

The Journal of Hebrew Scriptures

ISSN 1203-1542

<http://www.jhsonline.org> and

<http://purl.org/jhs>



Articles in JHS are being indexed in the ATLA Religion Database, [RAMBI](#), and [BiBIL](#). Their abstracts appear in Religious and Theological Abstracts. The journal is archived by *Library and Archives Canada* and is accessible for consultation and research at the Electronic Collection site maintained by [Library and Archives Canada](#) (for a direct link, click [here](#)).

VOLUME 8, ARTICLE 11

**RÜDIGER SCHMITT,
THE PROBLEM OF MAGIC AND MONOTHEISM IN THE
BOOK OF LEVITICUS**

THE PROBLEM OF MAGIC AND MONOTHEISM IN THE BOOK OF LEVITICUS

RÜDIGER SCHMITT,
MÜNSTER UNIVERSITY

1. INTRODUCTION

I have not known Dame Mary Douglas personally, but I have read and used her works on many occasions, both in the classroom and in my own studies—always with great benefits. Her views about the functions of witchcraft accusations¹ were especially inspiring for me during the work on my book on magic in the Old Testament.² In my contribution to this set of essays, I want to discuss some of the theses about magic and monotheism from her books *In the Wilderness*, *Leviticus as Literature*, and *Jacob's Tears*, especially the basic assumption that magic and divination were outlawed in the priestly conception of the reformed religion of Israel.³ Many more questions that derive from her basic assumptions could be discussed here, but I try to focus on the topic of magic.⁴

The present article is divided in three main parts: In the first part I will deal briefly with the scholarly perception of magic in the Old Testament and how the views of Mary Douglas concerning magic fit into the general

¹ M. Douglas, “Thirty Years after Witchcraft, Oracles and Magic.” M. Douglas (ed.), *Witchcraft Confessions & Accusations* (London et al.: Tavistock, 1970), XIII-XXXVIII

² R. Schmitt, *Magie im Alten Testament* (AOAT 313, Münster: Ugarit-Verlag, 2004).

³ *In the Wilderness. The Doctrine of Defilement in the Book of Numbers* (JSOTS 158, Sheffield: Sheffield Academic Press, 1993), 29–34; *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 4–5; *Jacob's Tears. The Priestly Work of Reconciliation* (Oxford: Oxford University Press, 2004), 176–195.

⁴ The works of Mary Douglas, especially her contributions to the interpretation of the biblical books of Numeri and Leviticus have stimulated already a vivid discourse involving herself and several biblical scholars. The discussion is reflected J.F.A. Sawyer, *Reading Leviticus: A conversation with Mary Douglas* (JSOT 227; Sheffield: Sheffield Academic Press, 1996) and also Vol. 18 of the *Journal of Ritual Studies* (2004) has been dedicated for the discussion about her interpretations, with contributions both from biblical scholars (among them Lester Grabbe) and anthropologists and – of course – Mary Douglas answers on various points of critique.

tendencies of the scholarly perception of magic. In the second part I will present my view of how priestly and deuteronomistic literatures deal with the complex of magic, divination and communication with the dead. Some concluding remarks on tradition and innovation in post-exilic Yahwistic religion will form the third and last part of the essay

2. THE PROBLEM OF MAGIC IN OLD TESTAMENT SCHOLARSHIP

Most Old Testament Scholars - still to this very day - share the opinion that magic in the Old Testament is something that the biblical writers reject. Jacob Milgrom states:

The basic premises of pagan religion are (1) that its deities are themselves dependent on and influenced by a metadivine realm, (2) that this realm spawns a multitude of malevolent and benevolent entities, and (3) that if humans can tap into this realm they can acquire the magical power to coerce the gods to do their will ... The Priestly theology negates these premises. It posits the existence of one supreme God who contends neither with a higher realm nor with competing peers.⁵

Old Testament scholarship has not denied that the Old Testament contains elements which can be defined as magic, but these are considered either survivals of Canaanite religion or as late—mostly Assyrian or Babylonian—intrusions into the formerly pure religion of ancient Israel.⁶ The underlying concepts of magic are more or less based on concepts of religion and magic from the late 19th century, represented by Edward Burnett Tylor, James George Frazer, Numa Denis Fustel de Coulanges, Émile Durkheim, Marcel Mauss and many others from this most fertile period of research. The evolutionist conceptions of the Victorian Era saw a clear path of human progress from savagery, through barbarism to civilisation (in the words of Lewis Henry Morgan)⁷ and magic, of course, belongs to the first and the most primitive form of human religion, which is characterized by beliefs in the hidden powers of nature or spirits, which primitive humankind tries to use or abuse for its own benefits. In the view of most exegetes and scholars of religious studies, monotheistic religion rejects the mechanistic magic in favour of conceptions of the absolute dependence of human beings on to the one and only God, who cannot be manipulated by magic manipulations. For instance, Gerhard von Rad's conception of the Yahwistic religion is simply incompatible with magic.⁸ Furthermore, religion was defined as a collective phenomenon, in which rituals and prayers serve the wealth of the collective, while magic is thought

⁵ J. Milgrom, *Leviticus 1–16* (AB 3/1; New York et al.: Doubleday, 1991), 42–43.

⁶ For discussion of the relevant positions see Schmitt, *Magie*, 1–66.

⁷ L.H. Morgan, *Ancient Society: Researches in the Lines of Human Progress from Savagery, through Barbarism to Civilisation* (New York: Holt & Co., 1877).

⁸ G. von Rad, *Theologie des Alten Testaments* (4th ed.; München: Kaiser) 1957, vol. I, 47–48.

to be an individual practice for the benefit of the individual. In the words of Émile Durkheim: “A magician has clients, but not a church.”⁹ As a result, the OT as a document of monotheistic religion was read as opposing any form of magical thought and practise. Magical practices in the OT, e.g. in the priestly literature and in the Elijah-Elisha-stories, were classified as survivals from the Canaanite tradition.

The last decade saw—following recent developments in cultural anthropology—a slow and slight change in the approach to magic in OT Studies as well as in ancient Near Eastern studies and Egyptology; a change towards a perception of magic and divination as an integral part of religion.¹⁰ However, the perception of magic in the tradition of the animistic/ dynamistic paradigm still persists among scholars, as the article about magic in the OT in the recently finished *Encyclopaedia of Religion Past and Present* shows.¹¹

Mary Douglas’s position concerning magic in the priestly writings in her last book seems to be quite close to Milgrom’s. She writes:

In defining the central doctrine of monotheism, the priestly editors thought out all its implications. They had to exclude blasphemy and vain superstitions. The God of Israel was not one to be constrained by magic formulae.¹²

For that to be achieved the Bible religion had to be radically reconstructed: kings not to be mentioned, dead ignored, and diviners and seers excoriated; no magic, no images; mutual accusations to be ended, all potential divisive doctrines eliminated.¹³

This position fits into the perception of magic, divination and other forms of communication with the dead in mainstream Old Testament scholarship. Remarkably, this is exactly the way of arguing that Douglas criticized so much in her earlier writings, in particular in *Purity and Danger*.¹⁴

The position taken up by Douglas in her late books is problematic in many ways. In particular there is no wholesale condemnation of magic in the Old Testament and the treatment of magic, necromancy and other forms of ritual actions involving the dead in the OT is much more diverse. In particular, we have to distinguish between the religious phenomena of ritual magic, necromancy and care for the dead which have quite different socio-religious functions and belong to different strata of religion that may or may not have been touched by the post-exilic reformation of the cult.

⁹ E. Durkheim, *Die elementaren Formen des religiösen Lebens* (Frankfurt am Main: Suhrkamp, 1981), 72.

¹⁰ See Schmitt, *Magie*, 29–42.

¹¹ Cf. J. Joosten, “Magie III: Biblisch 1. Altes Testament,” *Die Religion in Geschichte und Gegenwart* (4th ed.). 667–668.

¹² Douglas, *Jacob’s Tears*, 194.

¹³ Douglas, *Jacob’s Tears*, 193.

¹⁴ See M. Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge & Kegan Paul, 1966), 25–27.

Another problem is the alleged body-temple equivalent, which is based on Milgrom's theory of the "priestly picture of Dorian Gray."¹⁵ This problem however, deserves a separate treatment.

2. MAGIC, NECROMANCY AND CARE FOR THE DEAD

2.1 MAGIC

The book of Leviticus itself does not deal with magic explicitly, except for Lev 19:26, which belongs to the later H source, which reworks and often radicalizes priestly regulations. The condemnation of magic in other priestly and exilic/early postexilic writings is—of course—not as clear as scholarship in the last century thought it was. The prohibition of magic in passages like Ex 22:17: *mēkaššēpāh lō tēhayyeh*—"You shall not suffer a sorceress to live" and Lev 19:26b, 31 ("You shall not practice magic (*nhš*) or perform 'nn-oracles. Do not turn to mediums or spiritists; do not seek them out to be defiled by them. I am YHWH your God"—cf. Deuteronomy 18:10) does not mean magic—in the sense of ritual performance—in general: *kāšap* and its synonyms (*šōhar*; *lāhaš*; *nāhaš*; *hōber hāber/heber*; etc.) similarly like akkadian *kašāpu* or *saḥiru*, basically means black magic performed by illegitimate ritual specialists and prophets. Besides this meaning *kāšap* can be applied in a derogate sense to persons like the—in the view of the deuteronomists—evil queen mother Jezebel in 2 Kgs 9:22, or in the prophetic literature as a negative attribute of any kind of foreign religion in a more general sense.

The term *kāšap* and its synonyms were never applied to persons considered legitimate prophets of YHWH and are reserved for abominable practices. But what constitutes the difference between *kāšap* and legitimate practises? A closer look at the polemics against witchcraft shows that also the magic of the illegitimate prophets is also not thought to be a manipulation of hidden powers or spirits. It appears that these practises are in fact—like in Ezekiel 13:18–21—magic in the name of YHWH:

17. And you, son of man, set your face against the daughters of your people, who prophesy out of their heart and prophesy against them.

18. And say: Thus speaks [the lord] YHWH: Woe to the women who are tying knots on all wrists, and make veils for the heads of persons of every height, to hunt down human lives. Will you hunt down lives among my people, and maintain your own lives?

19. You have profaned me among my people for handfuls of barley and for pieces of bread, for putting to death persons who should not die and keeping alive persons who should not live, by your lies to my people, who listen to lies.

¹⁵ See the studies collected in J. Milgrom, *Studies in Cultic Theology and Terminology* (SJLA 36, Leiden: Brill 1983).

20. Therefore: Thus says [the lord] YHWH: I am against your knots with which you hunt down lives like birds and I will tear them from your arms, and let the lives go free, that you captured like birds.

21. And I will tear down your veils, and I shall save my people from your hands, so that they shall no longer be prey in your hands. And you shall know that I am YHWH. (Ezek. 13:17–21)

Obviously the “daughters of Israel”—freelance women healers and ritual specialists—have misused the name of YHWH by performing black magic through tying knots and other manipulations. The profanation of the name of YHWH (in verse 19) indicates that these magic deeds were performed in the name of YHWH to mobilize him against a ritual enemy with the goal of killing him or doing him serious harm.¹⁶ Likewise the polemics against ritual magic in the book of covenant (Ex 22:17), in Deut 18:9–22 and in Ezek 13:17–21 concern black magic and do not deal with, and therefore cannot be construed as opposing legitimate forms of ritual acts performed by legitimate ritual specialists or prophets.

Concerning prophetic healing and other rituals, Mary Douglas makes a distinction between miracles and magic (“When the Lord allows Elijah or Moses to perform miracles the miracles are not magic. In the Bible, magic is the secret lore of magicians, essentially working through spells and ritual formulae performed upon images”¹⁷). I feel that this distinction is artificial and not appropriate to ancient Near Eastern religions. An unbiased look at symbolic and therapeutic acts of legitimate prophets shows that their ritual behaviour is magic in its essence, but not considered *kāšap*. This can be illustrated with some examples: Prophetic therapies, like those performed by Elijah, Elisha and Isaiah in the books of Kings operate with symbolic acts accompanied by invocations of YHWH, like in 2 Kgs 4:18–37. The ritual action performed by Elisha consists of two single acts: First in verse 33 the prayer to YHWH, and second the anticipating act. Similar performances are known from neo-Assyrian exorcistic rituals performed by the *ašipu*, the professional, authorized exorcist. Therapeutic rituals of the man of god show that therapeutic magic operates with prayer accompanied by a symbolic act which anticipates the expected divine intervention. Most of the prophetic performances include a prayer to YHWH, but also in those cases that do not mention a prayer, like 2 Kgs 4:38–41 and 6:1–7, it is quite evident, that the man of god—as the term *’iš hā’ēlōhīm* ‘man of god’ indicates—has a close relation to YHWH and that YHWH has committed himself to the man of god ensuring the efficacy of his ritual actions. The type of charismatic magician (*’iš hā’ēlōhīm*) represented by Elijah and Elisha is functionally the equivalent to the Mesopotamian (non-charismatic—but scholarly trained) *ašipu*. The difference between the religious phenotypes *’iš hā’ēlōhīm* and *ašipu* lies in their dissimilar sources of legitimacy: The *’iš hā’ēlōhīm* got his legitimacy through his special man-

¹⁶ See Schmitt, *Magie*, 283–287, 360–362.

¹⁷ Douglas, *In the Wilderness*, 33.

god relationship while the *ašipu* from his year-long specialist education standing in a tradition centuries-old. What they are actually doing—praying, performing ritual acts, and the like—is basically the same: They anticipate a divine intervention. Neither the Israelite nor the Mesopotamian “magician” can do anything out of his own power, or the power of spells nor can he even try to control a god. In the end the efficacy of ritual depends on god or the gods with no difference in mono-and polytheistic symbol-systems.

Nevertheless the term “magic”—as it has been defined by late 19th and early 20th Century scholarship—has become problematic and prejudicial; there is at present no consensus about an adequate term to replace it. Therefore, I decided to continue to use the term “magic” for performative symbolic ritual acts, which are performed to achieve a certain result by divine intervention. Note that the definition given here is not meant to be a universal definition of magic. Derived from the evidence of ancient Israel and its ancient Near Eastern environment this attempt to give a definition of magic may only work for this cultural realm, while other cultural contexts (for instance late antique magical literature, and, of course, modern esoteric and neo-pagan “magic”)¹⁸ may require a different one. This however, is also one of the main problems with Douglas’ approach in her late work, as she is on the one hand applying an universal definition of magic following in the footsteps of Tylor and Frazer (or their reception in biblical studies), rather than arguing with more recent and more open definitions of “magic” like Tambiah’s,¹⁹ which have already been used successfully by biblical scholars.²⁰ On the other hand Douglas takes the verdicts against “magic” in the deuteronomic/ deuteronomistic and priestly literature (Deut 18:9–22; Ex 22:17; Lev 19:26b, 31) for granted, without recognizing their ideological character.

Also in post-biblical Jewish literature and rabbinic writings magic—in the above defined meaning—is a regular practice of religion: In Jubilees 10:10 the art of magical therapy is taught to Noah by the angels, and Josephus (*Ant.* VIII 45) reports that YHWH himself taught Solomon exorcism and therapeutic magic. Rabbinic magic can refer to the healings of Elijah and Elisha and is therefore *magia licita*. Talmud Yerushalmi includes a clear statement that everything that leads to the healing of a person is not

¹⁸ It seems quite obvious that (post-) modern esoteric and neo-pagan magic practices quite fit well the definitions of Tylor and Frazer, as the protagonists of neo-paganism and “satanism,” like Aleister Crowley, have read their “Golden Bough” well.

¹⁹ S.J. Tambiah, *Magic, Science, Religion, and the Scope of Rationality* (The Lewis Henry Morgan Lectures 1984, Cambridge: Cambridge University Press 1990), 288. Remarkably, in her essay on witchcraft from 1970 (Thirty Years, in particular XXXV-XXXVI) she is well aware of the problems and avoids any kind of universal definition of magic in favour for a context-oriented approach.

²⁰ See F.H. Cryer, *Divination in Ancient Israel and its Near Eastern Environment*, (JSOTS 142, Sheffield: Sheffield University Press 1994); A. Jeffers, *Magic and Divination in Ancient Palestine and Syria* (SHCANE VIII, Leiden et. al.: Brill, 1996).

considered to be among “the ways of the Amorites” (y. Shab 6, 9).²¹ The same perception of magic is found in the early Christian writings, where the apostles performing *magia licita*, while the magic of Barjesus/Elymas and the sons of Skeuas is rendered *magia illicita* (cf. Acts 13:4ff; 19:11ff.). Magic was accepted practice and an integral part of also late Antique Judaism and Christianity, as shown by the great number of magical texts—both practical and theoretical—from the Cairo Geniza and similar Christian magical texts from Egypt.²²

Like Douglas in her consideration of miracle deeds, most scholars have argued that the priestly rituals of atonement in the book of Leviticus cannot be classified as magic, because ultimately it is the Lord YHWH effecting the atonement.²³ Of course, it is true that the atonement is made effective by God. But if we take a look at rituals of atonement and ritual cleansing in Israel’s Near Eastern environment, the logic of effecting something by rituals acts is the same: In Mesopotamia rituals do not operate *ex opere operato* or by manipulating gods or minor spiritual beings, but the addressed god or the gods effect the result the ritual anticipates. Like in Israel, the ritual itself, or the ritual material, is granted by the god(s). The godly gift is in ancient Near Eastern rituals mostly described in mythological passages of the ritual text. The mythological passages tie the actual ritual to the gods. So the ritual re-enacts deeds of the gods in mythical times. In a comparable way the rituals of the second temple are bound back in a mytho-historical past, when YHWH spoke to Moses and Aaron, the latter being the role model for the priest acting in the ritual. This is especially the case in the priestly account on the “battle of magicians” in Ex 7:8–13, where Aaron transforms a stick into a Tannin-monster, a magical act revealed by YHWH in Ex 4:1–6. Both the ancient Near Eastern and the priestly rituals are theistic, or in the words of the Egyptologist Jan Assmann cosmotheistic.²⁴ The effectiveness of a *kippēr*-ritual depends on the conviction that the ritual itself was granted by YHWH for atonement.

The role of the priest both for diagnosis and therapy is of central importance in the priestly rituals of elimination. The priest alone proclaims the separation and re-integration of the ritual client and he alone is allowed to perform the rites. In all single steps of the ritual he is the one and only performer, while the ritual client is completely passive and has to obey the orders of the priest. Also in matters of grammar, the priest is always the subject of *kpr*: “Then the priest shall make atonement ...” (Lev. 4:20). Focusing all ritual actions on the priest, the priestly ritual literature grants

²¹ ר' שמואל ר' אבהו בשם ר"י כל שהוא מרפא אין בו משום דרכי האמורי

²² See J. Naveh and S. Shaked, *Amulets and Magic Bowls* (Jerusalem/Leiden: Magness: 1985); *ibid.*, *Magic Spells and Formulae* (Jerusalem: Magness, 1993); L.H. Schiffman and M.D. Swartz, *Hebrew and Aramaic Incantation Texts from the Cairo Genizah* (Sheffield: Sheffield University Press, 1992); M. Meyer, *Ancient Christian Magic: Coptic Texts of Ritual Power* (Princeton: Princeton University Press, 1999).

²³ For discussion see Schmitt, *Magie*, 305ff.

²⁴ Cf. J. Assmann, *Ägypten. Eine Sinngeschichte*, (Darmstadt: Wissenschaftliche Buchgesellschaft, 1996), 232–242.

the priest a monopoly on the diagnostics and the ritual therapies. As the priest is the only legitimate performer of the ritual, all non-institutional or free-lance ritual specialists as well as family patriarchs or the elders of a community are denied legitimacy to perform such rituals.²⁵ Thus, not magic *per se* is forbidden, but only magic done by people without legitimacy.

2.2 ANCESTOR CULTS, NECROMANCY AND OTHER FORMS OF COMMUNICATING WITH THE DEAD

Concerning the different forms of communication with the dead we have to make a distinction between necromancy, ancestor cult and other forms of communication with the dead, especially mortuary and mourning rites, which are different phenomena with a different *Sitz im Leben*.

First, some remarks on the ancestor-cult: Mary Douglas has argued that the strict monotheism promoted by the priestly writers abolished ancestor cults, because they were not compatible with the new paradigm, which excludes the intercession of spiritual powers other than YHWH.²⁶ This concept seems to me problematic, as there is no strong evidence that an ancestor cult in the sense of veneration of the ancestors as divine or quasi-divine beings (as Douglas perceives them) ever played a role in Israelite religion or existed at all. However, Rachel's *tērāpîm*, identified with an *'ēlōhîm* (Gen 31:30 and 32) and the interrogation of Samuel's ghost also addressed as *'ēlōhîm* in 1 Samuel 28, provide at least some evidence for belief in the existence of spirits of the dead and their special dignity—but not for a cult of the deceased ancestors. Moreover, for the exilic editors of the patriarchal stories and the deuteronomistic history work those practices may have been accounts of (fictional) practices of old and not of actual practices and beliefs. The accounts on special ritual actions for the deceased kings by lightening fires in 2 Chr 16:14; 21:19 and Jer 34:5 do not speak about offerings for the king; they are a special form of honouring the king and may have had an apotropaic function like similar rites in Mesopotamia.²⁷ Also in Israel's contemporary ancient Near Eastern environment (Phoenicia, Syria and Mesopotamia) there is no evidence for an ancestor cult, not even for the deceased kings, like in 2nd millennium Ugarit.²⁸ Moreover, if there had been ancestor worship in ancient Israel we should expect verdicts and prohibitions in the biblical texts, especially the law codes, against ancestor worship. But no biblical text explicitly deals negatively with the worship or veneration of ancestors. Thus, I share the opinion of B.B. Schmidt, who states: "...the worship or veneration of the ancestors typically envisioned as underlying the mortuary rituals of Ancient Israel comprises a cherished relic of nineteenth century anthropology."²⁹

²⁵ See Schmitt, *Magie*, 320–321.

²⁶ Douglas, *Jacob's Tears*, 174ff.

²⁷ See W. Zwickel, "Über das angebliche Verbrennen von Räucherwerk bei der Bestattung des Königs," *ZAW* 101 (1989), 266–277.

²⁸ See R. Schmitt, *Art. Herrscherkult*, *Wissenschaftliches Bibel-Lexikon* (<http://www.WiBiLex.de>).

²⁹ See B.B. Schmidt, *Israel's Beneficent Dead. Ancestor Cult and Necromancy in Ancient*

It is true that in Lev 19:27–28 (Holiness-Source) and Deut 14:1 some forms of mourning are prohibited. But the biblical prescription only addresses rites of self-mutilation. These rites suggest identification with the dead and threaten to profane YHWH's holiness.³⁰ Other mourning and mortuary rites are not the concern of the Holiness Code and are not forbidden. Moreover, I am not convinced that the status of the dead in post exilic times changed in a way that “[t]he dead can do nothing for the living, nor can the living to the dead.”³¹ There is some evidence even from sources of the Hellenistic time, that the tie between the living and the dead was not cut off: In Sirach 7:33 giving food supplies (but not offerings) to the dead is a holy duty: “Give graciously to the living and do not withhold kindness from the dead.” In Tobit 4:17 a gift of bread on the tomb of the righteous, is mentioned as a duty of the living for the dead. Thus, in the realm of family religion care for the dead is an orthodox practice in the true sense of the word. The most striking example of care for the dead is found in 2 Macc 12:39–45: After the battle against Gorgias, Judas orders the performance of atonement rituals (v 43) for the fallen Jews who had carried amulets of foreign gods with them, to ensure that they may rise again from death in the time of resurrection. The possibility of a *post mortem* atonement ritual shows clearly that in 2 Maccabees—which is not suspected of promoting heterodox views—solidarity does not end with the death and that there was no dissociation of the living and the dead in post-exilic times.

Archaeologically, supplies for the dead like lamps, cosmetic containers, cooking pots, bowls and jugs with food provisions in graves are well attested till the late second temple period.³²

Second, I would strongly agree with Mary Douglas that necromantic practices—which were, according to 1 Samuel 28; Deut 18:9–22 and Lev 19:26b the subject of different ritual specialists—were ruled out because interrogating the dead was a threat to strict monotheism, since YHWH is the only source of oracles and revelations.³³ However, one should not put too much weight on the problem of necromancy: The biblical accounts of necromancers outside the priestly and deuteronomistic law codes, especially in the deuteronomistic and chronistic history writings (1 Samuel 28; 2 Kgs 21:5; 23:24; 2 Chr 16:12), give the strong impression that necromancy played a certain role at the court, but not more. Like many verdicts in the priestly and deuteronomistic regulations and even more in the later prophetic writings the condemnation of necromancy is just a stereotype for

Israelite Religion and Tradition (FAT 11, Tübingen: J.C.B. Mohr, 1994), 292.

³⁰ See S. Olyan, *Biblical Mourning. Ritual and Social Dimensions*. (Oxford: Oxford University Press, 2004), 122–123.

³¹ Douglas, *Jacob's Tears*, 177. A similar position is – among others – taken up by H. Niehr (“The Changed Status of the Dead in Yehud,” R. Albertz and B. Becking (eds.), *Yahwism after the Exile. Perspectives on Israelite Religion in the Persian Era* (STAR 5, Assen: Van Gorcum, 2003), 136–155.

³² H.-P. Kuhnen, “Palästina in hellenistischer Zeit,” *HdA* II/2 (München: C.H. Beck 1990), 77.

³³ Cf. Douglas, *Jacob's Tears*, 183.

non-Yahwistic practices in general.³⁴ The only account which could point to necromancy as a wide-spread form of divination is Isa 8:19, but this text is late or a later addition and is dependant on the deuteronomic polemics. Thus, we have no textual data that necromancy was ever an integral part of family religion in pre or post-exilic times and therefore a widespread phenomenon.³⁵

3. POST-EXILIC YAHWISM—AN OLD RELIGION RENEWED?

The basic thesis of Mary Douglas' books on the priestly writings is that these texts promote a renewed religion more abstract, more orderly, and more fully theorized than the religions in the Israelite ancient Near Eastern environment. In the new tabernacle-focussed symbol system with its one and only god, there is no more space for demons, ancestors or magic. The vehicle for the promotion of the new symbol system is in particular the book of Leviticus, which in itself has to be viewed as a projection of the desert tabernacle.³⁶

I would strongly agree that the final composition of the book of Leviticus gave birth to a text which is not a ritual handbook but something that we may call an "intellectual ritual"³⁷ promoting ideas and teachings about clean and unclean and the ordering of the world around the tabernacle. However, I would disagree that the book of Leviticus is creating something radically new and promotes a new symbol system or cosmology that is free from magic and communication with the dead, unlike all the other religions in Israel's ancient Near Eastern environment.³⁸ The changes that took place from the late monarchic period to the period of the second temple were a mere evolutionary process. On the one hand, they integrated structures and beliefs of the pre-exilic official religion, family religion and the pre-exilic and exilic reform movements and sorted out certain beliefs and practices on the other.³⁹ The care for the dead as a central part of

³⁴ For the stereotyped use of witchcraft and necromancy accusations see Schmitt, *Magie*, 335–381.

³⁵ K. van der Toorn therefore concludes: "The occurrence of necromancy in early Israel does not imply that the consultation of the dead was an essential part of Israelite Family Religion. (...) there is no unambiguous evidence for necromancy by lay people. The documented cases always involved one or more specialists." See K. van der Toorn, *Family Religion in Babylonia, Syria and Israel. Continuity and Change in the Forms of Religious Life* (SHCANE VII, Leiden et. al.: Brill, 1996), 233

³⁶ Cf. Douglas, *Leviticus*, 230; *Jacob's Tears*, 8–9.

³⁷ Cf. B. Lang, "Das tanzende Wort. Intellektuelle Rituale im Frühjudentum, im Christentum und in östlichen Religionen," B. Lang (ed.), *Das tanzende Wort. Intellektuelle Rituale im Kulturvergleich* (München: Kaiser, 1984), 15–48.

³⁸ See R. Schmitt, "Die nachexilische Religion Israels: Bekenntnisreligion oder kosmotheistische Religion?," A Wagner (ed.), *Primäre und sekundäre Religion als Kategorie der Religionsgeschichte des Alten Testaments* (BZAW 364, Berlin/New York: De Gruyter, 2006), 147–157 and M. Nissinen, "Elemente sekundärer Religionserfahrung im nachexilischen Juda?. Erwiderung auf R. Schmitt" op. cit., 159–167.

³⁹ Cf. R. Albertz, *A History of Israelite Religion in the Old Testament Period*

family religion was addressed in the margins. In particular certain mourning customs like self laceration and other expressive body-rites (e.g. Lev. 19:28; Deut 14:1; Jer 16:6; 41,5) were forbidden. Necromancy, which never had a strong affiliation with family religion and has nothing to do with the care for the dead, was forbidden because it challenged the concept of prophecy with YHWH as the one and only source of divination as outlined in Deut 18:9–22. Magic, as ritual practice, was restricted to certain authorized (priestly and prophetic) functionaries, but not ruled out. Thus, the concept of monotheism has no effect on ritual ‘magic’ practices, because their concept was in essence theistic.

Though the late works of Mary Douglas sometimes provide illuminating insights, it has already been noticed by other scholars that the relation between her literary and sociological analysis is sometimes uneasy.⁴⁰ In particular in “Leviticus as Literature” she presents a highly speculative literary hypothesis and simply equates the theology promoted in the texts with socio-religious reality. Douglas’s claim that Israel’s symbol system was fundamentally different from those of its ancient Near Eastern environment seems to be apologetic. This may or may not be owing to her Roman Catholic background or not. Nevertheless, it is a step back beyond the much more differentiated and appropriate notion of “magic” in the Old Testament presented in *Purity and Danger*, which is still a helpful resource for the understanding of the priestly symbol system.

(Louisville: Westminster John Knox, 1994), vol. 2; K. van der Toorn, *Family Religion*, 373–379.

⁴⁰ L. Grabbe (in his review article on Mary Douglas’ Leviticus as Literature, in *Journal of Ritual Studies* 18 [2004], 157–161) therefore states (ibid. 159): “They seem to me mixed up in a way that is methodologically unacceptable at times. By no means do I propose that the sociological analysis (...) should be omitted but rather that it should follow what must be a literary analysis first carried out independently of historical and sociological considerations.”