

[The following will be added in the סיכום right after the sentence, “הגישות כלפי השינויים” on page 267 of the galleys in the pdf I’ve attached to my email of December 20.]

If the מצוות, from the very beginning, grew out of a dialogue between God and Israel, הרי שיכולתם, של בני האדם לשנות אותן תהיה מוגבלת פחות. This tendency is already evident in the Priestly Source. When we examined Numbers 7:89 in chapter 2 (pp. 76–77 above), we concluded in light of the hitpaal verb מדבר that P views מתן תורה as both dialogical and ongoing; מתן תורה involved some degree of interaction between God and Moses, and it was לא נקודתי. The Priestly Source announces through this verse שהוא דוגל בתיאולוגיה ההשתתפות. It should not be surprising, then, the elsewhere the Priestly Source presents the law as subject to revision. In five Priestly passages in the Torah the Israelites and Moses confront a situation in which the law is unclear, or in which some Israelites seem dissatisfied with the existing law: Lev. 24:10–23 (הוא סיפור המקלל), Num. 9:1–14 (פסח שני), 15:32–36 (מקושש העצים), 27:1–11 (בנות צלפחד), and 36:1–9 (זקני מנשה ובנות). In each passage Moses asks God to clarify the law, and God responds to Moses’s request. For example, Num. 27:3–4 tells of the daughters of a recently deceased man, Zelophehad, who had no sons. Because women cannot inherit under the existing law, his landholding is set to pass to his closest male relative. As a result, his land and his name will disappear forever. The daughters approach Moses to ask why their father’s name should be lost, and they request the right to inherit his land so that the family’s נחלה, and hence Zelophehad’s name, will endure. The daughters’ query is not open-ended. They respectfully present an objection to the existing law of inheritance, and they make the solution they were looking for explicit. God’s response to the query is fascinating. God does not declare, “אני מושלם; תמים דרכי, ותמימה תורת; ולכן” who are these women to tell Me how to run My universe?” Instead, God agrees to their plan, saying: “כן בנות” (Num. 27:7). God agrees to modify the existing law of inheritance to allow the property of a man without sons to be divided among his daughters. This Priestly story presents the law as malleable and open to improvement.

As if to underscore this point, the revision to the law of inheritance is itself revised in a later passage, Num. 36:2–4. There leaders from the tribe of Manasseh (to which Zelophehad’s family belongs) approach Moses to point out a problem in the solution that God set forth in Num. 27. What would happen, under the revised inheritance law, if one of the daughters marries a man from some other Israelite tribe? In that case, the children of that marriage will inherit Zelophehad’s land, and a piece of Manasseh’s territory will pass into the permanent possession of the other tribe. The tribal leaders object to the apparently unforeseen consequence of the legal revision God agreed to in Num 27. Again, God does not respond angrily, insisting that there can be no consequences unforeseen by God’s all-seeing eyes. Rather, God responds precisely as God had done earlier: “כִּן מִטָּה יוֹסֵף לְבָרִים” (Num. 36:5). The originally imperfect law had been improved in light of the daughters’ plea, but the tribal leaders’ subsequent plea reveals that God had not improved it enough. So the amendment is amended: the daughters may inherit, but not if they marry a man from outside their tribe. If they are to exercise their right to inherit, they must marry members from some family within the tribe of Manasseh. In that case, Zelophehad’s land will stay with his descendants through the female line, while also remaining with his tribe. This amendment does not undo the earlier revision; before that revision, the land would have gone to Zelophehad’s closest male relative. Under the new law, the daughters may marry a much more distant member of their tribe, and the children of that more distant relative will end up owning the land. But the amendment to the amendment solves the problem that concerns the tribal elders. In presenting these five stories of legal revision and clarification, the Priestly Source acknowledges without embarrassment or discomfort that what God has wrought [Lana — perhaps render this as *מה פעל אל*] is not always set in stone. The law can be upgraded—and the upgrade can be upgraded, too. The narrative makes clear that God does not find this insulting. God seems perfectly satisfied with a situation in which the Israelites *משתתפים* along with God in allowing the law to develop over time.

Similarly, P describes elsewhere how God, Moses and even Aaron modify ritual laws when necessary. In a recent book,<sup>1</sup> Liane Feldman shows that Moses and Aaron improvise in regard to several ritual practices during the ceremonies for הנוכת המשכן. What they do in Leviticus 8–10 at times deviates from the sacrificial regulations found in Leviticus 1–7. (It is worth pointing out that in two of the four cases she discusses, it was God Himself who, in Exodus 29:19–2, had ordained specific variations to the general laws found in Leviticus 1–7, so that in those two cases Moses follows God’s own directions in altering the way the ritual in question is carried out. When Moses and Aaron go on to introduce their own deviations, they were following God’s lead.) Feldman productively utilizes Naftali Meshel’s notion of ritual grammar<sup>2</sup> to show that each of the four deviations in 8–10 accords with the implicit logic of the regulations in 1–7. The ceremonies in Leviticus 8–10 involve the inauguration of the sacrificial cult. They take place in a liminal time and involve liminal actors (that is, individuals who were potentially priests and then partially ordained priests but not yet fully functioning priests) in a liminal space (a structure that was hardly a simple, everyday tent but was not yet a fully dedicated sanctuary). Because the laws found in Leviticus 1–7 refer to full-fledged priests acting in a full-fledged sanctuary, those laws cannot apply precisely to the situation of Leviticus 8–10. Thus the rituals described in the latter chapters have to differ from the rules prescribed in the former. Moses and Aaron, in short, act appropriately as they modify details of the law in a flexible but respectful manner.<sup>3</sup> The way Moses and Aaron perform the rituals in Leviticus 8–10 shows that P understands the law not as perfect and unchanging but as flexible and adaptable; , לא כמלים קפואות ומתות אלא כדבר שעליו נאמר, "והי בהם". Subsequently, in Lev 10.1, Nadav and Avihu introduce a different sort of variation, one which (Feldman demonstrates) is not based within the system—with disastrous results. P, then,

---

<sup>1</sup>Liane Feldman, *The Story of Sacrifice: Ritual and Narrative in the Priestly Source* (Tübingen: Mohr Siebeck, 2020), 67–108.

<sup>2</sup>See Naftali Meshel, *The Grammar of Sacrifice: A Generativist Study of the Israelite Sacrificial System in the Priestly Writings* (Oxford: Oxford University Press, 2014).

<sup>3</sup>For a more detailed discussion of Feldman’s reasoning, see my review essay of her book in שנתון לחקר המקרא והמזרח הקדום (forthcoming).

seems to endorse the idea of humanly ordained changes within the tradition, while rejecting outright innovations.

In light of what we have seen about both the theory of revelation and the practice of legal evolution as described by P, it seems reasonable to suggest that the Priestly Source may assume that the dialogue that drives legal evolution will continue. More specifically, it is possible that P ordains the institution of the אורים ותמים in part with this goal in mind. We cannot know, of course, how P intends these oracular devices woven into the High Priest's garments to function. But from the other references to the אורים ותמים in the Bible, it is clear that people in authority addressed questions to this device, and responses, probably in the form of a yes or a no, were obtained through some simple procedure involving this object.<sup>4</sup> The presence of this oracular device inside the המשפט דווקא (Exod 28:30) suggests that according to P the device was used for judicial purposes, and perhaps also that it could be used for legislative purposes as well.

The participatory theory also influences the way people who observe the law perceive their own observance. [Then the text continues with the text at the bottom of page 267 of the pdf: ... אנשים שמאמינים שהמצוות הן ניסיונותיהם...]

---

<sup>4</sup>The literature is vast; see esp. שרגא בר און, הטלת גורל, אלוהים ואדם במסורת היהודית (רמת גן: הוצאת אוניברסיטת בר-אילן, 2020), עמ' 96 - 105, 111 - 115 (p. 103) that limits the potentially disruptive effects of such an object. In other words, in non-priestly hands, an oracular mechanism can oppose tradition or provide a means to run around a tradition, but in P it the oracle is placed into the control of an institution committed to the tradition as a whole, so that whatever changes it might allow are likely to be organic rather than radical.