consider more acceptable? Similarly, one might ask which is more likely: that a P narrative once existed without the theologically central legal material, or that the P narrative was constructed secondarily in order to contextualize and frame the pre-existing, theologically central legal material?¹² Even though the law is primary, it has been reworked

¹⁰ The Sabbath law (31,12–17) would have no place in a description of the construction of the Tabernacle that was independent from the rest of the priestly composition. Indeed, even in its current setting this passage is commonly viewed as secondary, and even assigned to H (cf. KNOHL, *Sanctuary*, 16; CARPENTER and HARFORD-BATTERSBY [*Hexateuch*, 130] and DRIVER [*Exodus*, 344–45] assign only vv. 13–14abα to H, on the older understanding of H as one of P's sources, rather than a later redactional layer. If H is indeed later than P, their analysis is impossible, as it would leave ׀׀ in v. 14bβ without an antecedent). On the arguments regarding the assignment of these verses to P or H, cf. OLYAN, *Exodus* 31:12–17.

¹¹ Cf. KEARNEY, *Creation and Liturgy*; BLENKINSOPP, *Pentateuch*, 217–19.

¹² NOTH represented the consensus view of his time when he said that the legal material «had nothing to do with the P narrative originally» (*Pentateuchal*

within the context of the narrative framework of the new, larger composition that we call the priestly document.

A corollary to the compositional process described here is the observation that variation and even contradiction between two of P's constituent elements is not necessarily a useful indicator of original and secondary strata. As long as material was considered valuable by the author of the source, it could be included, even if its details stood in some contradiction to other, equally valued material. A clear example of this from outside the priestly writings is the «Song of the Sea» in Exodus 15. Close inspection reveals that the details of the crossing of the sea in this poem do not match the J narrative in which the poem has been transmitted—or, one should add, the P narrative of the same event.¹³ Yet the poem itself was of such value to the author of J that it was included anyway, contradictions notwithstanding.¹⁴

We may return, then, to Rendtorff's question of what is meant by «P». Though the meaningful substance of the priestly document is found in its various constituent elements—its written and oral sources—in terms of the composition of the P document as a whole the narrative is inseparable from the law—and vice versa. The original literary stratum of the P source, like the other pentateuchal documents, is defined not by its earliest elements, but by the process of bringing together disparate oral and written traditions and texts into a larger, coherent narrative framework, one that reuses, rewrites, shapes, and contextualizes those earlier elements. The theological weight of the source falls on the earlier material, but the source itself is identified and defined by the narrative framework in which that earlier material is cast.

Traditions, 8). To separate the laws from the narrative, however, is to remove any rationale for a late dating of the priestly narrative, since it is the legal material that famously stands as the «proof» of the lateness of P; further, this view is and, for those who maintain such a distinction, remains arrestingly reminiscent of the initial claims of GRAF (*Geschichtlichen Bücher*) that the priestly narrative was early but the priestly law late, claims which were immediately rejected by Kuenen and renounced by Graf himself (*Die s.g. Grundschrift*; cf. KUENEN, *Hexateuch*, xx-xxiv).

¹³ As noted by CARPENTER and HARFORD-BATTERSBY, *Hexateuch*, II:103. The differences between the prose and poetry renditions of the crossing of the sea preclude FRIEDMAN's contention (*Sources Revealed*, 144) that J used the poem as a «source of information» when composing his prose account in Exodus 14.

¹⁴ An analogy can—indeed, should—be drawn to the redaction of the Pentateuch as a whole, in which the constituent elements are blatantly contradictory, in both narrative and law, yet were considered worth preserving in their entirety regardless of the resulting inconsistencies.

II

In the preceding section I claimed that the original stratum of P is defined not by its constituent elements, which may be disparate and even contradictory, but by the narrative framework into which those elements have been cast. In this second section, I will address the question of how that narrative framework itself is defined, and by what criteria we might identify those elements that belong to the original stratum of P as opposed to those that fall outside the narrative framework created by the original P authors.¹⁵

The narrative structure of the P source, the framework that was composed to shape and contextualize the legal and other traditional material valuable to the priestly authors, like all narratives comes with certain historical claims. I would like to explore two of these here. First: where, geographically and chronologically, was the law given? And second: to whom was the law addressed? These historical claims are important because they represent the original thinking of the author of the P source, which is to say, they are not part of the earlier material framed by the newly composed narrative, but are among the determinative factors in the reworking of that earlier material. To put it in terms of compositional history, I am suggesting that the elements that belong to the original literary stratum of P are identifiable by their adherence to the historical claims of the framing narrative, either because they were written to be part of that narrative, or because they were rewritten in order to fit into that narrative framework.

The assumption here is that while the author of the P source may have included disparate earlier elements in his work, in reframing them, and in his own original writing, he would not have broken the rules of his own invention, namely, the historical claims implicit or explicit in the framing narrative. Scholars have long approached P this way, especially in the narrative: in determining what texts belong to P, those that contain stories of pre-Sinaitic sacrifice are axiomatically excluded, because it has been determined that those stories would violate the historical claims of the priestly source. What I am suggesting here is that this same principle be extended to cover the less fully-examined claims of the overarching narrative structure of P, and that this principle be applied to the goal of identifying those passages that belong to or are secondary to the original literary stratum of P.

¹⁵ In what follows, I assume the narrative sections of P to be from a single hand; the internal consistency, continuity, coherence and completeness of the priestly narratives seem to belie any attempts to see more than one author at work.

The first claim of the narrative framework of P under discussion here is the location of the law-giving. Where and when, according to the authors of P, was the law given to Moses and the people? Certainly at Sinai,¹⁶ but what about before or after? It is instructive to note the examples of the other sources with significant legal traditions, since they too make distinct claims in this regard. In both E and D, the law was given by God to Moses entirely and exclusively at Horeb, and neither E nor D thinks that any legal material was given anywhere else.¹⁷ The situation in P is somewhat more complicated, as there are two significant P passages prior to Exodus 19 that might be considered to be of a legal nature.

Genesis 17 could well be thought to be an example of a pre-Sinaitic priestly law, that of circumcision. Indeed, here God seems to demand a behavior incumbent upon the Israelite people. Yet there is a clear distinction between the Sinaitic laws—the established model of priestly legislation—and the episode in Genesis 17. Most prominent is the explicit identification of circumcision as a ברית (vv. 2.4.7[bis].9.10.11.14). This term is commonly understood to denote the concept of «covenant», i.e., some sort of agreement between God and Abraham and his descendants. As is well known, the law-giving at Sinai is not marked by a covenant in P,¹⁸ and indeed this notion of reciprocity is not a part of the priestly

¹⁶ The priestly Sinai episode, Exodus 19–Numbers 10, is almost all legal, or semi-legal, material. It begins with the Tabernacle, which, though technically not law, is similarly theologically central to the worldview of the priestly authors. This is followed by the sacrificial laws, the dietary laws, the purity laws, the vow laws, the instructions regarding the division of labor among the Levites, and the law of the nazirite. I do not include the Holiness Code (Leviticus 17–26) in this list as it is a distinctly separate stratum, though it too is entirely legal in nature.

¹⁷ Though in D the laws are delivered to the people in the plains of Moab, the narrative claims that they were in fact given by God to Moses at Horeb. The only pre-Horeb passage in E that even remotely suggests legal or procedural change is the institution of the judiciary in Exodus 18—and there the change in question is of explicitly human (even non-Israelite) origin. D follows E in this (Deut 1,13–18), as is to be expected, with the only difference being that the judiciary is proposed by Moses himself, rather than by Jethro.

¹⁸ Cf. CROSS, *Canaanite Myth*, 319–20, who famously declares that «to posit a theory that P had no covenant at all at Sinai is a fortiori beyond credence». Yet this is indeed the case (as was recognized long ago; cf. BRIGHTMAN, *Hexateuch*, 207, and the references there); to demand that P adhere to the historical claims of the other pentateuchal sources is critically to misunderstand the nature of the relationship between the sources (in this case, Cross is led astray by his belief in a pre-existent poetic epic tradition underlying all the pentateuchal sources, as well as his belief that P does not constitute an independent document but is rather a redactional layer). In addition, Cross does not take into account the fact that only E and D have a

Sinaitic laws, which are given by divine fiat and are to be obeyed for their own sake. In P, however, ברית does not usually denote a covenant in the traditionally-understood sense, but rather a promise; in Genesis 17, circumcision is a sign and reminder of God's promise to Abraham to increase his offspring.¹⁹ The Sinaitic laws are precisely the opposite of promises; they are, in fact, demands. That Genesis 17 is not a legal passage was recognized already by the rabbis, who understood that the first true law in the Torah was that of Exodus 12.²⁰

What, then, of Exodus 12, which is, after all, pre-Sinai? Here, in vv. 14–20, we find clear divine instruction regarding the observance of the feast of unleavened bread. In both form and content it is distinctly legal. Yet, as Knohl has correctly argued, these verses exhibit extensive similarities with the H festival calendar in Leviticus 23.²¹ In addition to the linguistic parallels observed by Knohl (the use of the phrase לדרתכם חקת עולם, the H version of the «cutting off» formula with ונכרתה, the similarities between Exod 12,14 and Lev 23,41, and the inclusion of the גר in the community of Israel), we may also note the terms מקרא קדש (Exod 12,16; Lev 23,2–4.7.8.21.24.27.35–37); זכרון (Exod 12,14; Lev 23,24); חג (Exod 12,14; Lev 23,6.34.39.41).²² In short, the ostensibly pre-Sinai P legal material in Exodus 12 is in fact demonstrably from the later Holiness stratum of the priestly corpus.

It thus seems that there is no law in the original priestly material before the Israelites arrive at Sinai. Indeed, the priestly author's strict avoidance of legal material in Genesis and the first half of Exodus is evident also in those texts in which there are ample opportunities for law, or at the very least for explicit etiology of later legal practice, but in which such opportunities are manifestly not taken. The seventh day of Creation (Gen 2,1–3), for example, provides the priestly origin of the Sabbath, but the law of the Sabbath is not stated there; rather, it is given at Sinai, with reference back to its origins at Creation.²³ This is in contrast to the practice of J, who, for example, upon telling the story of Jacob's strange encounter at the Jabbok immediately provides us with the etiology of the

covenantal law-giving in the wilderness (and D is clearly following E in this); J has a covenant (Exodus 34), but it is not founded on law (cf. n. 24 below). The priestly ברית of the Sabbath in Exod 31,16, if it is in fact P and not H (see n. 10 above), relates only to the Sabbath, and not to the rest of the Sinaitic laws.

¹⁹ Cf. FOX, Sign.

²⁰ Tanhuma (Buber) 1.11; Rashi on Gen 1,1.

²¹ KNOHL, Sanctuary, 52.

²² Though these terms are not known only to H, their use in close conjunction and in the same context strongly supports the connection between the two passages.

²³ See the references in n. 11 above.

law against eating the thigh muscle (Gen 32,33).²⁴ With the exception of Exodus 12, the pre-Sinaitic priestly material is exclusively narrative.

The situation is a bit murkier after the Israelites leave Sinai in Numbers 10, as there seems to be a real mixture of narrative and legal material. Nevertheless, there are a number of clearly defined narratives that seem virtually free of any law: the spies story in Numbers 13–14; the rebellion of Korah and his party in Numbers 16–17; the bringing forth of water from the rock in Numbers 20, along with the death of Aaron; the sin of Baal-Peor in Numbers 25; the investiture of Joshua in Numbers 27; the apportioning of the Transjordan in Numbers 32. Conversely, there are passages that are purely law, for example, Numbers 28–30, which contains sacrificial and vow laws. It takes little to recognize how strangely out of place these chapters seem: why are they placed here in the midst of the wilderness wandering, rather than at Sinai with the rest of the sacrificial and vow laws? Unlike some of the legalistic material in Numbers, they are not attached to any narrative, and are therefore not bound in any way to the wilderness setting; their content is virtually identical to some of the laws in Leviticus; formally, they are not framed any differently from the similar laws in Leviticus; in short, there is no reason that they should not have been placed with the rest of the purely legal material in Leviticus—unless, it may be posited, they are from a secondary stratum of P, one with different historical assumptions about the location of the law-giving.²⁵

The designation of «secondary», of course, says nothing about the origins or dating of the legal material transmitted in these chapters. It is perfectly possible that the laws contained in Numbers 28–30 are quite early, just as early, in fact, as the laws included in the original priestly stratum. They have, however, for whatever reason, been taken up into a later stratum of P, one that was willing to locate the giving of laws not necessarily exclusively at Sinai but also in the wilderness thereafter.

Given the clear evidence of the pre-Sinaitic priestly material, and despite the lack of certainty regarding the makeup of Numbers, it seems plausible to suggest that the structure of the original literary composition

²⁴ This type of legal or customary etiology is a significant feature of the J source (cf. the J etiology of the Sabbath in Exodus 16); indeed, this is how J transmits laws and customs, as there is no body of legal material in J (Exod 34,17–26, commonly called the «cultic decalogue» and assigned to J, is in fact a late addition to the text; cf. BAR-ON, *Festival Calendars*).

²⁵ As already noted by CARPENTER and HARFORD-BATTERSBY, *Hexateuch*, II:234–37; GRAY, *Numbers*, 403. KUENEN (*Hexateuch*, 99, 309) supposed these chapters to be post-Ezra, though see below. On the identification of secondary material in Numbers, see KISLEV, *Sources*.

of P is narrative pre-Sinai, laws and other traditional customs and regulations at Sinai, and narrative post-Sinai, and that one of the historical claims inherent in the framing narrative of the priestly author is that the divine laws were given by God to Moses exclusively while the Israelites were at Sinai. When considered in conjunction with the examples of E and D, we may posit that there was a strong tradition in ancient Israel that divine legislation (whatever its specific contents) was given at the well-known mountaintop revelation in the wilderness (whatever its specific location).

A second historical claim in the narrative of the original priestly literary stratum involves the issue of to whom the divine laws and instructions were directed; in rhetorical terms, the parenetic quality of P.²⁶ Again, it is worth considering the examples of E (that is, the Covenant Code) and D, both of which are strongly parenetic. The Covenant Code makes reference to houses, vineyards, fields.²⁷ It concludes, in fact, with instructions for what to do to the cultic items of the Canaanites once the Israelites enter the land.²⁸ The same situation is found in D, of course, but in an even more pronounced manner: laws about the future king, about cities of refuge, and about what to do when one is too far from the «place where God has chosen to establish his name».²⁹ D is littered with framing devices like «when you enter the land», or «when the LORD your God has cut down the nations whose land the LORD your God is assigning to you».³⁰ These elements of both content and framework clearly indicate that the laws ostensibly given to the Israelites at Horeb or in the plains of Moab are in fact relevant to and addressed to contemporary audiences, i.e., the Israelites already long settled in the land.³¹

The same situation obtains in H, in its restricted sense of Leviticus 17–26. This is observable not only in the aspects correctly noted by Joosten—*anachronisms, paradigms, and claims for identity among the generations*

²⁶ I use the term «parenthesis» here roughly as defined by JOOSTEN: «the structure of the discourse intends to break out of this narrative context in order to speak directly to the real addressees...the audience are made to realize that these laws, although presented as having been given long ago at Mount Sinai, are addressed to them and need to be put into practice by them» (People and Land, 194–95).

²⁷ E.g., Exod 21,6; 22,4.6–7; 23,10–11.16.19.

²⁸ Exod 23,24.

²⁹ Deut 17,14–20; 19,1–7; 14,24.

³⁰ Deut 12,1.20.29; 17,14; 18,9, et al.

³¹ We may again note the example of the prohibition against eating the thigh muscle in J in Gen 32,33, which contains the telling phrase «to this day»—a phrase that is manifestly directed at J's contemporary audience.

of Israelites³²—but also in the focus on the future of the Israelites in the promised land. Two aspects of this are worthy of mention: the laws that are simply about the land—what to do with one’s harvest, how much of one’s land to leave for the poor, etc.³³—and the framing of the laws in the context of the land: either by the reminder that God is bringing the people into the land,³⁴ or the threat of the land rejecting the Israelites as it rejected the previous inhabitants whom God is now dispossessing.³⁵ The laws in the Holiness Code are framed very much like those of D, with phrases like «when you enter the land».³⁶

In stark contrast to E, D, and H, it is one of the notable and distinctive features of the laws of P that the promised land is hardly ever mentioned; the location of the cult is not addressed; even the Temple, whose customs, rituals, and laws were the focal point of the priestly community, is thoroughly absent. Rather, P refers exclusively to the desert, the camp, and the Tabernacle.³⁷ It is understood that the events of the wilderness and the laws given there to Moses are prototypically related to the situation of the author’s present,³⁸ but only implicitly; even in the narratives, as we have had occasion to remark already, P is conspicuously free of etiology.³⁹

Given the frequency of parenetic elements in the other legal traditions, it is especially remarkable that P has none of these features, either in the content of the laws or in the framing of them.⁴⁰ We may state that a second, in this case unique, historical claim of the original priestly stratum is that the laws are presented as addressed to the generation of the wilderness alone, without reference to the future generations of Israelites who might inhabit the land; in other words, the original stratum of P contained no parenthesis. This makes the lack of parenthesis a feature one can use to help identify portions of the original priestly literary stratum—or,

³² JOOSTEN, *People and Land*.

³³ Lev 19,9–10.23–25; 23,10.22; 25,1–23.

³⁴ Lev 23,9; 25,2.38

³⁵ Lev 18,24–30; 20,22–26.

³⁶ Lev 19,23; 23,9; 25,2. On the relationship between H and D, see STACKERT, *Rewriting*.

³⁷ Cf. NOTH, *Pentateuchal Traditions*, 9: «For the P narrative is not oriented toward an impending occupation of the land; rather, its real goal was reached with the presentation of the regulations established at Sinai, regulations which became valid immediately rather than being put off until a later occupation».

³⁸ Or, according to HARAN (*Temples*, 10–11 and *passim*), to a utopian vision of that present.

³⁹ Thus, unlike J, P never uses the phrase «to this day».

⁴⁰ On the distinctive nature of P, especially in regard to D, cf. HARAN, *Temples*, 140–46.

to put it the other way, one can look for parenesis as a sign of a secondary stratum in P (i.e., those H passages found outside the legal core of Leviticus 17–26).⁴¹ This is because, as it is important to remember, parenesis is an aspect of the narrative framework of the *stratum*, not a part of the original law code. It is only when the source author has recontextualized the laws to make them part of his narrative of a historical event, the episode at Sinai, that the possibility of parenesis even arises.

As a brief test case we may return to the Passover law of Exodus 12. I have noted above that vv. 14–20 seem clearly to be from H, rather than from the original stratum of P. And indeed, here we find not only the terminological signs of H and the fact of the pre-Sinai law-giving, but also clear use of parenesis: the Israelites are told that the festival should be celebrated «throughout the ages», «as an institution for all time» (vv. 14, 17). As with the H festival calendar in Leviticus 23, these verses are exclusively and explicitly about the future observance of the festival (note the reference to «your settlements», מושבתיכם [v. 20], attested also in Lev 23,3.21; Num 15,2).

Knohl, however, attributes not only vv. 14–20 but also vv. 1–13 to H. I wish to argue that these verses are not in fact part of the H stratum, but are a clear and necessary part of the original stratum of P.⁴² The primary focus of Exod 12,1–13, in contrast to vv. 14–20, is not the future observance of the Passover, but the ritual for the first Passover, in Egypt. These verses are a description of what the Israelites in Egypt are to do so as to avoid the death of the first-born, not an explicit prescription for the eternal observance of אֶת־הַחֹמֶסֶת or מִקְרָא קֹדֶשׁ. Indeed, they conclude with the words, «for that night I will go through the land of Egypt», etc. (12,12–13), which is sensible only in the context of the first Passover. Further, the H terminology so readily identifiable in vv. 14–20 is nowhere in evidence in vv. 1–13. Only the phrase אֲנִי יְהוָה at the end of v. 12 is acknowledged as a typically H feature; unlike Knohl, I do not consider a solitary attestation of this phrase to be an indication of H authorship, at least not without corroborating evidence from elsewhere in the passage.⁴³

Unlike H, the original stratum of P contained narrative, including, obviously, the stories of the Egyptian slavery, plagues, and Exodus. If

⁴¹ As intimated by GRELOT, *La dernière étape*.

⁴² The identification of vv. 14–20 as a secondary addition to vv. 1–13 was already noted by CARPENTER and HARFORD-BATTERSBY, *Hexateuch*, II:96–97.

⁴³ Though H certainly uses this phrase with greater consistency and effectiveness than any other author, this does not mean that H was the only author that knew or could use these words in this combination. This is analogous to, e.g., D's borrowing and expanding on the Elohist terminology and content in Exod 23,23–24.

Exod 12,1–13 were removed from P, the narrative would be lacking a crucial and necessary plot point—one which serves as an implicit model for future observance of the Passover festival, undoubtedly, but which is primarily part of the larger priestly storyline. In other words, if these verses were considered to be from H, we would be forced to assume that H had replaced the original P narrative of God's instructions regarding the night of the first Passover with...a narrative of God's instructions regarding the night of the first Passover. It is far simpler, of course, to assume that the author of H found these verses in the original P document and added the legal material in vv. 14–20 to them.

Given the lack of H terminology, and more importantly the strict focus on the historical event of the first Passover (on the practice of which, we are to understand, future observance is to be modeled), these verses fit perfectly into the structure and purpose of the original priestly stratum, as I have defined it above; moreover, there are no other examples of laws from the Holiness stratum that are explicitly historical in this way.⁴⁴

I believe that we can identify one other verse as also being secondary: v. 2, «this month shall mark for you the beginning of the months: it shall be the first of the months of the year for you». This verse has no connection with the ritual of the first Passover; as noted above, P is not providing a festival calendar here. Furthermore, v. 2 is form-critically problematic. Everywhere else in the priestly corpus, the introductory formula «YHWH said to Moses, «Speak to the Israelites and say...»» and its slight variations stands uninterrupted.⁴⁵ Here in Exodus 12, however, «Speak to the Israelites and say...» (v. 3) does not follow directly on «YHWH said to Moses» (v. 1); rather, we find the calendrical notice of v. 2. This is the single example in the entirely priestly corpus (including H) in which this type of interruption occurs; further, it should be noted that the content of v. 2 is essentially unconnected with what immediately follows. For these

⁴⁴ H does include a number of small narratives that lead to divine legislation (e.g., Lev 24,10–23; Num 15,32–36), but in these cases the narrative is presented as a situation in which the law is unknown, and a divine judgment is required. This is not the case in Exod 12,1–13, which is itself divine instruction. On these small legalistic narratives, see CHAVEL, *Law and Narrative*.

⁴⁵ Cf. Exod 14,1–2; 25,1–2; Lev 4,1–2; 7,22f.28–29; 11,1–2; 12,1–2; 15,1–2; 17,1–2; 18,1–2; 19,1–2; 21,1–2; 23,1–2.9–10.23–24.33–34.; 25,1–2; 27,1–2; Num 5,5–6.11–12; 6,1–2; 9,9–10; 15,1–2.17–18.37–38; 17,16–17; 28,1–2; 34,1–2; 35,1–2.9–10. This list includes only those places where Moses (and sometimes Aaron) is instructed to speak to the Israelites; it should be noted, however, that when Moses is instructed to speak to Aaron and his sons, the formula is similarly never interrupted.

reasons, I believe that Exod 12,2 belongs with vv. 14–20 as part of the secondary stratum in this chapter, which we should, with Knohl, designate as coming from the Holiness School.

What I am proposing is a relatively broad method for evaluating original versus secondary strata in P: does a given text conform to the historical claims of the narrative framework? For the most part, as it turns out, the analysis of texts using this method overlaps with previous analyses that have been based on narrower indications of terminology, style, etc. For instance, H, which is now acknowledged to be secondary to P for a host of terminological, stylistic, and theological reasons, using the approach espoused here would be seen as secondary because of its explicitly parenetic character. The same is true of Numbers 15, which Knohl correctly considers to be from the Holiness School on terminological and theological grounds,⁴⁶ and which could be considered secondary also because it both contains parenetic features and describes the giving of law after the departure from Sinai.

This approach recognizes the multiplicity of elements that make up the priestly writings, but without the commonly-resulting move toward an ever-increasing atomization of the priestly source. Rather, the acknowledgment that the priestly source is made up of disparate earlier independent elements requires us to recognize that it is the manner in which these elements were brought together, the way in which these elements were shaped and contextualized in order to fit into the newly-created narrative framework, that defines the source. The historical claims of this narrative framework, in turn, can provide the basis for a diachronic analysis of the literary strata in the compositional history of the P document. I have chosen to focus on two elements of P's narrative framework: the geographical and chronological location of the giving of the law, and the lack of parenesis in the presentation of the law. There are, undoubtedly, other aspects of the narrative framework that could be put to use in a similar manner. The identification of these other aspects, and the identification of the historical claims not only of the original stratum, but perhaps also of later strata, remains for future studies.

⁴⁶ KNOHL, *Sanctuary*, 53, 90.

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