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JEFFREY STACKERT, COMPOSITIONAL STRATA IN THE PRIESTLY SABBATH: EXODUS 31:12–17 AND 35:1–3¹

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**COMPOSITIONAL STRATA IN THE
PRIESTLY SABBATH:
EXODUS 31:12–17 AND 35:1–3**

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Among scholars who study the composition of the Torah, there is greater agreement in the identification of the Priestly (P) source than of any other Torah source or set of texts. Yet amidst such consensus in its broad identification, considerable disagreements remain with regard to P. The most significant disagreements overlap and concern the ending of P and the possibility of stratification within it. In this study, I will address especially the latter issue—compositional stratification—with specific focus on the divine revelation of the Sabbath law in Exod 31:12–17 and Moses’s subsequent recitation of the divine command to the Israelites in Exod 35:1–3. Many scholars view part or all of these units as secondary, and several have recently ascribed them in their entirety to the Holiness (H) stratum of the P source. Such full ascription to H, which challenges several attempts to identify strata in these units, is part of a trend in recent scholarship to assign more and more pentateuchal Priestly texts to H. Other scholars likewise identify these units as post-P compositions, even if they do not assign them to H in particular. Both of these approaches have significant implications for understanding what the underlying P stratum is—in my view, a fully coherent and independent literary source. In this article, I will identify an earlier P stratum in both Exod 31:12–17 and 35:1–3 that was subsequently supplemented by H. I will also show how P’s narrative qualities provide the most reliable basis for identifying strata in these texts and that such concern can be usefully combined with stylistic and theological criteria to separate two strata in Exod 31:12–17 and 35:1–3. Finally, I will offer a few comments on the H supplements that I identify.

**STRATA IN THE PRIESTLY SOURCE OF THE TORAH AND
METHOD IN REDACTIONAL ANALYSIS**

Already in the 19th century, scholars identified strata in the pentateuchal Priestly source, and the view that P is composite rightly continues to dominate the discussion.² Among the various

contained therein.

² For a concise *Forschungsgeschichte* of the stratification of the Priestly source, see Christophe Nihan, *From Priestly Torah to Pentateuch. A Study in*

separations that have been proposed, many with their own distinctive sigla (P^g, H, and P^s; P and H [and H_R]; P^a and P^b; PT and HS; P, H, and HS; P and R^P; etc.), the most compelling in my view is a separation between P and H, and I will focus my analysis of Exod 31:12–17 and 35:1–3 below in this manner. Early scholarly work on the distinction between P and H identified a base P source that was supplemented by the introduction of an older H block of legal material, now located in Lev 17–26 (the “Holiness Code”).³ Beginning with Karl Elliger, more recent scholarship has reversed the compositional chronology of these two strata (with H now generally viewed as subsequent to P) and expanded the identification of H beyond the Holiness Code proper.⁴ Pressing this model further, some scholars now also identify redactional activity subsequent to H in material previously identified as part of P.⁵ The latter approach in some ways marries analyses that identify P and H strata with other analyses of compositional layers in P that do not identify an H stratum or do not do so outside of Lev 17–26.

In my view, H is composed as a supplement, revision, and expansion of P, and H’s boundaries are not limited to Lev 17–26, the “Holiness Code” (*Heiligkeitsgesetz*). Moreover, neither P nor H should be identified as a pentateuchal redactor.⁶ The evidence in-

the Composition of the Book of Leviticus (FAT/II, 25; Tübingen: Mohr Siebeck, 2007), 1–19.

³ See, most prominently, Julius Wellhausen, *Prolegomena to the History of Ancient Israel* (trans. Allan Menzies and J. Sutherland Black; New York: Meridian, 1957), 376–84.

⁴ Karl Elliger, “Heiligkeitsgesetz,” *RGK* 3: 175–76; idem, *Leviticus* (HzAT, 4; Tübingen: Mohr Siebeck, 1966), 14–20 and passim. Among more recent work that has emphasized this new sequential relationship between P and H, see esp. Israel Knohl, “The Priestly Torah versus the Holiness School: Sabbath and the Festivals,” *HUCA* 58 (1987), 65–117; idem, *The Sanctuary of Silence. The Priestly Torah and the Holiness School* (trans. Jackie Feldman and Peretz Rodman; Minneapolis: Fortress, 1995); Baruch J. Schwartz, *The Holiness Legislation. Studies in the Priestly Code* (Jerusalem: Magnes Press, 1999) (in Hebrew); Jacob Milgrom, *Leviticus 17–22. A New Translation with Introduction and Commentary* (AB, 3a; New York: Doubleday, 2000), 1319–1443.

⁵ See esp. Reinhard Achenbach, *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (BZAR, 3; Wiesbaden: Harrassowitz Verlag, 2003), passim; Christophe Nihan, “Israel’s Festival Calendars in Leviticus 23, Numbers 28–29 and the Formation of ‘Priestly’ Literature,” Thomas Römer (ed.), *The Books of Leviticus and Numbers* (BETL, 215; Leuven: Peeters, 2008), 177–231; idem, *From Priestly Torah*, 570–72, 576–607.

⁶ H also exhibits some evidence of internal growth, but such “updates” appear to be additions to the P+H scroll alone and not sufficiently different from H to warrant attribution to a different compositional identity. I resist reconstructing socio-historical locations for P, H, or other hypothesized Priestly literary strata because of the paucity of available

stead suggests to me that H seeks to create a combined P+H that, especially by drawing from and reformulating material from other law collections now found in the Torah, will supplant those alternative law collections and the narrative histories of which they are a part.⁷ Only after H melds its work with P does a compiler combine the P+H scroll with the other Torah sources to produce the chronologically-arranged Pentateuch. In so doing, this compiler blunts and even undermines the distinctive views of P+H, just as he does for the other Torah sources.⁸

The identification of an H stratum in Priestly texts both within and outside of Lev 17–26 has been undertaken largely on the basis of stylistic and theological criteria, oftentimes accompanied by reconstructed historical contexts for the literary production of these strata. The cases of Exod 31:12–17 and 35:1–3 are no different: it is mainly the presence of stereotypical language and theology that has led several scholars to assign these units in their entirety to H, even as they also buttress their stylistic and theological arguments with redactional and historical reconstructions. Elements of style and theological emphasis in these units often cited as characteristic of H include the following expressions: שִׁמְרֵי שִׁבְתָּ (plural construct) שִׁבְתוֹת , שִׁבְתָּ מִקְדָּשְׁכֶם , שִׁבְתָּ שִׁבְתוֹן , אֲנִי יְהוָה מִקְדָּשְׁכֶם , verbal forms from the root חָלַל , the combination of כָּרַת and the מוֹת יוֹמָת formula, and divine direct address to Israel.⁹ As further evidence in support of an H attribution, Israel Knohl cites Arie Toeg’s identification of an elaborate (if dubious) chiasm in the canonical ar-

evidence.

⁷ See, Jeffrey Stackert, *Rewriting the Torah. Literary Revision in Deuteronomy and the Holiness Legislation* (FAT, 52; Tübingen: Mohr Siebeck, 2007); idem, “The Holiness Legislation and its Pentateuchal Sources: Revision, Supplementation, and Replacement,” Sarah Shectman and Joel S. Baden (eds.), *The Strata of the Priestly Writings. Contemporary Debate and Future Directions* (AThANT, 95; Zürich: Theologischer Verlag Zürich, 2009), 187–204; idem, “Distinguishing Innerbiblical Exegesis from Pentateuchal Redaction: Leviticus 26 as a Test Case,” Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz (eds.), *The Pentateuch. International Perspectives on Current Research* (FAT, 78; Tübingen: Mohr Siebeck, 2011), 369–86.

For arguments in favor of H as a pentateuchal redactor, see, e.g., Eckart Otto, “Das Heiligkeitsgesetz Leviticus 17–26 in der Pentateuchredaktion,” Peter Mommer and Winfred Thiel (eds.), *Altes Testament, Forschung und Wirkung. Festschrift für Henning Graf Reventlow* (Frankfurt am Main/New York: P. Lang, 1994), 65–80; Nihan, *From Priestly Torah*, 548–59.

⁸ For discussions of the redactor’s method of compilation, see Joel S. Baden, *J, E, and the Redaction of the Pentateuch* (FAT, 68; Tübingen: Mohr Siebeck, 2009), 255–86; Baruch J. Schwartz, “Joseph’s Descent into Egypt: The Composition of Genesis 37 from its Sources,” *Beit Mikra* 55 (2010), 1–30 (esp. 19–20; in Hebrew).

⁹ Knohl, *Sanctuary of Silence*, 16; Milgrom, *Leviticus 17–22*, 1338–39; idem, “HR in Leviticus,” 29; Nihan, *From Priestly Torah*, 567.

rangement of Exod 25–40 and claims that the Sabbath units in Exod 31 and 35 link the Priestly and non-Priestly material in these chapters. The Sabbath units therefore must originate, in his view, in the redactional arrangement of Exod 25–40.¹⁰ This redactional argument fits Knohl's larger view of H well, for he sees the final contributions to H as part of the redaction of the Pentateuch as a whole.¹¹

Other scholars argue similarly. For example, Milgrom emphasizes the interruption of the Sabbath command between the instructions for and the construction of the Sanctuary in Exod 25:1–31:11 and 35:4–39:43 and also identifies a chiasm in Exod 25–40.¹² Building especially upon observations of Andreas Ruwe,¹³ Christophe Nihan likewise contends that the Sabbath units are redactionally arranged to frame the account of sanctuary building in Exod 25–40. This combination of Sabbath and sanctuary accords, in his view, with H's repeated combination of Sabbath keeping and sanctuary reverence (Lev 19:30; 26:2).¹⁴

Those who view Exod 31:12–17 and 35:1–3 as wholly secondary to P but not necessarily part of an H stratum also derive their conclusions especially from these texts' language. For example, Klaus Grünwaldt, Walter Gross, and Susanne Owczarek each identify a combination of language from elsewhere in the Torah in these verses, from which they conclude that they are compositions of a pentateuchal redactor.¹⁵ Yet, as Nihan observes, greater preci-

¹⁰ Knohl, *Sanctuary of Silence*, 16. For the identification of this chiasm, see Arie Toeg, *Lawgiving at Sinai. The Course of Development of the Traditions Bearing on the Lawgiving at Sinai within the Pentateuch, with a Special Emphasis on the Emergence of the Literary Complex in Exodus xix–xxiv* (Jerusalem: Magnes, 1977), 144–56. Against these claims, the compilation of Exod 25–40 follows the same pattern observable throughout the Torah: the sources are maximally preserved and arranged chronologically and with minimal intervention. The combination of Sabbath law and tabernacle construction is fully part of P and appears in the compiled Torah in the same order that it appeared in P (and then P+H). Any chiasm that might be identifiable in the compiled Exod 25–40 is coincidental and must be traced to the underlying sources.

¹¹ Knohl, *Sanctuary of Silence*, 101–103.

¹² Milgrom, *Leviticus 17–22*, 1339; idem, "H_R in Leviticus," 29. Milgrom mistakenly attributes the hypothesized chiasm in Exod 25–40 to Simeon Chavel (Simeon Chavel, "Numbers 15, 32–36—A Microcosm of the Living Priesthood and Its Literary Production," Joel S. Baden and Sarah Shectman [eds.], *The Strata of the Priestly Writings. Contemporary Debate and Future Directions*, 45–55 [50 n. 21]).

¹³ Ruwe, *Heiligkeitgesetz*, 121–27.

¹⁴ Nihan, *From Priestly Torah*, 568. Nihan also emphasizes the correspondence between the notions of ברית in Exod 31:12–17 and Lev 26:42–45. On ברית in Lev 26, see Stackert, "Distinguishing Innerbiblical Exegesis," 374–84.

¹⁵ Klaus Grünwaldt, *Exil und Identität. Beschneidung, Passa und Sabbat in*

sion in source attribution is possible for these units or, as I will argue, at least parts of them. That is, the language and theology in Exod 31:12–17 and 35:1–3 that corresponds with language and theology elsewhere in the Torah is found predominantly in Lev 17–26 and is thus most easily attributable to H.¹⁶ Yet, strictly speaking, even if such a predominance of H language were not present in a composite text, H could still be its composer, for H is itself a “learned text,” borrowing and recrafting material from the Decalogue, the Covenant Code, P, and D.¹⁷ This is a major reason that it is at times difficult to differentiate H from a pentateuchal redactor: each had before him and utilized much of the same material.¹⁸

On a broader level, some scholars also argue for the secondary status of Exod 31:12–17 on the basis of their view that all of Exod 30–31 are additions to P.¹⁹ The focus of such arguments is especially the golden incense altar unit in Exod 30:1–10, which is positioned variously in Qumran Exodus manuscripts, LXX, and MT. Moreover, in its position in MT, this altar building instruction appears to be out of place vis-à-vis the other sanctuary furniture

der Priesterschrift (BBB, 85; Frankfurt am Main: Anton Hain, 1992), 173–77; Walter Gross, “Rezeption’ in Ex 31,12–17 und Lev 26,39–45: Sprachliche Form und theologisch-konzeptionelle Leistung,” R. G. Kratz and T. Krüger (eds.), *Rezeption und Auslegung im Alten Testament und in seinem Umfeld. Ein Symposium aus Anlass des 60. Geburtstags von Odil Hannes Steck* (OBO, 153; Freiburg (Schweiz): Universitäts-Verlag/Göttingen: Vandenhoeck & Ruprecht, 1997), 45–64 (esp. 48–52); Susanne Owczarek, *Die Vorstellung vom “Wohnen Gottes inmitten seines Volkes” in der Priesterschrift. Zur Heiligtumstheologie der priesterschriftlichen Grundschrift* (Frankfurt am Main: Peter Lang, 1998), 40–42.

¹⁶ Nihan, *From Priestly Torah*, 567. Arguably the most significant correspondence with non-H pentateuchal material in Exod 31:12–17 is between v 15a and Exod 20:9–10a//Deut 5:13–14a. Yet even this parallel is inexact, and it can be explained as a common reflection upon an historical, seventh-day work cessation practice. In light of the scarcity of evidence for direct, literary interaction with the non-Priestly Torah sources elsewhere in P, this instance should not be championed as a clear case of borrowing.

¹⁷ See, e.g., Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium. Eine vergleichende Studie* (AnBib, 66; Rome: Biblical Institute, 1976); Eckart Otto, “Innerbiblische Exegese im Heiligkeitsgesetz Levitikus 17–26,” H.-J. Fabry and H.-W. Jüngling (eds.), *Leviticus als Buch* (BBB, 119; Berlin: Philo, 1999), 125–96; Stackert, *Renwriting the Torah*.

¹⁸ See Stackert, “The Holiness Legislation and its Pentateuchal Sources.”

¹⁹ Early endorsements of this view include Julius Wellhausen, *Composition des Hexateuchs*, 137–41; Abraham Kuenen, *An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch (Pentateuch and Book of Joshua)* (trans. Philip H. Wicksteed; London: Macmillan, 1886), 72–73, and many scholars have affirmed this view subsequently.

building instructions in Exod 25–26.²⁰ Though he and others also offer additional arguments for the supplementary nature of Exod 30–31, Nihan concludes, “If the incense altar is a late addition, all of ch. 30–31 should be viewed as secondary.”²¹ The close connection between Exod 31:12–17 and 35:1–3 then suggests that the latter text also be ruled secondary, a conclusion seemingly confirmed by the textual complexity in chs. 35–40 that is similar to that observable in the sanctuary building instructions and that leads some scholars to attribute some or even all of Exod 35–40 to a secondary stratum.²² Though a full engagement with Exod 30–31 goes beyond the parameters of this study, I hope to show in my analysis of Exod 31:12–17 below that it is worth reevaluating the claim that all of Exod 30–31 are late additions to P.

The literary arguments for Exod 31:12–17 and 35:1–3 as redactional compositions (whether attributed to H or not) also provide for the scholars who make them a historical context (normally exilic or Persian) for situating these texts. They likewise prompt the question of how P viewed the Sabbath, including whether Gen 1:1–2:4a should be attributed to P or to a later stratum.²³ Among those who attribute the Sabbath units in Exod 31 and 35 to H, Milgrom claims that, because the redactionally-constructed chiasm in Exod 25–40 highlights the Sabbath, its formulation should be linked to the Templeless Babylonian exile and the historical importance of the Sabbath in that period.²⁴ The combination of this historical reconstruction and the H style observable in Exod 31:12–17 and 35:1–3 dissuades Milgrom from pursuing a P layer in these texts. When he still viewed the Sabbath unit in Gen 2 as P, Milgrom could avoid the claim that his view of the Sabbath in

²⁰ For a concise summary of these issues with extensive bibliography, see Nihan, *From Priestly Torah*, 31–33.

²¹ Nihan, *From Priestly Torah*, 33.

²² See, e.g., Martin Noth, *Exodus. A Commentary* (trans. J. S. Bowden; Philadelphia: Westminster, 1962), 274–75; Eckart Otto, “Forschungen zum Priesterschrift,” *TRu* 62 (1997), 1–50 (esp. 23–36); Nihan, *From Priestly Torah*, 32.

²³ As I will argue below, the compositional ascription of Gen 1:1–2:4a is a significant issue for understanding P’s narrative arc and for the stratification of Exod 31:12–17.

²⁴ Milgrom, *Leviticus 17–22*, 1339; idem, “H_R in Leviticus,” 29. This historical contextualization of H’s special concern for the Sabbath creates a problem for Milgrom, especially as he gradually gives more and more Priestly material in the Torah to H. Because Milgrom views the overwhelming majority of H as an 8th century composition, including some instances of Sabbath emphasis (e.g., the sabbatical year in Lev 25; cf. *Leviticus 17–22*, 1369; but note that Milgrom claims on p. 1406 that the H_R—and thus exilic—Sabbath command in Lev 23:3 “is clearly the basis for the sabbatical year”), his insistence that the Templeless, exilic period explains the increased focus on Sabbath in H_R creates a question regarding H’s concern for Sabbath in the 8th century.

Gen 2 made it a blind motif in P (an issue to which I shall return below) by characterizing the Sabbath in the Decalogue in Exod 20 as Priestly.²⁵ Yet he would later revise this view, giving both Gen 1:1–2:4a and the Sabbath command in Exod 20:8–11 to H_R.²⁶ Nevertheless, Milgrom retains the Sabbath in P in his later analysis by giving a layer of Exod 16 to P.²⁷

For his part, Knohl is less concerned with the historical contextualization of the Sabbath in H, but he does give attention to the status of the Sabbath in P in light of H's special concern for it and, in so doing, introduces specific, historical arguments. He attributes Gen 1:1–2:4a to P and argues that, had P intended a Sabbath work prohibition, it would be stated in Gen 2. He infers that the absence of such a work prohibition in Gen 2 is, in fact, an intentional omission and offers Num 28–29 as corroborating evidence. In Num 28–29, P enumerates the statutory offerings for the Sabbath and festival days.²⁸ Yet unlike the festival offerings, which are accom-

²⁵ Milgrom, *Leviticus 1–16*, 19, 21. Following a host before him, Olyan has recently assigned the Sabbath command in Exod 20 to P (“Exodus 31:12–17,” 203 n. 8; 205 n. 15).

²⁶ Milgrom, “H_R in Leviticus,” 33–38, following Yairah Amit, “Creation and the Calendar of Holiness,” Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay (eds.), *Tehillah le-Moshe. Biblical and Judaic Studies in Honor of Moshe Greenberg* (Winona Lake, Ind.: Eisenbrauns, 1997), 13*–29* (esp. 22*–26*) (in Hebrew); Edwin Firmage, “Genesis 1 and the Priestly Agenda,” *JSOT* 82 (1999), 94–114. The suggestion that the Priestly creation story is H and not P creates significant problems for understanding P as a whole and provides a push down the slippery slope toward reassigning all of the P narrative to H. Erhard Blum and Andreas Ruwe in particular have been sensitive to this problem and have argued partially on the basis of their mutually informing character against a differentiation between P and H. See Erhard Blum, “Issues and Problems in the Contemporary Debate Regarding the Priestly Writings,” Joel S. Baden and Sarah Shectman (eds.), *The Strata of the Priestly Writings. Contemporary Debate and Future Directions*, 31–44 (33–39); Andreas Ruwe, *Heiligkeitsgesetz und Priesterschrift. Literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1–26,2* (FAT, 26; Tübingen: Mohr Siebeck, 1999), 30–31.

As for Exod 20, Schwartz has argued convincingly that the pentateuchal redactor (who is not H) inserted the rationale for the Sabbath in Exod 20:11 (“The Sabbath in the Torah Sources” [paper presented at the annual meeting of the SBL, San Diego, Cal., November 19, 2007; available online at <http://www.biblicallaw.net/2007/schwartz.pdf>], 1–14 [8]). I will return to this issue below.

²⁷ Milgrom, “H_R in Leviticus,” 38–39. Milgrom does not delineate the strata in Exod 16. Knohl argues that the Priestly material in Exod 16 belongs to H (*Sanctuary of Silence*, 17–18, 62). For recent treatments of the sources in Exod 16 and the relation of the Sabbath there to Exod 31:12–17, see Schwartz, “Sabbath in the Torah Sources,” 3–7; Joel S. Baden, “The Original Place of the Priestly Manna Story in Exodus 16,” *ZAW* 122 (2010), 491–504 (esp. 498–99).

²⁸ Note that some scholars question the attribution of the Sabbath in

panied by explicit work prohibitions (Num 28:18, 25, 26; 29:1, 7, 12, 35), no work prohibition attends the Sabbath offerings there (Num 28:9–10).²⁹ Knohl concludes from this that P demanded no Sabbath work cessation and that H “sought to restore the honor of the Sabbath,” which P had “neglected.”³⁰

These recent analyses of Exod 31:12–17 and 35:1–3 as unified, post-P texts diverge from earlier identifications of strata in these units.³¹ They have also been met by new challenges from a few scholars who have renewed the argument for a P stratum within them. For example, Saul Olyan argues, largely on the basis of style, for the presence of both P and H material in Exod 31:12–17. Like others before him,³² Olyan divides the unit between vv. 12–15 and vv. 16–17. Olyan assigns the former to H and the latter to P.³³ Baruch J. Schwartz has also recently argued that Exod 31:12–17—or at least a stratum within it—must be assigned to P.³⁴ The problem in adjudicating the various, alternative analyses of the Sabbath pericopae in Exod 31 and 35 is a basic one for redaction criticism: what criteria are determinative for identifying compositional strata in a text?

Num 28–29 (and even the entirety of these chapters) to P^(g). For recent arguments, see esp. Achenbach, *Vollendung der Tora*, 602–11; Jan Wagenaar, *Origin and Transformation of the Ancient Israelite Festival Calendar* (BZABR, 6; Wiesbaden: Harrassowitz, 2005), 146–55; Nihan, “Israel’s Festival Calendars,” 195–212.

²⁹ Knohl, *Sanctuary of Silence*, 18.

³⁰ Knohl, *Sanctuary of Silence*, 196. Knohl thus presumes a preexistent Sabbath that was characterized by a work stoppage. He points specifically to Amos 8:5–6 for evidence of this view of Sabbath in the eighth century. According to Knohl, H “originates in a generation” that corresponds with the situation described in Amos 8:5–6.

³¹ For different proposals, see Gnana Robinson, *The Origin and Development of the Old Testament Sabbath. A Comprehensive Exegetical Approach* (BET, 21; Frankfurt am Main: Peter Lang, 1988), 231–36; Grünwaldt, *Exil und Identität*, 171; Saul M. Olyan, “Exodus 31:12–17: The Sabbath According to H, or the Sabbath According to P and H?,” *JBL* 124 (2005), 201–209 (at 203 n. 9). My own stratification is in some ways closest to that of Gerhard von Rad, who assigns vv 12, 13b–14 to a first layer of P (P^a) and vv 13a, 15–17 to a second P layer (P^b) (*Die Priesterschrift im Hexateuch. Literarisch Untersucht und Theologisch Gewertet* [BWAT; Stuttgart/Berlin: W. Kohlhammer, 1934], 62–63). However, as argued here, I reverse the sequence of the strata that von Rad identifies, offer further analysis of vv 13 and 15, and assign the strata to P and H.

³² See, e.g., S. van den Eynde, “Keeping God’s Sabbath: אָוֹת and בְּרִית (Exod 31, 12–17),” Marc Vervenne (ed.), *Studies in the Book of Exodus. Redaction-Reception-Interpretation* (BETL, 126; Leuven: Peeters, 1996), 501–11 (503).

³³ Olyan, “Exodus 31:12–17.”

³⁴ Schwartz, “The Sabbath in the Torah Sources,” 13.

THE STRATA OF THE PRIESTLY SOURCE IN EXODUS 31:12–17 AND 35:1–3: A NEW PROPOSAL

In the following pages, I would like to propose a new redactional analysis of Exod 31:12–17 and 35:1–3. In so doing, I hope to show the importance of reading P as a narrative source, with its law and historical narrative as integral components of a single composition, for understanding the literary stratification of Exod 31:12–17, 35:1–3, and other Priestly texts. To differing degrees and with differing specifics, attempts to assign these units in their entirety to H or to a different, post-P supplementary stratum each fall short on this account. Olyan's recent reconsideration of Exod 31:12–17, though it takes a positive step away from attempts to read this pericope as a unity, also insufficiently attends to the nature of P as a narrative source and is thus ultimately unconvincing.

Before turning to a compositional analysis of Exod 31:12–17 and 35:1–3, I will briefly describe the character of P as a narrative history and its usefulness as a criterion for literary stratification. The narrative genre of P (or, for some scholars, parts thereof) has been recognized from the early decades of modern, critical biblical scholarship. In my view, the entirety of P should be characterized as what Shlomit Rimmon-Kenan calls “narrative fiction.” It is a “narration of a succession of fictional events”³⁵ with a discernible plot.³⁶ Moreover, in purporting to tell a story of past events, P qualifies as historical narrative and is akin to other examples of biblical historical writing.³⁷ This is not to deny the inclusion of sub-genres within P's historical narrative, but these sub-genres are all encompassed within, informed by, and function as part of its larger narrative. Especially pertinent to this study is the extension of P's narrative character to its laws, which are presented within it as extended divine speeches, regularly introduced by the anonymous narrator as direct quotations (most commonly, “YHWH spoke to Moses, saying...” וידבר יהוה אל משה לאמר). Moreover, P contains interdependent, internal cross-references between its legal and non-legal material that cannot be disentangled neatly, as some scholars have attempted to do.³⁸ Attempting such a bifurcation creates what

³⁵ Shlomit Rimmon-Kenan, *Narrative Fiction. Contemporary Poetics* (London and New York: Routledge, 1983), 2.

³⁶ For recent discussion of P's overall plot, see, e.g., Nihan, *From Priestly Torah*, 20–68.

³⁷ Marc Z. Brettler, *The Creation of History in Ancient Israel* (London and New York: Routledge, 1995), 12.

³⁸ For arguments in favor of separating P's narrative from its laws, see already Karl Heinrich Graf, *Die geschichtlichen Bücher des Alten Testaments. Zwei historisch-kritische Untersuchungen* (Leipzig: T. O. Weigel, 1866), esp. 94–95. Graf's arguments in many ways set a course for subsequent scholarship that distinguishes between P^g and P^s, which frequently (though not entirely) separates narrative and law. Among studies that focus especially

scholars term blind motifs: elements that, after being introduced, are left undeveloped in the ensuing text. As a rule, P in particular among the Torah sources avoids such narrative dead ends.³⁹

Even H employs narrativizing elements in its supplements to P, notably in its introductions to its divine legal speeches, which are similar to P's, as well as in its internal references to the wilderness setting of its lawgiving (e.g., Lev 25:1; 26:46). Yet, as I will show in the case of Exod 31:12–17, H at times also violates P's narrative integrity—in particular, its plot—even as it attempts to accommodate and mimic it.

In dividing strata, I will follow the longstanding practice of literary-critical analysis of pentateuchal texts by beginning with an assumption of the literary unity of the text and only pursuing the delineation of separate sources or strata when the received text is marked by discrepancies that create significant and intolerable incoherence.⁴⁰ If material claimed by other scholars to derive from separate sources or strata can be coherently read together as part of a single composition, there is no reason to posit redaction in those cases. Such instances are examples of what John Barton terms the “disappearing redactor”: an argument for redaction is only necessitated by observable evidence.⁴¹

I will also intentionally assign stylistic evidence—in particular, characteristic terminology—to a secondary, corroborative evidentiary position rather than affording it a primary place in distinguishing strata. My assumption is that the authors of each of the Torah sources were entirely fluent in (what we now term) biblical Hebrew and could draw from and employ the full Hebrew lexicon as well as the various conventions of the language. Though there are indeed distinctive, stylistic characteristics to be observed in biblical texts—and especially in pentateuchal Priestly texts—these stylistic features cannot supersede the historical claims of the narrative in the hierarchy of evidence relevant to the analysis of sources and strata.⁴²

on the Sabbath, Grünwaldt, *Exil und Identität*, exemplifies this approach well.

³⁹ By contrast, blind motifs are a more common part of J's presentation. For a discussion of J's attempt to overcome them, see Ronald Hendel, “Leitwort Style and Literary Structure in the J Primeval Narrative,” Shawna Dolansky (ed.), *Sacred History, Sacred Literature. Essays on Ancient Israel, the Bible, and Religion in Honor of R. E. Friedman on His Sixtieth Birthday* (Winona Lake, Ind.: Eisenbrauns, 2008), 93–109. For an underappreciated example of P's productive integration of its various historical claims, see Jeffrey Stackert, “Why Does the Plague of Darkness Last for Three Days?: Source Ascription and Literary Motif in Exodus 10:21–23, 27,” *VIT* (forthcoming).

⁴⁰ See, *inter alia*, John Barton, *Reading the Old Testament. Method in Biblical Study* (rev. and enl.; Louisville: Westminster/John Knox, 1996), 21–24.

⁴¹ Barton, *Reading the Old Testament*, 45–57 (esp. 56–57).

⁴² For further discussion of source-critical method, see Joel S. Baden,

With regard to Exod 31:12–17 and 35:1–3, taking seriously the nature of P as a narrative history means that references to the Sabbath elsewhere in the Priestly source must be taken into account. In the case of Exod 31 and 35, Gen 2:1–3 is of primary importance, as noted already. Exod 31:17 cites Gen 2:2–3 as the origin of and rationale for the Sabbath. By itself, this citation does not recommend assigning this verse or the larger unit to P or to a post-P compositional stratum, for both P and a later author with access to P could offer this cross reference. But if the reference to the Sabbath in Gen 2 (or all of Gen 1:1–2:4a) is assigned to H (or a different a post-P stratum), the reference to creation in Exod 31:17 cannot belong to P.

As noted already, a few scholars have recently argued for the ascription of Gen 1:1–2:4a (or the Sabbath unit alone) to H. Yet these claims cannot be sustained. The style and theology that are the basis of the arguments offered in favor of assigning this unit to H are not unambiguously characteristic of H.⁴³ Yet even more importantly, the Sabbath unit in Gen 2:1–3, which is inseparable from the rest of the creation narrative in Gen 1:1–2:4a, provides groundwork for P elsewhere in the Torah and is thus integrally tied to the larger P narrative.⁴⁴ Even in the context of his assignment of Gen 1:1–2:4a to H, Milgrom sees in part the problem that he creates through this attribution. He notes the strong continuity be-

The Composition of the Pentateuch. Renewing the Documentary Hypothesis (ABRL; New Haven/London: Yale University Press, 2011), forthcoming.

⁴³ Amit (“Creation and the Calendar,” 25*) and Firmage (“Genesis 1,” 109–12) argue for an H ascription on the basis of terminology (שבֹּת, D stem of קִדַּשׁ) and theology, including the alleged acceptance of divine anthropomorphism by H and rejection by P. Milgrom initially accepts these arguments and attempts to build upon them (*Leviticus 17–22*, 1344). However, following Knohl’s analysis, Milgrom later cautions against dividing between P and H on the basis of divine anthropomorphism (“H_R in Leviticus,” 33 n. 35). In line with my argument above, I would add that the claim that only H can use the D stem of קִדַּשׁ is unsustainable because both P and H not only knew this root but were fully capable of creating a denominative verb from the noun קִדַּשׁ.

⁴⁴ Blum also recognizes the problem of the Sabbath in Gen 2:2–3 as a blind motif in P without an accompanying Sabbath command, but he problematically finds P’s command in Exod 20:8–11 (“Issues and Problems,” 42 n. 42).

The argument that the Sabbath in Gen 2 replaces the element of Temple building in the stereotypical ancient Near Eastern creation myth (e.g., Howard N. Wallace, “Genesis 2:1–3—Creation and Sabbath,” *Pacificca* 1 [1988]: 235–50) does not alleviate the problem of Sabbath as a blind motif in P. In fact, if this argument, which is accompanied by a posited exilic, Templeless socio-historical setting, is granted, P is arguably in greater need of a Sabbath rule, for in such a case, the Sabbath takes on an even greater role in P (and in the life of the exilic community) and thus should receive even more intense treatment, including legislative attention.

tween Gen 1:27 and 9:6 with regard to the image of God.⁴⁵ Yet he fails to recognize that assigning Gen 1:27 to H but Gen 9:6, which cites the creation of humanity in the divine image, to the historically anterior P leaves the rationale in Gen 9:6 without any force *at the level of the narrative*. The divine image is actually only one of several connections between the creation and flood texts in P that strongly recommends that these texts be assigned to the same Priestly stratum.⁴⁶ Similar, close parallels between P's creation account and its sanctuary building instructions and their fulfillment in Exod 25–29 (31) and 35–40 (especially chs. 39–40) confirm the inseparability of Gen 1:1–2:4a from P.⁴⁷ It is thus more plausible to follow the argument that P sees the origin of the Sabbath in the creation of the world but its enjoinder upon Israel only once they reach Sinai.⁴⁸ In this case, P is in need of a Sabbath command, and Exod 31:12–17 should be considered an option for providing it, especially when both Exod 16 and 20 can be effectively ruled out.⁴⁹

⁴⁵ Milgrom, “H_R in Leviticus,” 33 n. 35.

⁴⁶ For example, P's creation story explains the rationale for the Flood in P (failure to adhere to the divine instruction to eat only vegetation [Gen 1:29–30]) as well as the recurring command in P to “be fruitful and multiply” (e.g., Gen 1:22, 28; 8:17; 9:1, 7; cf. also Gen 17:2, 6, 20; 35:11; 47:27). Without Gen 1:1–2:4a, these features are insufficiently explained in P. For a recent attempt at delineating traditions and strata within the Priestly creation account, see Jürg Hutzli, “Tradition and Interpretation in Gen 1:1–2:4a,” *JHS* 10 (2010), article 12.

⁴⁷ Scholars have focused especially on these connections between the P creation account and the Sinai tabernacle. See, *inter alia*, Moshe Weinfeld, “Sabbath, Temple and the Enthronement of the Lord – The Problem of the Sitz im Leben of Genesis 1:1–2:3,” A Caquot and M. Delcor (eds.), *Mélanges bibliques et orientaux en l'honneur de M. Henri Cazelles* (AOAT, 212; Kevelaer: Butzon & Bercker/Neukirchen-Vluyn: Neukirchener Verlag, 1981), 501–12; Peter Weimar, “Sinai und Schöpfung: Komposition und Theologie der priesterschriftlichen Sinaigeschichte,” *RB* 95 (1988), 337–85; Nihan, *From Priestly Torah*, 54–58.

⁴⁸ Schwartz, “Sabbath in the Torah Sources,” 12.

⁴⁹ See Schwartz, “Sabbath in the Torah Sources,” 3–8; Baden, “Exodus 16,” 499–502. Schwartz argues that the Sabbath in Exod 16 belongs entirely to J. Yet even if part of the Sabbath material in Exod 16 does belong to P, Baden shows that a P portion of the chapter that includes discussion of the Sabbath must assume a prior Sabbath law and cannot by itself introduce the Sabbath in P. This problem is alleviated, however, when it is recognized that the P text has been relocated by the compiler from a point in the narrative after the Israelites' departure from Horeb (Num 10:28) and sentence of forty years of wilderness wandering (Num 14:28–35).

With regard to the Exodus Decalogue, Schwartz shows convincingly that the compiler is responsible for the Sabbath rationale in Exod 20:11. This rationale cannot belong to P because it contradicts P's basic notion of Sabbath cessation (rather than rest). Moreover, it does not adjoin the preceding and succeeding P material. In this verse, as with שבת in Exod

Such narrative factors are the starting point for isolating a P stratum in Exod 31:12–17. Moreover, based on both the evidence for P's literary integrity prior to H's supplementation of it and the method of H's revision and supplementation of P observable elsewhere in the Torah,⁵⁰ the P stratum in Exod 31:12–17 should be fully recoverable and coherent apart from H. Within this unit, there are multiple commands concerning the Sabbath. Yet only one—v. 15a—offers a basic definition of the Sabbath itself:

ששת ימים יעשה מלאכה וביום השביעי שבת שבתון קדש ליהוה

On six days work may be done, but on the seventh day there shall be a complete cessation, holy to the LORD.

The formulation of this law accords well with the historical myth of the Priestly narrative. Though P sees the origin of the Sabbath in the creation of the world itself, the Israelites must learn of it through divine revelation.⁵¹ The basic law in Exod 31:15a provides

31:17, the compiler draws upon Exod 23:12 in his additions. The preceding Decalogue verses, Exod 20:8–10, are, in my view, inseparable from the rest of the Decalogue, which is an integral part of the Elohist source (see, e.g., Menahem Haran, *The Biblical Collection. Its Consolidation to the End of the Second Temple Times and Changes of Form to the End of the Middle Ages* [Jerusalem: Magnes, 2004], 2: 157–64 [in Hebrew]; Baden, J. E., and the *Redaction of the Pentateuch*, 153–61; Baruch J. Schwartz, “What Really Happened at Mount Sinai?” *Bible Review* 13.3 [1997], 20–30, 46). Though disagreeing on its particular shape, even scholars who discount the existence of an E source consider the Decalogue an integral part of a “mountain-of-God narrative” (to use Erhard Blum's terminology) that is not Priestly (see, most recently, Erhard Blum, “The Decalogue and the Composition History of the Pentateuch,” Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz [eds.], *The Pentateuch: International Perspectives on Current Research* [FAT, 78; Tübingen: Mohr Siebeck, 2011], 289–301 [esp. 295–96, 298], as well as the literature cited there). Note, however, that Blum views the Sabbath command as secondary and “reworked in a priestly mode” (298).

⁵⁰ On the nature of P as an independent and coherent literary source, see, *inter alia*, Klaus Koch, “P—Kein Redaktor!: Erinnerung an zwei Eckdaten der Quellenscheidung,” *VT* 37 (1987), 446–67; Baruch J. Schwartz, “The Priestly Account of the Theophany and the Lawgiving at Sinai,” Michael V. Fox et al. (eds.), *Texts, Temples, and Traditions. A Tribute to Menahem Haran* (Winona Lake, Ind.: Eisenbrauns, 1996), 103–34. On the nature of H's revision and supplementation of P, see Stackert, “Holiness Legislation and its Pentateuchal Sources.”

⁵¹ In this respect, P's view of the Sabbath is similar to its view of sacrifice, which is only instituted at Sinai. For a recent discussion of this issue, see William K. Gilders, “Sacrifice before Sinai and the Priestly Narratives,” Sarah Shectman and Joel S. Baden (eds.), *The Strata of the Priestly Writings. Contemporary Debate and Future Directions* (AThANT, 95; Zürich: Theologischer Verlag Zürich, 2009), 57–72.

precisely this inaugural revelation of the Sabbath to the Israelites.⁵² In their position prior to the introduction of the notion of Sabbath in v. 15a, the references to “my Sabbaths” and “the Sabbath” in vv. 13 and 14 presume prior knowledge of the Sabbath and thereby short-circuit P’s claim of Israelite ignorance of the Sabbath. These references thus betray themselves as secondary, as I will discuss further below.⁵³ As part of the larger P narrative, YHWH’s speech is also naturally preceded by a narrative introduction. Thus, the narrative framing of the unit in vv. 12–13a α should also belong to P. At a minimum, there is little reason to claim that it is secondary.

These observations are fruitfully combined with and corroborated by a consideration of stylistic issues in the unit. The shift in Exod 31:12–17 between second person and third person address of the Israelites has long been noted.⁵⁴ The basic law in v. 15, which I have just assigned to P, employs third person address (“anyone who does work on the Sabbath shall be put to death”). Verses 16–17 similarly address the Israelites in the third person (“The Israelites shall ever observe”; “between the Israelites and me”). As Olyan in particular has emphasized, vv. 16–17 are also devoid of characteristic H style.⁵⁵ In fact, distinctive H terminology and theology is limited almost entirely to vv. 13a β –14a (for the reference to שבתון in v. 15, see below). The second person plural address of Israel in vv. 13a β –14a is also characteristic of H. The narrative issues already highlighted and the alternation in the grammatical person of the divine address to Israel thus combine in this case to provide a reliable basis for identifying strata in the text.⁵⁶

⁵² *Pace* Olyan, who claims that the passive construction of Exod 31:15 is limited to H (“Exodus 31:12–17,” 205 n. 14). As noted already, such stylistic criteria by themselves are not reliable for identifying strata in the Priestly source. Both P and H were fully competent to formulate sentences in the passive voice. Examples of passive legal constructions in P include Lev 2:7, 8, 11; 6:9, 10, 14, 16, 19, 21, 23; 7:6, 15, 16, 18, etc.

⁵³ Note in my translation below that I render the references to the Sabbath in vv 13–14 (H) as proper nouns (viz., “my Sabbaths” and “the Sabbath”) but the references to the Sabbath in vv 15–16 (P) as “cessation.”

⁵⁴ See, e.g., von Rad, *Priesterschrift*, 62; Grünwaldt, *Exil und Identität*, 170.

⁵⁵ Olyan, “Exodus 31:12–17,” 206. Though Olyan correctly notes that vv 16–17 are devoid of H characteristics, he views them as a “P unit of tradition” and not as part of a continuous narrative source. This is a necessary conclusion in his analysis, for vv 16–17 by themselves do connect to anything that precede or follow them in P. In part out of a recognition of this problem, Olyan suggests that the P material in vv 16–17 may supplement H here. He also suggests that this later P tradent who supplemented H may be responsible for the final redaction of the Torah (206–8). Each of these suggestions reflects a neglect of the basic literary character of P as a continuous narrative with an internally coherent plot.

⁵⁶ Shifts in grammatical person, like shifts in grammatical number

Based on these initial observations, we may outline most of our stratification. The narrational framing for the divine speech to Moses is found in vv. 12–13a α . These verses should therefore be assigned to P. Verses 15a and 16–17 accord with P's larger historical myth, address the Israelites in the third person and, with the exception of the word שבתון in v. 15a, are devoid of H style.⁵⁷ We may thus assign vv. 12–13a α , the basic law in v. 15a, and vv. 16–17 to P. Verses 13a β –14a are characterized by both H style and second person plural address of the Israelites. Moreover, as noted above, they are interruptive to P's historical claims concerning the Sabbath. Verses 13a β –14a may thus be assigned to H.⁵⁸

At this point, we must address v. 14b and return to v. 15. In light of the assignment of vv. 13a β –14a to H, v. 14b must also belong to H, for the punishment for transgressing the law cannot reasonably precede the law itself (v. 15a) in the P stratum. Verse 14b poses no such problem as part of the H stratum already identified. This half verse could also theoretically be a later addition, although this is an unnecessary conclusion. H's style is prolix and combines the *kāret* penalty and the *môt yūmat* formula elsewhere (Lev 20:2–3).⁵⁹ With regard to v. 15, the fulfillment notice in Exod 35:1–3 can help to sort out which parts of this verse should be assigned to P vs. H.

(*Numeruswechsel*) and other stylistic features, are not by themselves reliable markers of compositeness. However, they can be useful in individual cases in delineating separate origins for literary material. For an additional example of the usefulness of shifts in grammatical person, see Stackert, *Rewriting the Torah*, 46–49.

⁵⁷ The use of the divine first person in v 17 accords with Knohl's claim that YHWH only uses the first person in discourse with Moses (*Sanctuary of Silence*, 95 nn. 119 and 120). When Moses delivers the Sabbath law to the Israelites, he does not relay the divine first person to them (Exod 35:1–2).

⁵⁸ The word וינפש in v 17 likely comes from the pentateuchal compiler. In brief, the verb נפ"ש appears only here in biblical Priestly literature and indicates a positive, rest component that is otherwise absent from the Priestly Sabbath. This precise notion of Sabbath refreshment is found in Exod 23:12, a verse the pentateuchal compiler exploits for the verb נ"ח in his interpolation in Exod 20:11. It thus seems likely that the compiler inserted וינפש in Exod 31:17 to further harmonize the different legal portrayals of the Sabbath in the Torah. For a fuller discussion, see Jeffrey Stackert, "The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives," *CBQ* 73 (2011), 239–50 (241–42). For a specific attempt to attribute וינפש in v 17 to H, see Amit, "Creation and the Calendar," 25*. For similar observations on וינפש as part of a larger argument for the redactional origin of all of Exod 31:12–17, see Gross, "'Rezeption' in Ex 31,12–17," 52.

⁵⁹ Knohl, *Sanctuary of Silence*, 16. On the compositional integrity of the combination of *kāret* and the *môt yūmat* formula in Lev 20:2–3, see Schwartz, *Holiness Legislation*, 54–55.

If the base narrative in the Priestly source belongs to P, not only should the narrative framing in Exod 31:12–13a α belong to P; the fulfillment narrative in Exod 35:1–3 should also contain a P stratum. Exod 35:1 is purely narrativial and corresponds closely with the formulation of Exod 31:12–13a α . Exod 35:2 corresponds with Exod 31:15, with a few small but important differences:

Exod 31:15

ששת ימים יעשה מלאכה וביום השביעי שבת שבתון קדש
ליהוה כל העשה מלאכה ביום השבת מות יומת

On six days work may be done, but on the seventh day is a complete cessation, holy to the LORD. Anyone who does work on the cessation day shall surely be put to death.

Exod 35:2

ששת ימים תעשה מלאכה וביום השביעי יהיה לכם קדש שבת
שבתון ליהוה כל העשה בו מלאכה יומת

On six days work may be done, but on the seventh day shall be your holy occasion, a complete cessation of the LORD. Anyone who does work on it shall be put to death.

As noted already, the work stoppage requirement in Exod 31:15a should be assigned to P. The attendant capital punishment in v. 15b for those who neglect this rule follows directly from it and thus may be assigned to P as well.

Several scholars have noted that the term שבתון is characteristic of H.⁶⁰ I would suggest that in Exod 31:15a, שבתון and קדש both originate from H, a claim supported by the alternative formulation in Exod 35:2.⁶¹ The latter verse introduces a second person plural address to the Israelites (יהיה לכם קדש). Both because of H's emphasis upon the holiness of the Sabbath generally and because this second person address is grammatically linked to this verse's reference to the Sabbath's holiness, it is likely that it belongs to H.⁶² If this is the case, its corresponding variant in Exod 31:15 should also be assigned to H. H's inconsistent interjection of second per-

⁶⁰ If Baden's source division is to be followed, it is possible that שבתון belongs to P (Baden, "Exodus 16," 494–96). However, it is also possible that Baden's P source in Exod 16 has been supplemented by H.

⁶¹ Note that this claim differs from the arguments of Amit and Firmage discussed above for the attribution of the root ש"קד to H (see n. 42). I do not suggest here that קדש belongs to H because this lexeme (or root) is employed solely by H. Rather, it is the combination of the alternative formulation between Exod 31:15 and 35:2 and the inseparability of the reference to the Sabbath's holiness in 35:2 from the second person plural formulation there that suggest an H attribution.

⁶² Note that it also corresponds closely with Exod 31:14a, which can be assigned to H on independent grounds.

son plural formulation leads to the differing formulations of the same idea in Exod 31:15a and 35:2. For its part, the underlying P text in both Exod 31 and 35 is consistent and coherent.

Three observations remain. First, Exod 35:2 does not employ the cognate infinitive absolute in the construction **מות יומת**, as 31:15b does. In light of H's penchant for this construction, including its appearance in H in Exod 31:14a, it is possible (perhaps even likely) that **מות** in v. 15 also belongs to H.⁶³ Second, Exod 35:3 belongs to H. It is characterized by second person plural address to the Israelites, and, as several scholars have noted, it corresponds closely with the case of the woodgatherer in Num 15:32–36 (H).⁶⁴ It is also possible that the LXX, which concludes verse with the typical H expression $\acute{\epsilon}\gamma\omega\ \kappa\upsilon\ \rho\iota\omicron\varsigma$ (“I am the LORD” = **אני יהוה**), preserves an older reading.⁶⁵ Finally, this division of strata accounts for the doubled reference to the Sabbath as a sign (vv. 13b and 17a) and the duplication of commands and penalties in the unit (vv. 13–16), including the specific verbal parallels between vv. 14 and 15 and vv. 14 and 16.⁶⁶

Thus, my proposed stratifications of Exod 31:12–17 and 35:1–3 are as follows (with P underscored; H unmarked; R double underscored):

12 ויאמר יהוה אל משה לאמר 13 ואתה דבר אל בני ישראל
לאמר אך את שבתתי תשמרו כי אות הוא ביני וביניכם
לדרתיכם לדעת כי אני יהוה מקדשכם

14 ושמרתם את השבת כי קדש הוא לכם מחלליה מות יומת
כי כל העשה בה מלאכה ונכרתה הנפש ההוא מקרב עמיה

15 ששת ימים יעשה מלאכה וביום השביעי שבת שבתון קדש
ליהוה כל העשה מלאכה ביום השבת מות יומת

⁶³ In addition to Exod 31:14–15, **מות יומת** (ו) appears in H in Lev 20:2, 9, 10, 11, 12, 13, 15, 16, 27; 24:16, 17; 27:29; Num 15:35; 35:16, 17, 18, 21, 31.

⁶⁴ See, e.g., Chavel, “Numbers 15, 32–36,” 45–49.

⁶⁵ As noted by several scholars, including Knohl, *Sanctuary of Silence*, 16; Milgrom, “H_R in Leviticus,” 29. It is likewise possible that LXX here reflects a late interpolation, but the assignment of this verse to H stands regardless of the LXX reading.

⁶⁶ Scholars have given extensive attention to these duplications (see the summary in Grünwaldt, *Exil und Identität*, 170–71). Michael V. Fox argues that these duplications are insufficient for identifying strata (“Sign of the Covenant: Circumcision in the Light of the Priestly *’ot* Etiologies,” *RB* 81 [1974], 557–96 [576]). He suggests instead that there is likely older material taken up and integrated by P into its composition here. As I have argued, however, the existence of strata is more likely and is supported by more evidence than duplication.

16 ושמרו בני ישראל את השבת לעשות את השבת לדרתם
ברית עולם 17 ביני ובין בני ישראל אות הוא לעולם כי ששת
ימים עשה יהוה את השמים ואת הארץ וביום השביעי שבת
וינפש

1 ויקהל משה את כל עדת בני ישראל ויאמר אלהם אלה
הדברים אשר צוה יהוה לעשות אתם

2 ששת ימים תעשה מלאכה וביום השביעי יהיה לכם קדש
שבת שבתון ליהוה כל העשה בו מלאכה יומת

3 לא תבערו אש בכל משבתיכם ביום השבת

¹² The LORD said to Moses, ¹³ “As for you, speak to the Israelites, ‘Surely my Sabbaths you shall observe, for it is a sign between you and me in perpetuity that you may know that I, the LORD, sanctify you. ¹⁴ You shall keep the Sabbath, for it is holy to you. The one who defiles it shall surely be put to death. Indeed, anyone who does work on it—that person shall be cut off from the midst of his people. ¹⁵ On six days work may be done, but on the seventh day is a complete cessation, holy to the LORD. Anyone who does work on the cessation day shall surely be put to death. ¹⁶ The Israelites shall ever keep the cessation, carrying out the cessation, as a perpetual requirement. ¹⁷ It is a perpetual sign between the Israelites and me, for in six days the LORD made the heavens and the earth, but on the seventh day he ceased and refreshed himself.”

¹ Moses assembled all the congregation of the Israelites, and he said to them, “These are the words that the LORD commanded be done: ² On six days work may be done, but on the seventh day shall be your holy occasion, a complete cessation of the LORD. Anyone who does work on it shall be put to death.

³ Do not kindle a fire in any of your habitations on the cessation day.”

THE SABBATH IN H

Because it is supplementary, the H stratum in Exod 31:12–17 and 35:1–3 requires explanation. In each of these texts, as elsewhere in H, H supports P’s basic view of the Sabbath. Its supplements in Exod 31:12–17 and 35:1–3 accentuate further the sanctity of the Sabbath, both through explicit reference to its holiness and by prohibition of its desecration.⁶⁷ The formulation of Exod 35:2 also corresponds closely with Lev 23:3, where the Sabbath is uniquely

⁶⁷ Nihan argues that H is specifically concerned to include the Sabbath among the sancta not to be defiled (v 14) (*From Priestly Torah*, 568).

designated by (a late stratum of) H as a **מקרא קדש**, “a sacred occasion,” which seems to be the meaning (albeit in abbreviated form) of **קדש** in Exod 35:2.⁶⁸ H also emphasizes the Sabbath’s role in the sanctification of the Israelite laity, a theological concern that distinguishes H from P.⁶⁹ This latter focus, which defines the Sabbath as a “sign” (**אֹת**) in v. 13, stresses the point made especially in Lev 19:3 and 30 that Sabbath observance is directly related to Israelite lay holiness.

CONCLUDING REMARKS

In conclusion, I hope to have shown that an appreciation for the nature of the Priestly source as a narrative history has significant implications for the stratification of the Sabbath law in Exod 31:12–17 and Moses’s recitation of it in Exod 35:1–3. Attention to the basic narrative genre of P and the historical claims of its plot provides a reliable solution to the impasse created by an overreliance upon stylistic features in distinguishing Priestly strata. H’s supplements to P in these texts, as elsewhere, accentuate H’s special interests, but they also affirm and build upon the basic historical myth and theological framework of P.

This analysis by implication also calls into question various theories about the growth of the Priestly source, including the distinction between P^g and P^s. It points to the possibility of a Priestly source that runs through the entire Torah and that is comprised of a primary, narrative stratum, P, that was subsequently supplemented by H.⁷⁰ By itself, this study hardly sustains such a far reaching claim, but I hope that it provides useful data for future discussions of such issues.

⁶⁸ For discussions of the status of Lev 23:3 as belonging to a late stratum of H, see, e.g., Knohl, *Sanctuary of Silence*, 14–15; Nihan, “Israel’s Festival Calendars,” 202.

⁶⁹ Knohl, *Sanctuary of Silence*, 189–92. On notions of holiness in P and H, see also Baruch J. Schwartz, “Holiness in the Torah Traditions,” 52–59; David P. Wright, “Holiness in Leviticus and Beyond: Differing Perspectives,” *Int* 53 (1999), 351–64; Stackert, “Sabbath of the Land,” 245–50.

⁷⁰ Note that this view does not rule out the possibility of earlier, pre-P traditions or even texts being employed in the composition of the P source. Nor does it rule out H’s use of pre-existing materials.