



EISENBRAUNS

Offprint from:

S. Yona, E. L. Greenstein, M. I. Gruber, P. Machinist, and S. M. Paul (eds.);
Marbeh Hokmah: Studies in the Bible and the Ancient Near East

in Loving Memory of Victor Avigdor Hurowitz

© Copyright 2015 Eisenbrauns. All rights reserved.

Repetition with Variation in Legal-Cultic Texts of the Torah

GARY A. RENDSBURG

One of the hallmarks of the scholarly career of our late, lamented honoree was his attention to literary features in Akkadian texts. Remarkably, Victor (Avigdor) Hurowitz identified devices such as chiasm, inclusio, wordplay, alliteration, and so on, not in the standard literary compositions (such as *Enuma Elish*, *Gilgamesh*, *Adapa*, etc.), where they well may be expected, but primarily in legal and cultic texts, where techniques of this sort might not be anticipated.¹ In contributing this essay to this commemorative volume, I remain in the same domain, though with a focus on legal and cultic texts from a different corpus—namely, the Bible, which quite obviously was another prime interest of our departed colleague.

I first met Avigdor ca. 1978, while we were both still graduate students—I at New York University and he at the Hebrew University—during a chance encounter in the library of Hebrew Union College–Jewish Institute of Religion (HUC-JIR) in New York. Naturally, my curiosity was piqued when I saw a fellow-researcher in the library who was wearing a *kippah* inscribed in cuneiform. Thus began our conversation almost four decades ago, as our paths continued to intersect, until the very end of Avigdor’s shortened life. Among the most memorable intersections were our neighboring offices at the Center for Advanced Judaic Studies of the University of Pennsylvania during the academic year 1997–1998 and our joint attendance at the *Gilgamesh* conference at the University of Sydney in August 2004. In recent years, our exchange was mostly via e-mail, given the geographical distance between our home locations, but the warmth, personality, jocularly, and sincerity always

1. See most importantly Victor Avigdor Hurowitz, *Inu Anum širum: Literary Structures in the Non-Judicial Sections of Codex Hammurabi*, Occasional Publications of the Samuel Noah Kramer Fund 15 (Philadelphia: University Museum, 1994); idem, *Divine Service and Its Rewards: Ideology and Poetics in the Hinku Kudurru*, Beer-sheva 10 (Beer-sheva: Ben-Gurion University of the Negev Press, 1997); along with numerous essays, many of them cited in these two monographs.

shone through. These traits too, as much as the *kippah*, epitomized Avigdor, יהי זכרו ברוך. I for one, along with many others, no doubt, will recall him fondly in the years to come, as we reflect on our colleague's life and legacy.

Of the various literary devices that have been identified by scholars of ancient Near Eastern literature, the least recognized, it appears to me, is the technique of polyprosopon, or repetition with variation. Fortunately, there is increased attention to this device of late, mainly from the pens of Shamir Yona (a colleague of our Avigdor Hurowitz),² Knut Heim,³ and me (both independently and in conjunction with Scott Noegel).⁴ The focus of these recent offerings has been the more literary texts of the Bible (both prose and poetry). The present essay extends the treatment to repetition with variation in the legal and cultic sections of the Torah, which is to say, it shares much with Hurowitz's work on literary devices in the corresponding Akkadian compositions.

Some excellent work along these lines was produced by Meir Par'an (a fellow-student of Avigdor Hurowitz at the Hebrew University),⁵ whose superb volume remains an unrecognized and underused (I am afraid to say) fount of information for many scholars. The information provided below differs from that presented by Par'an in two main ways. First, while Par'an limited himself to the Priestly source, I provide examples of the device studied herein from across the various legal and cultic sources of the Torah. Second, while Par'an noted an occasional instance of polyprosopon, or repetition with variation, this technique was not a primary focus of his research, which instead concentrated on a host of other important literary devices (chiasm, inclusio, etc.).

The first 15 sections of this article present repeated passages in the legal-cultic sections of the Torah, with representative samples from Exodus, Leviticus, Numbers, and Deuteronomy. Toward the article's end, I shift the focus

2. See, for example, Shamir Yona, "Stylistic and Syntactic Variants in Repeated Texts in the Bible" [Heb.], in *T'shūrôt LaAvishur: Studies in the Bible and the Ancient Near East, in Hebrew and Semitic Languages—Festschrift Presented to Prof. Yitzhak Avishur on the Occasion of His 65th Birthday*, ed. Michael Heltzer and Meir Malul (Tel Aviv: Archaeological Center, 2004), 225–32; and idem, "Repetition and Variation in Biblical Texts," *UF* 37 (2005): 729–40.

3. Knut Heim, *Poetic Imagination in Proverbs: Variant Repetitions and the Nature of Poetry*, BBRSup 4 (Winona Lake, IN: Eisenbrauns, 2012). Note the important summary comment on p. 636: "The creative combination of repetition with variation is the very essence of Hebrew poetry" (emphasis his). As we shall see in the present essay, this observation holds equally well for legal-cultic texts.

4. Scott B. Noegel and Gary A. Rendsburg, *Solomon's Vineyard: Literary and Linguistic Studies in the Song of Songs*, SBL Ancient Israel and Its Literature (Atlanta: Society of Biblical Literature; Leiden: Brill, 2009); and Gary A. Rendsburg, "Variation in Biblical Hebrew Prose and Poetry," in "Built by Wisdom, Established by Understanding": *Essays on Biblical and Near Eastern Literature in Honor of Adele Berlin*, ed. Maxine L. Grossman (Bethesda, MD: University Press of Maryland, 2013), 197–226.

5. Meir Par'an, *Forms of the Priestly Style in the Pentateuch* (Jerusalem: Magnes, 1989) [Heb.]. To bring all of this full circle, see the important reviews of Par'an by our honoree in *HS* 32 (1991): 156–62; and in *Shaton* 11 (1997): 327–31 [Heb.].

slightly, with 4 additional sections treating different registries in the Torah (namely, the lists of forbidden birds [2×] and the lists of forbidden marriages [2×]).⁶ As we shall see, the norm in all these texts, as elsewhere in the Bible, is not to repeat the wording or phraseology in verbatim fashion but to modify the language in some minor way. To my mind, this procedure alters the very nature of the text, transforming what could have been a dry and laborious composition into a creative and imaginative literary product.⁷

1. Exodus 23/34: Appearing before God Three Times Each Year

(a) Exod 23:14

שְׁלֹשׁ רְגָלִים תִּחַג לִי בַשָּׁנָה:

Three occasions you shall celebrate me during the year.

(b) Exod 23:17

שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֶה כָּל־זָכוֹרךָ אֶל־פְּנֵי הָאֲדֹנָי יְהוָה:

Three times during the year, every male of yours shall be seen before the face of the Lord YHWH.

(c) Exod 34:23

שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֶה כָּל־זָכוֹרךָ אֶת־פְּנֵי הָאֲדֹנָי יְהוָה אֱלֹהֵי יִשְׂרָאֵל:

Three times during the year, every male of yours shall be seen before the face of the Lord YHWH, the God of Israel.

(d) Exod 34:24

בְּעֹלְתְךָ לָרְאוֹת אֶת־פְּנֵי יְהוָה אֱלֹהֶיךָ שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה:

when you go-up to be seen before the face of YHWH your God three times during the year

6. Each passage is presented in (a) the Hebrew original and (b) my own translation (striking a balance between the approaches taken by Everett Fox and Robert Alter), with the hope that the rendering captures, to the extent possible, the slight modifications inherent in the original text. In the treatment of each passage, when a specific word or phrase is discussed, I also include the transliteration, though in simplified fashion (with vowel lengths and so on largely ignored).

7. Variation occurs in many other ways as well, as documented by Robert J. Ratner, “Morphological Variation in Biblical Hebrew Rhetoric,” *Maarav* 8 (*Let Your Colleagues Praise You: Studies in Memory of Stanley Gevirtz*, part 2; 1992): 143–59. Ratner’s fine essay is devoted to smaller items revealing variation, whereas the present study focuses on larger matters of phraseology—though, to be sure, some of the former serve the latter (see, for example, the different prepositions used in Exod 23:8, עַד־בֹּקֶר ‘*ad boqer*, “until morning,” and Exod 34:25 לְבֹקֶר *lab-boqer*, “till morning,” studied below, example no. 2). As such, one might say that the current study is Ratner writ large. Moreover, virtually everything that Ratner states in his essay, especially the concluding thoughts (pp. 157–59)—for example, the comment that “the authors considered them [sc. the variations in language] to be an enhancement of the reading and listening pleasure” (p. 159)—applies to the current paper as well.

The book of Exodus presents the four passages above as an instruction to the people of Israel to appear before God on three occasions during the calendar year. The first of these has the simplest and most direct wording, though it also includes the unusual usage שלש רגלים *šaloš rēgalim*, “three occasions” (attested elsewhere only in Num 22:28, 32, 33, where it is used as part of the overall style-switching effect in the Balaam narrative).⁸ The other three iterations use the more standard expression שלש פעמים *šaloš pē'amim*, “three times.”⁹ In addition, in (a) the word בשנה *baššanah*, “during the year,” is disjoined from the phrase “three occasions,” while in the other three formulations it follows immediately after “three times.”

The key verb is different as well, for in (a) we read תהג *tahog*, “you shall celebrate” (second person), while the other three expressions employ the *niphal* of the verb ראה *r'ah*, “see,” hence, “be seen, appear,” with (b) and (c) using the prefix-conjugation form יראה *yera'eh*, “shall be seen” (third person), and with (d) using the infinitive form לראות *lera'ot*, “to be seen.”

Different prepositions also serve to differentiate the wordings: (a) uses simple ל- *lē-*, “to”; (b) uses אל־פני *el-pēne*, “before the face of” (literally, but the force may be simply “before”); and (c) and (d) use את־פני *et-pēne*, “before the face of” (thus, literally, once more, though again the force may be simply “before”). The object of the preposition is different as well: (a) reads לי *li*, “to me” (first person); (b) uses יהוה *ha-adon yhwh*, “the Lord YHWH”; (c) expands to יהוה *ha-adon yhwh 'ēlohe yiśra'el*, “the Lord YHWH, God of Israel”; and (d) reads אלהיך *'ēloheka*, “your God.”

The exact relationship between chs. 23 and 34 has been debated by scholars. Regardless of how that issue is resolved, the book of Exodus in its final form ensures variation in the repeated command to appear before God three times each year, via the means presented above.

2. Exodus 23:18, 34:25: Passover Sacrifice

(a) Exod 23:18

לֹא־תִזְבַּח עַל־חֲמֶזֶן דָּם־זֹבְחִי וְלֹא־יִלִּין חֵלֶב־תַּגִּי עַד־בֹּקֶר׃

You shall not sacrifice the blood of my sacrifice upon anything-leavened;
and you shall not let-remain the suet of my festival offering until morning.

8. Clinton J. Moyer, “Literary and Linguistic Studies in *Sefer Bil'am* (Numbers 22–24)” (Ph.D. diss., Cornell University, 2009), 80–3.

9. For further study, see Chaim Cohen, “‘False Friends’: Regular Meanings of Words in Modern Hebrew That Originated Erroneously” [Heb.], in *Sha'are Lashon: Studies in Hebrew, Aramaic and Jewish Languages Presented to Moshe Bar-Asher*, 3 vols., ed. Aharon Maman et al. (Jerusalem: Bialik, 2007), 1.28–30; and idem, “New Directions in Modern Biblical Hebrew Lexicography,” in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, ed. Chaim Cohen et al. (Winona Lake, IN: Eisenbrauns, 2008), 444–48.

(c) Exod 26:30 (Tabernacle)

וְהִקְמַתְּ אֶת-הַמִּשְׁכָּן כַּמִּשְׁפָּטוֹ אֲשֶׁר הִרְאִיתָ בְּהָרִ:

And you shall erect the tabernacle, according to its plan, which you have been shown on the mountain.

(d) Exod 27:8 (Altar)

נְכוּב לַחַת תַּעֲשֶׂה אֹתוֹ כְּאֲשֶׁר הִרְאָה אֶתְךָ בְּהָרִ כִּן יַעֲשׂוּ:

Hollow planks you should make it; according to what he showed you on the mountain, thus they shall do.

Four times in Exodus 25–27, God directs Moses to construct the tabernacle and its accoutrements according to the blueprint that he has devised. I reproduce each verse *in toto* here, though our attention is drawn to the variation present in the dependent clauses. The first statement is clear and succinct, in anticipation of the forthcoming detailed instructions: כָּל אֲשֶׁר אָנִי מְרְאָה אוֹתְךָ *kē-kol ’ašer ’ani mar’e ’otka*, “according to all that I show you” (25:9).¹¹ The next statement serves to seal the menorah section: אֲשֶׁר-אַתָּה מְרְאָה בְּהָרִ *ašer ’attah mor’eh ba-har*, “which you are shown on the mountain” (25:40)—the form מְרְאָה *mor’eh*, “are shown,” is the only *hophal* participle of the verb רָאָה *r’ah*, “see,” in the Bible. The next iteration seals the tabernacle section (that is, the details concerning the tent itself, constructed of beams, curtains, etc.): אֲשֶׁר בְּהָרִ הִרְאִיתָ *ašer hor’eta ba-har*, “which you have been shown on the mountain” (26:30)—with change from the *hophal* participle in the previous passage to the *hophal* suffix-conjugation form הִרְאִיתָ *hor’eta*, “you have been shown,” one of only three cases of this sort in the Bible (see also Lev 13:49, Deut 4:35). The fourth and final version appears at the end of the altar segment: כְּאֲשֶׁר הִרְאָה אֶתְךָ בְּהָרִ *ka-’ašer her’ah ’otka ba-har*, “according to what he showed you on the mountain” (27:8)—notwithstanding the fact that God remains the speaker here, the text uses a third-person verbal form (one would expect a first-person form, as in 25:9), thereby raising the reader’s eyebrow in the process. After the common, expected wording in the first passage, the text applies the technique of defamiliarization in the next three passages—each with its own peculiarity, inviting the reader to ponder the unusual and unexpected language.¹²

11. So succinct, in fact, that the phrase בְּהָרִ *ba-har*, “on the mountain,” that appears in the three parallel passages is lacking in 25:9. See further n. 12.

12. My research has shown that MT typically retains the variation within repeated sentences to a greater extent than do the ancient versions. In the present case of Exod 25:9 [LXX 25:8], note that the LXX includes ἐν τῷ ὄρει, “on the mountain,” and that the Samaritan Pentateuch adds בהר, though both versions reveal an attempt at harmonization based on the inclusion of this phrase in the three parallel verses. See William H. C. Propp, *Exodus 19–40*, AB 2A (New York: Doubleday, 2006), 320. For additional examples, see below, n. 16 and n. 22.

4. Leviticus: “And You Shall Say”

(a) Lev 1:2; 18:2; 23:2, 10; 25:2; 27:2

דָּבַר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם
speak to the children of Israel, and you shall say unto them

Lev 19:2

דָּבַר אֶל־כָּל־עֵדֻת בְּנֵי־יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם
speak to all the congregation of the children of Israel, and you shall say
unto them

Numerous times in the book of Leviticus, God instructs Moses to speak to the children of Israel generally or to Aaron and the priests specifically.¹³ We begin this section with a look at the former formulations. The Priestly author sets the tone in 1:2 with the standard rendition דָּבַר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם, “speak to the children of Israel, and you shall say unto them,” which appears four other times with the exact set of accent marks and one additional time (18:2) with a different array. To mix things up a bit, the text adds an additional phrase in 19:2: דָּבַר אֶל־כָּל־עֵדֻת בְּנֵי־יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם, “speak to all the congregation of the children of Israel, and you shall say unto them”; note the insertion of דָּבַר אֶל־כָּל־עֵדֻת *kol ‘adat*, “all the congregation of.”

(b) Lev 21:1

אָמַר אֶל־הַכֹּהֲנִים בְּנֵי אַהֲרֹן וְאָמַרְתָּ אֲלֵהֶם
say to the priests, the sons of Aaron, and you shall say unto them

Lev 22:2–3

דָּבַר אֶל־אַהֲרֹן וְאֶל־בְּנָיו . . . אָמַר אֲלֵהֶם
speak to Aaron and to his sons . . . say unto them

In these two passages, God instructs Moses to speak to the priests. Apparently to mark this distinction (that is, only the priests are to be addressed and not the Israelites generally), the language is modified greatly. Both verses, for example, use the imperative form אָמַר *‘emor*, “say,” the only two instances of this sort in all of Leviticus. When the two are compared with each other, further distinctions are forthcoming—for example: 21:1, אֶל־הַכֹּהֲנִים בְּנֵי אַהֲרֹן, *‘el hak-kohanim bēne ‘aharon*, “to the priests, the sons of Aaron,” versus 22:2, דָּבַר אֶל־אַהֲרֹן וְאֶל־בְּנָיו, *‘el ‘aharon wē-‘el banaw*, “to Aaron and to his sons.”

For the sake of completeness, I also note here two passages (verbatim in this case) in which the priests *and* the Israelites are specifically mentioned as the addressee:

13. I do not include in the present section simpler introductory statements such as those found in Lev 4:1 and 7:28.

(c) Lev 17:2

דְּבַר אֶל-אַהֲרֹן וְאֶל-בְּנָיו וְאֶל כָּל-בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם

speak to Aaron and to his sons and to all the children of Israel, and you shall say unto them

Lev 22:18

דְּבַר אֶל-אַהֲרֹן וְאֶל-בְּנָיו וְאֶל כָּל-בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵיהֶם

speak to Aaron and to his sons and to all the children of Israel, and you shall say unto them

So, if the two passages are verbatim (even to the point of the accent marks), why do I reproduce them individually? In order to highlight the orthographic variation generated by the scribe, with *plene* אֲלֵיהֶם *'alehem*, “unto them,” in 17:2 and *defectiva* אֲלֵהֶם *'alehem*, “unto them,” in 22:19.¹⁴

Finally, even greater linguistic variation is introduced in two other places:

(d) Lev 17:8

וְאֲלֵהֶם תֹּאמַר

and unto them you shall say

Lev 20:2

וְאֶל-בְּנֵי יִשְׂרָאֵל תֹּאמַר

and unto the children of Israel you shall say

In these two passages, (i) the indirect object is placed first, with the prefix-conjugation verb תֹּאמַר *to'mar*, “you shall say,” following; and (ii) the author uses וְאֲלֵהֶם *wa-'alehem*, “unto them” (with pronoun) in the one instance (presumably the priests and the Israelites mentioned in 17:2 [see above] constitute the antecedent of “them” here), with the more patently stated וְאֶל-בְּנֵי יִשְׂרָאֵל *wē-'el bēne yiśra'el* occurring in the second iteration.

All of the passages treated here, except one, occur within Leviticus 17–27, so that the scholars who see the Holiness Code as a separate unit within the book of Leviticus should not worry that these passages cross compositional boundaries.¹⁵ The only passage that occurs within the first 16 chapters of Le-

14. On variable spellings in the Bible, simply for the sake of variation, see Alfred Rahlfs, “Zur Setzung der Lesemütter im Alten Testament,” *Nachrichten von der Königlichen Gesellschaft der Wissenschaften zu Göttingen: Philologisch-historische Klasse* (Berlin: Weidmann, 1916), 315–47; and James Barr, *The Variable Spellings of the Hebrew Bible* (Oxford: Oxford University Press, 1989), esp. pp. 186–95.

15. Important relevant works include: Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Philadelphia: Fortress, 1995); Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, VTSup 67 (Leiden: Brill, 1996); and Baruch J. Schwartz, *The Holiness Legislation: Studies in the Priestly Code* (Jerusalem: Magnes, 1999) [Heb.].

viticus is Lev 1:2 (see above), which may be seen, according to the view that treats P and H discretely, as an introductory usage of the phrase, once the book as a whole achieved its final status.

5. Leviticus 1:7–8: The Sons of Aaron

(a) Lev 1:7

בְּנֵי אֶהְרֹן הַכֹּהֵן

the sons of Aaron the priest

(b) Lev 1:8

בְּנֵי אֶהְרֹן הַכֹּהֲנִים

the sons of Aaron, the priests

The phrase בְּנֵי אֶהְרֹן הַכֹּהֲנִים, “the sons of Aaron, the priests,” occurs 5× in Leviticus 1–3 (1:5, 8, 11; 2:2; 3:2). Just to mix it up a bit, the author of this material uses the expression בְּנֵי אֶהְרֹן הַכֹּהֵן, “the sons of Aaron the priest,” in 1:7, the only attestation of this wording in the Bible.¹⁶ The pattern, then, is: standard phrase first; the unusual (indeed, unique) phrase second; followed by a return to the standard phrase for the remainder.¹⁷

6. Leviticus 23: Festival Refrain

(a) Lev 23:3: Shabbat

שַׁבָּת הוּא לַיהוָה בְּכֹל מוֹשְׁבֹתֵיכֶם:

It is a Sabbath unto YHWH, in all your dwellings.

(b) Lev 23:14: Pesah

חֻקַּת עוֹלָם לְדֹרֹתֵיכֶם בְּכֹל מוֹשְׁבֹתֵיכֶם:

An eternal statute for your generations, in all your dwellings.

16. The Samaritan Pentateuch reads plural הכהנים also in 1:7, and the LXX or ἱερείς, “the priests,” implies a similar reading, though once more these efforts are a clear sign of harmonization, reflecting an unawareness of the device studied here. For various attempts to explain the wording of the MT, see Jacob Milgrom, *Leviticus 1–16*, AB 3, New York: Doubleday, 1991), 157; though to my mind the far simpler explanation is variation for the sake of variation. Incidentally, Milgrom also referred to 4QLev^b with the reading הכהנים, but this must be an error, since the extant portion of this document commences only at Lev 1:11. 4QLev^c contains a fragmentary section of Lev 1:1–7 but only a poorly preserved *nun-yod* sequence at the beginning of v. 7, to be restored as [ב]ני with the following words wanting. For these Qumran texts, see Eugene Ulrich, “4QLev^b,” and Emanuel Tov, “4QLev^c,” in *Qumran Cave 4/VII*, DJD 12 (Oxford: Clarendon, 1994), 177–87 and 189–92, respectively.

17. For another example of this pattern, see the superscriptions to Psalms 120–34, with the second, Ps 121:1, לַמַּעֲלוֹת שִׁיר לְמַעֲלוֹת, *šir lam-ma‘alot*, “a song of ascents,” as the unique example.

(c) Lev 23:21: Shavu'ot

חֻקַּת עוֹלָם בְּכָל-מוֹשְׁבֵיכֶם לְדֹרֹתֵיכֶם:

An eternal statute in all your dwellings, for your generations.

(d) [Lev 23:24–25: no statement]

(e) Lev 23:31: Yom Kippur

חֻקַּת עוֹלָם לְדֹרֹתֵיכֶם בְּכָל מוֹשְׁבֵיכֶם:

An eternal statute for your generations, in all your dwellings.

(f) Lev 23:41: Sukkot

חֻקַּת עוֹלָם לְדֹרֹתֵיכֶם

An eternal statute for your generations.

Leviticus 23 presents the ancient Israelite calendar, with the various (non-verbatim) phrases presented above. The standard expression (inasmuch as it occurs twice) appears in vv. 14 and 31, concerning Pesah and Yom Kippur, respectively (see also Lev 3:17, Num 35:29). In v. 21, regarding Shavu'ot, the text reverses the two key phrases, with לְדֹרֹתֵיכֶם, “for your generations,” occurring after בְּכָל-מוֹשְׁבֵיכֶם, “in all your dwellings” (plus note the *maqep* in the latter phrase).¹⁸ In v. 41, concerning Sukkot, the phrase בְּכָל מוֹשְׁבֵיכֶם, “in all your dwellings,” is omitted altogether, presumably because the threefold use of the verbal root יָשַׁב, “sit, dwell,” in the following two verses (vv. 42–43; 2× *qal*, 1× *hiphil*) renders the term unnecessary in the author’s mind. Perhaps to balance this deletion toward the end of the chapter, the author omits the other term לְדֹרֹתֵיכֶם, “for your generations,” in the description of Shabbat at the beginning of the chapter. Note also that the connection between Shabbat and “the generations” is built into the system, as indicated by the twofold use of the term in Exod 31:13, 16. If we may evoke Abraham Joshua Heschel here,¹⁹ Sukkot is the most “place”-defined holiday and therefore does not require “in all your dwellings,” whereas Shabbat is the most “time”-defined holiday and therefore does not require “for your generations,” at least as conceived and formulated by the author of Leviticus 23. Finally, the greatest divergence occurs in vv. 24–25, pertaining to the festival that occurs on month 7, day 1 (to emerge eventually as Rosh ha-Shanah). Since Leviticus 23 provides only the most minimal information concerning this holiday, quite appropriately the non-verbatim refrain is omitted altogether in these two verses.

18. See already Par'ān, *Forms of the Priestly Style in the Pentateuch*, 232, in his treatment of chiasm as a feature of Priestly style.

19. Abraham Joshua Heschel, *The Sabbath* (New York: Farrar, Straus & Young, 1951). For some qualifying remarks, see David Kraemer, “The Sabbath as a Sanctuary in Space,” in *Tif'eret le-Yisra'el: Jubilee Volume in Honor of Israel Francus*, ed. Joel Roth et al. (New York: Jewish Theological Seminary, 2010), 79–91.

7. Numbers 2: The Tribal Encampment around the Tabernacle (Flags)

וְהַחֲנִיּוֹת קִדְמָה מִזְרָחָה דָּגֶל מַחֲנֵה יְהוּדָה לְצַבְאוֹתָם 3
 דָּגֶל מַחֲנֵה רְאוּבֵן תִּימְנָה לְצַבְאוֹתָם 10
 דָּגֶל מַחֲנֵה אֶפְרַיִם לְצַבְאוֹתָם מִיָּמָה 18
 דָּגֶל מַחֲנֵה דָן צָפְנָה לְצַבְאוֹתָם 25

- 3. And those encamped orient-ward, eastward, the flag of the camp of Judah according to their armies;
- 10. The flag of the camp of Reuben, southward, according to their armies;
- 18. The flag of the camp of Ephraim, according to their armies, sea-ward;
- 25. The flag of the camp of Dan, northward, according to their armies;

According to Numbers 2, the Israelite encampment was divided into four parts, each one positioned on a different flank of the tabernacle, with a flag or banner to mark the division. The second and fourth units are described in parallel fashion (except for the necessary differences of lead tribe and cardinal direction) and thus may be considered the standard wording: “The flag of the camp of tribe-X, direction-Y, according to their armies.” The third unit is described with variant word order, with the phrase “according to their armies” and the direction-Y term switching slots. The first unit has the most variation, with (a) the word וְהַחֲנִיּוֹת *wě-ha-ḥonim*, “and those encamped”; (b) two synonyms for the same direction, קִדְמָה מִזְרָחָה *qedmah mizraḥah*, “orient-ward, eastward”; and (c) with the direction preceding the reference to the flag.

8. Numbers 3: The Number of Levites

וּפְקֻדֵיהֶם בְּמִסְפָּר כָּל-זָכָר מִבֶּן-חֹדֶשׁ וְמַעְלָה פְקֻדֵיהֶם שִׁבְעַת אֲלָפִים וַחֲמֵשׁ מֵאוֹת 22
 בְּמִסְפָּר כָּל-זָכָר מִבֶּן-חֹדֶשׁ וְמַעְלָה שְׁמֹנֶת אֲלָפִים וְשֵׁשׁ מֵאוֹת שְׁמֵרֵי מִשְׁמֶרֶת הַקֹּדֶשׁ 28
 וּפְקֻדֵיהֶם בְּמִסְפָּר כָּל-זָכָר מִבֶּן-חֹדֶשׁ וְמַעְלָה שֵׁשַׁת אֲלָפִים וּמֵאוֹתָיִם 34

- 22. Their accounting, by the number of all males, from one-month (old) and upward; their accounting, seven thousand and five hundred.
- 28. By the number of all males, from one-month (old) and upward, eight thousand and six hundred, duty-guards of the guard-duty of the sanctuary.
- 34. And their accounting, by the number of all males, from one-month (old) and upward, six thousand and two hundred.

The Levites are divided into three groups: Gershonites, Kohathites, and Merarites, with the census providing the number for each division. In the style to which we have become well accustomed, the data are not presented in a dull manner; instead, the author jumbles the material to allow for the reader’s admiration of his literary flair. With the first group, the word פְקֻדֵיהֶם *pqudehem*, “their accounting,” is used twice (v. 22); for the second group, this key word is omitted (v. 28); and for the third group, the conjunction *waw* is included to

provide the form *u-pqudehem* וּפְקֻדֵיהֶם “and their accounting.” In addition, the second group gains a special epithet: *šomre mišmeret haq-qodeš*, “duty-guards of the guard-duty of the sanctuary.”

9. Numbers 3: The Number of Levites (Encamped + Tribal Leader)

- 23 מִשְׁפַּחַת הַגֵּרְשׁוֹנִי אַחֲרֵי הַמִּשְׁכָּן יָחֲנוּ יָמָּה:
 24 וְנָשִׂיא בֵּית־אָב לְגֵרְשׁוֹנִי אֱלִיסָפָּ בֶן־לֹאֵל:
 29 מִשְׁפַּחַת בְּנֵי־קֹהַת יָחֲנוּ עַל יָרֵךְ הַמִּשְׁכָּן תִּמְנָה:
 30 וְנָשִׂיא בֵּית־אָב לְמִשְׁפַּחַת הַקֹּהַתִּי אֱלִיצָפָן בֶּן־עֲזִיזָאֵל:
 35 וְנָשִׂיא בֵּית־אָב לְמִשְׁפַּחַת מְרָרִי צוּרִיאֵל בֶּן־אַבִּיתָּיִל עַל יָרֵךְ הַמִּשְׁכָּן יָחֲנוּ צָפְנָה:
23. The families of the Gershonite; behind the tabernacle, they encamped seaward.
 24. And the leader of the ancestral house of the Gershonite: Eliasaph son of Lael.
 29. The families of the children of Kohath encamped; on the flank of the tabernacle southward.
 30. And the leader of the ancestral house of the families of the Kohathite: Elizaphan son of Uzziel.
 35. And the leader of the ancestral house of the families of Merarite: Zuriel son of Abihail; on the flank of the tabernacle, they encamped, northward.

In these comparable verses, additional details are provided for the three Levite groups: (a) their position vis-à-vis the tabernacle, and (b) the names of their division leaders. The most glaring difference is the employment of two verses to present this information for the Gershonite and Kohathite groups (vv. 23–24 and 29–30, respectively) with only a single (albeit long) verse used for the Merarite group (v. 35). And within this major variation, one notes the order of cardinal direction + name of leader for the first two groups, versus the order of name of leader + cardinal direction for the third group.

More minor divergences are also present. First, in the clause that provides details about the encampment, we note the differences between and among: (a) *mišpəḥot haq-geršoni*, “the families of the Gershonites” (v. 23), with definite article + gentilic form of the group name—that is, “the Gershonites”; (b) *mišpəḥot bəne qəhat*, “the families of the children of Kohath” (v. 29), with the word *bəne*, “children of,” used; and (c) no such corresponding phrase for the encamping of the Merarite group (v. 35).

Second, concerning where each group encamped, we note the differences between and among: (a) *aḥare ham-miškan yaḥanu yammah*, “behind the tabernacle, they encamped seaward” (v. 23); (b) *yaḥanu al yerek ham-miškan temanah*, “they encamped; on the flank of the tabernacle southward” (v. 29); and (c) *al yerek ham-miškan yaḥanu cəpənəh*, “they encamped; on the flank of the tabernacle northward” (v. 35).

yerek ham-miškan yaḥanu ṣaponah, “on the flank of the tabernacle they encamped northward” (v. 35). Each of these has a slightly different wording, with the most striking feature being the attachment of *יָחֲנוּ yaḥanu*, “they encamped,” to the first clause of v. 29 (although not marked here, there is also a major disjuncture marked by an *ʾatnah*).

Third, for the name of the group leader, we note: (a) *וּנְשִׂיא בֵּית־אָב לְגֵרְשׁוֹנִי u-nśiʾ bet ʾab lag-geršunni*, “and the leader of the ancestral house of the Gershonite” (v. 24); (b) *וּנְשִׂיא בֵּית־אָב לְמִשְׁפַּחַת הַקֹּהֲתִי haq-qēhati*, “and the leader of the ancestral house of the families of the Kohathite” (v. 30); and *וּנְשִׂיא בֵּית־אָב לְמִשְׁפַּחַת מְרָרִי u-nśiʾ bet ʾab lē-mišpēḥot mērari*, “and the leader of the ancestral house of the families of Merarite” (v. 35). All three begin the same, though for the first, simply the gentilic term is used, “of the Gershonite,” while for the second and third, the term “the families of” is inserted. Given this parallel structure of the second and third phrases, an additional distinction is introduced by including the definite article with *הַקֹּהֲתִי haq-qēhati*, “the Kohathite,” and by omitting this morpheme with *מְרָרִי mērari*, “Merarite.”

The result of these variant wordings is a panoply of differentiations at which the reader may marvel. Far from banal repetition of the formulas used to impart the data for the three Levite subgroups, the author deliberately introduces variation at every level.

10. Numbers 28–29: The Goat Offering on Festival Days

(a) Num 28:15 (Rosh Ḥodesh)

וּשְׂעִיר עִזִּים אֶחָד לְחַטָּאת לַיהוָה

and one hairy-one of the goats as a *ḥaṭṭaʾt* unto YHWH

(b) Num 28:22 (Pesah)

וּשְׂעִיר חַטָּאת אֶחָד לְכַפֵּר עֲלֵיכֶם

and one hairy-one *ḥaṭṭaʾt* to expiate for you

(c) Num 28:30 (Shavuʿot)

שְׂעִיר עִזִּים אֶחָד לְכַפֵּר עֲלֵיכֶם

one hairy-one of the goats to expiate for you

(d) Num 29:5 (Rosh ha-Shanah)

וּשְׂעִיר־עִזִּים אֶחָד חַטָּאת לְכַפֵּר עֲלֵיכֶם

and one hairy-one of the goats *ḥaṭṭaʾt* to expiate for you

(e) Num 29:11 (Yom Kippur)

שְׂעִיר־עִזִּים אֶחָד חַטָּאת

one hairy-one of the goats *ḥaṭṭaʾt*

Numbers 28–29 outlines the individual sacrifices for each of the festival days, as envisioned by the Priestly source. Far from a repetitive litany of offerings and sacrifices, the author of this pericope introduces variation whenever possible. The different wordings in the individual paragraphs are too complicated to outline here, and thus we limit ourselves to the variation inherent in one specific formula—that is, the variation about the goat offering.

In four instances, the animal is referred to as שְׂעִיר עִזִּים *śē'ir 'izzim*, “hairy-one of the goats,” while in 28:22, the term appears as שְׂעִיר חַטָּאת *śē'ir ḥaṭṭa't*, “hairy-one *ḥaṭṭa't*.” In three cases, the phrase begins with the conjunction וּ- *u-*, “and,” while in 28:30 and 29:11, the conjunction is omitted. The word חַטָּאת *ḥaṭṭa't* (traditionally rendered “sin offering,” though recent research reveals that “purification offering” is more appropriate) appears in four places, though not in 28:30. The phrase לְכַפֵּר עֲלֵיכֶם *lē-kapper 'alekem*, “to expiate for you,” occurs three times, but it does not appear in 28:15 and 29:11. The divine name יְהוָה *yhwh*, “YHWH,” appears in the first formulation, though not in the others. These minor modifications guarantee that none of the five sentences is repeated verbatim.

11. Numbers 29: The Sacrifices for the Individual Days of Sukkot

Day 1—Num 29:16

וּשְׂעִיר־עִזִּים אֶחָד חַטָּאת מִלֶּבֶד עֲלֵת הַתָּמִיד וּמִנְחָתָהּ וְנֹסֶכֶהּ:

and one hairy-one of the goats *ḥaṭṭa't*, in addition to the daily offering, its grain offering and its libation offering.

Day 2—Num 29:19

וּשְׂעִיר־עִזִּים אֶחָד חַטָּאת מִלֶּבֶד עֲלֵת הַתָּמִיד וּמִנְחָתָהּ וְנֹסֶכֶיהֶם:

and one hairy-one of the goats *ḥaṭṭa't*, in addition to the daily offering, and its grain offering and their libation offerings.

Day 3—Num 29:22

וּשְׂעִיר חַטָּאת אֶחָד מִלֶּבֶד עֲלֵת הַתָּמִיד וּמִנְחָתָהּ וְנֹסֶכֶהּ:

and one hairy-one *ḥaṭṭa't*, in addition to the daily offering, and its grain offering and its libation offering.

Day 4—Num 29:25

וּשְׂעִיר־עִזִּים אֶחָד חַטָּאת מִלֶּבֶד עֲלֵת הַתָּמִיד וּמִנְחָתָהּ וְנֹסֶכֶהּ:

and one hairy-one of the goats *ḥaṭṭa't*, in addition to the daily offering, its grain offering and its libation offering.

Day 5—Num 29:28

וּשְׂעִיר חַטָּאת אֶחָד מִלֶּבֶד עֲלֵת הַתָּמִיד וּמִנְחָתָהּ וְנֹסֶכֶהּ:

and one hairy-one *ḥaṭṭa't*, in addition to the daily offering, and its grain offering and its libation offering.

Day 6—Num 29:31

וּשְׁעִיר חֲטָאֵת אֶחָד מִלֶּבֶד עֲלֵת הַתָּמִיד מִנְחָתָהּ וְנִסְכָּיהָ:
 and one hairy-one *ḥaṭṭa't*, in addition to the daily offering, its grain offering and its libation offerings.

Day 7—Num 29:34

וּשְׁעִיר חֲטָאֵת אֶחָד מִלֶּבֶד עֲלֵת הַתָּמִיד מִנְחָתָהּ וְנִסְכָּהּ:
 and one hairy-one *ḥaṭṭa't*, in addition to the daily offering, its grain offering and its libation offering.

Day 8—Num 29:38

וּשְׁעִיר חֲטָאֵת אֶחָד מִלֶּבֶד עֲלֵת הַתָּמִיד וּמִנְחָתָהּ וְנִסְכָּהּ:
 and one hairy-one *ḥaṭṭa't*, in addition to the daily offering, and its grain offering and its libation offering.

The enumeration of the sacrifices on the festival days (see above, no. 10) concludes with the offerings ordained for the individual days of Sukkot, with the technique of repetition with variation continuing apace. In the present instance, we expand our analysis to include the wording not only for the goat offering but for the daily offering (*tamid*) and its accompanying grain and libation offerings (*minḥah* and *neseq*, respectively, the latter comprised of oil) as well.

To begin, in three cases the animal is called שְׁעִיר-עִזִּים *šē'ir 'izzim*, “hairy-one of the goats,” with the word חֲטָאֵת *ḥaṭṭa't* following, while in five cases the term used is שְׁעִיר חֲטָאֵת *šē'ir ḥaṭṭa't*, “hairy-one *ḥaṭṭa't*.” The expression מִלֶּבֶד עֲלֵת הַתָּמִיד *mil-lēbad 'olat hat-tamid*, “in addition to the daily offering,” remains constant throughout all eight days, but the final formula in each of the verses allows for variation once more. Four days present מִנְחָתָהּ *minḥatah*, “its grain offering,” while four days present וּמִנְחָתָהּ *u-minḥatah*, “and its grain offering.” The oil offering is termed וְנִסְכָּהּ *wē-niskah*, “and its libation offering” (in the singular) six times, though quite oddly, once, we read וְנִסְכֵיהֶם *wē-niskehem*, “and their libation offerings” (Day 2), and once, we read וְנִסְכֵיהָ *u-nēsakeha*, “and its libation offerings” (Day 6).

As a consequence of all these alterations, five different formulations are present: one set of passages appears verbatim for Days 1 and 4; another set of passages appears verbatim for Days 3, 5, and 8; while the other days (2, 6, and 7) attest unique wordings.

When we expand these passages to include the full wording for each day of Sukkot,²⁰ we find still other minor variations. Thus, for example, v. 24 (Day 4) commences with מִנְחָתָם *minḥatam*, “their grain offering,” while the parallel

20. I exclude from the discussion Day 1, since an altogether different phrasing is used there to introduce the entire, week-long holiday.

verses for all other days begin with *וּמִנְחָתָם* *u-minḥatam*, “and their grain offering” (that is, with the conjunction); and v. 33 (Day 7) ends with *כְּמִשְׁפָּטָם* *kē-mišpaṭam*, “according to their regulation,” while the parallel verses for all other days use *כְּמִשְׁפָּט* *kam-mišpaṭ*, “according to the regulation.” On the orthography front, we also note the unique spelling *וְנִסְכֵּיהֶם* *wě-niskehem*, “and their libation offerings,” in v. 33 (Day 7).

A less creative author would have repeated the same language again and again for the seven (or eight days) of Sukkot. Instead, however, the reader is invited to pay attention to these very minor differences, all in the interest of keeping the mind alert in the continual play of author → text → reader/performer → listener/audience.

12. Deuteronomy 17:6 and 19:15: Witnesses

(a) Deut 17:6

עַל־פִּי שְׁנַיִם עֵדִים אוֹ שְׁלֹשָׁה עֵדִים יוֹמֵת הַמֵּת

(only) on the testimony of two witnesses or three witnesses may a person be put-to-death

(b) Deut 19:15

עַל־פִּי שְׁנֵי עֵדִים אוֹ עַל־פִּי שְׁלֹשָׁה־עֵדִים יָקוּם דְּבָרֵךְ:

(only) on the testimony of two witnesses or on the testimony of three witnesses may the matter stand

Twice the book of Deuteronomy turns its attention to the question of how many witnesses are required in order to convict the accused in a legal proceeding.²¹ The two laws agree in requiring two or three witnesses (that is, a minimum of two, though more are permitted), though we note the variant wording present in the text. In 17:6 the term *עַל־פִּי* *al pi*, “on the testimony of” (lit., “mouth of”) appears but once, governing both the following “two witnesses” and “three witnesses”; while in 19:15 the term *עַל־פִּי* *al pi*, “on the testimony of,” occurs twice, before both “two witnesses” and “three witnesses.” Moreover, in the first iteration the absolute form of the numeral is used: *שְׁנַיִם עֵדִים* *šnayim ʿedim*, “two witnesses”; whereas in the echo two chapters later the construct form of the numeral is used: *שְׁנֵי עֵדִים* *šne ʿedim*, “two witnesses.”²² Finally, the slightest variation is present in the Masoretic Text, with the former passage invoking *שְׁלֹשָׁה עֵדִים* *šəloša ʿedim*, “three witnesses,” as two separate words, and

21. In the first one the death penalty is explicit, and this may be implied in the second instance as well; see below, n. 23.

22. This is yet another instance where the Samaritan Pentateuch harmonizes, reading both passages as *עַל פִּי שְׁנֵי עֵדִים אוֹ עַל פִּי שְׁלֹשָׁה עֵדִים*, thereby accommodating MT 17:6 to 19:15. On the Septuagint here, see Carmel McCarthy, *Deuteronomy*, BHQ 5 (Stuttgart: Deutsche Bibelgesellschaft, 2007), 53, 103.

the second passage conjoining שלשה־עדים *šeloša ‘edim*, “three witnesses,” as a single entity via the *maqep*.

**13. Deuteronomic Code: “And You Shall Extirpate Evil”
(and Similar Expressions)**

(a) Deut 13:6; 17:7; 19:19; 21:21; 22:21, 24; 24:7

וּבְעֵרְתָּ הָרַע מִקִּרְבְּךָ

and you shall extirpate evil from your midst

(b) Deut 17:12; 22:22

וּבְעֵרְתָּ הָרַע מִיִּשְׂרָאֵל

and you shall extirpate evil from Israel

These two variant phrases punctuate the laws of Deuteronomy, especially those where the death penalty is involved.²³ Version (a) is clearly the dominant one, though in two cases the author of Deuteronomy changes the final word from מִקִּרְבְּךָ *miq-qirbeka*, “from your midst,” to מִיִּשְׂרָאֵל *miy-yiśra’el*, “from Israel,” to produce version (b). Why does this change occur specifically at 17:12 and 22:22? In both cases, the variant phrasing follows in proximity to the standard phrasing; note 17:12 coming five verses after 17:7, and 22:22 following immediately after 22:21. In the case of 22:22, I also suggest a second factor: namely, alliteration with a key word in the next verse: one observes the use of מְאֻרָּשָׁה *mē’oraśa*, “betrothed,” five words after מִיִּשְׂרָאֵל *miy-yiśra’el*, “from Israel,” with the root אֻרָּשׁ *’rs*, “betroth,” of the former appearing in reverse order within the ethnonym יִשְׂרָאֵל *yiśra’el*, “Israel.” This observation suggests that alliteration may also be at play in 17:12, even though the sound play between יִשְׂרָאֵל *yiśra’el*, “Israel,” and the key word לְשָׂרֵת *lē-šaret*, “to serve” (earlier in the verse) is less arresting.²⁴

(c) Deut 19:13

וּבְעֵרְתָּ דַם־הַנֶּקִי מִיִּשְׂרָאֵל

and you shall extirpate the blood of the innocent from Israel

23. Jeffrey H. Tigay, *Deuteronomy*, The JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 131. The one apparent exception is Deut 19:19, though, in the light of Deut 17:6, the law of false witnesses also may result in capital punishment.

24. On alliteration as a feature of ancient Hebrew composition, see my “Alliteration in the Exodus Narrative,” in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, ed. Chaim Cohen et al. (Winona Lake, IN: Eisenbrauns, 2008), 83–100; and Scott B. Noegel and Gary A. Rendsburg, *Solomon’s Vineyard: Literary and Linguistic Studies in the Song of Songs*, SBL Ancient Israel and Its Literature (Atlanta: Society of Biblical Literature, 2009; Leiden: Brill, 2009), 63–106.

(d) Deut 21:9

וְאַתָּה תִּבְעֵר הַדָּם הַנָּקִי מִקִּרְבְּךָ

and you, you shall extirpate the innocent blood from your midst

The key verb בער *bʿr*, “purge, extirpate,” from (a) and (b) above also appears in (c) and (d). In these passages, the focus is specifically on the extirpation of innocent blood. Once more, the author introduces variation: (c) uses (i) the *wēqatal* form of the verb וּבְעַרְתָּ *u-biʿarta*, “and you shall extirpate,” (ii) the expression דַּם־הַנָּקִי *dam han-naqi*, “the blood of the innocent,” and (iii) מִיִּשְׂרָאֵל *miy-yisraʿel*, “from Israel,” whereas (d) uses (i) the prefix-conjugation verb with the independent pronoun for emphasis, thus וְאַתָּה תִּבְעֵר *wē-ʾattah tēbaʿer*, “and you, you shall extirpate,” (ii) the expression הַדָּם הַנָּקִי *had-dam han-naqi*, “the innocent blood,” and (iii) מִקִּרְבְּךָ *miq-qirbeka*, “from your midst.”

(e) Deut 13:12

וְכָל־יִשְׂרָאֵל יִשְׁמְעוּ וְיִרְאוּן וְלֹא־יֹסְפוּ לַעֲשׂוֹת כַּדָּבָר הַרָּע הַזֶּה בְּקִרְבְּךָ:

And all Israel shall hear and shall fear, and they shall not continue to do according to this evil thing in your midst.

(f) Deut 19:20

וְהַנִּשְׁאָרִים יִשְׁמְעוּ וְיִרְאוּ וְלֹא־יֹסְפוּ לַעֲשׂוֹת עוֹד כַּדָּבָר הַרָּע הַזֶּה בְּקִרְבְּךָ:

And all who remain shall hear and shall fear, and they shall not continue to do again according to this evil thing in your midst.

These two verses exhort the Israelites in similar fashion to the aforementioned passages, though without recourse to the verbal root בער *bʿr*, “purge, extirpate.” Instead, a different phraseology is employed, though a comparison of the two verses reveals, as we have come to expect, non-verbatim repetition. We note the following differences: (i) וְכָל־יִשְׂרָאֵל *wē-kol yiśraʿel*, “and all Israel,” versus וְהַנִּשְׁאָרִים *wē-han-nišʿarim*, “and all who remain” (i.e., “everyone else”); (ii) the archaic form וְיִרְאוּן *wē-yiraʿun*, “and they shall fear,” with paragogic *nun*, versus the standard form וְיִרְאוּ *wē-yiraʿu*, “and they shall fear”; and (iii) the introduction of עוֹד *ʿod*, “again,” in (f) versus its absence in (e). An orthographic difference bolsters the alterations, with *plene* יֹסְפוּ *yosipu*, “continue,” in 13:12 versus *defectiva* יֹסְפוּ *yosipu*, “continue,” in 19:20. Note that these two verses appear six chapters apart, and yet one assumes that the listener to the text would apprehend the differences in wording, even at this remove.

(g) Deut 17:13

וְכָל־הָעָם יִשְׁמְעוּ וְיִרְאוּ

and all the people shall hear and shall fear

(h) Deut 21:21

וְכָל־יִשְׂרָאֵל יִשְׁמְעוּ וְיִרְאוּ

and all Israel shall hear and shall fear

Shorter versions of (e) and (f) above appear in these two passages, though again, the reader notices the variation. The former uses וְכָל־הָעָם *wə-kol ha-‘am*, “and all the people,” while the latter uses וְכָל־יִשְׂרָאֵל *wə-kol yiśra’el*, “and all Israel.”

The book of Deuteronomy is distinguished (from Leviticus, for example) by its constant exhortations to the people of Israel to observe the law and to remove evil from its midst. The message remains essentially the same, though the wording is varied in order to provide the composition with appropriate literary flavor.

14. Deuteronomy 27:12–13: Tribes on the Mountains

(a) Deut 27:12

אֵלֶּה יַעֲמְדוּ לְבָרֵךְ אֶת־הָעָם עַל־הַר גְּרִזִים בְּעֵבֶרְכֶם אֶת־הַיַּרְדֵּן שְׂמֹעוֹן וְלֵוִי
וַיהוּדָה וַיִּשְׂשַׁכֵּר וַיֹּזֶפֶף וּבִנְיָמִן:

These shall stand to bless the people upon Mount Gerizim, when you cross over the Jordan: Simeon and Levi and Judah; and Issachar and Joseph and Benjamin.

(b) Deut 27:13

וְאֵלֶּה יַעֲמְדוּ עַל־הַקְּלָלָה בְּהַר עֵיבָל רְאוּבֵן גָּד וְאַשֵּׁר וְזִבְלוּן דָּן וְנַפְתָּלִי:

And these shall stand over the curse on Mount Ebal: Reuben, Gad, and Asher; and Zebulun, Dan, and Naphtali.

In these verses, Moses commands the people concerning the ceremonial proclamation of the blessings and curses that will occur once the Israelites cross the Jordan and arrive in Canaan proper, with specific attention to the arrangement of the 12 tribes, 6 on each mountain. While an uncreative author might have used the same phraseology in each verse, our author, with ever an eye to literary artistry, introduces variation in several key places.

(i) The action of the first group is worded אֵלֶּה יַעֲמְדוּ לְבָרֵךְ אֶת־הָעָם *‘elleh ya‘amdu lē-barek ‘et ha-‘am*, “these will stand to bless the people,” while the action of the second group is worded וְאֵלֶּה יַעֲמְדוּ עַל־הַקְּלָלָה *wə-‘elleh ya‘amdu ‘al haq-qēlalah*, “and these will stand over the curse.” I am not concerned with the absence of the conjunction וְ- *wə-*, “and,” in the first passage and its presence in the second, for this would be expected in almost any linguistic context. Rather, one notices the use of the infinitive verb לְבָרֵךְ *lē-barek*, “to bless,” followed by the explicit direct object אֶת־הָעָם *‘et ha-‘am*, “the people,” in v. 12, in contrast to the phrase עַל־הַקְּלָלָה *‘al haq-qēlalah*, “over the curse,” in v. 13.

(ii) In the first instance, the text reads עַל־הַר גְּרִזִים *‘al har gērizim*, “upon Mount Gerizim,” while in the second instance, the text uses a different preposition, עֵיבָל בְּהַר *bē-har ‘ebal*, “on Mount Ebal.” The Bible seems to use both expressions with more or less equal frequency following the verb עָמַד *‘md*,

“stand” (on a mountain): for על *al*, “upon,” see Ezek 11:23, Zech 14:4 (and when ראש *roʿš*, “head, summit,” is used, see also 1 Sam 26:13, 2 Kgs 1:9); for בֶּ- *bē-*, “on” (lit., “in”), see Deut 10:10, 1 Kgs 19:11 (and with ראש *roʿš*, “head, summit,” see also Judg 9:7).²⁵ This is to say, not only were both options available to the author of Deut 27:12–13, not surprisingly both were used in order to vary the diction.

(iii) The first six tribes are presented as שִׁמְעוֹן וְלֵוִי וַיהוּדָה וַיִּשָּׂשכָר וַיֹּסֵף וּבִנְיָמִן *šimʿon wē-lewi wi-hudah wē-yiśśakar wē-yosep u-binyamin*, “Simeon, and Levi and Judah; and Issachar, and Joseph and Benjamin,” with the conjunction וְ *wē-*, “and,” appended to each name (except the first, obviously), whereas the second six tribes are presented as רְעֻבֵן גָּד וְאַשֶׁר וְזִבְעֻלֵן דָּן וְנַפְתָּלִי *rēʿuben gad wē-ʾašer u-zēbulun dan wē-naptali*, “Reuben, Gad, and Asher; and Zebulun, Dan, and Naphtali,” with a different system. In this arrangement, as can be determined by the Masoretic accents, the six are divided into two groups of three,²⁶ with each subgroup aligned as ⟨A, B, “and” C⟩, and with the second subgroup also introduced with “and,” thereby producing a string of ⟨A, B, “and” C⟩; ⟨“and” D, E, “and” F⟩.²⁷

15. Deuteronomy 28: “The Fruit of Your . . .”

(a) Deut 28:4

בְּרוּךְ פְּרִי־בִטְנְךָ וּפְרִי אֲדָמָתְךָ וּפְרִי בְהֵמָתְךָ שְׁגֵר אֲלֵפֶיךָ וְעִשְׂתָּרוֹת צֹאנֶיךָ

Blessed be the fruit of your womb, and the fruit of your soil, and the fruit of your animals—the progeny of your cattle and the offspring of your flocks.

(b) Deut 28:11

וְהוֹתִירְךָ יְהוָה לְטוֹבָה בְּפְרִי בִטְנְךָ וּבְפְרִי בְהֵמָתְךָ וּבְפְרִי אֲדָמָתְךָ

And YHWH will suffice you with goodness, with the fruit of your womb, and with the fruit of your animals, and with the fruit of your soil.

(c) Deut 28:18

אָרוּר פְּרִי־בִטְנְךָ וּפְרִי אֲדָמָתְךָ שְׁגֵר אֲלֵפֶיךָ וְעִשְׂתָּרוֹת צֹאנֶיךָ

Cursed be the fruit of your womb and the fruit of your soil—the progeny of your cattle and the offspring of your flocks.

25. In general, there seems to be a more-or-less equal distribution of the two prepositions governing the noun הַר *har*, “mountain,” though with certain verbs, such as ישב *yšb*, “sit,” בֶּ- *bē-*, “on,” predominates, while with other verbs, such as ירד *yrd*, “descend” (in the sense of “descend upon,” not “descend from”), על *al*, “upon,” predominates.

26. This is also true of the first six tribes (note my punctuation in the English translation), though the issue is less relevant there, since each tribal name is preceded by the conjunction.

27. I do not treat here the presence of אֶת־הַיַּרְדֵּן בְּעֵבְרָכֶם *bē-ʿobrēkem ʾet hay-yarden*, “when you cross over the Jordan,” in v. 12 versus its absence in v. 13, since it would be very unidiomatic to include an expression of this sort a second time.

(d) Deut 28:51

וְאָכַל פְּרִי בְהֵמָתְךָ וּפְרִי־אֲדָמָתְךָ עַד הַשְּׂמֵדָה אֲשֶׁר לֹא־יִשְׁאִיר לְךָ דָגָן תִּירוֹשׁ
וְיִצְהָר שֶׁגֶר אֶלְפִיךָ וְעֵשְׂתָרֶת צֹאנֶךָ

And it²⁸ shall eat the fruit of your animals and the fruit of your soil, until you have been destroyed, (and) who also shall not leave you grain, wine, and oil, the progeny of your cattle and the offspring of your flocks.

(e) Deut 30:9

וְהוֹתִירְךָ יְהוָה אֱלֹהֶיךָ בְּכָל מַעֲשֵׂה יָדְךָ בְּפָרִי בִטְנֶךָ וּבְפָרִי בְהֵמָתְךָ וּבְפָרִי אֲדָמָתְךָ
לְטוֹבָה

And YHWH your God will suffuse you with all the work of your hand—with the fruit of your womb, and with the fruit of your animals, and with the fruit of your soil—with goodness.

Deuteronomy 28 constitutes a list of blessings and curses that will befall the people, depending on their behavior, either positive or negative vis-à-vis the laws of the Torah. We may consider v. 4 to be the basic statement, (i) because it uses the most straightforward language, and (ii) because it appears among the short statements at the beginning of the chapter introduced by the word בָּרוּךְ *baruk*, “blessed.” We read in this passage that the blessing will be manifested in “the fruit of your womb, and the fruit of your soil, and the fruit of your animals,” with this last phrase further explicated by the expression “the progeny of your cattle and the offspring of your flocks.”

Variation is introduced in the other verses by an assortment of means.

(1) In v. 11, the second and third elements are reversed, so that the passage reads: “with the fruit of your womb, with the fruit of your animals, and with the fruit of your soil.” (2) In v. 18, the mood changes from blessing to curse, though this shift most likely is not the reason for the change in wording. Rather, as we have seen in so many instances, the desire for alternative phraseology drives the author of our text to delete one element of the standard expression, namely, “the animals,” even if the extended expression remains with reference to it. Hence, we read: “Cursed be the fruit of your womb and the fruit of your soil—the progeny of your cattle and the offspring of your flocks.” (3) The final iteration in Deuteronomy 28 occurs in v. 51 (still in the curses section), as follows: “the fruit of your animals, and the fruit of your soil . . . grain, wine, and oil, the progeny of your cattle and the offspring of your flocks.” In this instance, “the fruit of your womb” has been omitted (though see further below), so that the passage begins with “the fruit of your animals, and the fruit of your soil,” which are both then detailed in the standard phraseology, though strikingly in noncorresponding order, with “grain, wine, and oil” first, followed by “the progeny of your cattle and the offspring of your flock.”

28. That is, the conquering nation, for which, see vv. 49–50.

One final rehearsal of this theme appears in Deut 30:9, in which the text returns to its basic wording from Deut 28:3, with the trio in place in the original order, “with the fruit of your womb, and with the fruit of your animals, and with the fruit of your soil.” However, we should mention some differences between Deut 30:9 and its closest congener—namely, Deut 28:11. Both verses begin with the verb וְהוֹתִירָךְ *wə-hotirka*, “and shall suffice you,”²⁹ but (1) one uses simply יְהוָה *yhwh*, “YHWH,” while the other uses יְהוָה אֱלֹהֶיךָ *yhwh ʾeloheka*, “YHWH your God”; (2) 30:9 inserts the phrase בְּכָל מַעֲשֵׂה יָדְךָ *bě-kol maʿase yadeka*, “with all the work of your hand,” which is lacking in 28:11; and (3) the key phrase לְטוֹבָה *lə-toba*, “with goodness,” appears early in 28:11 but is moved to the end in 30:9.

We should also mention that Deuteronomy sets the stage for these passages early on, in Deut 7:13 (more than 20 chapters [!] before the above series of passages), where we read as follows:

(f) Deut 7:13

וּבְרַךְ פְּרִי־בִטְנְךָ וּפְרִי־אֲדָמָתְךָ דָגָנְךָ וְתִירְשֶׁךָ וְיִצְהָרְךָ שִׁגְרֵ־אֶלְפִיךָ וְעֵשְׂתָרֶת צֹאנֶיךָ
 And he shall bless the fruit of your womb and the fruit of your land—your grain, and your wine, and your oil—the progeny of your cattle and the offspring of your flock.

This passage uses only “the fruit of your womb and the fruit of your soil,” without the specific mention of “the fruit of your animals,” at which point it defines the second element as “your grain, and your wine, and your oil” and then fills in the gap, as it were, of the “missing” third element, with the expression “the progeny of your cattle and the offspring of your flock.”

In short, the book of Deuteronomy invokes this phrase a total of six times, though—in characteristic biblical style, as we have come to expect—no two iterations are the same.

Finally, to round out the picture, we note that individual elements are incorporated into the text of Deuteronomy 28 elsewhere, with פְּרִי אֲדָמָתְךָ *pəri ʾadmatka*, “the fruit of your soil,” used in vv. 33, 42, and פְּרִי־בִטְנְךָ *pəri biṭnəka*, “the fruit of your womb,” used in v. 53. Above, we noticed that this latter element is lacking in v. 51; in fact, its inclusion there would be inappropriate given the context. Here in v. 53 (just two verses later), its placement is all the more effective, since the context refers to the people’s need to eat their own young, so complete will be the devastation wrought by the nation from afar.

We now move to consider a second type of variation, not the slight alteration in specific wording of repeated passages, but rather the transformations in the organization of information presented in registry form.

29. Note the different spellings, with Deut 28:11 written *defectiva* and Deut 30:9 written *plene*.

16. Leviticus 11:13–19: Forbidden Birds (Round One)

- 13 וְאֵת־אֵלֶּה תִּשְׁקָצוּ מִן־הָעוֹף לֹא יֵאָכְלוּ שֶׁקֶץ הֵם אֶת־הַנֶּשֶׁר וְאֶת־הַפֶּרֶס וְאֵת־הָעֹזְנִיָּה:
 14 וְאֶת־הַדָּאָה וְאֶת־הָאֵיָּה לְמִינָהּ:
 15 אֵת כָּל־עֹרֵב לְמִינוֹ:
 16 וְאֵת בַּת הַיַּעֲנָה וְאֶת־הַתְּחֻמָּס וְאֶת־הַשְּׁחָף וְאֶת־הַנֶּגֶץ לְמִינֵהוּ:
 17 וְאֶת־הַכּוֹס וְאֶת־הַשֶּׁלֶף וְאֶת־הַיִּנְשׁוּף:
 18 וְאֶת־הַתְּנֻשְׁמַת וְאֶת־הַקָּאֵת וְאֶת־הַרְחָם:
 19 וְאֵת הַחֲסִידָה הָאֲנָפָה לְמִינָהּ וְאֶת־הַדּוֹכִיפַת וְאֶת־הָעֵטְלָף:

Because the identification of so many of the individual birds listed in Lev 11:13–19 is so uncertain, I refrain from producing a translation here. Regardless of the specific meanings, one observes how this pericope is structured, with an eye toward variation in the grouping of the birds in each verse. We will consider vv. 17–18 to constitute the standard wording, with three species listed, each introduced by *wē-ʿet* + definite article. Verse 13b represents only the slightest variation, with no *wē-*, “and” (because it would not be expected at the beginning of a list), and with *וְאֵת wē-ʿet* as a self-standing word (note the lack of *maqep*) before the third bird. Verse 14 has only two birds and adds *לְמִינָהּ lē-minah*, “according to its kind,” to the second. Verse 15 refers to only one species (or one class of birds): *’et kol ʿoreb lē-mino*, “every raven, according to its kind,” with no *wē-*, “and,” at the beginning, the addition of the word *כָּל kol*, “every,” and the use of *לְמִינוֹ lē-mino*, “according to its kind” (masculine, unlike the previous occurrence, which is feminine; obviously, the change in gender is mandated by the antecedent, but the variation is noteworthy nonetheless). Verse 16 lists four separate species and then adds *לְמִינֵהוּ lē-minehu*, “according to its kind,” to the last item, using a different (more archaic) form of the pronominal suffix than in the previous verse. Finally, v. 19 lists four birds, but for the second species, the *nota accusativi* (direct-object indicator) is lacking, plus said item bears the word *לְמִינָהּ lē-minah*, “according to its kind.”

A less creative writer, I submit, would have listed the 20 birds in a more orderly fashion; for example, by using five verses each with 4 species, or some such arrangement. The author of Leviticus 11, by contrast, displays his virtuosity with the text above.

17. Deuteronomy 14:12–18: Forbidden Birds (Round Two)

- 12 וְזֶה אֲשֶׁר לֹא־תֹאכְלוּ מֵהֶם הַנֶּשֶׁר וְהַפֶּרֶס וְהָעֹזְנִיָּה:
 13 וְהַרָּאָה וְאֶת־הָאֵיָּה וְהַדְּיָה לְמִינָהּ:
 14 וְאֵת כָּל־עֹרֵב לְמִינוֹ:
 15 וְאֵת בַּת הַיַּעֲנָה וְאֶת־הַתְּחֻמָּס וְאֶת־הַשְּׁחָף וְאֶת־הַנֶּגֶץ לְמִינֵהוּ:
 16 אֶת־הַכּוֹס וְאֶת־הַיִּנְשׁוּף וְהַתְּנֻשְׁמַת:

וְהַקָּאָת וְאֶת־הַרְחָמָה וְאֶת־הַשְּׁלֵף: 17
וְהַחֲסִידָה וְהָאֲנָפָה לְמִינָהּ וְהַדּוֹכִיפָת וְהַעֲטָלָף: 18

Due to the similarity and interdependence between Leviticus 11 and Deuteronomy 14, we depart from the book-by-book, chapter-by-chapter presentation of the data and move directly to the second parallel text. Unlike Leviticus 11, where a standard formulation was discernible, no two verses in Deuteronomy 14 contain the same pattern. We begin, accordingly, with the first set of birds, in v. 12, with three species listed and no use of the *nota accusativi*. In v. 13, once more three birds are registered, though in this case the second is introduced by וְאֶת *wě-ʿet*, and the third bears the word לְמִינָהּ *lě-minah*, “according to its kind” (in the feminine, due to gender considerations). Verse 14 reads וְאֶת כָּל־עֹרֵב לְמִינוֹ *wě-ʿet kol ʿoreb lě-mino*, “and every raven, according to its kind,” which (like its parallel in Lev 11:15 concerning this bird), adds both כָּל *kol*, “every,” and לְמִינוֹ *lě-mino*, “according to its kind” (in the masculine, again due to gender considerations). Verse 15 (the verbatim equivalent of Lev 11:16) registers four separate species, with לְמִינֵהוּ *lě-minehu*, “according to its kind,” affixed to the last item, using a different (more archaic) form than in the previous verse. Both v. 16 and v. 17 record three birds, though in each case one of the three lacks the preceding וְאֶת *wě-ʿet*; not wishing to repeat the same pattern, the author deletes this particle on the third item in v. 16 and on the first item in v. 17. Finally, v. 18 lists four species, with none of them preceded by וְאֶת *wě-ʿet*, and with the second one followed by לְמִינָהּ *lě-minah*, “according to its kind.”

Once more, one may assume that a less imaginative author would have produced a more systematic catalog of the 21 birds in Deut 14:12–18, for example, using seven verses with three species each.

When we compare the two lists of Leviticus 11 and Deuteronomy 14 with each other, we note that (with one exception) either authorial action or scribal tradition ensured that, not only within each listing of the birds the verses should diverge, but that also from one text to the other variation should be present. Thus, for example, at first glance Lev 11:15 and Deut 14:14 appear to contain the same wording, until one realizes that the Deuteronomic version deviates by affixing the conjunction -וְ *wě-*, “and,” at the head of the verse. A more complicated illustration of fluctuation between the two compositions arises from an inspection of Lev 11:17–18 and Deut 14:16–17. These verses include the same 6 species, although (a) they appear in scrambled order, with ABC/DEF in the former and ACD/EFB in the latter; (b) Lev 11:17 uses masculine רְחָם *raḥam*, while Deut 14:17 uses feminine רְחָמָה *raḥamah*, presumably referring to the same species, which is typically identified with the Egyptian vulture;³⁰ and

30. Note that both forms, masculine and feminine, are attested in Arabic to refer to the same bird, namely, *raḥam* and *raḥamat*; cf. Edward W. Lane, *An Arabic-English Lexicon* (8 vols.; Beirut: Librairie du Liban, 1968 [original publication 1863–1893]), 2.1059.

(c) Lev 11:17–18 uses the *nota accusativi* six times (once before each bird), while Deut 14:16–17 deletes this particule once in each verse. On the other hand, one must admit that Lev 11:16 and Deut 14:15 are identical (word-for-word, accent-for-accent)—ah, just to keep the reader honest (I propose)—by including one instance of verbatim repetition.

Until this point, I have investigated variant passages within the same source document. This one instance of comparing passages from different documents allows us to see an editorial hand at work across the Torah compilation. Possibly the author of Deuteronomy 14 consciously altered the list of forbidden birds derived from Leviticus 11 (assuming the priority of “P” over “D”³¹), so as not to repeat his source material verbatim. Alternatively, one might conclude that the scribe/author/compiler/redactor responsible for the Torah in its final form introduced this variation, again with the same goal, to ensure that repeated information did not reprise in verbatim fashion.

18. Leviticus 18: Laws of Incest (Round One)

- 7 עֲרוֹת אָבִיךָ וְעֲרוֹת אִמְךָ לֹא תִגְלֶה אִמְךָ הוּא לֹא תִגְלֶה עֲרוֹתָהּ:
 8 עֲרוֹת אִשְׁת־אָבִיךָ לֹא תִגְלֶה עֲרוֹת אָבִיךָ הוּא:
 9 עֲרוֹת אֲחוֹתֶיךָ בֵּת־אָבִיךָ אוֹ בֵּת־אִמְךָ מוֹלְדֹת בֵּית אוֹ מוֹלְדֹת חוּץ לֹא תִגְלֶה
 עֲרוֹתָן:
 10 עֲרוֹת בַּת־בְּנֶיךָ אוֹ בַת־בְּתֻרְךָ לֹא תִגְלֶה עֲרוֹתָן כִּי עֲרוֹתֶיךָ הֵנָּה:
 11 עֲרוֹת בַּת־אִשְׁת־אָבִיךָ מוֹלְדֹת אָבִיךָ אֲחוֹתֶיךָ הוּא לֹא תִגְלֶה עֲרוֹתָהּ:
 12 עֲרוֹת אֲחוֹת־אָבִיךָ לֹא תִגְלֶה שְׂאֵר אָבִיךָ הוּא:
 13 עֲרוֹת אֲחוֹת־אִמְךָ לֹא תִגְלֶה כִּי־שְׂאֵר אִמְךָ הוּא:
 14 עֲרוֹת אֲחִי־אָבִיךָ לֹא תִגְלֶה אֶל־אִשְׁתּוֹ לֹא תִקְרַב דְּדַתְךָ הוּא:
 15 עֲרוֹת כְּלַתְּךָ לֹא תִגְלֶה אִשְׁת־בְּנֶיךָ הוּא לֹא תִגְלֶה עֲרוֹתָהּ:
 16 עֲרוֹת אִשְׁת־אֲחִיךָ לֹא תִגְלֶה עֲרוֹת אֲחִיךָ הוּא:
 17 עֲרוֹת אִשָּׁה וּבִתָּהּ לֹא תִגְלֶה אֶת־בַּת־בְּנֶיךָ וְאֶת־בַּת־בְּתוּלָהּ לֹא תִקַּח לְגִלוֹת עֲרוֹתָהּ
 שְׂאֵרָהּ הֵנָּה זְמָה הוּא:

7. The nakedness of your father and the nakedness of your mother you shall not uncover; she is your mother, you shall not uncover her nakedness.
8. The nakedness of the wife of your father you shall not uncover; she is the nakedness of your father.
9. The nakedness of your sister, the daughter of your father or the daughter of your mother, whether born in the house or born outside; you shall not uncover their nakedness.
10. The nakedness of the daughter of your son or the daughter of your daughter, you shall not uncover their nakedness; for they are your nakedness.

31. A view to which an ever-increasing number of scholars (or so it appears) would accede.

11. The nakedness of the daughter of the wife of your father, born of your father, she is your sister; you shall not uncover her nakedness.
12. The nakedness of the sister of your father you shall not uncover; she is the carnality of your father.
13. The nakedness of the sister of your mother you shall not uncover, for she is the carnality of your mother.
14. The nakedness of the brother of your father you shall not uncover; unto his wife you shall not come-near, she is your aunt.
15. The nakedness of your daughter-in-law you shall not uncover; she is the wife of your son, you shall not uncover her nakedness.
16. The nakedness of the wife of your brother you shall not uncover; she is the nakedness of your brother.
17. The nakedness of a woman and her daughter you shall not uncover; the daughter of her son or the daughter of her daughter you shall not take to uncover her nakedness, they are carnality, it is vile.

We return to the book of Leviticus, with an inspection of the laws of incest in 18:7–17. The reader will observe that no two wordings of the 11 verses are alike. The closest are vv. 12 and 13, parallel prohibitions of intercourse with an aunt, either the sister of one’s father or the sister of one’s mother—with the variation generated by inclusion of the word כִּי *ki*, “for,” in the latter statement. Verses 7 and 15 constitute another pair of proximate wordings, with each one using the expression *lo’ tēgalle* (pausal) / *lo’ tēgalle* (standard) twice; the passages depart, however, via the inclusion of עֶרְוַת *erwat*, “the nakedness of,” two times in the former (one for “father,” one for “mother”) versus only one instance of this word in the latter (for “daughter-in-law”). We can expand this point by observing that the vital word עֶרְוַת *erwat*, “the nakedness of” (including instances with pronominal suffixes), appears only once in vv. 12, 13, 14, twice in vv. 8, 9, 11, 15, 16, 17, and thrice in vv. 7 and 10—with no pattern present—that is, the number of times the noun appears is not connected to how many individual relatives are mentioned in each verse. One further observes that vv. 7, 9, 11, and 15 conclude with the expression “you shall not uncover her/their nakedness,” whereas vv. 8, 10, 12, 13, 14, 16, and 17 end with a pronoun serving as the copula in a nominal phrase. In these latter expressions, the commonest key noun is עֶרְוַת *erwat*, “the nakedness of” (vv. 8, 10, 16), with the following deviations: (a) vv. 12–13 use the word שְׂאֵר *šer*, “carnality”; (b) no equivalent term is used in v. 14 (the verse ends simply *dodatka hi’*, “she is your aunt); and (c) v. 17 reads *šarah henna zimmah hi’*, “they are carnality, it is vile,” with two verbless clauses to seal the verse and thus the entire litany of prohibitions; with (d) the additional change from masculine שְׂאֵר *šer*, “carnality” (vv. 12–13), representing the standard form in Biblical Hebrew, to feminine שְׂאֵרָה *šara*, “carnality,” a form that appears only here in the canon, no doubt introduced into the text by our witty wordsmith *variationis causa*.

All of this, once more, served to create a composition characterized by the ebbs and flows of the written word in order to allow for maximum enjoyment at the oral/aural level.

19. Leviticus 20: Laws of Incest (Round Two)

- 10 וְאִישׁ אֲשֶׁר יִנְאַף אֶת־אִשְׁתּוֹ אִישׁ אֲשֶׁר יִנְאַף אֶת־אִשְׁתּוֹ רְעֵהוּ מוֹת־יּוֹמֶת הַנֶּאֱפָקִית׃
 11 וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־אִשְׁתּוֹ אֲבִיו עֲרֹנֹת אֲבִיו גְּלֵה מוֹת־יּוֹמָתוֹ שְׁנֵיהֶם דְּמֵיהֶם בָּם׃
 12 וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־כַּלְתּוֹ מוֹת יּוֹמָתוֹ שְׁנֵיהֶם תְּבַל עֲשׂוּ דְמֵיהֶם בָּם׃
 13 וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־זָכָר מִשְׁכַּב־יְדָבְרָהּ תוֹעֵבָה עֲשׂוּ שְׁנֵיהֶם מוֹת יּוֹמָתוֹ דְּמֵיהֶם בָּם׃
 14 וְאִישׁ אֲשֶׁר יִקַּח אֶת־אִשְׁהּ וְאֶת־אִמָּהּ זִמָּה הוּא בְּאֵשׁ יִשְׂרְפוּ אֹתוֹ וְאֶתֶּנָּן וְלֹא־תִהְיֶה זִמָּה בְּתוֹכְכֶם׃
 15 וְאִישׁ אֲשֶׁר יִתֵּן שִׁכְבָּתוֹ בְּבִהְמָה מוֹת יּוֹמָת וְאֶת־הַבְּהֵמָה תִּהְרַגוּ׃
 16 וְאִשָּׁה אֲשֶׁר תִּקְרַב אֶל־כָּל־בְּהֵמָה לְרִבְעָה אֹתָהּ וְהִרְגִית אֶת־הָאִשָּׁה וְאֶת־הַבְּהֵמָה מוֹת יּוֹמָתוֹ דְּמֵיהֶם בָּם׃
 17 וְאִישׁ אֲשֶׁר־יִקַּח אֶת־אֶחָתוֹ בֶּת־אֲבִיו אוֹ בֶּת־אִמּוֹ וְרָאָה אֶת־עֲרֹנָתָהּ וְהִיא־תִרְאָה אֶת־עֲרֹנָתוֹ חֶסֶד הוּא וְנִכְרְתוּ לְעֵינֵי בְּנֵי עַמִּם עֲרֹנֹת אֶחָתוֹ גְּלֵה עֲוֹנוֹ יִשָּׂא׃
 18 וְאִישׁ אֲשֶׁר־יִשְׁכַּב אֶת־אִשְׁהּ דְּוָהּ וְגִלָּה אֶת־עֲרֹנָתָהּ אֶת־מִקְרָהּ הִעֲרָה וְהִיא גְּלֵתָהּ אֶת־מִקְוֵה דְּמֵיהָ וְנִכְרְתוּ שְׁנֵיהֶם מִקִּרְבַּ עַמִּם׃
 19 וְעֲרֹנֹת אֲחֹת אִמָּךְ וְאֲחֹת אֲבִיךָ לֹא תִגְלֶה כִּי אֶת־שְׂאֵרוֹ הִעֲרָה עֲוֹנֹם יִשָּׂאוּ׃
 20 וְאִישׁ אֲשֶׁר יִשְׁכַּב אֶת־דֹּדְתּוֹ עֲרֹנֹת דָּדוֹ גְּלֵה חֲטָאִים יִשָּׂאוּ עֲרִירִים יָמָתוֹ׃
 21 וְאִישׁ אֲשֶׁר יִקַּח אֶת־אִשְׁתּוֹ אֲחִיו נָדָה הוּא עֲרֹנֹת אֲחִיו גְּלֵה עֲרִירִים יָהִיו׃

10. And a man who commits adultery with the wife of a man, who commits adultery with the wife of his fellow; indeed the adulterer shall die, and the adulteress.
11. And a man who lies with the wife of his father, the nakedness of his father he has uncovered; indeed the two of them shall die, their blood is upon them.
12. And a man who lies with his daughter-in-law, indeed the two of them shall die; an outrage they did, their blood is upon them.
13. And a man who lies with a male (like) the bedding of a woman, an abomination they did, the two of them; indeed they shall die, their blood is upon them.
14. And a man who takes a woman and her mother, it is vile; in the fire they shall burn him and them, and there shall not be vileness in your midst.
15. And a man who gives his lying to an animal, indeed he shall die; and the animal they shall kill.
16. And a woman who comes-near to any animal, to copulate with it, and you shall kill the woman and the animal; indeed they shall die, their blood is upon them.

17. And a man who takes his sister, the daughter of his father or the daughter of his mother, and he sees her nakedness, and she sees his nakedness, it is immorality, and they shall be cut-off in the eyes of their fellow people; the nakedness of his sister he has uncovered, his sin he shall bear.
18. And a man who lies with an infirm woman, and he uncovers her nakedness, her fountain he has laid-bare, and she has uncovered the fountain of her blood; and the two of them shall be cut-off from the midst of their people.
19. And the nakedness of the sister of your mother and the sister of your father you shall not uncover; for his carnality she has laid-bare, their sin they shall bear.
20. And a man who lies with his aunt, the nakedness of his uncle he has uncovered; their transgression they shall bear, childless they shall die.
21. And a man who takes the wife of his brother, it is indecency; the nakedness of his brother he has uncovered, childless they shall be.

A second set of incest laws appears in Leviticus 20, this time with 12 individual statements (vv. 10–21). Not surprisingly, again, there is no repetition of the pattern anywhere in this pericope. Ten of the verses begin with **וְאִישׁ אֲשֶׁר** *wə-ʾiš ʾašer*, “and a man who,” so this is clearly a standard formula; variation is present in v. 16, which begins with **וְאִשָּׁה אֲשֶׁר** *wə-ʾišša ʾašer*, “and a woman who,” and more significantly in v. 19, which fronts the object **וְעֵרְוַת** *wə-ʿerwat*, “and the nakedness of.” If we return to the 10 verses with the standard formula, we note the variation generated first by the following verb (1× **יָנָאֵף** *yinʿap*, “commits adultery” [v. 10], 5× **יִשְׁכַּב** *yiškab*, “lies” [vv. 11, 12, 13, 18, 20], 3× **יִקַּח** *yiqqah*, “takes” [vv. 14, 17, 21], and 1× **יָתֵן** *yitten*, “gives” [v. 15]) and then through a variety of other mechanisms as each passage continues.

Among these alternative phrases, we find the following series: **מוֹת יוּמָתוּ** *mot yumtu šnehem dēmehem bam*, “indeed the two of them shall die, their blood is in them” (v. 11); **מוֹת יוּמָתוּ שְׁנֵיהֶם תִּבֶּל עָשׂוּ דְמֵיהֶם בָּם** *mot yumatu šnehem tebel ʿašu dēmehem bam*, “indeed the two of them shall die; an outrage they did, their blood is upon them” (v. 12); **תוֹעֵבָה עָשׂוּ שְׁנֵיהֶם מוֹת יוּמָתוּ** *toʿebah ʿašu šnehem mot yumatu dēmehem bam*, “an abomination they did, the two of them; indeed they shall die, their blood is upon them” (v. 13); and **מוֹת יוּמָתוּ דְמֵיהֶם בָּם** *mot yumatu dēmehem bam*, “indeed they shall die, their blood is upon them” (v. 16; note the absence of **שְׁנֵיהֶם** *šnehem*, “the two of them”).

Other comparable yet different phrasings are the following: (a) different terms for the objectionable act (including two just mentioned): **תִּבֶּל** *tebel*, “outrage” (v. 12), **תוֹעֵבָה** *toʿebah*, “abomination” (v. 13), **זִמְמָה** *zimmah*, “vile” (v. 14), the very unusual **הִסְד** *hesed*, “immorality” (v. 17; normally the term means just the opposite), and the atypical **נִדְדָה** *niddah*, “indecency” (v. 21; nor-

mally used in connection with a menstruant woman, though that is not the case here); (b) the phrases עֹוֹנוֹ יִשָּׂא *awono yiśša*, “his sin he shall bear” (v. 17) versus עֹוֹנֵם יִשָּׂאוּ *awonam yiśša’u*, “their sin they shall bear” (v. 19) versus הֶעֱטְאוּ יִשָּׂאוּ *het’am yiśša’u*, “their transgression they shall bear” (v. 20);³² (c) the expressions עֲרִירִים יָמֹתוּ *aririm yamutu*, “childless they shall die” (v. 20) versus עֲרִירִים יִהְיוּ *aririm yihyu*, “childless they shall be” (v. 21); and (d) the clauses וְנִכְרְתוּ לְעֵינֵי בְנֵי עַמָּם *wě-nikrětu lě-ene bēne ammam*, “and they shall be cut-off in the eyes of their fellow people” (lit., “the children of their people”) (v. 17) versus וְנִכְרְתוּ שְׁנֵיהֶם מִקֶּרֶב עַמָּם *wě-nikrětu šnehem miq-qereb ammam*, “and the two of them shall be cut-off from the midst of their people” (v. 18).

All of this, as we have seen on so many occasions, occurs in order to guarantee that no single wording repeats anywhere within the same section.

Our modern bias might suggest that legal writing (or legal-cultic writing) should be dry, cumbrous, and ponderous, with little or no literary creativity. In the case of ancient Near Eastern legal texts, however, the scribes/authors responsible for these compositions strove just as much as their colleagues responsible for belletristic material (myths, epics, narratives, etc.) to imbue their writing with literary flair. As I indicated at the outset of this essay, Avigdor Hurowitz demonstrated this firmly for Akkadian legal texts throughout his distinguished career. The present contribution, I trust, advances the conversation in one small way for the legal sections of the Torah.

32. For this item, see already Par’an, *Forms of the Priestly Style in the Pentateuch*, 178.