



## Why Does H Demand the Guarding of YHWH's Sabbaths, Respecting of Elders and Reprimanding of Compatriots?

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Résumé de l'article

Among the commands of H, elderly honor, Sabbath observance, and mutual reprimanding of compatriots are hallmarks. The origin, genre, and a comparable legal framework of these sentences can be found in what was labeled rules of (local) religious associations known from demotic papyri, from the Fayum going back to the 6th century BCE. In a tone comparable to a constitutional legislation, H is seen as an analogy for the rules of conflict settlement of local communities: it seeks to keep out governmental authority from local affairs, stipulates the respective festival day, and claims jurisdiction for its local community. All of these are also key elements of H's anti-Persian stance. Read as a constitutional law of local bulwarks fending off central governmental authority in Egypt, the rules of local religious associations provide a hermeneutical lens for an analogous historical reading of H as "constitutional law." H in Lev 19:3-4, 11-18, 30—as a document of the priestly community in Yehud—would strengthen local institutions, including the arbitrarily stipulated festival day at the sanctuary, the elders as local institution, and internal jurisdiction of a priestly community bolstering itself as a bulwark against transgressions of the Achaemenid empire.

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## WHY DOES H DEMAND THE GUARDING OF YHWH'S SABBATHS, RESPECTING OF ELDERS AND REPRIMANDING OF COMPATRIOTS?\*

KLAUS-PETER ADAM

CHICAGO

Why does the Holiness Code (H) Lev 17–26, in Lev 19:3, demand “a man shall honor their mother and their father” and “guard the Sabbath” and why does it repeat in 19:30 “guard my Sabbaths and respect my sanctuary?” Why does Lev 19 demand to defend the festival day, while associating it neither with a social justice practice (Lev 25), nor a sign of remembrance of YHWH's deeds in the vein of the Priestly writer's (P) loaded Sabbath concept?<sup>1</sup>

H presents those distinct demands in two frames of reference. First, they are specifications of the call for a posture of general mutual benevolence vis-à-vis community members, including the practice of internal conflict settlement, specifically in Lev 19:11–18. Also, H clearly frames those rules as pertaining to a social structure based on kinship (Lev 18:20). Yet, apart from those important background markers, the motivation for individual commands in H still remains perplexing, in part due to their opaque historical context.

Descriptive clarifications of H's emphasis on the arbitrary festival day, in regards to local institutions, explicitly mother, father and the temple, all fall short of a rationale. Source-critical elucidations of

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<sup>1</sup> Lev 19 is well-known for its eclectic mixture as a “collection of laws pertaining to virtually every area of Israelite life.” Baruch J. Schwartz, “Leviticus, Commentary,” in *The Jewish Study Bible*, eds. Adele Berlin and Mark Z. Brettler, 2<sup>nd</sup> ed. (Oxford: University Press, 2014), 240. See below on the compositional analysis.

H's dependance on the Decalogues in Lev 19:3–4, 30, much like the textual overlap between the laws in V 11–18, satisfy only partly. The parallels with the Decalogues do not fully explain the lack of a rationale of the commands in H.<sup>2</sup> Why does H in apodictic fashion stipulate Sabbath legislation in Lev 23, even adding extraordinary weight when including it in officially ordained festival periods<sup>3</sup> as “festival time” and how might this tie into honoring one's elders as local authorities? It is thus necessary to illuminate the cultural-historical and the socio-economic contexts of the Sabbath mandate in H.

Besides H's background for the emphasis of the positive parent- and the Sabbath-commands, its signature ethics in Lev 19:11–18 at large, mostly framed as apodictic prohibitive row and easily reflective of a tight-knit community, are also enigmatic. Consider V 17, which demands the mutual reproach of an unspecified compatriot, or the degree of trust expected between community members in the culminating V 18: a positive command of unconditional, indiscriminate, mutual benevolence (“love”), that H pairs with other stipulations such as fairness that includes members with disabilities (V 14). This ethos puts commitment to the community in the center, yet at the same time it withholds any external rationale one might expect to validate its surprisingly high ethical ideal.<sup>4</sup> If this substantiates the widely shared source-critical solution, namely “that H has not innovated these ethical prescriptions but has selected them from another (perhaps oral) source in order to group them under the rubric of holiness,”<sup>5</sup> this certainly implies that H is speaking into a spe-

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<sup>2</sup> See a brief overview of the parallels below and on the discussion about the assumed “(do-)decalogues” at the origin of Lev 19. For instance, Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT II 25 (Tübingen: Mohr Siebeck, 2007), 269, 460, 466. For the list of parallels, see, for instance, Klaus Grünwaldt, *Das Heiligkeitsgesetz Leviticus 17–26: Ursprüngliche Gestalt, Tradition und Theologie*, BZAW 271 (Berlin: De Gruyter, 1999), 225–50. For parallels in D, see Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie*, An-Bib 66 (Rome: Biblical Institute, 1976), 307–10. A minority doubts the dependance of Lev 19:3–4, 30 from the Decalogues; see Baruch J. Schwartz, *The Holiness Legislation* (Jerusalem: Magnes Press, 1999), quoted from Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, Anchor Bible Commentaries 3A (New York: Doubleday, 2000), 1600–1, with further references, 1608, 1610.

<sup>3</sup> Cf. Milgrom's question “Why was the H legislator so eager to label the Sabbath a *mô'ēd*?” reads Lev 23 as an exilic outlier in an otherwise pre-exilic H that establishes a cultic calendar in exile. Jacob Milgrom, *Lev 1–16: A New Translation with Introduction and Commentary*, Anchor Bible Commentaries 3 (New York: Doubleday, 1991), 27.

<sup>4</sup> The passage's holiness-formula do not offer any rationale beyond the idiosyncratic immanent threat of sanctions as substantiation. See “Religious Associations as trust networks” below.

<sup>5</sup> Milgrom, *Lev 17–22*, 1629. Already Karl Elliger, “Heiligkeitsgesetz,”

cific historical situation. A staple source-critical response to the conundrum of laws focusing on local clan authorities and customs brought forward with a strict apodictic stance has thus been that H is drawing from contemporary legal sources.<sup>6</sup> An extra-biblical source has remained elusive. This contribution suggests a historical analogue to H's Sabbath law, its urge of sanctuary and parental respect, and its key stance of mutual reprimanding and benevolence in Lev 19:17–18,<sup>7</sup> reading H's signature committal ethics in apodictic stance in a legal-historical context.

### READING THE SABBATH IN H AS CONSTITUTIONAL LAW

Not only H's alleged historical backdrop, but also the historiographic contextualization of the respective commands and H's nature as complementing P, illuminates its literary nature and its content. H's behavioral expectations, grounded in H's self-identity, are squarely anchored in lay priestly, if not specifically cultic, paradigms. H's ethical profile becomes even more evident against the backdrop of P's Sabbath concept,<sup>8</sup> thus providing an example of how H, as subsequent strands of a P composition, builds on foregoing priestly thought. This allows for the assessment of whether and how H applies, adapts, and modifies thoughts of P for its target audience. Elliger has even generated a legal genre distinction of understanding H

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RGG<sup>3</sup> 3:175–6, here 176 suggests tradition-historically in the (Do)Decalogues in Lev 19 that H “has absorbed material that partly reached back far in the past.”

<sup>6</sup> Cf. Schwartz, “Leviticus, Commentary,” 240, “from raw material that also molded this chapter were also included certain elements in the non-priestly traditions that form part of the Decalogue transmitted at Sinai.”

<sup>7</sup> The relationship between Lev 19 within 18–20 and source-critical distinctions within H are beyond the scope. Cf. a recent source-critical approach, for instance, from Liane M. Feldman, *The Story of Sacrifice: Ritual and Narrative in the Priestly Source*, FAT 141 (Tübingen: Mohr Siebeck, 2020), 171, 173 recently suggested Lev 18–20, 24:10–23, 25–27 belong to a secondary, post-P layer.

<sup>8</sup> Distinctions between P and H have foremost concentrated on H's typical idiosyncratic language of holiness. Despite this criterion, the exact overlap between P and H and H's working method are disputed. The relative dating of P and H are typically based on a source-critical P/H distinction first systematically laid out by Elliger: H has been conceived in the context of P, both, presuming and building on P's narrative with a compositional multi-voiced chorus of Ph. 1–4 as an echo of P's cultic claims, its history, sacrifice practice, sanctuary and purity concept, Elliger, “Heiligkeitsgesetz,” 3:175; idem, *Leviticus* (Tübingen: Mohr Siebeck, 1966), 14–20. On the current theory of Lev 17–26 as exegesis of Deuteronomy and P, see Christophe Nihan, “Heiligkeitsgesetz und Pentateuch: Traditionen- und kompositionsgeschichtliche Aspekte von Levitikus 26,” in *Abschied von der Priesterschrift? Zum Stand der Pentateuchdebatte*, eds. Friedhelm Hartenstein and Konrad Schmid, VWGTh 40 (Leipzig: Evangelische Verlagsanstalt, 2015), 186–218, here 189.



as complementing P in “some type of constitutional law of the congregation.”<sup>9</sup> Reading H as constitutional law further contextualizes the differences of the Sabbath concepts in P and H: the “constitutional” tone of H declares the Sabbath as day to be guarded or defended, in stark contrast to P, considering the Sabbath as marker of the deity’s commitment to Israel.<sup>10</sup> When explaining H’s emphasis on Sabbath obeisance, scholars assert the context of H’s law and ethics as a response to the social worlds in which H emerges.

Yet how exactly does the nature of H, that Elliger likened to “constitutional” law, tie into the historiographic concept of H and what role does its alleged historical context play? Reconstructions suggest that H addresses a closely knit rural community that was familiar with agriculture and self-identified in a legal fiction as the tenants occupying land rightfully owned by their absentee landlord, YHWH.<sup>11</sup> With this bold claim of YHWH’s landownership, H strikes a constitutional tone, as it vociferously opposes the Persian empire’s assertions of ownership.<sup>12</sup> The “temple-citizen-concept” provides a plausible model of self-identification of the community of H.<sup>13</sup> Thus, H, on one hand, mirrors the historical situation of the population of the temple state of Yehud as a part of the colonized Persian province Trans-Euphrates. On the other side, however, H audaciously rejects the empire’s colonialism, claiming alternatively its autonomous jurisdiction in the temple state tied to YHWH as the “holy one.” H thus grounds his jurisdictional claim in the legal fiction of YHWH as the righteous owner of the temple state Yehud, an idea that its idiosyncratic holiness concept proclaims rhetorically.<sup>14</sup> This

<sup>9</sup> Elliger, “Heiligkeitsgesetz,” 3:175.

<sup>10</sup> Reading H as constitutional law in the following passage seeks to connect this interpretation with the reading of Deuteronomy as a divinely authorized political, social and religious foundational law operative in Judah, as established by Dean S. McBride, “Polity of the Covenant People: The Book of Deuteronomy,” *Int* 41.3 (1987): 229–44.

<sup>11</sup> See, for instance, 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), 172.

<sup>12</sup> On the understanding of landownership in Achaemenid Persia in the conquered provinces, see for instance, Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire*, trans. Peter T. Daniels (Winona Lake, IN: Eisenbrauns, 2002), 415–20.

<sup>13</sup> The biblical record seemed neither reflective of the expectably extensive administrative side of a well-defined temple economy, as explicit references to temple owned land are absent, nor were parallels for a temple-citizenship institution known. See on the alleged lack of parallels, Othmar Keel, *Die Geschichte Jerusalems und die Entstehung des Monotheismus*, vol. 2 of *Die Geschichte Jerusalems und die Entstehung des Monotheismus*, OLB 4,2 (Göttingen: Vandenhoeck & Ruprecht, 2007), 969; affirmative about the temple’s possession of land, Joseph Blenkinsopp, “Did the Second Jerusalemite Temple Possess Land?” *Transen* 21 (2001): 61–68.

<sup>14</sup> Keel, *Geschichte*, 969 rejects any understanding as a “hierocratic” or “theocratic” concept; yet this is implied in the deity’s ownership.

strong rhetorical emphasis on the deity's landownership makes more than a theoretical claim. It is most plausible when seen against a concrete economic background in the local, colonial reality of Yehud in the Achaemenid empire. A historical analogy for the constellation of a local temple state vis-à-vis a central authority comes from Saitic Egypt. The local temples' main problem was the crown's imposed tax policy in opposition to which local religious temple associations arose.<sup>15</sup> Analogously, in the case of H, the opposition against the Achaemenid empire has elicited the rhetoric of divine landownership. H presents laws for a collective Yehud from the perspective of YHWH as the legitimate owner of the autonomous temple state and it clarifies this already in its outline. The individual prohibitives and commands of Lev 18 and 20 in H establish and validate Yehud's own jurisdiction for the community of this temple state at large in areas that are essential for any autonomous kinship-based community. This collective aspect is apparent in the addressing of "the people of Israel" in 18:1, 20:1.<sup>16</sup> In line with this expansive circle of addressees, much as expected in constitutional law, Lev 19:2 presents these laws as relevant for "all the congregation (עדה)" of Israel. The P/H distinction thus allows for the reconstruction of H's alleged social reality as Israel at large, among other things. H's laws in Lev 19 read as

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<sup>15</sup> The Saitic empire's tax policies explain the development of religious associations from this period onwards. On this fiscal policy and on the structural opposition of the priestly led villages against the crown see: Damien Agut-Labordère and Gilles Gorre, "De l'autonomie à l'intégration : Les temples égyptiens face à la couronne des Saïtes aux Ptolémées (Vie-IIIe siècle av. J.-C.)", *Topoi* 19.1 (2014): 17–55. I owe this observation one of the anonymous reviewers of JHS. The religious nature of the cultic associations requires more analysis. While temple-related, they are not necessarily priestly groups.

<sup>16</sup> The details of how Achaemenid rule and administration affected local government in the conquered provinces are beyond the scope of this contribution. See the overview on the province Trans-Euphrates in Briant, *Cyrus to Alexander*, 487–90; more specifically on Sidon in Josette Elayi, *Sidon, cité autonome de l'empire perse* (Paris: Editions Idéaphane, 1989), 120. The city aristocracy of Sidon played an important role in the local city administration next to the king; cf. also Josette Elayi and Jean Sapin, *Beyond the River: New Perspectives on Transuephratene* (Sheffield: Academic Press, 1998), 145–50. On the situation in Egypt after the Persian conquest in 526 BCE, Heike Sternberg-el-Hotabi, "Die persische Herrschaft in Ägypten," in *Religion und Religionskontakte im Zeitalter der Achämeniden*, ed. Reinhard G. Kratz (Gütersloh: Chr. Kaiser Verlag; Gütersloh: Gütersloher Verlagshaus, 2002), 111–49, esp. 120–3 on the adaptation of power of local elites to the Persian administration with the example of Udjahorresnet, and cf. p. 129 on the privileges of cooperating minorities that still had to give up political power, and an increasingly impoverished rural population. See further the contributions in Bruno Jacobs, Roland Rollinger (eds.), *A Companion to the Achaemenid Persian Empire*, vol. 1-2, Blackwell: Hoboken, 2021. See on the date of the Persian conquest Joachim F. Quack, "Zum Datum der persischen Eroberung Ägyptens unter Kambyzes," *JEH* 4 (2011): 228–46.

“constitution” sought to establish and claim jurisdiction over the ‘congregation’ of Yehud.

Reading H against its historical backdrop of the temple state Yehud vis-à-vis the Persian empire as suzerain dovetails with its other hallmarks, such as a grounding of collective identity in a concept of “moral” rather than “ritual or cultic” purity. J. Klawans contrasts H’s ethics as a status resulting from acts with P’s notion of ritual criteria for purity and impurity. H’s underlying concept of sin as transgressive acts conceives of moral impurity, rendering the land impure through its non-adherence to moral rules.<sup>17</sup> This categorical distinction of “moral” (H) from “ritual” (P) impurity allows for the mapping of a communal behavioral code onto a geographic, local space—specifically, a community of local clans settling together in Yehud in the Trans-Euphrates area. When envisioning the social reality of H’s hypothetical addressees of Israel that define purity as result of its adherence to ethical rather than to cultic rules, rules for the interaction among community members in V 11–18 illustrate H’s committal stance. These behavioral rules of a lay community constitute the temple state of Yehud as it separates itself at a historical point in time from its surroundings. Thus, H requires firm adherence, pointing to the members’ identification with the community that it idiosyncratically labels as “holy.” With their subscription to moral standards, this lay priestly community maps itself “politically,” in plain rejection of and in separation from its surrounding culture of the Persian province Trans-Euphrates. Its rules address a wide, if eclectic, range of community aspects, all seeking to secure a cultural identity against, rather than aligned with, the Persian empire.<sup>18</sup> Impurity thus results from rule transgression,<sup>19</sup> causing the morally caused impurity of the land to be read in two ways. The term “land” oscillates between a geographical and a socio-political notion. In H,

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<sup>17</sup> Thus, the behavioral patterns of the land’s inhabitants cause impurity that is irreversible through ritual cleansing; this moral impurity is not contagious through contact. See Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (New York: Oxford University Press, 2000), 21–42.

<sup>18</sup> This includes sexual offenses on the level of the clan, congruent with typical taboos in clan-based societies, adherence to the community elders’ parental authority, exclusive dedication to the deity and abandonment of idolatry, abstention from fatal violence in the community, and sabbath observance.

<sup>19</sup> This notion of sin is developed separately from the category of ritual impurity. It indeed might clarify what is classically associated with H’s social realm in that this layer adds a category of “moral” impurity to P’s distinct concept of cultic impurity, represented through texts such as Lev 11–15 and Num 19 that illustrate the contagious notion of impurity. “Though H primarily employs the categories of P’s legislation, it does not limit itself to the cultic topics of P. H instead expands its attention to ethical issues, a category generally untreated by P. In so doing, H oftentimes melts P’s cultic categories with ethical ones, creating new categories of religious thought.” Jeffrey Stackert, “Holiness Code and Writings,” *The Oxford Encyclopedia of the Bible and Law* 1:388–96, here 392.



it refers to the “land” socially and territorially in which the community’s ethics affirm the “constitutional law” that H presents; H thus puts the temple state of Yehud on the historical map in the Persian empire.<sup>20</sup>

### RULES IN THE COMMUNITY CLAIMING INTERNAL JURISDICTION

Why does H stipulate respect for the elders and demands guarding of the festival day? Lev 18 and 20 are typical clan laws of kinship-based societies. They point to a local clan as their social frame of reference. Yet can we further substantiate H’s hypothetical audience and how Lev 19:3, 30, including the prohibitives V 11–18, relate to life in the temple state of Yehud?<sup>21</sup> Community members must subscribe to the authority of another community member when reproached, *de facto* claiming jurisdiction of the clan. Can we determine the function of this internal jurisdiction and how might we square it with the Sabbath command V 3, 30 and with the composition of the chapter Lev 19 at large? This first requires a look at the level of the composition of Lev 19 in comparison with the Decalogues. Different from the prohibitives and commandments of the Decalogues, V 11–18 and 26–32 do not share the Decalogues’ function, in the current reading direction as a list of laws as hermeneutical keys to extended law collections. In contrast, Lev 19:11–18, 26–32 are compositionally not the hermeneutical key to a subsequent law collection, but the composition of Lev 19 highlights them as headings.<sup>22</sup> The prohibitive rows in Lev 19 are components of a two-

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<sup>20</sup> The underlying assessment of H as a “type of constitutional law,” from Elliger, “Heiligkeitsgesetz,” 3:175, is in tension with the assessment that “HS expresses the attempt by priestly circles in Jerusalem to contend with the prophet’s criticism. In reaction . . . HS created the broader concept of holiness that integrates morality and cult and drew up a comprehensive program for social rehabilitation formulated in sacral terms” brought forward by Israel Knohl, *Sanctuary of Silence: The Priestly Torah and the Holiness Code* (Minneapolis: Augsburg Fortress, 1992), 113.

<sup>21</sup> Thematically overlapping with the prohibitives from the Decalogues, the prohibitives in Lev 19 appear to be quotes or adaptations that H grounds in his social reality. Thus, such rows of prohibitives seem to illustrate the diverse self-identities of the respective communities in the realm of CC, of Deut, and of H.

<sup>22</sup> If the content of the stipulations in the prohibitive row in Lev 19:11–18 provides more precise internal and external descriptors of the social sphere of the community, a source-critical separation of P from H ideally must also connect the distinct usage of the prohibitive rows in Lev 19:11–18 for general behavioral patterns with those of the related prohibitive rows of the Decalogues Exod 20 and Deut 5, respectively. This is beyond the scope here, yet one compositional remark is necessary: on the level of the compositions, these rows function in the current composition as brief law collections that provide the hermeneutical keys of the law collections of CC

panel reading of the chapter. In the first of these “panels” they constitute the apodictic laws,<sup>23</sup> with V 26–32 being their corresponding row of apodictic laws in the second panel that excludes deviating cultural practices deemed unacceptable for community members. The commands of respecting parental authority and of keeping the Sabbath in Lev 19:3, 30, respectively, are arranged at exposed places in the composition of Lev 19, that is, as fundamental commands.

### RULES OF “RELIGIOUS ASSOCIATIONS”

Why do Lev 19:3, 30 (H) introduce the deity’s festival days and why do 19:11–18 stipulate internal conflict settlement in a close-knit, kinship-based community? Reading Lev 19:3, 30 and 11–18 against the backdrop of the tradition of rules of religious associations, predominantly from the Fayum in Egypt, helps put them into perspective. Attested since the 6<sup>th</sup> century BCE through accounting documents, most of their rules, that appear as early as the 4<sup>th</sup> century BCE, were found on Ptolemaic period Demotic papyri from *Tebtynis*.<sup>24</sup> Hitherto not considered as close analogue of Lev 19:3, 11–18, 30, these rules are no less than the “constitutional law” of close knit local “trust networks” and, more specifically, they may in the context of Egypt possibly be read as part of an attempt to fend off the involvement of the over-imposed structures of the empire’s central authority. These rules thus provide the closest legal-historical analogy for the Sabbath command and for some laws about mutual interaction in

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and Deut 12–26, thus they envision a set of community rules that they embed in their respective historiographies.

<sup>23</sup> Lev 19:11–18 functions as the central apodictic passage together with its counterpart, V 26–32, in the outline of this complex chapter. Eckart Otto conceived of Lev 19 compositionally as a diptych of two symmetrically arranged panels, first in Eckart Otto, “Das Heiligkeitgesetz Leviticus 17–26 in der Pentateuchredaktion,” in *Altes Testament: Forschung und Wirkung. Festschrift Henning Graf Reventlow*, eds. Peter Mommer and Winfried Thiel (New York; Bern: Lang 1994), 65–80, 73, again in Eckart Otto, *Theologische Ethik des Alten Testaments*, Theologische Wissenschaft III, 2 (Stuttgart: Kohlhammer 1994), 245–6, discussed also in Christophe Nihan, *From Priestly Torah*, 461–2. Hans P. Mathys, *Liebe Deinen Nächsten wie dich selbst: Untersuchungen zum alttestamentlichen Gebot der Nächstenliebe (Lev 19,18)*, OBO 71 (Fribourg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1986), 71–77, and Giovanni Barbiero, *L’asino del nemico: Rinuncia alla vendetta e amore del nemico nella legislazione dell’Antico Testamento (Es. 23,4–5; Dt. 22,1–4, Lv. 19,17–18)*, AnBib 128 (Rome: Pontificio Istituto Biblico, 1991) discuss alternative outlines of Lev 19.

<sup>24</sup> The majority of the rules stems from Hellenistic contexts; yet the existence of religious associations based on account documents from the 6<sup>th</sup> century suggest their relevance for the comparison with H. See on the dating Françoise de Cenival, “Papyrus Seymour De Ricci: Le plus ancien des règlements d’association religieuse (4<sup>ième</sup> siècle av. J.-C.) (Pap. Bibl. Nationale E 241),” *REg* 39 (1988): 37–46. Determining the mutual influence between rules from the Egyptian and Greek tradition is beyond the scope of this essay.

the community in Lev 19:11–18.<sup>25</sup> The following first demonstrates why H emphasizes the stipulated festival day and, second, why it stipulates the relationship to other community members, as it defines it in more detail through the ban of typical patterns of hateful interaction modes as moral transgressions. The intent of these laws is to curb hateful internal interactions, such as false witnessing, false swearing (Lev 19:11–12), defrauding, kidnapping, stealing and withholding wages (V 13–14), unjust judgment, impartiality, and slandering (V 15–16), and banning all false and deceitful dealings. In sum, in the function of constitutional law for a political body, these stipulations eliminate mechanisms of long-term quarrels between individuals.

In this context, the demand to honor the elderly authority of mother and father (19:3) relates to their function in everyday conflict settlement. The elders represent the local jurisdiction. They are the default arbiters in the community, charged with de-escalating conflict for the sake of the good of the community. V 3, 30 represent H's claim of elders' jurisdiction in the community. The modes of internal conflict settlement in this jurisdiction that Lev 19:15–16 describes, exclude an external judiciary, ban forms of continuous hateful interaction between community members, and impose internal conflict mediation (Lev 19:17–18) with members taking up the function of arbiters. Thus, H's emphasis on elderly respect in Lev 19:3 is part of a programmatic, community-led, kinship-based mode of conflict settlement procedure in the temple state of Yehud, in defiance of external conflict resolution through Achaemenid administration. This makes H comparable to constitutional law for Yehud.

### THE SABBATH AS STIPULATED FESTIVAL DAY

Why is the Sabbath command a key element of H's legislation, yet H withholds any rationale? The Decalogues in Exod 20 and Deut 5 share with Lev 19 the positively framed Sabbath command as the collectively determined festival day. Next to the deity's self-presentation and the limitation of depictions of the divine, the Sabbath day

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<sup>25</sup> As provenance of these rules, the oldest (P. Lille 29) comes from Ghoran in the Fayum, seven are from Tebtynis and one papyrus from Thebes (Berlin P 3115). From Tebtynis are two published papyri (Demotic Inv. 77 e Inv. 78: EVO 17, 1994, 49–67) and P. Tebt. Suppl. 1578 (Berkeley), published by Andrew Monson, "42. Rules of an Association of Soknebtunis," in *Papyrological Texts in Honor of Roger S. Bagnall*, eds. Rodney Ast, Hélène Cuvigny, Todd M. Hickey, and Julia Lougovay, Durham NC, The American Society of Papyrologists 2012, 209–14. See on the dating of the papyri Günter Vittmann, "Eine Urkunde mit den Satzungen eines Kultvereins (P. dem. Mainz 10)," in *Von Theben nach Giza: Festmischellen für Stefan Grunert zum 65. Geburtstag*, eds. Frank Feder, Ludwig D. Morenz, and Günter Vittman, *GöMisZ* 10 (Göttingen: Hubert & Co, 2011), 169–79, for the dating of the papyri see esp. n 4, p. 170–1.

is the most important hallmark of the group identity in the Decalogues and Lev 19:11–18.<sup>26</sup> In Exod 20:8–11, the Sabbath reminds the community of the six-day-creation rhythm and Deut 5:12–15 frames it as a type of a time regulation to limit the general labor period, including for slaves and farm animals, to a six day week.<sup>27</sup> Both thus attach a community-specific social relevance onto the Sabbath legislation. In H, the stipulation of the festival day at the heart of the exposed headings in V 3 and the closing in 30 of the composition of Lev 19 adds to its relevance. What is striking is the lack of any conceptual rationale in H, even as H insists on keeping the Sabbath. Neither H nor the Decalogues sanction disobedience of the Sabbath in Lev 19, but there can be no doubt about the sincerity of H since it stipulates death as punishment for the non-obedience of the Sabbath in Exod 31:14; 35:2 and Num 15:32–36.

What went unnoticed in the Sabbath legislation is the close link H implies between a deity and their festival day as a key feature of the rules of religious associations.<sup>28</sup> The arbitrary character of the local community's festival day and the stipulation of punishment for missing out on it are all hallmarks of the rules of religious associations. One of the oldest variants, P. Mainz 10, demands the 8<sup>th</sup>, 18<sup>th</sup> and 28<sup>th</sup> of the month, each one ten days apart. This is unique, insofar as those dates do not concur with the decades of the calendar and suggests a certain arbitrariness when choosing the festival day. Differently, P. Berlin P 3115, the only papyrus with rules of associations that offers concrete data for the "Trinktage des Kultvereins des (Gottes) Amenophis," generally stipulates "the first day of every decade" and additionally demands for a sizable row of additional special festival days.<sup>29</sup>

Why could keeping a festival day be essential for a religious community? H's demand of respect for a shared festival day it associates with the deity and its sanctuary (Lev 19:30b) enhances the internal cohesion of the (lay) priestly community of Yehud. The festival day's prominence and the emphasis on the Sabbath legislation in H are deeply grounded in the collective's social organization. Two formal

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<sup>26</sup> Unlike Lev 19, the Decalogues validate the Sabbath's importance through elaborate, if astonishingly diverse rationales. Two other rationales for the Sabbath are as a sign of God's covenant with Israel in Exod 31:12–17 and as a recollection of the Exodus from Egypt in connection with God's daily provision of Manna in Exod 31; cf. Exod 16.

<sup>27</sup> This also appears in Exodus 23:12; possibly, Exodus 34:21 is an echo; cf. Robert Goldenberg, "Sabbath," *The Oxford Encyclopedia of the Bible and Law* 2:257–61. Also, the two versions add two diverse stipulations, Deut 5:12 "to keep/observe (שמר) the Sabbath day to 'sanctify' it" or in Exod 20:8 "to remember (זכר) the Sabbath day in order to 'sanctify' it."

<sup>28</sup> H uses 13 times the self-identification formula of YHWH in Lev 19 and the combination of the commitment to a deity with the assigned festival day is readily apparent, yet it does not give any external rationale.

<sup>29</sup> Ref. to 104–5, §2; 184, Vittmann, "Urkunde," 173.

peculiarities hint at the Sabbath's special role.<sup>30</sup> First, H highlights the collective's dedication to the Sabbath when it adds a personal pronoun to the deity's speech: "my Sabbaths" in Lev 19:3, 30<sup>31</sup> exposes the festival day's relevance for the group's religious self-identity. Second, on the compositional level, like in the Decalogues, the introductory verse in Lev 19:3 distinguishes the positive command to keep the Sabbath **וּאֵת־שַׁבְּתֹתַי תִּשְׁמְרוּ** from the latter rows of mostly prohibitives of Lev 19:11–18.<sup>32</sup> H in Lev 19 thus arranges the Sabbath command in the bookending frame as the heading of the first panel and highlighting it also in Lev 19:30, thus, together with parental authority in V 3, Lev 19 exposes it as a fundamental command. When Lev 19:3, 30 place the Sabbath command in exposed positions without economic stipulations for non-compliance, they treat the Sabbath command analogously to the request for obedience in the other laws in V 11–18. The day's fundamental relevance for H becomes evident in conjunction with other passages that indeed stipulate drastic sanctions, such as Exod 31:13b–14. H specifies the Sabbath relevance<sup>33</sup> and severely sanctions the desecration of the Sabbath with the death penalty. For working on the Sabbath in violation of the communal order, H stipulates exclusion from the community of "his people":

<b>מַחֲלִיָּה מוֹת יוֹמָת</b>	Whoever profanes it, he shall surely die,
<b>כִּי כָל־הָעֹשֶׂה בָּהּ מַלְאָכָה</b>	Because whoever does work on it,
<b>וּנְכַרְתָּהּ הַנֶּפֶשׁ הַהוּא מִקֶּרֶב עַמּוּיָהּ:</b>	his soul shall be cut off from within his people.

Adducing Exod 31:13b–14 requires substantiating the source-critical ascription to H. First, based on their focus on the sanctification of lay individuals expressed with stylistic idiosyncrasies, namely

<sup>30</sup> The prominence of the Sabbath for Second Temple Judaism can also be seen in Neh 10:32 (Heb) referring to the people's promise of abstaining from commerce on the Sabbath day, to avoid the produce of the seventh year, and to release all debt.

<sup>31</sup> Cf. also Lev 23:32; 26:2, 34, 43; Num 28:10; beyond H in Ezek 10:12–13, 16, 20–21, 24; 22:8, 26; 23:38; 44:24; 2 Chr 36:21, and others. The Sabbaths as late terminology, see also Ralf Rothenbusch, *Die kasuistische Rechtsammlung im "Bundesbuch" und ihr literarischer Kontext im Licht altorientalischer Parallelen* (Ex 21,2–11.18–22,16), AOAT 259 (Münster: Ugarit-Verlag, 2000), 229.

<sup>32</sup> H assigns a similar elevated role to the command of mutual benevolence in V 18.

<sup>33</sup> For the assignment of this passage to H, see, Knohl, *Sanctuary*, 16, 67, 105; Milgrom, *Leviticus 1–16*, 13, 696; and *Leviticus 17–22*, 1343; for a further discussion of the assignment of 12–15 to H and 16–17 to P, see for instance Saul M. Olyan, "Exodus 31:12–17: The Sabbath According to H, or the Sabbath according to P and H?", *JBL* 124 (2005): 201–9.

the understanding of the Sabbath “through the style of verses 13b–14 that corroborates what can be determined based on their ideology and narrative claims. These verses contain several H locutions that are stereotypical, including the language of profanation (“the one who profanes it”), cutting off (“that person shall be cut off from the midst of his people”), and the divine self-identification formula (“for I am Yhwh”).”<sup>34</sup> Second, Exod 31:13b–14 differ from P because they “violate P’s narrative claims by presuming knowledge of the Sabbath prior to Yhwh’s introduction of it to Israel. For example, these verses use the definite forms ‘my Sabbaths’ and ‘the Sabbath.’”<sup>35</sup> V 15a, on the contrary, can be assigned to P because this law does not indicate preceding knowledge of the Sabbath. “Accordingly, verse 15a does not use the definite article in its first reference to the sabbath. In fact, in view of P’s historical fiction, in which this law is the first revelation of the notion of sabbath in the history of the world, *šabbāt* in verse 15a is best understood as a common noun—‘a cessation’—rather than the proper noun ‘Sabbath.’”<sup>36</sup> The specification of the Sabbath as “my Sabbaths” is thus indicative of the community’s segregation from its surroundings that H addresses. This is further apparent in H’s idiosyncratic self-referential rhetoric of “you are holy,” which it conceptualizes as the result of a moral obligation.<sup>37</sup> The community’s segregation is a critical hallmark in the search for comparable historical communities. Religious associations in Achaemenid and Ptolemaic rule in Judah in Lev 19:3 come to

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<sup>34</sup> “Yet it is important to note that stylistic features are not by themselves determinative for stratification in this case. For example, some have suggested that the language of ‘observing the sabbath’ (*šāmar* + *šabbāt*) as well as divine first-person speech (including the self-identification formula) are reliable stylistic criteria for identifying H texts, including Exodus 31:12–17 [ ... ] Yet these features appear in verses 16–17 alongside ideological and narrative features that are at home in P and conflict with H. Moreover, there is nothing about the terminology of ‘observing the sabbath’ or the use of the divine first-person/self-identification formula that is objectionable to P. In fact, the divine self-identification formula appears in other Priestly texts that are necessary parts of the P narrative (e.g., Exod 6:7; 7:5; cf. Blum, 2009).” Stackert, “Holiness Code and Writings,” 1:390; cf. also idem, “Compositional Strata in the Priestly Sabbath: Exodus 31:12–17 and 35:1–3,” *JHS* 11 (2012): 1–20.

<sup>35</sup> Stackert, “Holiness Code and Writings,” 1:390.

<sup>36</sup> Stackert, “Holiness Code and Writings,” 1:390.

<sup>37</sup> Theological reconstructions of holiness have sought to conceptualize it as the way of human communities to deal with God’s power and interpret legislation as ways of establishing mechanisms to deal with God’s power, Baruch A. Levine, “The Language of Holiness: Perceptions of the Sacred in the Hebrew Bible,” in *Backgrounds for the Bible*, eds. Patrick O’Connor and David N. Freedman (Winona Lake, IN: Eisenbrauns, 1987), 241–55, here 250. The present contribution interprets the language of “holiness” as a rhetorical strategy to substantiate particular ethical concepts in their respective socio-historical setting.



mind. Third, conceptually, the Sabbath in P and H (Exod 31:13b–14) has differing functions. In Exod 31:13b, the Sabbath:

as a “sign” also diverges from P, for it differs from P’s understanding of cognition signs for the deity and the sabbath sign in particular. In P, cognition signs are reminders to the deity (e.g., Gen 9:12–17; 17:11; Exod 12:13; see Fox, 1974).<sup>38</sup> Sabbath observance functions as a reminder for Yhwh to bless Israel with agricultural fertility, like he blessed the seventh day after he finished his work of creation (Gen 2:3). The reference to the seventh day of creation in verse 17 clarifies this function for the sabbath and contrasts with the perspective articulated in verse 13b. According to verse 13b, the sabbath is a reminder *to Israel* to reverence Yhwh, who sanctifies them. Sabbath observance, by its regularity, reminds the Israelites to carefully follow all of the other divine rules, a practice that leads to their sanctification. For its part, P never considers the possibility of the holiness of lay Israelites.<sup>39</sup>

In addition to the three differences between P and H, H and the rules of religious associations overlap in the obligation, the arbitrariness, and in the compositional exposure of the Sabbath day. First, the references to the festival day in H (including the Decalogues) function comparable to those in the rules. The festival day presents the key obligation to which community members must commit. The shared activity on this day expresses a social commitment and functions as a community hallmark. Far from a reminder of the deity’s obligation vis-à-vis the community, the festival day legislation in H (and in the Decalogues) points to community commitment. The idiosyncratic formula “whoever...” in the rules is a self-reference to the members of the association and it consequently calls for the commitment to the stipulated festival day.

Additionally, the community self-assigns an arbitrary festival day on which this local community’s members gather. The rules expect members of the association to partake in the festival day activities, with some of them stipulating fines in the case of absence.<sup>40</sup> The

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<sup>38</sup> Michael V. Fox, “The Sign of the Covenant: Circumcision in the Light of the Priestly *’ôt* Etiologies,” *RB* 81 (1974): 557–96.

<sup>39</sup> Stackert, “Holiness Code and Writings,” 1:390–1. Rather than a sign for YHWH to remember, in H, the Sabbath functions as a sign for Israel to observe, an understanding comparable to other symbols of cognition in H, such as in Num 15:39 [reading *l’ô’t*, “as a sign” for *l’šîšî’t* “as a tassel”] and in Num 17:3, 25.

<sup>40</sup> The commitment to the gathering schedule in Papyrus Lille 29, l.9 even imposes a sanction: “Celui d’entre nous qui sera convié à l’association du temple [et qui ne viendra pas, alors qu’il peut venir], si la preuve est faite contre lui, son amende sera d’une demi *kite*.” This is in line with other rules, *i.e.*, the case of breaking the marriage, for which the rules stipulate the exclusion from the association consequence, for instance, Papyrus Lille 29, l. 25. Other rules did not fine the members’ absence. See, for instance, in de

rules have the positive form of a commitment formula, with the participants in the association pledging participation in the festival activities on the stipulated days, specifically through deliveries and through their presence in the assembly before the Gods on these days:

“Nous disons tous ensemble: ... Nous <créerons> un jour de livraison de résine (et) de sel à la ‘maison’, pendant la période susdite...”<sup>41</sup>

[“Nous l’appliquerons à partir de] l’an 24, mois de Mesorê, jusqu’à l’an 25, mois de Mesorê, soit un an, soit 12 mois 1/6, [soit] encore un an, disant tous ensemble: ‘Nous tiendrons assemblée devant Sebek et les dieux de Sebek, lors des fêtes et des processions de Sebek et des dieux [de Sebek et (?) les jours que] ceux de la ‘maison’ [auront] adoptés comme jours de sessions pendant la période susdite.”<sup>42</sup>

Finally, both sets of rules expose the festival day in the composition, thus highlighting its relevance. Lev 19:3, 30 use a positive command form and V 30 connects them with the sanctuary. The festival day command is placed as a bookend in Lev 19:3, 30 and as the fourth thematic set of commandments of the Decalogues (Exod 20:8–12; Deut 5:12–16). The rules of religious associations also refer in a positive command to the commitment of a stipulated festival day. Another way of underlining the relevance of the festival day is the imposition of fines in place for missing out on stipulated offerings, which are characteristics of religious associations; H in Exod 31:14 emulates the relevance of the festival day and punishment for non-adherence is the death penalty. Sociologically, religious associations and, analogously, the community of H, functioned as trust networks that expected a high degree of mutual commitment. For both, the festival day is a key requirement that shapes the collective’s self-identity, as seen in how the rules and Lev 19:3 therefore mention the festival day at the outset.

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Cenival, “Papyrus Seymour de Ricci,” line 7.

<sup>41</sup> P. Lille 29 l. 4–7. The exact relationship of deliveries to the festival days is beyond the scope of this contribution.

<sup>42</sup> P. Démotique Caire 30606, l. 6. Cf. Papyrus Hambourg I, l. 3–5; P. Démotique Caire 31179, l. 5; references to missing the participation in the processions l. 12–13; P. Démotique Caire 30605, l. 4–6; references to missing the participation in the processions, l. 9–12; P. Prague, l. 4–5; failure to deliver offering l. 12; P. Caire 30619, l. 3; failure to deliver offering l. 6; cf. in general Françoise de Cenival, *Les associations religieuses en Égypte d’après les documents démotiques*, Bibliothèque d’étude: Institut Français d’Archéologie Orientale du Caire 46 (Cairo: Le Caire, 1972), 144.

### HATEFUL INTERACTION IN THE DECALOGUES, IN LEV 19:11–18, AND IN RELIGIOUS ASSOCIATIONS

For a group with a high degree of cohesion, the members' commitment to constructive forms of conflict settlement generally ensured the dynamics of a trust network. The rhetorical address to "the congregation of all Israelites" in Lev 19:2 anchors the text as historically relevant to the community of Yehud in the Persian empire. As a composition, Lev 19 can be broken down into the form of a diptych with two rows of units, comparable to "panels" with sub-parts arranged in comparable sequels: V 2–18 and V 19–36.

The first panel opens with a general exhortation of committing to holiness in (V 2ab.β) that is followed by fundamental prescriptions regarding parental authority, the Sabbath and apostasy through idolatry (Lev 19:3). Functioning as part of the heading of the first panel, V 3–4 addresses the Sabbath day, the honorific status of father and mother, and the grave offenses of human trafficking (גַּב), lying and property theft (V 3–4). This general part is followed by casuistic laws regarding sacrifice (V 5–8), the gleaning of fields, leaving of the harvest (V 9–10) and then other prescriptions regarding the benevolence towards fellow-community members (V 11–18).

The counterpart of the second panel runs from V 19–36b: fundamental prohibition of mixtures (V 19aβ,γ,b), a casuistic law section related to sacrifices (V 20–22) and gleaning of trees, leaving the harvest (V 23–25). This panel ends with other prescriptions relating to cultural separation (V 26–32), the benevolence toward the metic (V 33–34), and benevolence/fairness in trade (V 35–36a), before closing with a reference to the Exodus from Egypt V 36b.

How does this arrangement speak to the meaning of 19:11–18 as apodictic laws in the first panel? Juxtaposing Lev 19:11–18 with the rows of prohibitives in Exod 20 and Deut 5 and the extant (Greek and Demotic) rules of religious associations puts in perspective how these laws and Lev 19:11–18 focus on the relationship between individuals in a close-knit community of a "priestly" association in Judah. The numerous overlaps between the Decalogues and the prohibitive row in Lev 19:11–18 also include a shared concept of legal thought, namely the prohibitives' stipulation of an action including intentionality, *i.e.*, its foregoing meditation.<sup>43</sup> Of the many aspects of overlap, we focus here on how the Decalogues connect intent and execution with the term חַמַּד ("coveting, seeking to get"). Lev 19:11–18, comparable to חַמַּד in the Decalogue, includes intentionality with a subsequent act. It does so namely regarding conflict settlement (V 17–18), banning bearing a grudge (נִטַּר), that is, a retaliative mindset and acts of revenge (נִקָּם) as such and urging to replace them with mutually benevolent intent and interaction (אַהֲבָה).

<sup>43</sup> Note on intentional homicide, for instance, Pamela Barmash, *Homicide in the Biblical World* (Cambridge: Cambridge University Press, 2005), 116–50; on intent in general see Brent Strawn, "Intention," *The Encyclopedia of the Bible and Law* 1:433–46.

With these regulations, Lev 19:11–18 reflects the social fabric of a tightly knit community. How might we more precisely define the context of the prohibitive rows?

The interaction mode between the community members that the Decalogues require intends to avoid revenge-driven feuding. Banning mutual challenges in court increases the internal cohesion of a community, by way of strengthening the solidarity between members. As a result, conflicts between community members would have to be resolved internally. The prohibitives in the Decalogue also address patterns of communal life, namely conflict settlement between individuals. In comparison with the Decalogues, notably, Lev 19:12–18 leaves out the economic specifics of property theft together with the prohibitives of unlawful “coveting” of goods in Exod 20 and Deut 5.<sup>44</sup>

- |   |                              |
|---|------------------------------|
| (2) Exod 20:7; Deut 5:11 lifting<br>the name of YHWH in vain<br>and     | Lev 19:12<br><br>Lev 19:11   |
| (8) Exod 20:16; Deut 5:20 giv-<br>ing false testimony/lying             |                              |
| (3) Exod 20:8–11; Deut 5:12–<br>15 Sabbath/Festival Day at-<br>tendance | Lev 19:3,30                  |
| (4) Exod 20:12; Deut 5:16<br>Honor of father and mother                 | Lev 19:3                     |
| (6) Exod 20:14; Deut 5:18<br>adultery                                   | Lev 19:20–22 as related case |
| (7) Exod 20:15; Deut 5:19 kid-<br>napping                               | Lev 19:11                    |

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<sup>44</sup> Cf. the listing of parallels between the prohibitive rows in Milgrom, *Lev 17–22*, 1600.

(9–10) Exod 20:17; Deut 5:21:  
 “coveting/intention of taking  
 possession”  
 of house, wife, male slave, or  
 his female slave, or neighbor’s  
 ox, or his donkey (Exod  
 20:17),  
 wife-house, fields, or neigh-  
 bor’s male slave, his female  
 slave, his ox, or his donkey  
 (Deut 5:21)

### INTERNAL ARBITRATION AS JURISDICTION INSTEAD OF EXTERNAL JUDICIARY

Can the stipulations about mutual interaction patterns in Lev 19:11–18 and the Decalogues more adequately define the nature of the community they address? A brief look at Lev 19:11–18 answers this question. Seen by themselves, the peculiar notion of respect for the elders’ authority and the respect of the Sabbath 19:3ab in combination with the prohibitive row Lev 19:11–18 presents an enigma. The two commands and the prohibitives refer to two distinct, seemingly unrelated aspects of communal life relevant to H’s addressees. Lev 19:11–18 breaks down into four sub-passages (V 11–12, 13–14, 15–16, 17–18) that outline the fundamental ethos of communal life. Fair conflict settlement and conflict avoidance among individuals are as much expected as the jurisdiction of members’ arbitration. Prominent themes of these four sub-units are the engagement in counter-accusations, oppression, committing evil in trial, and the engagement in mutual hate (V 11–18), as detailed in the dynamics of conflict settlement in the prohibitive rows. They first ban hateful acts against a community member, namely kidnapping (גנב), of property theft (גזל), and of swearing falsely (שבע, שקר V 11–12), and then, more broadly, the oppression of community members (עשק V 13). The prohibitives in V 15–16 refer to fair forms of conflict settlement in trial, including accepting judgment independent from a party’s social status (גדול, דל). Finally, they ban slandering (רכל Hiphil), which is described as a form of legally relevant discreditation of a person (to one’s own advantage) and to life-threatening accusations against an individual (עמד לדם V 16). Already V 15 takes the opposition between community members to a higher level when it includes unfair behavior in trial by way of which a member would step up against a brother in the form of homicide.

In V 17–18, the language of the passage more explicitly relates to conflict settlement with the urge to hate, mutual resentment, revengeful actions and to the command to engage with each other in mutually benevolent manners without being resentful. Such a community thus effectively rules out any form of private enmity against

an enemy. Individuals would typically live out conflict in public and here, H demonstratively refers to such community members with references to their relationship structure: (fictive) brother (אֶחָיִד), a fellow-patriot (בְּנֵי עַמִּיִּד V 17), the “sons of your people” (בְּנֵי עַמִּיִּד) and “your companion” (רֵעֵךְ V 18). Between the members of the community, H does not even tolerate hateful intent. The communal ethos in Lev 19 requests mutual reprimanding (יָכַח Hiphil V 17). Finally, the exclusion of mutual hateful interaction concludes the row of prohibitives: “Do not take revenge/do not be resentful (נָקַם)” excludes any hateful posture in private enmity relationships and it instead urges the adoption of an opposite posture of benevolence vis-à-vis any community member.

In sum, Lev 19:17–18 ban conflict settlement through external authorities, comparable to ethos expected in an association where companions must refrain from a recourse to external authorities. In favor of the means for internal litigation between members, the prohibitives in V 11–12 and 16–18 exclude hateful relationships between members that would instead mutually reprimand each other (יָכַח H) as companions, rather than taking revenge and living out their hateful conflicts against each other.<sup>45</sup> Analogously, as they exclude false accusations between members, the rules also focus on internal conflict settlement among their fellows, be it as (informal) allegation or as testimony in a formal trial. Specific aspects, namely the spreading of false accusations or the extension of (legal) help for falsely accused members, point to similar ways of establishing trust among community members. In any kinship-based society, this authority is with the elders and, consequently, Lev 19:3a stipulates that “a man respect their mother and father,” thus linking the two parts. The conceptual framework and the dynamic of the relations between private opponents that Lev 19:11–18 presuppose is compatible with the community ethos of religious associations, namely the various facets of hateful behavior of members vis-à-vis each other. Insulting and physically attacking a member or breaking their marriage through taking their wife were the typical mechanisms used to live out hateful relationships against an opponent in a kinship-based society. The following details how hateful interactions inform the rules of religious associations.

*False accusation:*

Papyrus Lille 29, l. 10: “Anyone among (n-im=n) us that will say [to one among us: ‘You have le]pers’, while he does not have lepers, his penalty will be 8 *kite*.”

Sowing discord: Papyrus Lille 29 l. 11: “Anyone among us that sows discord in the ‘house’, concerning our day of [delivery...]”

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<sup>45</sup> Michel Muszyński, “Les ‘associations religieuses’ en Égypte, d’après les sources hiéroglyphiques, démotiques et grecques,” *OLP* 8 (1977): 145–74, here 154.



*Legal help for (falsely) accused members:*

Papyrus Lille 29, l. 14–15: “[Anyone among us] who finds one among us in trial, would rob him, and witness against him, to the extent he can do it, if proof is brought against him, his fine will be four *kite*.”

Pap. dem. Mainz 10, l. 6.

*Help for wrongly incarcerated members of associations:*

Papyrus Lille 29, l. 16: “Anyone among us who is unjustly thrown in jail, without recourse to the altar (of the king or of the divine temple), we will do in the way that the representative of the ‘house’ take out for him a ration of edibles that they receive for him every day of his imprisonment in question, until the God will grace him. We will witness in his trial, all together and we will appeal for him until the tenth day: if we can make release him, we will [make him release.]”

cf. help in the case of an unfair trial, Papyrus Lille 29, l. 23.

*Exclusion of external conflict settlement, including appeals:*

Papyrus Lille 29 l. 22: “Any among us who will accuse one of us against the (military or police) powers, without having first filed a complaint in front of those of the ‘house’ prior, his penalty will be 2 *kite*.”

Any of us who will file a complaint against one of us before those of the ‘house’, upon which they give him justice in the matter, and will then bring the matter before the (military?) power, his penalty will be 2 *kite*.”

*Exclusion of filing an appeal after a decision with another association, if the other association’s judgment concurs:*

Papyrus Lille 29 l. 24–25.

*Exclusion of physical harm, battery:*

P. Lille 29 l. 20: “Who among us that strikes one of us, his penalty will be 60 *deben*.”

P. Cairo 30619 l. 10: “[Who among us that exercises] physical harm against one of us...”

P. dem. Mainz 10, l. 5

*Causing general “evil” for a compatriot:*

P. Lille 29, l. 17: “Anyone who causes evil [for one of us] vis-à-vis the (military or civil) powerful or the ... power, without having presented complaint before those of the ‘house’, his penalty will be 50(?) *deben*.”  
cf. P. Lille 29, l. 18.

*Insult against a member:*

P. Lille 29 l. 19: “anyone among us who insults one [of us, his] penalty will be 25 *deben*.”

- cf. P. Lille 29 l. 19–20: insult against the head, the second, an “ordinary” priest
- cf. P. Lille 29 l. 24–25: insult of the representative of the “house”

*Participation in internal trial in general:*

P. Seymour de Ricci

- l. 13: [Celui] qu’ils requerront et qui ne s’associera pas [...]
- l. 14: place de jugement; s’il porte plainte [...]
- l. 15: deux serments <pour> examiner son cas(?); on ne [portera] pas [plainte contre lui(?) ...]<sup>46</sup>

Further areas of overlap between the rules of religious associations and the laws of H may be less indicative of the specific socio-historical context of the religious communities.<sup>47</sup>

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<sup>46</sup> Cenival, “Papyrus Seymour de Ricci,” 44–45. L. 13 refers generally to an invitation to a regular assembly; the following two lines suggest the context of a complaint.

<sup>47</sup> Consider the prohibitives in the stipulation of personal integrity with their exclusion of adultery with the wife of a community member. In their prohibitions, the decalogues include adultery (נאף), which is a rule also included in the two prophetic parallels Hos 4:2; Jer 7:9. The latter context specifically relates the accusation to the temple as the setting of the speech, thus signaling the relevance of this command in the prophetic tradition. Given the fundamental character of this command and its use in the realm of a speech at the temple, that H picks up the prohibition of taking a wife of a community member in Lev 18:20 and 20:10 is no surprise: Lev 18:20 “You shall not have sexual relations with your kinsman’s wife, and defile (טמאה־בה) yourself with her.” Lev 20:10 “If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall be put to death.” The relevance of marriage law in the context of H is also evident in Lev 19 with regard to the community this chapter addresses in the reflection on a sub-case on the breaking of the marriage, namely on marriage agreements that inform the brief case law Lev 19:20–22 that prohibits an association member from taking an (enslaved) woman as his wife if she had been designated for another man. This specific case may have been built on the rules of Lev 18:20 and 20:10 as the outcome. Instead of a death sentence, this case stipulates that a man committing adultery should not be put to death. Two versions of the rules of religious associations ban adultery with a companion and then stipulate a penalty and exclude the individual from the association: Papyrus Lille 29, l. 25: “Who among us will find one among us with his wife, if proof is made against the latter, his penalty is 2 kite and we will persecute him for the exclusion from the ‘house.’” Pap. Cairo 30619, l. 9: “Who [among us] commits adultery with the wife of one of us, his penalty is...”

**H'S CLAIM OF JURISDICTION IN LIGHT OF RELIGIOUS  
ASSOCIATIONS FENDING OFF EXTERNAL  
GOVERNMENTAL AUTHORITY.**

The value of Demotic documents for the social and economic history of Achaemenid (especially if one may assume their tradition dates back earlier than the fourth century B.C.E.) and for Hellenistic Egypt becomes apparent with regards to the social nature of religious associations as local bulwarks against attempts of 'colonializing' local communities.<sup>48</sup> The following briefly draws further selected consequences on the levels of literary history, cultural-history and, sociology.

With regards to the literary history, variations of the rows of mostly prohibitives in Lev 18:11–18, Exod 20, Deut 5 are best seen as evidence of the constant adjustments of a local community ethos. The use of the rules for annually renewed memberships with modifications has led to their reuse, stipulating respective specifics for an annual period.<sup>49</sup> The editorial history of the rules of religious associations suggests that in a similar way, historical developments in the community that H addresses in Persian period Yehud may have left traces in H. At the same time, these variations reflect a comparable historical constellation of a local temple authority vis-à-vis a central power. As trust networks, religious associations are known for the *Fayum* and Thebes where they attempted to keep local government out of what was governmentally controlled conflict resolution. A specific example for their exact historical background is evident from one of the early 2<sup>nd</sup> century BCE copies of the rules of religious associations<sup>50</sup>: “[The man among us who will report one of us to ...

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<sup>48</sup> This is the general result of detailed studies of the opposition of local temples against the crown in Egypt. See, for instance, the observations on the confrontation between the central government and local temples in Saïtic Egypt. Temple autonomy manifested itself above all in the statutes or constitution of the temples; furthermore in their authority of negotiating advantages, Agut-Labordère and Gorre, “De l'autonomie,” 19. See also the interpretation of the conflict between the central government and temples as the background of the petition of Pétéïse (Pap Rylands 9) from the time of Darius I 522–486 BCE, and earlier, the rule of Amasis 569–526, p. 20–27. Consider further on the relationship between temples and central government in the later Persian period, Damien Agut-Labordère, “Gods in the Gray Zone: A Political History of Egyptian Temples from Artaxerxes III to the End of the Argeadai (342–ca. 305 BCE),” in *Times of Transition: Judea in the Early Hellenistic Period*, eds. Sylvie Honigman, Christophe Nihan and Oded Lipschits, *Mosaics: Studies on Ancient Israel 2* (University Park: University Press, 2021), 177–86.

<sup>49</sup> The rule variations thus likely provide an analogue to the minor variants between the prohibitive rows for instance in Exod 20, Deut 5 and Lev 19:11–18. A caveat for writing a comprehensive editorial history of rules from Egypt is in particular the uneven attestation of the rules that require further study. I owe this hint Dr. J. F. Quack.

<sup>50</sup> Carolin Arlt and Andrew Monson, “Rules of an Egyptian Religious

a] man sent by the king without having reported to the those of the association first, his fine is 6 [*deben*]. If he will report to those of [the association...]"<sup>51</sup>

This is an otherwise unspecific rule that here is more precise: “the Demotic titles typically used in this clause, namely *ṣ* ‘commander’, *šhn*, ‘administrator’, and *rmt iw=fir-šhy* ‘policeman’ or ‘executive officer’ (literally, ‘a man who has coercive power’), conceivably refers to specific officials such as the nome governor (στρατηγός), nome tax official (οικονόμος), and police chief (ἀρχιφυλακίτης), but they are vague enough that they could refer generically to any number of military, civil, or police authorities.”<sup>52</sup>

The details of these administrative titles reveal that such petitions would ultimately go to the king, with the respective local officials handling them.<sup>53</sup> This rule alludes to petitions initiating legal action, illustrating the pivotal laws of Lev 19:17–18 as attempts to keep internal conflicts out of the realm of the colonizing powers. Other rules use the variant phrase *di.t byn r-r=f*, with the tentative meaning “to malign him” or more literally “to cause him harm,” and some of them distinguish accusing and maligning of members as distinct offenses that were fined separately.<sup>54</sup> The rules’ stipulation on internal conflict mechanism offers a parallel to the laws of Lev 19 in H.<sup>55</sup> Thus, the types of rules of religious associations can be

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Association from the Early Second Century BCE,” in *Honi soit qui mal y pense: Studien zum pharaonischen, griechisch-römischen und spätantiken Ägypten zu Ehren von Heinz-Josef Thissen*, eds. Hermann Knuf, Christian Leitz, and Daniel von Recklinghausen, OLA 194 (Leuven: Peeters, 2010), 113–22, here 114, suggesting a date no earlier than 192 BCE.

<sup>51</sup> Papyrus Stanford Green Dem 21, line 4, Arlt and Monson, “Rules,” 121.

<sup>52</sup> Arlt and Monson, “Rules,” 120–1. For a detailed recent assessment of the Demotic title *lésónis*, translated as (local) High Priest, temple president, business executive, see Marie-Pierre Chaufray, *La fonction du lésónis dans les temples égyptiens de l’époque saïte à l’époque ptolémaïque*, STHell 61 (Leuven: Peeters, 2023), esp. 232–36. The title is twelve times found in rules of religious associations, as early as from the time of Amasis, in rules of the Association of Amenhotep, son of Hapou from 542 BCE.

<sup>53</sup> Arlt and Monson, “Rules,” 121 refers to Anna Di Bitonto, “Le petitioni al re,” *Aeg* 47.1 (1967): 5–57. The jurisdiction of the king in the 26<sup>th</sup> dynasty, as suggested in Pap Rylands 9, 11, 19, was with the king. This seems to also apply to sentencing of convicts in Ptolemaic Egypt, typically after a pre-trial through an official. Cf. Sandra Lippert, *Einführung in die altägyptische Rechtsgeschichte*, Einführungen und Quellentexte zur Ägyptologie 5 (Berlin: LIT Verlag, 2008), 179.

<sup>54</sup> Papyrus Cairo II 30606, (157 BCE Tebtynis), II 17–18 and P. Cair II 31179 (147 BCE, Tebtynis), 21–22; Arlt and Monson, “Rules,” 121.

<sup>55</sup> Furthermore, claiming jurisdiction of the local community in key matters of conflict settlement in kinship-law, in this case homicide law, is also a key intention of the post-priestly layer in Num 35, framed with theocratic overtones. See, for instance, with a mid-fourth century BCE dating of Num 25–36, Reinhard Achenbach, “Numbers,” *The Oxford Encyclopedia of the*

compared to the laws of H and this offers glimpses into the understanding of the historical context of the audience of H. The elements of cultural relevance in H's legislation have become more plausible in the comparison with rules for religious associations. For instance, the identity-shaping function of the festival day (Sabbath), that secured local identity, is a shared feature combined with the participation in activities on the stipulated festival day; while it remains open what shared activities were pivotal. Regarding the distinctions of the member status as "professional" or "lay" priests, it seems plausible that lay members form the religious association, which also applies to the addressees of H.<sup>56</sup>

Seen through a sociological lens, local villages in first millennium BCE Egypt were part of the "rural society" whose interests conflicted with those of the central power. These local temple communities constitute the basic units of the society of first millennium BCE Egypt.<sup>57</sup> Independent from their specific historical context, when considering their internal organization through a sociological lens, local religious associations functioned as "trust networks," expecting full solidarity among their members, including the legal sphere of conflict settlement. Trust networks achieve a form of social cohesion by way of implementing internal conflict settlement expectations excluding any external judicial mechanisms and, consequently, behavioral rules are a key feature of their social identity.<sup>58</sup>

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*Books of the Bible* 2:110–22, esp. 114–6 and idem, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*, BZAR 3 (Wiesbaden: Harrassowitz, 2003), 130–40. See on the historical contexts of the claim of jurisdiction also Klaus-Peter Adam, *Hate and Enmity in Biblical Law* (T&T Clark: London 2022), 172, 180–90.

<sup>56</sup> Distinctions between private associations in Graeco-Roman Egypt as either professional networks of a particular locality or as associations that they assume were primarily of "religious" nature are hard to substantiate, cf. Brian M. Muhs, "Membership in Private Associations in Ptolemaic Tebtunis," *JESHO* 44.1 (2001): 1–21, here 3.

<sup>57</sup> Cf. Agut-Labordère and Gorre, "De l'autonomie," 19. The exact social descriptors of these groups require more attention. Not all men of the village were members of the association, only a selected group of often around 20 men that were not temple-based priests, and whose exact relation to the temples remains opaque. I owe this observation Dr. F. J. Quack.

<sup>58</sup> The relevance of the social identity has been recognized early on; see already Erich Lüddeckens, "Gottesdienstliche Gemeinschaften im pharaonischen, hellenistischen und christlichen Ägypten," *ZRGG* 20.3 (1968): 193–211, here 201. More recently and with great attention to the social space and the various sociological nomenclatures used for "spaces of sociability" and the mixed social character that these associations presuppose, see Béangère Redon and Gaëlle Tallet, "Rencontres, convivialité, mixité, confrontations: Les espaces sociaux de l'Égypte tardive", *Topoi* 20 (2016): 11–23, here 12. They perceive the local spaces in Hellenistic period Egypt apart from the cities Alexandria, Ptolemaïs and Naucratis, as largely shaped by particular, local communities around the temples. Aside from processions, feast days and oracle consultations, temples also hosted other

Their attempt at securing internal jurisdiction at the respective temple, distinct from external “governmental” authorities, illustrates in Ptolemaic Egypt, and prior, in Achaemenid Persian and in 26<sup>th</sup> dynasty Egypt, the need to maintain institutionalized trust networks. The relevance of internal conflict resolution becomes apparent in the consequences of external litigation for which the members shared funds of the association designated for legal altercation with government authorities.<sup>59</sup> Prohibiting their members from acting out complicated disputes with external institutions, the rules are an example of strengthening the trust network, shielding it from the involvement of the authorities of the Ptolemaic state.<sup>60</sup> Forcing members to limit internal conflict for the sake of the strength of the community required their complete reliance on authorities inside their trust network.

The setup of the rules must be seen in two sociological contexts. First, they entrust local authorities with the decision-making for the association; a classical authority in kinship-based society. This corresponds to, in the words of H the “fear of his mother and his father” (Lev 19:3). Second, the fierce insistence on a local trust network and on the authority of the local collective in this historical context was part of the villages’ strategy of fending off unwanted government authority. Implementing internal conflict settlement strategies intended to keep external jurisdiction out of the local community. On the level of the villages’ internal conflict settlement, these rules are best seen against the backdrop of typical conflict settlement practices along feuding mechanisms in local kinship-based societies. Scholars in Greek law extrapolated those local conflict settlement practices for classical 5<sup>th</sup>–4<sup>th</sup> century BCE Athens. Yet the explicit adhortation of adherence to these rules makes particularly sense in kinship-based feuding societies that are facing central, colonializing authorities over them. This fits the context of H’s adhortation of community members to adhere to the modes of conflict settlement. H demands that they settle conflicts in line with key H laws in Lev 19:11–18 that require to benevolently engage (“love”) with other community members, subscribe to the elders as parental and communal authority (Lev 19:3), and practice internal conflict settlement mechanisms (יכה H Lev 19:17) rather than acting out the typical public challenge and riposte-sequence of hateful personal interaction.<sup>61</sup> Notably, the rare term עמית (“compatriot”), used four times

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activities, such as workshops of artists, schools, and temple personnel. In the late Egyptian period, these temple communities in a *longue durée* continued traditions from Pharaonic Egypt, Redon and Tallet, “Rencontres,” 13–14.

<sup>59</sup> Cenival, *Les associations religieuses*, 211.

<sup>60</sup> Andrew Monson, “The Ethics and Economics of Ptolemaic Religious Associations,” *AncSoc* 36 (2006): 221–38.

<sup>61</sup> An additional obligation of members of religious associations is to help through bailing out fellow members. Imprisonment ostraca from Ptolemaic time Fayum suggest many inmates were imprisoned for debt, because



in Lev 19, always with a personal suffix 2 per. sg. masc.,<sup>62</sup> points to the community attachment of a geographically close neighbor as a member of one's local community that identifies as an ethnic-political entity of a people (עַם). Yet, adherence to an ethos of mutual benevolence among individual members is only successful if each member of this community submits to this reciprocal behavior. The historical context of the Ptolemaic state that continues preceding constellations between local temples and central governance, illustrates that religious associations internally sustained an atmosphere of mutual benevolence while, at the same time, they separated themselves from surrounding governmental authorities.<sup>63</sup> Biblical laws about conflict settlement in H illustrate that mutual malevolence and internal fighting were kept at a minimum with the intent of enhancing the trust between community members. The demand for mutual benevolence is a key element framing the relationship between community members in a way that warrants this behavioral pattern.

Rules for religious associations withhold the rationale for their urge to mutual benevolence because it was evident in the historical context of such communities in Achaemenid and Ptolemaic Egypt. The Decalogues largely withhold a rationale for the stipulation of mutual benevolence<sup>64</sup> and the prohibitive row in Lev 19:11–18 merely adds a rationale for retributive benevolence. It details that unfair behavior would desecrate (*w-qatal* V 12), that is, distance oneself from the community, and that swearing in front of a deaf person or putting a stumbling block in front of a blind person would be incompatible with the demanded attitude of “fearing” YHWH (V 14). The formal outline emphasizes this point by way of ending all four sub-units in V 12, 14, 16, and 18 with the declaration formula “I am YHWH.” Thus, while Lev 19:11–18 in apodictic mode withhold a rationale for benevolence, they conceptually mimic personal

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they were “brought in” or “given to the hand” for “the remainder of the money” they owed. Defaulting on financial obligations could lead to debtor or guarantor imprisonment until the repayment of their debt or until further guarantors were found for release on bail, cf. Brian M. Muhs, “Imprisonment, Guarantors, and Release on Bail in the Ptolemaic Fayum,” in *Le Fayoum: Archéologie—Histoire—Religion: Actes du sixième colloque international Montpellier, 26–28 Octobre 2016*, eds. Marie-Pierre Chaufray, Ivan Guermeur, Sandra Lippert, and Vincent Rondot (Wiesbaden: Harrassowitz, 2018): 89–99, esp. 97.

<sup>62</sup> 19:11b, 15b, 17b; cf. also Lev 18:20; 25:14 (2x), 15; and outside H in Lev 5:21 (2x) and Zech 13:5. LXX translates *plesion* in Lev; *ho aner polites mou* in Zech 13:5, cf. Hans-Joachim Zobel, “עמית,” *TbWAT* 11:192–6, here 193.

<sup>63</sup> This is in particular evident in the parties' commitment of helping each other in (unjust) trial, see Vittmann, “Urkunde,” 176 and of seeking internal conflict settlement before bringing any complaint to an outside jurisdiction, Vittmann, “Urkunde,” 177.

<sup>64</sup> A rationale is given for the command of parental authority “so that you may live long;” also for the Sabbath command the historiographic rationale of the creation in Exodus 20 and of slavery in Deut 5, respectively.

relationships in a typical kinship-based society. Acting out enmity would typically increase one's social standing, yet in light of the external threat, this could jeopardize the community's autonomy if one party would choose to call upon Persian governmental authority.<sup>65</sup> The economic framework of the associations in the Fayum suggests their members were moderately wealthy citizens that formed an association with the intent of property protection through this trust network as a bulwark from influences of government authorities.<sup>66</sup>

The above insights in the sociology of religious associations as local "trust networks" that have developed in response to central governance, both affirms and challenges previous perceptions of religious associations. The specific type of internal conflict settlement among the members of the community was one key reason why already mid-20<sup>th</sup> century scholarship had compared the rules of association to ethics of the Qumran writings and thought they were a pivotal milestone in Judaism's encounter with Hellenism.<sup>67</sup> Arguing

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<sup>65</sup> Small communities must ban continued feuding behavior, because it can weaken them severely. Must similar contexts also be assumed for the (older) law of Exodus 23:4–5 lacking any rationale for the benevolence vis-à-vis a private enemy? Such a command poses a motivational problem outside a trust network. Consequently, therefore, the reception history of overcoming hate in the cases of Exod 23:4–5 in Deut 22:1–4 adds a substantial motivational incentive for the mutual benevolence between members of a community by way of introducing the category of fictive kinship of "your brother." This contextualizes the behavioral expectation toward community members. This rhetorical technique of Deuteronomy anchors the mutual solidarity between community members within a space of social cohesion. This illustrates that mutual benevolence must be embedded in a social structure in which community members understand this as a mutual behavioral pattern, such as the status of siblings in a fictional kinship affiliation or in the comparable social model of a kinship-based society. Biblical traditions that substantiate the need for mutual benevolence and buttress the counter-intuitive behavior of overcoming hate are surprisingly scant. Only Prov 25:21–22 provide a rationale for overturning typical rules of retribution among private enemies.

<sup>66</sup> Monson, "Ethics and Economics," 237.

<sup>67</sup> The juxtaposition of the rules of religious associations with Judaism in antiquity was discussed in the cultural framework of Judaism's exposure to Hellenism. The respective studies grounded their reconstruction of the social reality in what they perceived as a "sectarian" understanding of a community whose members had withdrawn to a center in the Judean desert in preference of a separation from what in their eyes represented mainstream Judaism around the Jerusalem temple. See, for instance, Matthias Klinghardt, "The Manual of Discipline in the Light of Statutes of Hellenistic Associations," *Annals of the New York Academy of Sciences* 722.1 (1994): 251–70, here 251. Among the first to identify Hellenistic influence on the scrolls with regard to their legal form of corporation visible in the Dead Sea Scrolls was Hans Bardtke, "Qumrān und seine Probleme," *ThR* 33.2–3 (1967): 97–119, 185–236. Lawrence Schiffman's incisive interpretation of the Qumran community's ethos as essentially following Torah-legislation in his *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony, and the Penal Code*,

against Lawrence Schiffmann, Moshe Weinfeld saw the rules of the *yachad* in 1QS as comparable to what he perceived as sectarian rules of religious associations on various levels, two of which are relevant here:

3) Many issues of the more general ethical teaching are paralleled by statutes of Hellenistic associations, such as: the prohibition against appealing to an outside court, the obligation of mutual aid between the members of the association (in CD); the general requirement of purity. 4) Regulation of jurisdiction within the group, pertaining to such matters as: membership in the court of the association, witnesses and proof, the modality of re-applying for apostates and reconciliation, different kinds of penalties, and so on.<sup>68</sup>

The social framework of the agonistic society was indeed relevant in this regard. It made sense in a Hellenistic social context that individuals would typically act out their strife for honor through hateful conflict settlement along the lines of a typical “agonistic” ethos, in, for instance, classical Athens.<sup>69</sup> An imperative of heeding mutual benevolence seemed fully counterintuitive, which posed the question about how to account for the fundamental change in the ethos with rules that requested that members refrain from quarrels and from trials outside the association.<sup>70</sup> Weinfeld perceived the rules and the

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BJS 33 (Chico, CA: Scholars Press, 1983); idem, *The Eschatological Community of the Dead Sea Scrolls: A Study of the Rule of the Congregation* (Atlanta: Scholars Press, 1989) was met with Moshe Weinfeld’s counterproposal.

<sup>68</sup> Cf. Moshe Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman Period*, NTOA 2 (Fribourg: Presses Universitaires; Göttingen: Vandenhoeck & Ruprecht, 1986) in the synthesis of Klinghardt, “Manual,” 252; other levels of comparison relate to “1) Procedure of admission, which includes prescriptions about a probationary period...” This entry rite is tantamount to adopting a distinct social status as member of the community, cf. Benedikt Eckhardt, “Temple Ideology and Hellenistic Private Associations,” DSD 24.3 (2017): 407–23: “Procedures such as the oath sworn upon entry and the rigorously regulated communal meetings, but also the penal codes with their frequent references to alternative choices create a specific image of the person who ‘freely volunteers’ and becomes a member of what may have been a local branch of a broader movement.” As a further level of Weinfeld’s comparison, Klinghardt, “Manual,” 252 adds “2) Disciplinary regulations about the gatherings, which include disloyalty... absence from the assembly.” Weinfeld, *Organizational Pattern*, did not conclude the Hellenistic associations and the groups represented by 1QS and CD could possibly be identical kinds of groups.

<sup>69</sup> See, for instance, David Cohen, *Law, Violence and Community in Classical Athens*, Key Themes in Ancient History (Cambridge: Cambridge University Press, 1995), 1–12; Matthew Christ, *The Litigious Athenian*, ASH (Baltimore: Johns Hopkins, 1998).

<sup>70</sup> “Sociologists may label this image the ‘membership role’ or, using a broader term that facilitates comparisons, the ‘social identity’ of members.

ethos among the *yabad* in 1QS as “sectarian” group ethos, thus reading the rules of religious associations in a comparative context and interpreting them as examples of the rebuttal of a Hellenistic agonistic ethos in general. To Weinfeld, these rules were indicative of close-knit “sectarian” communities rather than representative for the addressees of P or H in second-temple Judaism. Beyond any general “Hellenistic” influence, the rules of the Qumran community were seen as specifically related and comparable to the ethos of the rules of religious associations. Yet, religious associations existed prior to Ptolemaic Egypt during the 26th dynasty Egypt in the 6th century BCE and were common<sup>71</sup> in the Persian period when the Priestly writings of H originated.<sup>72</sup>

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This understanding of the text invites several follow-up questions, namely, what kind of social identity was created through these procedures and how that identity related to others.” Eckhardt, “Temple Ideology,” 408. In the current discourse, one heuristic attempt is to consider the semitic associations alongside the Hellenistic associations by Marie-Françoise Baslez, “Recherches sur le *yabad* des manuscrits de Qumrân dans l’environnement associatif sémitique et grec,” in *Les communautés religieuses dans le monde gréco-romain : Essais de définition*, ed. Nicole Belayche and Simon C. Mimouni, Bibliothèque de l’École des Hautes Études, Sciences Religieuses 117 (Turnhout: Brepols, 2003), 75–92.

<sup>71</sup> Consider the evidence of religious associations in classical Athens as closely knit, local networks on the level of the *deme* or the *phyla*. “Literary texts, furthermore, identify commonality of age and of (aristocratic) social status as the underlying basis of membership in a club. Such shared fundamental points of likeness help account for the extraordinary cohesion and solidarity of these groups evidenced by the copious record of their political activity. But political though they may have become, the preserved names of one well defined class, the so-called hell fire clubs, reveal a basically religious or cultic orientation . . .,” Nicholas E. Jones, *The Associations of Classical Athens: The Response to Democracy* (Oxford: University Press, 1999), 225. A number of subgroups of the phratry existed, such as the *thiasos*, Jones, *Associations*, 218. Jones, *Associations*, 30–32, characterizes associations in Ancient Greece along four distinct categories: In Athens they typically were public (versus private), voluntary (versus mandatory), temporary (versus permanent), and finally expressive (versus instrumental). With these characterizations, the understanding of the associations from Athens is relevant to conceptualize the organization of priests in Jerusalem as a voluntary professional organization. The extent to which these associations were known is disputed; cf. Ilias Arnaoutoglou, “Thusias heneka kai sunousias: Private Religious Associations in Hellenistic Athens,” *Epēteris tu Kentru Ereunēs tēs Historias tu Helleniku Dikainu* 37.4 (2003), 31–88 counts 175 inscriptions in Athens relating to religious associations dating from the fifth century BCE. Julietta Steinhauer-Hogg, *Religious Associations in the Post-classical Polis*, Potsdamer altertumswissenschaftliche Beiträge 50 (Stuttgart: Steiner, 2014), 29, confirms that *thiasoi*, *thiasotai* are terms that are widely found in 5<sup>th</sup> century BCE literature, while only one 5<sup>th</sup> century BCE inscription from Piraeus can be connected with a religious *thiasos*.

<sup>72</sup> The only hint of biblical scholars to religious associations as communities comparable to biblical Judaism in Second Temple Yehud is from

## OUTLOOK

The aforementioned interpretation bears two consequences. First, building on Elliger's notion of H as "constitutional law," the largely apodictic laws of H speak into a historical context emulating the form of rules of local self-administered communities. The Sabbath and the elders' command and the stipulation of mutual respect in Lev 19:11–18 have their closest conceptual parallels in these rules of local religious associations. They withhold the rationale for keeping the festival day, because it is self-explanatory in their context as autonomous entities in the Fayum or Thebes. H's alleged socio-historical background of the community it addresses must be imagined in the context of a similar segregation of a small community fighting for their autonomy vis-à-vis their cultural surroundings. Historically, religious associations in the Fayum and Thebes understood themselves as a bulwark against an over-imposed Ptolemaic governmental involvement. In analogy, H articulates the voice of the temple aristocracy of Yehud with the notion of constitutional law as rebuttal against the Achaemenid empire's constant attempts of ruling in matters that priests, as leaders in Yehud, considered to be affairs of their own jurisdiction. This is the reason why H promotes the festival day and emphasizes the honor of the elders and the jurisdiction of internal conflict settlement that is typical for these associations that fought off the over imposed colonialist rule.

Second, when discussing the relationship of P and H, the understanding of a law as a local community's constitution under pressure from a central administration frames the source-critical distinction between P and H, in that it possibly supports an understanding of a "P composition" with H adding "constitutional" law of a local community. Building on H's understanding as a multi-tiered adaptation and augmentation of P's narrative that addresses a specific historical situation, construing P and H as comparable to two strands

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Fried's interpretation of Neh 10 relating the term **אמנה** in V 1 as evidence for the nature of the "association" as a legally binding entity that was constituted through rules. Lisbeth S. Fried, "A Religious Association in Second Temple Judah? A Comment on Nehemiah 10," *Transen* 30 (2005): 77–96, here 81–95. Fried compares the evidence from Neh 10 for YHWH's temple in Jerusalem with rules of religious associations, suggesting Nehemiah 10 is informed by a foundation document of a cultic association, sharing five points of comparison with this document: a date when the rules were written, a purpose statement, a participant list, oaths and sanctions, stipulations. She also proposes that the structure and the great majority of their terms and conditions are analogous especially between the *śunet* and what Neh 10 refers to as *'amānā*. As an example for the execution of the stipulation of the rules, Fried refers to the case of Pétéise in which a cultic association in the Persian empire persecuted a former member. The *śunet* stipulates conflicts may not be taken to an outside court and instead must be internally decided. They thus indicate that in theory an external clarification would be possible, Fried, "Association," 96.

of a larger priestly composition,<sup>73</sup> it makes sense that Lev 19 read in Lev 18–20 specifically addresses themes of constitutional law for the wide audience of “all the congregation,” for the entire local community, vis-à-vis the central government’s authority. Might the theory of a priestly composition gain plausibility by way of highlighting H’s contextuality that points to a specific audience, namely to a local community that needed to define rules for their conduct? Its constitutional character would then be the reason that “the parenetic explanations, the imperatives and the confirmations that abundantly occur in Lev 17–26 [are] embedded in their respective specific narrative contexts that describe Israel ‘as the place of God’s presence in his creation.’” The distinct functions of the law of H in this theory should then more exactly be explained in the context of the one “internal logic of the priestly narrative as a whole.”<sup>74</sup> Reading H as constitutional law analogous to the rules of religious associations for a local group becomes plausible as the historical temple state Yehud’s claim for its autonomy against the Achaemenid empire, notably for its independent jurisdiction through its elders and its specific festival day practice.

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<sup>73</sup> This is close to Erhard Blum’s model of the relationship between P and H. Knohl’s and Milgrom’s understanding that the “Holiness School” drafted H as a distinct source-critical layer that is dependent on P in Blum’s eyes is the result of circular reasoning as it is grounded on a preconceived notion of the parenetic address and of H’s idiosyncratic concept of holiness that then substantiates the source-critical distinction. Source critical distinctions between P and H seem to Blum even more dubious given the substantial coherence between the Holiness Legislator’s “*halakhi*” reasoning and the alleged P strands Baruch J. Schwartz pointed out. Baruch J. Schwartz, *Holiness Legislation: Studies in the Priestly Code (Hebrew)* (Jerusalem: Magnes, 1988), passim, see also Baruch J. Schwartz, “Israel’s Holiness: The Torah Traditions,” in *Purity and Holiness: The Heritage of Leviticus*, eds. Marcel Poorthuis and Joshua J. Schwartz (Leiden: Brill, 2000), 47–59, here 53.

<sup>74</sup> Erhard Blum, “Issues and Problems in the Contemporary Debate Regarding the Priestly Writings,” in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, eds. Sarah Shectman and Joel S. Baden, *ATHANT* 95 (Zurich: TVZ, 2009), 31–44, here 38 and 39. This compositional reading fundamentally challenges the adequacy of the classically used source-critical criteria of distinguishing P from H. See along this line of thought the reading of Lev 17 in P as compositional text not along a narrative vs. ritual/law divide, neither as isolated literary unity, nor as secondary layer of the priestly source, but in the flow of the priestly narrative and as a legal continuation of the plot, Feldman, *Story*, 171, 173.



## APPENDIX: OVERVIEW: RULES OF RELIGIOUS ASSOCIATIONS

*Papyri with rules of associations collected by de Cenival, Associations religieuses, 141:*

Papyrus Lille, 24<sup>th</sup> year of Ptolemy III

Papyrus Hamburg I

Papyrus Cairo 30606

Papyrus Cairo 31179

Papyrus Cairo 30605, time of Ptolemy VI and VII

Papyrus Prague

Papyrus Cairo 31178

Papyrus Cairo 30619

Papyrus Berlin 3115, 110–107 BCE from the region of Thebaine, association of Amon of Opet

Papyrus Seymour de Ricci<sup>75</sup>

*Papyrus Démotique Lille 29,<sup>76</sup> probably the oldest exemplar of religious associations.*

- |  |                    |
|--|--------------------|
| 2. Theft of money or goods from the temple sanctioned with fines:  | lines 9–10         |
| 3. Fines for false accusations against members of the association:<br>In particular, false accusation against a member to suffer from “lepers”:<br>Furthermore, other false accusations are fined. | line 10<br>line 10 |
| 4. Sowing “discord” in the “house” regarding the day of delivery, is fined:  | line 11            |
| 5. Attendance on “the day of the falcon” mandatory, if one can come:   | lines 11–12        |
| 6. Insult against the “superior general” of the falcon of “the house” results in a fine of 8 kite:   | line 13            |
| 7. Standing up in a trial against a colleague and a testament against him, to the extent to which this person can do it, is fined:   | line 13            |

<sup>75</sup> Cenival, “Papyrus Seymour de Ricci,” 37–46.

<sup>76</sup> Cenival, *Associations religieuses*, 3–10.

- |  |                         |
|--|-------------------------|
| 8. Illness, imprisonment, temple refugee:<br>“who will be decided against him, will be decided against us”:  | line 17                 |
| 9. Refusal of joining the association in the case of death, when it is proven he could have attended, is sanctioned:   | line 17                 |
| 10. Attendance of funeral of “father, mother, brother, sister, in-laws”:   | line 19                 |
| 11. Stepping up as plaintiff against another member of the association without having complained vis-à-vis the authority of the “house” is fined:                | lines 22–23             |
| 12. Raising charges against an association member results in a fine:   | line 23                 |
| 13. Raising charges against a member and after having brought it to “the house” and a subsequent appeal to another association to take jurisdiction in the case: | line 24                 |
| 14. Adultery with the wife of a member:  | lines 10–11,<br>line 25 |
| 15. Theft causes an obligation to return, including a fine:  | lines 25–26             |

*Papyrus Démotique Cairo 30606, Cenival, Associations religieuses, 45–51:*

- |   |                              |
|---|------------------------------|
| Day of gathering  | lines 6 and<br>9–10, line 12 |
| Funeral procession for family members                   | lines 15–16                  |
| Extradition of a member to military or police authority | line 17                      |
| False accusation of sickness                            | line 17                      |

Accusation of member to military/ police authority before contacting those of “the house”	line 18
Appeal after verdict	line 19
Insult regulations	lines 19–20
Battery, insult	line 20
Intrigues(?) against head of troop, sec- ond, any priest	lines 20–21
Refuse of bail for an association mem- ber	lines 21–22
Contempt of court in case of subpoena	line 22
Help of association member in an (un- just) lawsuit	line 23
Rejection to represent the association	line 24
Insult of representative	line 25
Authority of the representative of the ‘house’ over affairs	line 25

*Papyrus Démotique Cairo 30619, Cénival, Associations religieuses, 93–97:*

Funeral of family members	line 7
Funeral procession	line 8
Appointment in village	lines 8–9
Support with bail in case of imprison- ment	line 9
Adultery with a member’s wife	line 9
Complaint vis-à-vis military or gendar- merie	line 9
Calumny	line 10
Physical attack	line 10