



proclamation in the plains of Moab by the Jordan *opposite* Jericho (בערבת מואב על ירדן ירחו).<sup>2</sup> This localization of the *lawgiving* clearly plays on the *narrative* context of the exodus, the wandering in the desert, along with the revelation of the commandments at Mt. Sinai in the books of Exodus and Leviticus, as well as the occupation of the (Cisjordanian) land. On the one hand, the instructions in the book of Numbers are no longer given on Mt. Sinai (Lev 26:46; 27:34; but cf. Num 3:1), but rather in the wilderness of Sinai (Num 1:1; 9:1) or in the plains of Moab (Num 36:13). On the other hand, the commandments and regulations given in Numbers are not to be followed (only) during the time of the wandering in the desert: most of them are related, sometimes exclusively, to life in the land of Canaan. Altogether, the continuity of the revelations of God's will is shown over the numerous stages of the narrated history of Israel up until the present of the narration.

On the much discussed question of the structure<sup>3</sup> of the book of Numbers, it should suffice here to note that the two main structural models often perceived as mutually contradictory, the genealogical (1–25; 26–36) and the geographical (1–10; 10–21; 21/22–36), do *not* exclude each other: the replacement of the exodus generation by the generation of their children constitutes a continuing process – lasting 40 years (cf. 14:33; 32:13) – that runs parallel to the wandering of the Israelites in the wilderness of Sinai (1:1–10:10) through their very wandering in the desert (10:11–21:20/22:1) up to the plains of Moab (21:20/22:1–36:13).<sup>4</sup> Some members of the generation that took part in the conquest were present as children from the beginning (cf. 14:3, 31); yet after many plagues and natural deaths, by chapter 26 only Joshua, Caleb, and Moses remained from the adults of the exodus generation (cf. 14:24, 30, 38; 26:65; 32:12 for Joshua and Caleb) – and Moses' death is imminent (cf. 27:12–14). If the genealogical and geographical structure of the book of Numbers thus go hand in hand, the question of the composition history of this book arises directly from these distinct structures: the *forty years* of wandering

2 On the “plains of Moab” in the book of Numbers, cf. Num 22:1; 26:3, 63; 31:12; 33:48, 49, 50; 35:1; 36:13.

3 Cf., among many others, D. T. Olson, *The Death of the Old and the Birth of the New: The Framework of the Book of Numbers and the Pentateuch* (Brown Judaic Studies 71; Chico: Scholars Press, 1985); K. Pyschny, *Verhandelte Führung. Eine Analyse von Num 16–17 im Kontext der neueren Pentateuchforschung* (HBS 88; Freiburg: Herder, 2017), 48–50.

4 Numbers 21 presents serious problems regarding both the structure of the book and its literary history. Cf., e. g., M. Noth, “Nu 21 als Glied der ‘Hexateuch’-Erzählung,” in *Aufsätze zur biblischen Landes- und Altertumskunde. Band I. Archäologische, exegetische und topographische Untersuchungen zur Geschichte Israels* (ed. H. W. Wolff; Neukirchen-Vluyn: Neukirchener, 1971), 75–101; C. Frevel, “Understanding the Pentateuch by Structuring the Desert: Numbers 21 as a Compositional Joint,” in *The Land of Israel in Bible, History, and Theology. Studies in Honour of Ed Noort* (ed. J. van Ruiten and C. de Vos; VTSup 124; Leiden: Brill, 2009), 111–135; J. S. Baden, “The Narratives of Numbers 20–21,” *CBQ* 76 (2014): 634–652.

in the desert is *justified* in the book of Numbers (cf. 14:33; 32:13); however, the wandering itself is a given.

In the book of Numbers it is the Priestly texts in particular (roughly Numbers 1–10; \*13–14; 15; \*16–17; 18; 19; 20; \*25; 26–31; 33–36) that contain explicit commandment terminology. This brings into view the second aspect of this paper's title: classical Pentateuch research has already established that the Priestly texts of the book of Numbers are divided among several literary-historical layers. And more recent research of this long neglected book has clearly shown that the traditional distinction between a Priestly source (P<sup>G</sup>) and the often legislative expansions of it (P<sup>S</sup>) is too simple. In many cases, the Priestly texts of the book of Numbers constitute, rather, creative-adaptive expansions of older texts and can thus be described by a trendy term from current exegesis as "inner-biblical interpretation."<sup>5</sup>

Both parts of this term are problematic: the notion "inner-biblical" is anachronistic for the time when the "biblical" texts emerged and assumes a distinction that did not exist at that time whether with respect to content or, even less so, editorial techniques.<sup>6</sup> Plus, the notion "(biblical) interpretation" is in need of explanation. If every textual expansion is seen as interpretation because every textual expansion rests on previous texts, written or oral, the question arises as to whether the concept of interpretation does not threaten to lose its clarifying function.<sup>7</sup> As developed elsewhere,<sup>8</sup> distinguishing between interpretation (in the narrow sense), which impacts primarily the text commented on, and scriptural expansion ("schriftgelehrte Fortschreibung"), where there is no such strong impact on the reference-text ("hypotext"), could be helpful in differentiating and categorizing the manifold literary techniques and hermeneutical reasons behind these processes.

If one considers scholarly models of the Pentateuch's origins, it is clear that such creative-adaptive processes of expansion cannot be sufficiently explained by the assumption of sources or wide-ranging redactional layers. But this observation is by no means new, as a much cited dictum by Martin Noth shows:

5 On this, cf. M. Fishbane, *Biblical Interpretation in Ancient Israel* (2nd ed.; Oxford: Clarendon Press, 2004); B. M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008); K. Schmid, *Schriftgelehrte Traditionsliteratur. Fallstudien zur innerbiblischen Schriftauslegung im Alten Testament* (FAT 77; Tübingen: Mohr Siebeck, 2011).

6 Cf. M. M. Zahn, "Innerbiblical Exegesis. The View from Beyond the Bible," in *The Formation of the Pentateuch. Bridging the Academic Cultures of Europe, Israel, and North-America* (ed. J. C. Gertz et al.; FAT 111; Tübingen: Mohr Siebeck, 2016), 107–120.

7 Cf. Schmid, *Schriftgelehrte Traditionsliteratur*, 6.

8 Cf. W. Bühner, "Schriftgelehrte Fortschreibungs- und Auslegungsprozesse. Ein Vorschlag und zugleich eine Einführung in den vorliegenden Band," in *Schriftgelehrte Fortschreibungs- und Auslegungsprozesse. Textarbeit im Pentateuch, in Qumran, Ägypten und Mesopotamien* (ed. W. Bühner; FAT II/108; Tübingen: Mohr Siebeck, 2019), 1–12.

If we were to take the book of Numbers on its own, then we would think not so much of “continuous sources” as of an unsystematic collection of innumerable pieces of tradition of very varied content, age and character (“Fragment Hypothesis”).<sup>9</sup>

The notion of creative-adaptive processes for expanding older texts, which was not yet Noth’s focus, is not limited to the Priestly texts in the book of Numbers but also holds for the non-Priestly texts. The latter have been investigated more intensely with respect to “inner-biblical interpretation” as a result of the dynamization of pentateuchal research since the 1970s, which enabled a post-Priestly dating of non-Priestly texts.

The history of research on the formation of the book of Numbers cannot be presented here.<sup>10</sup> The literary-historical differentiation of the Priestly texts, the increasingly late dating of the non-Priestly texts, and the strongly scribal nature of both text traditions is represented – with the possible exception of the so-called Neo-Documentarians<sup>11</sup> – by exegetes of Numbers essentially independently of any redaction-historical models. The dissents are found especially in the concrete implementation of the redaction history of the Priestly texts of the book of Numbers in relation to Exodus and Leviticus<sup>12</sup> and

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- 9 M. Noth, *Numbers. A Commentary* (trans. J.D. Martin; The Old Testament Library; London: SCM Press, 1968), 4. Cf. idem, *Das vierte Buch Mose. Numeri* (ATD 7; Göttingen: Vandenhoeck & Ruprecht, 1966), 8: “Nimmt man das 4. Mosebuch für sich, so käme man nicht leicht auf den Gedanken an ‘durchlaufende Quellen,’ sondern eher auf den Gedanken an eine unsystematische Zusammenstellung von zahllosen Überlieferungsstücken sehr verschiedenen Inhalts, Alters und Charakters (‘Fragmentenhypothese’).” The continuation of the quotation is sufficiently known and can be affirmed without reservation at least in its first part: “But it would be contrary to the facts of the matter [...] to treat Numbers in isolation.” (“Aber es wäre eben [...] unsachgemäß, das 4. Mosebuch zu isolieren.”) For Noth, however, this led to the counterintuitive application of the source model also to the book of Numbers.
- 10 Cf. the surveys in T. Römer, “De la périphérie au centre. Les livres du Lévitique et des Nombres dans le débat actuel sur le Pentateuque,” in *The Books of Leviticus and Numbers* (ed. T. Römer; BETHL 215; Leuven: Peeters, 2008), 3–34, and C. Frevel, “Alte Stücke – späte Brücke? Zur Rolle des Buches Numeri in der jüngeren Pentateuchdiskussion,” in *Congress Volume Munich 2013* (ed. C. M. Maier; VTSup 163; Leiden: Brill, 2014), 255–299. On the creative-adaptive character of the book of Numbers, cf. also R. Achenbach, *Die Vollendung der Tora. Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (BZAR 3; Wiesbaden: Harrassowitz, 2003); T. Römer, “Israel’s Sojourn in the Wilderness and the Construction of the Book of Numbers,” in *Reflection and Refraction. Studies in Biblical Historiography in Honour of A. Graeme Auld* (ed. R. Rezetko et al.; VTS 113; Leiden: Brill, 2007), 419–445; C. Frevel, “The Book of Numbers – Formation, Composition, and Interpretation of a Late Part of the Torah. Some Introductory Remarks,” in *Torah and the Book of Numbers* (ed. C. Frevel et al.; FAT II/62; Tübingen: Mohr Siebeck, 2013), 1–37.
- 11 Zahn, “Innerbiblical Exegesis,” 114 has correctly pointed out how the respective models about the formation of the Pentateuch influences one’s understanding of “inner-biblical interpretation.”
- 12 Cf. the suggestion by Achenbach, *Vollendung*, who distinguishes three theocratic revisions in the late Priestly texts.

in the answer to the question of whether the Hexateuch had a pre-Priestly narrative thread.<sup>13</sup>

To trace in full detail what has been briefly described here would mean analyzing the whole book of Numbers, which is not possible in this paper. Instead, we will examine a few chapters of the book of Numbers that are relevant for this question. Our starting point will be the last chapter of the book of Numbers.

## II. Num 36:1–12; Num 27:1–11

After giving the Transjordanian territories to Reuben, Gad, and the half tribe of Manasseh in Num 32 – a chapter that, for its part, adapts and interprets the preceding texts of Numbers since the desire expressed by the Reubenites and the Gadites is *compared* to the demotivation of the Israelites by the spies (32:6–15; cf. Num 13–14) –<sup>14</sup> in Numbers 36, the Gileadites, the descendants of Manasseh, confront Moses with two conflicting commands. On the one hand, YHWH had commanded Moses (“our lord”) to divide the land among the Israelites as an inheritance by lot (את־אדני צוה יהוה) לתת את־הארץ בנחלה בגורל לבני ישראל 26:55, 56; 33:54; 34:13.<sup>15</sup> On the other hand, Moses (“our lord”) is commanded by YHWH to give the inheritance of Zelophehad who died without a son to his daughters (ואדני צוה ביהוה לתת את־נחלת צלפחד אחינו לבנותיו) 36:2b), referring to 27:1–11.<sup>16</sup> Here two instructions YHWH has given are opposed to each other, for they entail the risk of contradicting each other

13 Cf. the suggestion by S. Germany, *The Exodus-Conquest Narrative. The Composition of the Non-Priestly Narratives in Exodus-Joshua* (FAT 115; Tübingen: Mohr Siebeck, 2017).

14 One could speak here of typology. On this, cf. Fishbane, *Interpretation*, 350–379.

15 This reference shows that Numbers 36 at least could not have immediately followed Num 27:1–11. That the texts are not directly contiguous is therefore no argument for a relative chronological evaluation of both narratives (contra I. Kislev, “Numbers 36,1–12: Innovation and Interpretation,” *ZAW* 122 [2010]: 249–259, here 250). In 4QRP<sup>c</sup> / 4Q365, both narratives on the daughters’ right to their inheritance are immediately contiguous, but it is unclear in this text as to what place the narratives have in the book of Numbers/the Pentateuch; in 4QNum<sup>b</sup>, the speech of the Gileadites in 36:2–4 appears to offer an elaborate retelling of Num 27:1–11, but the text material from Num 27:12–35:34 stands between the narrative of Numbers 27 and that of Numbers 36.

16 The sequence of the names of Zelophehad’s daughters in Num 36:11 deviates from the sequence in Num 26:33; 27:1; Josh 17:3 (Mahlah, Noah, Hoglah, Milcah, and Tirzah). In the Masoretic text Tirzah appears second, Noah last (Mahlah, Tirzah, Hoglah, Milcah, and Noah); the Septuagint has an entirely unique sequence (Tirzah, Hoglah, Milcah, Noah, and Mahlah).

in their consequences. That the first instruction cited is a concern for the Gileadites in particular is clear from the rest of their speech in 36:3–4. In this context, however, the slightly different formulation of the commandment in 36:2a and 36:2b is already striking: In 36:2a, it is stated in the active voice – YHWH commanded – whereas in 36:2b, it is passive: Moses was commanded by YHWH. This difference in formulation appears to suggest that the command regarding the inheritance of the daughters does not reflect YHWH's true intention over against the command to distribute the land by lot (26:52–56; 33:50–56; 34:13), but was proposed by Zelophehad's daughters to YHWH through Moses (27:5).

Not only the difference in commands, but also the reference to the distribution of land by lot in 36:2a are interpretative acts in two respects. On the one hand, the texts in question are explicitly only concerned with the distribution of the *Cisjordanian* territories (as is clear in Num 33:50–56; 34:13; in Num 26:55, 56 a settlement by the Israelites of Transjordan is not even in view in a synchronic perspective). The Transjordanian tribes were not directly affected by this regulation, for they had already received their inheritance (32:33–42; 34:14–15). Yet according to their genealogy, the Gileadites in Numbers 36 belong only to the *Transjordanian* half of the tribe of Manasseh (36:1; 32:39–42).<sup>17</sup> On the other hand, the intention of the Gileadites is clear only through the continuation of their speech and the consequence expressed therein concerning the distribution of the land by lot: the inheritance remaining in the possession of the individual tribes. This consequence is not made explicit in the texts in question, but is clearly claimed by the Gileadites: if Zelophehad's daughters marry Israelites from other tribes, the inheritance of the daughters would be transferred to the other tribe and removed from the tribe of Manasseh. Then part of Manasseh's share of the inheritance would be taken away (גרע niph. in 36:3, 4 and 27:4). This argument presupposes that the inherited land is inalienable (cf. Lev 25:23–24; 1 Kgs 21:3; Ezek 46:16–18; cf. also Ezek 48:14).

In Num 36:4, the reference to the Jubilee (cf. Leviticus 25) – precisely in its nebulosity (see below) – reinforces the consequences of this case: According to the Gileadites, the land inherited by Zelophehad's daughters would pass into the possession of the other tribe for good in the year of the Jubilee if they married into another tribe. The law of the Jubilee, which restores

<sup>17</sup> With respect to genealogy, it is striking on the one hand that in Num 36:1, Zelophehad's father, Hopher, in contrast to Num 26:29–34; 27:1; Josh 17:2–3 is not mentioned, and that, on the other hand, the distribution of Manasseh's inheritance to areas east and west of the Jordan has left literary-historical problems both in Numbers 32 and in Josh 17:1–6 (cf. also Josh 13:31).

original property situations, would thus not apply in this present case of *inheritance* rights.

YHWH's decision concerning both regulations as communicated through Moses represents a mediation. In a fundamental adherence to the regulation that the daughters could inherit the land if their father died without a son (36:8; cf. 27:8), their freedom to marry is limited insofar as they have to marry within their father's tribal clan (36:6b, 8a), which means that no inherited land can be transferred from one tribe to another; rather, the Israelites should firmly hold to their respective inheritance (36:7, 9). As in Num 27, the regulation is first applied to the present case of Zelophehad's daughters (36:6aßb, 7; cf. 27:7), and then generalized in a second step (36:8–9; cf. 27:8b–11). Therefore, 36:7 and 36:9 can and must essentially be formulated the same way. A characteristic distinction between both verses exists with respect to the different addressees in 36:7b and 36:9b. In the former, concerning the concrete case of Zelophehad's daughters, *every Israelite* (כִּי אִישׁ יִדְבְּקוּ בְּנֵי יִשְׂרָאֵל ...) should hold to the inheritance of his father's tribe; it is thus aimed at individuals. In contrast, in 36:9b, in the general regulation, *each tribe* of Israel (כִּי־אִישׁ יִדְבְּקוּ מִטּוֹת בְּנֵי יִשְׂרָאֵל ...) should hold to his inheritance; it is thus aimed at the tribes. In the concrete case of Zelophehad's daughters, the limitation could go further. It is at least stated that they can marry (only) those who please *them* (36:6aß), and they are limited to marrying within the tribe of *their* father (36:6b), whereby in both cases a *masculine plural suffix* is used (cf. in contrast, the feminine singular in 36:8a and the feminine plural in 36:12b).<sup>18</sup> In the present context, this seems to require the agreement of the male relatives of Zelophehad's daughters (given that the gender of the suffixes is not faulty here).

What follows in 36:10–12 is the remark that Zelophehad's daughters married their cousins in accordance with YHWH's command, and that the land inheritance remained in their tribe, and in 36:13 the already discussed closing verse on the proclamation of the commandments and regulations in the second part of the book of Numbers as a whole.

Coming from Numbers 36, it is now time to look at Numbers 27, after which we should consider the intention of Numbers 36.

Numbers 27 discusses an instruction from God that has already been communicated. Following the second census in Numbers 26, the death of the exodus generation (cf. 26:63–65), and Moses's assignment from YHWH to distribute the (Cisjordanian) land among the twelve tribes (26:52–56),

18 The Samaritan Pentateuch reads both in 36:6b and in 27:7a (in the construct chain אָחִי אֲבִיהֶם) feminine suffixes – but not in 36:6aß. 4QNum<sup>b</sup> is barely readable in 36:6aß; the editor of the text in DJD XII, Nathan Jastram, assumes a masculine suffix.

the five unmarried daughters of Zelophehad the Manassite (cf. 26:33) approach the whole community and its leaders. Because their father died with no sons (27:3, 4; 26:33),<sup>19</sup> they fear that, because of the patrilinear line of inheritance commanded by YHWH in 26:52–56 (cf. especially 26:54b, 55b),<sup>20</sup> they will be left with nothing when the land is distributed. This would mean that their father's name would also be forgotten. Moses hears their case (משפטן) and brings it before YHWH (27:5), who agrees with them – as he does later with the Gileadites (27:7; cf. 36:5; each time כן + דבר ptc.). As in Numbers 36, the regulation of the present case of Zelophehad's daughters comes first (27:7; cf. 36:6aßb, 7), which is then generalized in a second step (27:8b–11a; cf. 36:8–9) and here introduced as something Moses is to say to the people (27:8a). The generalization sufficiently explains why 27:8b–9 refers to a daughter or a son only as opposed to the five daughters in 27:7: the regulation is valid independently of the precise number of direct descendants.<sup>21</sup> The request for a “possession” (אחזה; 27:4) for the daughters “among our father's brothers” is sustained: they will have “a possession of inheritance” (אחזת נחלה; 27:7a) among their father's brothers. Indeed, the inheritance (נחלה; 27:7b; cf. 27:8b) of their father should be transferred to them.<sup>22</sup> The change in terminology shows that the binding force of the regulation had increased.

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- 19 The argument by the daughters in 27:3, that their father was not involved in Korah's revolt against YHWH but died because of his own sin is not easy to understand (cf. 16:11; 26:9<sup>Smr/LXX</sup> for יעד as a murmuring lexeme in connection with Korah; cf. also Num 14:35). On the one hand, as a Levite, Korah (and, according to Num 26:9, his sons who did not die with him) would not receive land anyway. On the other hand, “in Num 16–17 there is no indication of any trans-generational condemnation. Thus, the daughters of Zelophehad should not be excluded from inheritance, even if their father would have died with Korah.” Frevel, “Book of Numbers,” 25, n. 94. The reference to the narrative of Korah's revolt seems to serve in essence to assure YHWH and Moses, against whom Korah rebelled, that Zelophehad did not sin excessively, and thus the reference functions essentially as a *captatio benevolentiae*.
- 20 As is well known, the execution of this is reported not until Josh 14:1–5. On that and Joshua 17, see below.
- 21 Cf. Frevel, “Book of Numbers,” 27–28: “Because the regulation in vv. 8–11 is a general decree, which is applicable even beyond the case of Zelophehad, it generalizes. Although it cannot be excluded that vv. 8–11 had a literary antecedent in a collection of laws, this assumption cannot be based on the singular alone.”
- 22 That the general regulation in 27:8b–11 makes a terminological distinction between *giving* (נתן) the inheritance to male relatives and the *transfer* (עבר hiph.) to the daughter, was commented on early. Cf. S. Belkin, “Levirate and Agnate Marriage in Rabbinic and Cognate Literature,” *JQR* 60 (1970): 275–329, here 301–303. In the application of this regulation to Zelophehad's daughters in 27:7, however, both terms can be found (cf. also Num 36:2; Josh 17:4 – each time with נתן).



Both the request of Zelophehad’s daughters and the regulation given in response make two assumptions. On the one hand, inheritance is usually passed from father to son. This fundamental principle is also cemented in the general regulation of 27:8b–11a, which should be a statute of law (חקת משפט; 27:11b) for Israel as a whole. That the inheritance passes to a daughter is an exception to the rule (27:8). This also becomes clear from the other subclauses: if the deceased has no son or daughter, his inheritance goes to his nearest, but only and exclusively male relatives (27:9–11; cf. Lev 25:48–49). The second premise is the connection of the deceased’s name with his inherited land. The preservation of the paternal name is an ancient Near Eastern duty of sons, who sought to preserve the memory of their ancestors in the present. The name of a person thus represents a form of postmortal existence.<sup>23</sup> If a person or his name is forgotten, he is not only physically dead but also obliterated from cultural history (cf., e. g., Ps 41:6; 109:8–15; Jer 11:8–23). Next to the possibilities of permanently inscribing one’s name into cultural memory by great deeds or in writing, the descendants represent the normal, virtually natural way one’s name will continue to exist. For a deceased person with no male descendants, the Old Testament had, in particular, the institution of levirate marriage: the widow would marry the deceased person’s brother (cf. Genesis 38; Deut 25:5–10; Ruth 4). The first son from levirate marriage would perpetuate the name of the dead, “so that his name may not be blotted out of Israel” (והיה הבכור אשר תלד יקום על-שם; אחיו המת ולא-ימחה שמו מישראל; Deut 25:6; cf. Gen 38:9). The purpose of levirate marriage was thus to provide the deceased with a male heir through surrogate paternity (Gen 38:8b: וזה זרע לאחיד; והקם זרע לאחיד), which meant that the name of the deceased would not be obliterated (מחה; Deut 25:6) or cut off (כרת; Ruth 4:10), but rather continue to exist in his inheritance (להקים שם; המת על-גחלתו; Ruth 4:5, 10). The regulation of Num 27:1–11 can be characterized as a functional equivalent of levirate marriage, for here as well it is a question of preserving the father’s name and the inheritance within the family: “Why should the name of our father be removed from among his family because he had no son? Give us a possession among our father’s brothers” (למה יגרע שם-אבינו מתוך משפחתו כי אין לו בן תנהלנו אחזה בתוך; אחי אבינו; Num 27:4; cf. גרע. in 36:3, 4). But Numbers 27 contains an

23 Cf. W. Bührer, “‘Ich will mir einen Namen machen!’ Alttestamentliche und Alt-orientalische Verewigungsstrategien,” *Bib* 98 (2018): 481–503. For the following cf. also the thoughts in B. S. Jackson, “Ruth, the Pentateuch and the Nature of Biblical Law: in Conversation with Jean Louis Ska,” in *The Post-Priestly Pentateuch. New Perspectives on its Redactional Development and Theological Profiles* (ed. F. Giuntoli and K. Schmid; FAT 101; Tübingen: Mohr Siebeck, 2015), 75–111, here 90–110.

assumption different from levirate marriage insofar as the name of the deceased will not continue to exist through his widow but through his not yet married daughter(s). In both cases, the name as well as the inheritance of the deceased will be passed over to the firstborn son of either the widow or the not yet married daughter of the deceased. With respect to Zelophehad's wife, the tradition says nothing about her. According to the generational change in Numbers 26, Zelophehad's wife should also have already died, which means that levirate marriage would be out of the question. If levirate marriage concerns surrogate paternity, Numbers 27 is concerned with surrogate inheritance: the daughters inherit the land as surrogates for the expected male descendant of their father. This male descendant will guarantee the continued existence of the name of the father, thereby preserving the patrilinear line of succession.<sup>24</sup> That marriage is necessary for the daughter who inherits as surrogate is self-evident, and it is spelled out in Numbers 36 from another perspective. For the husband of the daughter, the same status applies as in levirate marriage: surrogate paternity. For sons who are not the firstborn and who thereby have a smaller share in the inheritance, the regulation regarding daughters' inheritance from their fathers presents, just like levirate marriage, a good opportunity to possess land, if only under someone else's name. Economically speaking, they are, in any case, well provided for.<sup>25</sup> For the daughters themselves, surrogate inheritance represents excellent social security. Their surrogate inheritance practically replaces the dowry given with them. Something similar applies for widows with respect

24 Cf. B. Baentsch, *Exodus-Leviticus-Numeri* (HAT I.2; Göttingen: Vandenhoeck & Ruprecht, 1903), 635–636, 696–670; A. Lemaire, “L'héritage des femmes: Bible, épigraphie et papyrologie,” in *Entre héritage et devenir. La construction de la famille juive. Études offertes à Joseph Mélèze-Modrzejewski* (ed. P. Hidiroglou; Homme et Société 28; Paris: Publications de la Sorbonne, 2003), 37–50, here 38–39; H. Seebass, “Zur juristischen und sozialgeschichtlichen Bedeutung des Töchtererbrechts nach Num 27,1–11 und 36,1–12,” *BN* 102 (2000): 22–27, here 22–25; D. H. Aaron, “The Ruse of Zelophehad's Daughters,” *HUCA* 80 (2009): 1–38, here 11–13; S. Shectman, *Women in the Pentateuch. A Feminist and Source-Critical Analysis* (Sheffield: Phoenix Press, 2009), 162–164. Shectman speaks of “hereditary placeholders” and “temporary inheritors” but, with regard to Numbers 36, relates this act of surrogacy not to Zelophehad's expected male heir but to the male heir of the daughter's husband: “As soon as a daughter married, her inheritance would become part of her husband's holding and would pass on to their children in his name. Thus, while the law delays the disappearance of Zelophehad's name for one generation, it is only a temporary measure” (p. 163); cf. also in the same line B. A. Levine, *Numbers 21–36. A New Translation with Introduction and Commentary* (AB 4A; New York: Doubleday, 2000), 575.

25 On the preference for primogeniture cf. Deut 21:15–17. Depending on the interpretation of *בְּי שְׁנֵים*, the unequal treatment between the firstborn sons and those born later is exacerbated.

to levirate marriage; their only other recourse was to return to their parents’ house (cf. Gen 38:11; Lev 22:13; Ruth 1:8–15).<sup>26</sup>

Barzillai in Ezra 2:61 // Neh 7:63 can serve as an example. Barzillai “took a wife of the daughters of Barzillai the Gileadite, and was called by their name” (ברזילי אשר לקח מבנות ברזילי הגלעדי אשה ויקרא עליהם על-שםם).<sup>27</sup> Raguel is another example: he had no sons but only a daughter, Sarah (Tob 6:11–12). The angel Raphael tells Tobias that, “according to the law of Moses”, as the closest relative, he has the right to marry Sarah and to receive the inheritance of Raguel (6:12–13; cf. 7:9–14; 8:20–21; 14:12–14). The children they will have together will be like brothers for him (ὡς ἀδελφοί; 6:18). Finally, we can also point to the brief remark on the marriage of Eleazar’s orphaned daughters who married their cousins in 1 Chr 23:21–22.<sup>28</sup>

The legal innovation of Num 27:1–11 thus consists in amending the institution of levirate marriage in cases when there is no widow who can provide her deceased husband with a son for preserving his name on his land. In this case, the daughter of the deceased receives the inheritance on behalf of his still expected male heir.

The instruction for distributing the (Cisjordanian) land by lot is carried out in Joshua 14–19 as YHWH commanded through Moses (cf. 14:1–5) – including the allotment of the inheritance to Zelophehad’s daughters (17:3–6). The latter approach (קרבו; Josh 17:4; Num 27:1; cf. also Num 36:1) before Eleazar, Joshua, and the leaders (cf. Num 27:2: Moses, Eleazar, the leaders, and the whole people at the entrance to the tent of meeting; Num 36:1: Moses and the leaders, the heads of the Israelites),<sup>29</sup> telling them about YHWH’s instruction. They explain, “YHWH commanded Moses to give us an inheritance among our brothers” (יהוה צוה את-משה לתת-לנו נחלה בתוך אחינו) (Josh 17:4). Hereby, they cite Num 27:7 yet substitute the “possession” (אחזה; 27:4) they requested initially and that, in God’s instruction, has become “a possession of inheritance” (אחזת נחלה; 27:7a) and finally an “inheritance”

26 Private marriage and inheritance contracts such as from the Judean desert, Elephantine, Mesopotamia or Egypt show that the rights of widows or female orphans in ancient Israel as in its environment were much more extensive in detail than indicated in the biblical texts. Cf., e.g., Z. Ben-Barak, *Inheritance by Daughters in Israel and the Ancient Near East. A Social, Legal and Ideological Revolution* (Jaffa: Archaeological Center Publications, 2006), and to this Aaron, “Ruse,” 6–9; Frevel, “Book of Numbers,” 26–27.

27 On the masculine plural suffix, see W. Rudolph, *Esra und Nehemia. Samt 3. Esra* (HAT I/20; Tübingen: J. C. B. Mohr, 1949), 18.

28 In contrast, the joint inheritance of Job’s daughters and sons in Job 42:15b can hardly be assessed in terms of legal history (cf. Lemaire, “L’héritage,” 40) – and was partially circumvented in the reception of the text. On the texts cited, cf. Baentsch, *Exodus-Leviticus-Numeri*, 696–697; Lemaire, “L’héritage,” 40–41.

29 Eleazar is added by the Septuagint and 4QNum<sup>b</sup> in Num 36:1 to balance the verse with Num 27:2 (and Josh 17:4).

(גחלה; 27:7b; cf. 27:8b) of their father with the “inheritance” (גחלה) to be given. This “inheritance among their father’s brothers” is given to them (Josh 17:4b). Zelophehad’s daughters have thus received their “inheritance” exactly where they belong according to their names: in the Cisjordanian parts of Manasseh. There is also a written testimony to their existence here: in the Samaria Ostraca two of Zelophehad’s daughters, Noah and Hoglah, are listed as districts next to their great uncles, Abiezer, Helek, Asriel, Shechem, and Shemida (cf. Num 26:29–34; Josh 17:1–3).<sup>30</sup> In addition, Tirza also appears occasionally in the Old Testament as an Israelite royal city.<sup>31</sup>

If the above interpretation of Numbers 27 as surrogate inheritance is correct, then the question arises again as to the intention of Numbers 36. If the regulation of Num 27:1–11 is the functional equivalent of levirate marriage, the inheritance remains in principle with the original family and is not removed from the inheritance of the fathers. What, then, should we make of the Gileadites’ intervention and the regulation of Numbers 36?

Like levirate marriage, surrogate inheritance has far-reaching consequences for inheritance. The family of the deceased, which includes brothers, uncles, or his closest relatives (cf. Num 27:9b–11a; Lev 25:48–49), inherit nothing because the line of the deceased is continued in a surrogate way. And the levir or husband of the orphaned daughter inherits nothing in their function as levir or husband of the daughter. Nor is it his own line that is continued here, but that of the deceased, if the first-born son of the levir or husband of the daughter is seen as the son of the deceased and thus receives the inheritance of the deceased (cf. Gen 38:9; Deut 25:6; cf. also Ruth 4:6). Limiting the daughters to a marriage within the tribal clan of their father in Numbers 36 does not change that. Yet something does change. The tribal clan of the deceased could have inherited the land of the deceased *de jure* if there were no levirate marriage or inheritance regulation for the daughters. But with the regulation in Numbers 36, the clan could at least be granted the usufruct of the inheritance. This strengthens the economic status of the clan: the economic potential of the inherited land does not transfer to someone from another clan or another tribe. Thus, just as Numbers 27 ensures the social security of the daughters (even beyond Num 36), Numbers 36 ensures the social security of the clan. In particular, sons who are not the

30 Cf. A. Lemaire, “Le ‘pays de Hépher’ et les ‘filles de Zelophehad’ à la lumière des ostraca de Samarie,” *Semitica* 22 (1972): 13–20; J. Renz, *Die Althebräischen Inschriften. Teil 1. Text und Kommentar* (Handbuch der Althebräischen Epigraphik [HAE] 1; Darmstadt: Wissenschaftliche Buchgesellschaft, 1995), 86–87.

31 Cf. 1 Kgs 14:17; 15:21, 33; 16:6, 8, 9, 15, 17, 23. Cf. also Cant 6,4; Josh 12:24; 2 Kgs 15:14, 16.

firstborn can still benefit from new land through such a marriage. This is also why the terminology of clans and of tribes side by side in Numbers 36 is necessary and in no way a sign of redactional activity: precisely as in the case of the surrogate inheritance by daughters (Num 27:8–11; 36:6–12), the land usually remains (Num 27:9–11; Lev 25:10, 41, 48–49) in the clan and thereby in the tribe of the deceased. Tribal areas do not simply change hands back and forth, according to the divine distribution of the tribal land by lot (cf. Num 36:2a).

This also explains the reference to the Jubilee in 36:4. Numbers 36:4 initially appears to contradict the instructions about the Jubilee found in Leviticus 25 because in Num 36:4 it is not the restoration of the original situation that is in view. Correspondingly, according to most exegetes, 36:4 is an addition to Numbers 36 that is hard to explain. But in line with this paper's thesis, usufruct from possession – also land possession – and the strengthening of the clan all represent the common themes of Numbers 27; 36 and Leviticus 25. If a daughter who inherits married outside the clan of her father, the clan would no longer be able to benefit from the land. The land would admittedly remain in the family of the deceased and ultimately be transferred to his descendants, but with the husband of the daughter there is someone who will benefit from the land even though he does not belong to the clan of the woman's father. With the limitation prescribed in Numbers 36, the clan of the deceased still remains, if not the heir, at least the usufructuary of the land – at least until the birth or the acceptance of inheritance (which functions in some ways analogously to the Jubilee) by the future heir of the deceased.<sup>32</sup>

Numbers 36 thus represents a clarification of Num 27:1–11. The regulation for daughters to inherit is, however, in no way annulled: it is explicitly confirmed in 36:12b concerning Zelophehad's daughters and in 36:8a in the generalization of the regulation for all daughters who inherit. Daughters can inherit land, and it is their (feminine plural) inheritance, not their husbands' inheritance. The change in Numbers 36 with respect to 27:1–11 consists in strengthening the economic status of the clan by limiting the daughter's freedom to choose a husband. Like 27:1–11, Numbers 36 also represents a narrative of a new law's revelation. Both chapters are similar in how they ultimately implement their legal innovation, doing so by including

<sup>32</sup> Like Num 27:1–11; 36 also the institution of redemption is not interested primarily in individuals but in strengthening the clan. Cf. R. Kessler, "Zur israelitischen Löserinstitution (1992)," in *Studien zur Sozialgeschichte Israels* (ed. R. Kessler; SBAB 46; Stuttgart, 2009), 74–84. A somewhat comparable case of usufruct of land, but without surrogate inheritance, is presented in Ezek 46:16–17.

and creatively continuing prior narrative and legal texts alike. The difference in how the regulation is presented is remarkable. Unlike Num 27:5, in Numbers 36 the case is not (explicitly) brought before God. Rather, Moses communicates the instruction immediately to the petitioners according to YHWH's command. The regulation for daughters to inherit thus occurs as an additional revelation by YHWH, whereas its correction appears to be more of an exegesis of the law by Moses who, according to YHWH's command, restores the balance between two commands previously decreed by YHWH. Finally, in connection with this, the place where this event occurs is not indicated in Numbers 36, whereas in 27:2b the entrance to the tent of meeting is explicitly named as the place where it occurs. This "changed mode of legal decision" in Numbers 36 demonstrates that "[n]ow the principles are provided for any further adaptation, be it situational or necessary by conflicting objectives within the existing law."<sup>33</sup>

### III. Num 27:1–11 in Comparison with Num 15:32–36, Num 9:6–14, Lev 24:10–23

The differences in lawgiving between Numbers 27 and Numbers 36 bring out commonalities shared by Num 27:1–11 and three other Pentateuchal texts, as has long been seen: the narrative about the (Egyptian-Israelite) blasphemer in Lev 24:10–23, the narrative about the postponement of the Passover because of uncleanness in Num 9:6–14, and the narrative about the desecrator of the Sabbath in Num 15:32–36.<sup>34</sup> These texts report legal decisions arising from specific conditions; closely interweave law and narrative; belong to the latest Priestly texts of the Pentateuch; and represent examples of creative-adaptive scribal texts. In all four of them, a legal matter not settled by the Sinai revelation is brought to Moses, who in turn submits the case to YHWH for a decision. Following Simeon Chavel, the four narratives can be characterized as "oracular novellas."<sup>35</sup>

<sup>33</sup> Frevel, "Book of Numbers," 30.

<sup>34</sup> Cf. the treatment of these texts in Fishbane, *Interpretation*, 98–105; S. Chavel, *Oracular Law and Priestly Historiography in the Torah* (FAT II/71; Tübingen: Mohr Siebeck, 2014).

<sup>35</sup> Chavel, *Oracular Law*, 12: "'novellas,' on account of both their short-story form and the legal innovation in them, and 'oracular,' on account of the means that achieves the new law and that also gives the story-form as a whole its particular diction and shape." "The heart of the plot in each case consists specifically of consulting Yahweh for immediate instruction, to gain his divine decisions and legislation, which will serve as law forever after" (p. 9).

The four narratives display a similar structure, one that is not shared by other texts that connect law and narrative with each other:<sup>36</sup>

a) Moses is confronted with a legal request. In the case of Lev 24:10–11 and Num 15:32–33, an unspecified group of Israelites bring a culprit caught *in flagrante delicto* to Moses. In the case of Num 9:(1–5),<sup>36</sup> and Num 27:1–2 (cf. Num 36:1), the petitioners themselves come forward to present their case (Num 9:7; 27:3–4; cf. 36:2–4), either as people who became unclean through contact with dead bodies or Zelophehad's daughters, who fear they will be excluded from the community (גרע niph. in Num 9:7; 27:4; cf. 36:3–4). In addition to Moses, Aaron and the whole community are present in Num 15:33; Aaron in Num 9:9; Eleazar, the leaders, and the whole people in Num 27:2 (cf. Num 36:1: Moses and the leaders, the heads of the Israelites); but Moses acts alone in all four (or five) cases.<sup>37</sup> Only Num 27:2 mentions the place where the case is decided, namely, the entrance of the tent of meeting.

b) Moses cannot resolve the legal issue on his own because there is no regulation for the case in question (Lev 24:12; Num 15:34; each time with פרש), so he submits the case to YHWH (Num 27:5) to hear what YHWH will command (Num 9:8). In the case of Lev 24:12 and Num 15:34, the perpetrator who is caught is taken into custody (נוח hiph. + במשמר). It was already observed above that Numbers 36 does not relate that Moses submitted the case to YHWH; there Moses decides the case directly, based on YHWH's command.

c) In all four cases, YHWH instructs Moses directly (Lev 24:13; Num 9:9; 15:35a; 27:6) and issues a regulation. In Lev 24:4; Num 15:35aß; and 27:7, YHWH gives specific instructions for the case in question and in Lev 24:15–22; Num 9:10–14; and 27:8–11a, he supplies generalizations based on and going beyond the concrete case and possibly also broader instructions less closely connected with the concrete case. In the case of the perpetrator who was caught in Leviticus 24 and Numbers 15, the punishment of stoning was carried out by the entire community outside the camp (each time רגם + כל-העדה). In Num 36:5, the regulation of the present case is directly attributed to Moses according to YHWH's command, and in 36:6–9 the generalization by Moses is introduced as a command from God (36:6a).

d) Finally, a notice of fulfillment is found in Lev 24:23 and Num 15:36 related to the case in question "just as YHWH had commanded Moses"

36 Cf. Fishbane, *Interpretation*, 102–104; Chavel, *Oracular Law*, esp. 4–8. Chavel subdivides the four narratives into two "action-episodes" (Lev 24:10–23 and Num 15:32–36), and two "situation-episodes" (Num 9:6–14 and Num 27:1–11).

37 In Num 9:7 (ויאמרו האנשים ההמה אלינו) and 27:4b (תנה לנו אחזה בתוך אחי אבינו), Moses seems to be the only addressee as well (cf. Num 36:2).

(יהוה את־משה; כִּאֲשֶׁר צִוָּה יְהוָה; cf. Num 36:10–12). In Num 27:11b, the preservation of the general regulation about inheritance is consigned to the further course of history, and the phrase “just as YHWH had commanded Moses” (כִּאֲשֶׁר צִוָּה יְהוָה את־משה) seems to be part of YHWH’s speech.<sup>38</sup>

Precisely in those cases in which the divine answer goes beyond the present case (Leviticus 24; Numbers 9; 27), the question arises concerning the literary history of the connection of law and narrative. In these cases, “the oracular *responsum* is formulated in the precise casuistic style of the Pentateuchal priestly ordinances (“if a man,” אִישׁ אִישׁ/אָדָם כִּי) and presents a law *more comprehensive than* the situation called for by the original oracular situation.”<sup>39</sup> Michael Fishbane derives two things from this point. On the one hand, he points to a literary-historical stratification of the three texts, where the casuistically formulated general regulations are later than the surrounding narratives. On the other hand, he situates the texts within the framework of a scribal “legal bureaucracy,” where “later legal draftsmen reformulated an old legal *responsum* which was received by tradition and incorporated it into matters perceived to be analogous or otherwise related – on the basis of pure legal speculation or practical legal tradition.”<sup>40</sup>

First, according to what has been discussed above, Num 27:1–11 constitutes a literary unit. The general instructions in 27:8b–11a cannot be separated from the narrative of Zelophehad’s daughters because of the presupposed situation and terminology in 27:8b, 9a (cf. אֶת־נְחֻלָּתָא עֵבֶר in 27:7b, 8b). And 27:9b–11 amounts to common sense, which now needs only to be reported because of 27:(1–8a), 8b, 9a.<sup>41</sup> Similarly, there are good arguments to propose that Lev 24:10–23 and Num 9:1–14 are literary units: tensions can be explained each time by their creative adaptation of different preexisting texts.<sup>42</sup>

This leads to the second point. If, contra Fishbane, the literary criticism of each of the texts mentioned presents no signs of “the ongoing work of a trained legal bureaucracy,”<sup>43</sup> the narratives nevertheless do have in common

38 See below, n. 41.

39 Fishbane, *Interpretation*, 102–103.

40 *Ibid.*, 104.

41 *Contra* Chavel, *Oracular Law*, especially 203–211. Against Chavel’s unravelling of 27:11, we can say that 27:11b $\beta$  does not have to be interpreted as the narrator’s commentary but can be interpreted as the conclusion of YHWH’s speech, for in YHWH’s speeches, passages about YHWH’s actions recounted in the third person occur frequently.

42 For Lev 24:10–23, cf. C. Nihan, *From Priestly Torah to Pentateuch. A Study in the Composition of the Book of Leviticus* (FAT II/25; Tübingen: Mohr Siebeck, 2007), 512–520; for Num 9:1–14, cf. Achenbach, *Vollendung*, 547–549.

43 Fishbane, *Interpretation*, 104.



that they implement their legal innovation by creatively combining and adapting existing narrative and legal texts. In that respect, they can be characterized as scribal tradition literature. The same applies for Num 15:32–36, whose literary unity is not in question. This has already been shown to be true for Num 27:1–11 (as well as for 36:1–12). Leviticus 24:10–23 applies Exod 22:27a (“You shall not curse God!” אֱלֹהִים לֹא תִקְלַל) to strangers and concretizes the punishment for Israelites and non-Israelites. A fight between two men is presupposed here as the occasion for blasphemy, as it also triggers the *lex talionis* of Exod 21:22–25 parallel to the comprehensive stipulations in Lev 24:17–21 (cf. נִצַּח niph. in Exod 21:22; Lev 24:10).<sup>44</sup> Numbers 9:1–14 connects festival and purity instructions in a concrete case, “from which all other regulations of this conflict can be derived.”<sup>45</sup> The Passover legend of Exodus 12 and texts like Lev 21:1–4, 11; 22:4–7; Num 5:1–4; 6:9–12; 19:11–22; Hag 2:13, which exclude individuals who have become unclean through contact with dead bodies from cultic events and the camp, are here connected (i. e., whoever cannot observe Passover at the fixed time because he is unclean or travelling has to celebrate Passover a month later; Num 9:10–12). This applies, as does Exod 12:19, 48–49, for both foreigners and Israelites (Num 9:14; cf. also Lev 24:16, 22). Finally, in Num 15:32–36, older stipulations on the observation of the Sabbath were supplemented regarding the precise kind of death penalty for those who do not observe it, adding to what was already stipulated as death penalty according to Exod 31:14–15.

These texts are thus good examples of creative-adaptive scribal texts. They all derive from Priestly circles of the late Persian period and give glimpses into the process of the “completion of the Torah.”<sup>46</sup>

44 According to Nihan, *Priestly Torah*, 516–520, the intertextual scope is even larger since Lev 24:17 takes up Exod 21:12 and combines it with Gen 9:5–6. The Priestly creation theology is also reflected in the relationship between YHWH, fellow humans, and animals in Lev 24:15–22. Cf. also C. Nihan, “Narrative and Exegesis in Leviticus. On Leviticus 10 and 24,10–23”, in *Schriftgelehrte Fortschreibungs- und Auslegungsprozesse. Textarbeit im Pentateuch, in Qumran, Ägypten und Mesopotamien* (ed. W. Bühner; FAT II/108; Tübingen: Mohr Siebeck, 2019), 207–242.

45 Achenbach, *Vollendung*, 548 (“Mit dem ersten denkbaren Konfliktfall um die Passa-Durchführung wird zugleich der erste grundsätzliche, exemplarische Fall eines Idealkonfliktes zwischen Festtora und Reinheitstora behandelt, von dem sich alle weiteren Regulierungen dieses Konfliktes deduzieren lassen.”). And further: “In this respect, we encounter here, within the framework of the Book of Numbers in the final phase of the completion of the Torah, the beginning of midrash” (“Insofern stoßen wir hier im Rahmen des Numeribuches in der Endphase der Vollendung der Tora auf den Beginn der Midraschim”).

46 Achenbach, *Vollendung*, 517–525, 547–549, 567–573, 632–633, 638 allocates Num 27:1–11 to his Theocratic revision I, 15:32–36 to his Theocratic revision II, and 9:1–14 as well as 36:1–12 to his Theocratic revision III, all of which he dates to the 4th century.

The revelation of the law in the oracular novellas reminds one of Exod 18:13–27, the appointment of assistants for Moses, and Exod 33:7–11, which reports that people would inquire of YHWH at the tent of meeting *outside* the camp.<sup>47</sup> Both texts are related in terms of content with the narrative of Num 11:4–35, which will now be investigated more closely.

#### IV. Num 11:4–35

Numbers 11 contains two murmuring narratives that are distinguished from each other by their different locations (but without any report of a change in location; yet see Deut 9:22). In what follows, only the second story located at Kibroth-Hattaavah (11:34) will be discussed, though its present form presupposes and continues the first narrative. Among the people mentioned in 11:1–2(, 3) (11:4: בקרבו “in *their* midst”) are those who are not genealogically related to Israel, the so-called “mixed multitude” (האספסף). According to Exod 12:38, a “mixed group” (here ערב) accompanied the wandering Israelites. These people were greedy (התאוון תאוה; Num 11:4 cf. 11:34) and appear to have infected the Israelites with their greed, for the Israelites begin to complain *again*.<sup>48</sup> As in Exod 16:2–4, they want food that they had in sufficient amounts in Egypt. This time, however, they are not afraid of starving but simply long for other food, for they remember the tasty food in Egypt. They are no longer satisfied with the manna (11:4–6), which they had received since Exodus 16 as nourishment through YHWH’s grace. Likewise akin to Exodus 16, YHWH in Numbers 11 promises the gift of meat to the Israelites through Moses (11:18) and finally sends quail (11:31).

This brief and incomplete rendition of the narrative of Kibroth-Hattaavah shows at least two peculiarities.

First, the feeding with quail turns out to be a punishment and not the gracious food as in Exodus 16. YHWH becomes angry at the Israelites’ complaints (Num 11:10; cf. 11:1b, 33b) and, already in the announcement of the meat as a response to complaints, it is said that the overabundant giving of the meat will result in nausea and disgust on the part of the Israelites

47 Cf. Fishbane, *Interpretation*, 102; Chavel, *Oracular Law*, 12–14.

48 בכה “to weep,” is used as lexeme for complaining and murmuring in addition to Num 11:4, 10, 13, 18, 20 only in Num 14:1; cf. also Deut. 1:45. A *clear* reference to an earlier complaint or murmuring episode is not given, but the relation to Exodus 16 in the present text of the Pentateuch is obvious. The Septuagint translates וישבו ויבכו (“and they wept anew”) with καὶ καθίσαντες ἔκλαιον (“and they wept sitting down”), with וישבו derived not from שׁוּב but from יֵשֵׁב (cf. also Deut 1:45, where שׁוּב is, however, used as full verb).

(11:19–20). The giving of the meat is finally followed by a non-specified but deadly "severe blow" by YHWH against the Israelites (11:33).

Second, this quail narrative incorporates another narrative strand that presupposes the former: the gift of the spirit to 70 elders. In this elders narrative, the people's complaints are accompanied by Moses' complaint. In 11:11–15, he complains that he can no longer carry or endure (נשא) the people alone. In his complaint, he refers back to the people's desire for meat in 11:4(–6) and interprets it as a demand made on himself. He understands the people's complaint in wailing in 11:4ba as weeping to him: כִּי־יִבְכוּ עָלַי "For they are weeping to me and saying" (11:13ba). He restates the question posed by the people to no one in particular, מִי יֵאָכְלֵנוּ בֶּשֶׂר "Who will give us meat to eat?" as תְּנֵה־לָנוּ בֶּשֶׂר וְנֹאכְלָהּ "(You) give us meat, so that we can eat!" (see 11:4by and 11:13bβ). Moses thus appears to take the complaint of the people as an occasion to make his own complaint. When YHWH answers Moses, he first deals with Moses' complaint and then with the people's complaint (11:16–17, 18–20), combining both narrative strands. And YHWH also interprets the complaint by the people: Their weeping is a weeping in YHWH's hearing (כִּי בְכִיתֶם בְּאָזְנֵי יְהוָה; 11:18a; cf. 11:1) or a weeping before him (וּתְבַכּוּ לִפְנֵי; 11:20b), and the people's speech is interpreted as an implicit (11:18aβ)<sup>49</sup> and explicit (11:20by) questioning of the exodus.<sup>50</sup> Finally, in 11:21–22, 23, the complaining Moses gives way to the doubting Moses, before YHWH deals with the reason for Moses' complaint (11:24–30) and the occasion for the people's while simultaneously punishing the people for such activity (11:31–34).

Scholars have tried responding to both peculiarities with theses about the redactional history of the text. On the one hand, partially by comparison with Exodus 16, it is sometimes assumed that the giving of meat is not originally a punishment, but goes back to a positive miracle story.<sup>51</sup> On the other hand, many researchers agree that the narrative of the elders (with various ascriptions in, e. g., Num 11:[11–12,] 14–17, 24b, 25–30) was added only later to the basic narrative (with various ascriptions in, e. g., 11:4–6, 10,

49 Only the beginning of YHWH's speech in 11:18a cites the beginning of the people's speech in 11:4by literally. Moses reformulates the desire for meat in 11:13bβ, and YHWH restates the detailed second part of the people's speech in 11:5–6 differently and in a distinct way in 11:18aβ and 11:20by.

50 Such interpretations of the people's complaint, which, in general, intensify the people's speech, are also found in other murmuring narratives. They fulfill a rhetorical-theological function, and do not necessarily point to a text's redactional history.

51 Cf. most recently, for example, Achenbach, *Vollendung*, 219–266, who sees 11:4bβ, 5, 6a ... 13\*, 16aa, 18aa.b\*, 19, 20aa, 21–23\*, 31–32 as the original quail miracle narrative (cf. p. 266); and similarly Germany, *The Exodus-Conquest Narrative*, 197–203.

[11–12,] 13\*, 18–23, 24a, 31–35).<sup>52</sup> Erik Aurelius has persuasively countered this consensus.<sup>53</sup> Through a literary analysis of the narrative and a consideration of its source texts, he shows that Num 11:4–35 is essentially<sup>54</sup> a unified text that creatively adapts and interprets other texts.

a) The varied assignment of the first part of Moses' complaint, 11:11–12 (see above), in different works reveals the problem of literary-critical explanations, in two respects. On the one hand, no literary seams can be detected in Moses' complaint, just like in God's answer. While the elders theme depends on the quail narrative, in both speeches the quail narrative depends on the elders narrative through the respective introduction to the speech in 11:11 and 11:16.<sup>55</sup> On the other hand, the people's desire for meat; the burden placed on Moses by the people; and the easing of his burden by elders are all narratively connected. The people's desire for meat serves as the occasion for Moses' complaint, which is why Moses' retelling of the people's complaint is framed by his one complaint in 11:11–12 / 11:13 / 11:14–15.

52 Cf. most recently, for example, Achenbach, *Vollendung*, 219–266; Germany, *The Exodus-Conquest Narrative*, 197–203. Cf. the critical evaluation in E. Aurelius, *Der Fürbitter Israels. Eine Studie zum Mosebild im Alten Testament* (CB.OT 27; Stockholm: Almqvist & Wiksell International, 1988), 177.

53 Cf. Aurelius, *Fürbitter*, 176–186. As is well known, Noth defended both theses. According to his *Überlieferungsgeschichte des Pentateuch*, “[t]he unity of Num. 11 is not a literary-critical but a traditio-historical problem. For here different materials have merged into an indissoluble unity [...]” (M. Noth, *A History of Pentateuchal Traditions* [trans. B.W. Anderson; Chico: Scholars Press, 1981], 32 n. 119; cf. also p. 123; cf. M. Noth, *Überlieferungsgeschichte des Pentateuch* [Darmstadt: Wissenschaftliche Buchgesellschaft, 1960 (=1948)], 34 n. 119: “Die Einheitlichkeit von Num. 11 ist kein literarkritisches, sondern ein überlieferungsgeschichtliches Problem; denn verschiedene Stoffe sind hier zu einer nicht mehr auflösbaren Einheit verschmolzen”; cf. also pp. 141–142). According to his later commentary, however, both narrative strands have “not been woven together, but there is even a clean break between one section and another. We must, therefore, reckon with literary juxtaposition [...]” (Noth, *Numbers*, 83; cf. Noth, *Numeri*, 75: “Diese beiden Inhalte nun sind so wenig miteinander verflochten, vielmehr von Abschnitt zu Abschnitt so reinlich voneinander geschieden, daß mit literarischer Zusammensetzung zu rechnen ist.”). Noth here regards 11:14–17, 24b–30 as an addition to the Yahwist quail narrative.

54 Inquiries about the present text arise in connection with the explanation about manna in 11:7–9 and in 11:12bβγ. In the first case, however, as is usual with such narrator's comments, it is difficult to determine at what stage of the development of the text the verses originate. In the second case, the communication level is at least striking because of the 2<sup>nd</sup> pers. sing. (cf. BHS), but no clear judgment can be made here either. Finally, ולא יספור in 11:25 represents an old *crux interpretum* (cf. BHS). The episode of Eldad and Medad in 11:26–29, in contrast, is an integral part of the chapter. They were not additional elders who were given the spirit, but were part of the 70 elders (11:26: ... וישארו שני־אנשים במחנה ... ולא יצאו האהלה). The episode shows that the giving of the spirit is not limited to the presence of the tent of meeting or Moses.

55 Cf. on this in particular the considerations in Aurelius, *Fürbitter*, 178.

Moses’ burden fits both themes – the quail strand and the elders strand. A distinction between the two narrative strands, as Julius Wellhausen and others have proposed, does not do justice to the text.<sup>56</sup> This applies not only for 11:11–20 but also for the rest of the narrative. The quail and elders strand exist seamlessly side by side in 11:21–24a, 31–35 and 11:24b–30. Moses’ doubt in 11:21–22, 23 is related to the meat theme and allows the burden of Moses’ task with the people to become clear again. Finally, some central lexemes can be mentioned that are used in both narrative strands: אסף (11:4, 16, 22, 24, 30, 32[bis]); רוח (11:17, 25[bis], 26, 29, 31; the variation in gender can be sufficiently explained by the distinction in the subject); סביב (11:24, 31, 32); כל-העם הזה “all this people” (11:11, 12, 13, 14). Depending on the allocation of the verses, מִשָּׂא/נִשָּׂא (11:11, 12[bis], 14, 17[ter]) can also be cited.<sup>57</sup>

Something similar applies to the question of whether there was an earlier, positive miracle story about quail. To re-construct such a text, one must dissect what belongs together, at least in 11:6 and 11:20.<sup>58</sup> A look at the source texts of Num 11:4–35 shows that this decision is not compelling.

The study of the source texts of Num 11:4–35 is important not only for the question of “inner-biblical interpretation,” but is also for the redactional history of the chapter. The short literary analysis above could indeed show that the text has no literary seams that demand a literary-critical distinction between different textual layers. But because Old Testament texts could be and were composed without any discernible seams, the analysis of the source texts can at least attempt to show why several texts and themes (have to) occur in a text. As in some examples discussed above, it will be shown here as well that the text’s peculiarities, which have repeatedly provoked theses on text diachrony, arose through a combination of different source texts, not through the work of several authors.

b) According to Aurelius, Num 11:4–35 takes both themes of the narrative from prior tradition (i. e., the feeding with quail and the institution of the elders to assist Moses). The “reason and intention” behind this combination

56 Cf. J. Wellhausen, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin: de Gruyter, 41963 [1885]), 99: “How can hunger among the people arouse the desire in Moses to have assistants for his public activity! They could not provide any meat, and yet it came down to meeting their primary need.” (“Wie kann der Hunger des Volkes in Mose den Wunsch erwecken, Mitarbeiter für seine öffentliche Tätigkeit zu haben! die schafften auch kein Fleisch und es kam doch darauf an, die erste Not zu kehren.”) The “primary need,” however, is not “the hunger of the people” but their desire for other food (11:4–6). This raises the question of leading the people and Moses’ role in this task!

57 בכה (11:4, 10, 13, 18, 20) is used only in the quail narrative but also in passages that view the quail miracle as a punishment: 11:20b.

58 See above, n. 51.

is the “deepening and furthering of Moses’ complaint” in Exod 17:4.<sup>59</sup> Thus (with Aurelius and going beyond him),<sup>60</sup> Num 11:4–35 presupposes Exodus 16; 17:1–7; 18:13–27 and adapts these texts creatively.

Indisputable is the case of Exod 18:13–27 (and its retelling in Deut 1:9–18).<sup>61</sup> Here, on the advice of his father-in-law, Jethro, Moses enlists prominent men to assist him because he cannot (in the long run) settle all the legal questions of the people by himself (לְבַד; Exod 18:14, 18; Num 11:14, 17; Deut 1:9, 12). These prominent men would support Moses in bearing the burden of the people (מִשָּׂא נֶשְׂאָה; Exod 18:22; Num 11:11, 12[bis], 14, 17[ter]; Deut 1:9, 12[bis]). This placement in the area of judicature becomes progressively weaker in the sequence Exod 18:13–27 – Deut 1:9–18 – Num 11:4–35. Increasingly, the judges (שֹׁפֵט; Exod 18:[13, 16,] 22[bis], 26[bis]; Deut 1:16[bis]) develop into Moses’ assistants (Num 11:17b), while their precise function remains unclear. With respect to giving the spirit of Moses to them and the resulting prophetic behaviour of the 70 elders, Num 11:4–35 is more connected to late prophetic texts on the giving of God’s Spirit (cf. especially Joel 3; Isa 63:10–14 and Moses’ desire in Num 11:29b) than Exod 18:13–27 or Deut 1:9–18.<sup>62</sup> While the number of Moses’ assistants in Exod 18:13–27 and Deut 1:9–18 is not given, the number of 70 elders also comes up in Exod 24:1–2, 9–11, 12–14 – and here as well we encounter the realm of judicature (דִּבְרָר; 24:14; cf. Exod 18:16, 9, 22[bis], 26[bis]; Deut 1:17).

<sup>59</sup> Aurelius, *Fürbitter*, 181.

<sup>60</sup> Regarding the relation of Numbers 11 and Exodus 16, Aurelius, *Fürbitter*, 179–181, stays on the paths stamped by the classic source-critical analysis of the Pentateuch: “The narrator thus took over the feeding of the people with quail from a tradition that was not attested before him” (p. 181; “Die Speisung des Volkes mit Wachteln hat der Erzähler also aus einer vor ihm nicht bezeugten Tradition [...] übernommen”): the feeding with the manna derives, according to Aurelius, from Deut 8:16. In contrast, others, such as Römer, “Israel’s Sojourn,” 434; and Germany, *The Exodus-Conquest Narrative*, 197–203, assume that Numbers 11 presupposes Exodus 16. Cf. also T. Römer, “Egypt Nostalgia in Exodus 14 – Numbers 21,” in *Torah and the Book of Numbers* (ed. C. Frevel et al.; FAT II/62; Tübingen: Mohr Siebeck, 2013), 66–86, here 76: “In all probability, Num 11\* refers to the combination of manna and quails in Exod 16 and midrashically continues this narration, in order to emphasize the permanent rebellion of the people.” Achenbach, *Vollendung*, 219–266, esp. 232–236 defends a complex model of mutual dependence: the present text of Num 11\* is older than the present text of Exod 16\*, but the relation is precisely the other way around in the underlying sources of these texts. These sources, however, can no longer be clearly reconstructed.

<sup>61</sup> Cf. Aurelius, *Fürbitter*, 180–181. Exegetical and literary-historical questions on Exod 18:13–27 and Deut 1:9–18 cannot be discussed here. The later additions in Exod 18:21b, 25b do not play any role in Numbers 11.

<sup>62</sup> Cf. Römer, “Israel’s Sojourn,” 437–438. Given the unceasing distinction between Moses and the 70 elders and Moses’ desire in 11:29b, it is not clear that we encounter here “an anti-deuteronomistic view of prophecy” (p. 438).

According to Aurelius, "In all decisive points, i.e., Israel's murmuring, Moses' complaint and God's miracle, Num 11:4–35 appears to be an emphatic intensification of the Massah and Meribah narrative in Exod 17:1–7."<sup>63</sup> While it is a natural plight in Exodus 16 and 17:1–7 that leads the Israelites to murmur (לון in 16:2, 7, 8, 9, 12; 17:3; תלנות in 16:7, 8[*bis*]) or quarrel (ריב in 17:2[*bis*], 7; נסה in 17:2, 7), in Num 11:4–6 it is the desire for more: the manna is presented in 11:6, 7–9 as the regular food for the Israelites, of which they are now tired. They want meat again. Moses' interpretation of their desire in Num 11:13, תנה לנו בשר ונאכלה "(You) Give us meat, so that we can eat!," runs parallel to the wish for water in Exod 17:2, especially if the imperative singular is read, with 4QPaleoExod<sup>m</sup>, Samaritanus, the Septuagint, the Vulgate, and other ancient witnesses going against the Masoretic text: תנה לנו מים ונשתה "(You) Give us water, so that we can drink!" In Exod 17:4, Moses turns to YHWH for help in fear of his life because he fears the people might stone him (סקל). In Num 11:11–15, he turns again to YHWH with a more detailed, personal complaint, asking YHWH to kill him instead if he has to carry the people further on his own (vv. 11, 15). Because of the always dissatisfied people, death is no longer the problem, but represents the solution to the problem which the prophet Moses faces.<sup>64</sup> Over against Exodus 16 and 17, and corresponding to the problems facing Moses' leadership, YHWH's response reaches further. Whereas in Exodus 17, Moses and the people's problem are resolved by Moses' producing water from the rock for them to drink in the presence of the elders (17:5–6), in Numbers 11 YHWH first deals with Moses' problem and appoints 70 elders of Israel as assistants.<sup>65</sup> Second, he deals with the desire of the people by granting the excessive gift of quail (11:31–32), but not without punishing the greedy people (11:33–34).

Finally, the reference of Num 11:4–35 to Exodus 16 is evident both in synchronic and diachronic perspectives. In Exod 16:3, the people state the

63 Aurelius, *Fürbitter*, 182 ("[...] so erscheint Num 11:4–35 in allen entscheidenden Punkten, Israels Murren, Moses Klage und Gottes Wunder, als eine nachdrückliche Steigerung der Massa- und Meribaerzählung Exod 17:1–7").

64 Mose shares this fate with other prophets: Jeremiah, Elijah, Jonah. Cf. W. Bührer, "Der Gott Jonas und der Gott des Himmels. Untersuchungen zur Theologie des Jona-Buches," *BN* 167 (2015): 65–78, here 70–75; on the comparison of Jeremiah's confessions with Exod 17:1–7 and Num 11:4–35, cf. Aurelius, *Fürbitter*, 172–173, 183–184.

65 Cf. Aurelius, *Fürbitter*, 182: "The elders taken over from Exod 17 in Num 11 take the place of the 'capable, god-fearing' or 'wise, shrewd, and experienced' men of Exod 18 and Deut 1." ("Die aus Ex 17 übernommenen Ältesten nehmen in Nu 11 den Platz der 'tüchtigen, gottesfürchtigen' bzw 'klugen, einsichtigen und verständigen' Männer von Ex 18 und Dt 1 ein").



danger of starvation (רעב) and the consequent death in the desert, recalling the meat and bread that they enjoyed in Egypt. YHWH, then, promises and provides them with meat in the form of quail and bread in the form of manna (16:11–12, 13–15).<sup>66</sup> In Num 11:4–6, it is meat that is desired as well, and it is given in 11:31–33 in the form of quail.<sup>67</sup> The equation of meat and quail in both texts is already an argument for textual knowledge. In both texts, the quail are assumed to be well known, not something requiring explanation, since they are common in Palestine and the Sinai Peninsula.<sup>68</sup> It is somewhat different with respect to the manna. In Num 11:(4–)6, 7–9, the manna is assumed to be well known both to the Israelites and to the reader; but in Exod 16:13–15, 21, 31, the manna must be defined for the Israelites and for the reader as the bread promised by YHWH.<sup>69</sup> In contrast, Numbers 11 does not mention bread at all.<sup>70</sup> In Exodus 16, manna and quail are presented only positively; but in Numbers 11, their status is ambivalent. The Israelites are tired of the manna, and the overabundance of the quail sent turns out to be a mortal punishment for the greedy people. The texts differ also with respect to the extent of the quail miracle. In Exod 16:12–13, the

66 That the first speech by YHWH, 16:4–5, which promised exclusively bread, has been added is commonly agreed upon on grounds of content and terminology. But also both speeches by Moses (and Aaron) in 16:6–7, 8 are added as specifying anticipations of 16:12. Also the majority of the second half of the chapter, the establishment of the Sabbath, turns out to be a *Fortschreibung* of the original manna and quail narrative of the Priestly text (16:1aßyb, 2–3, 9–10, 11–15, 21, 31). Cf. the reasoning in W. Bührer, “Die didaktische und geschichtstheologische Funktion des Mannas. Textextern und textintern motivierte Fortschreibungen in Ex 16,” in *Schriftgelehrte Fortschreibungs- und Auslegungsprozesse. Textarbeit im Pentateuch, in Qumran, Ägypten und Mesopotamien* (ed. W. Bührer; FAT II/108; Tübingen: Mohr Siebeck, 2019), 179–206.

67 Cf. בשר in Exod 16:3, 8, 12; Num 11:4, 13(*bis*), 18(*ter*), 21, 33; שלו in Exod 16:13; Num 11:31, 32.

68 Cf. E. von der Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft im Alten Orient* (OBO 272; Freiburg/Göttingen: Academic Press/Vandenhoeck & Ruprecht, 2015), 115–117, 374–382. Contra Aurelius, *Fürbitter*, 179, the occurrence or non-occurrence of the definite article in Exod 16:13; Num 11:32, or Num 11:31 entails nothing for the question of whether the quail or a quail narrative were known, as long as the reference, the quail as a natural phenomenon, is clear.

69 Cf. on this, in more detail Bührer, “Funktion.” The narrative invention of manna shows that it is improbable that a natural phenomenon is *in mind* here (which does not mean that such a natural phenomenon was not in the background). Indeed, the Old Testament manna can be compared with the honeydew of the tamarisk plant, but such comparisons belong to the reception history of the Old Testament texts on manna (starting with Josephus *Ant.* III 1.6) and serve as naturalistic explanations of the miracle. By contrast, the Old Testament manna texts emphasize the miracle of divinely provided food.

70 Cf. מן in Exod 16:31, 33, 35(*bis*); Num 11:6, 7, 9; לחם in Exod 16:3, 4, 8, 12, 15, 22, 29, 32 – but not in Numbers 11.



feeding with quail is a one-time event, and the quail fall into the camp but are less important than the manna. In contrast, in Num 11:31–32, the quail fall in a mass around the camp, so that the Israelites are busy gathering them for two days. The extent of this miracle corresponds to the announced satiation with meat for a month in 11:18–20. Thus, in comparison with Exodus 16, the miracle is intensified and serves not only to give the Israelites more than enough meat, but also to punish them. Both aspects make clear that Exodus 16 is not the younger text but the source text, for otherwise the quail miracle would be decreased and, because of the punishment aspect in Numbers 11, would not be presented in a positive way. The intensification of the miracle and the dependence on Exodus 16 can also be seen in Num 11:32a<sup>ß</sup>: *הַמִּמְעִיט אֶסֶף עֶשְׂרֵה חֲמֵרִים* "He who (gathered) least, gathered ten homers." Exodus 16:17–18, concerning the manna, makes a distinction between those who gathered little (*מֵעֵט*) and those who gathered plenty (*רַבָּה*) for their families. One omer (*עֹמֶר*) was reckoned to be what one individual would need per day (16:16, 18, 22, 32, 33, 36). The measurement unit documented only here is indicated in 16:36 to be a tenth of an ephah. The ten homers in Num 11:32, the minimum, thus represent 1000 times the daily ration in Exodus 16.<sup>71</sup> In this respect, Numbers 11 adapts the post-priestly Sabbath addition in Exodus 16, if the assumed redaction-historical analysis of Exodus 16 is correct.<sup>72</sup> This applies also for Num 11:8a, which relates the processing of the manna. There is nothing about this in the basic layer of Exodus 16, but only in the second part of the chapter concerning questions of gathering, storing, and preserving manna: in addition to other lexemes, Exod 16:23 and Num 11:8 share *בָּשַׁל* "to cook"; Num 11:8 describes the preparation of manna in a more detailed way than Exod 16:23 does. What is new for the Israelites and the reader in Exodus 16 is presented in Numbers 11 as a well-known praxis. Finally, Num 11:9 and Exod 16:13b, 14 can also be noted in connection with this: the falling of the manna in the dew is only stated in Numbers 11, whereas in Exodus 16 it is introduced in detail.<sup>73</sup>

Numbers 11:4–35 thus adapts Exodus 16 (in its redactionally expanded form), Exod 17:1–7, and Exod 18:13–27, connecting them to a many-faceted

71 On the relation between an homer and an ephah cf. Ezek 45:11.

72 See above, n. 66.

73 It is well known that the narrator commentary in Num 11:7–9 shows, despite some differences, the closest parallels to Exodus 16, which are then also more clearly brought to light in the textual history (cf. Num 11:7a with Exod 16:31ba; 11:8b with 16:31b<sup>ß</sup>; 11:9 with 16:13b, 14). However, these verses are unclear in their literary-historical classification (see above, n. 54).

narrative<sup>74</sup> where all elements apart from the non-existent, natural plight of the people are intensified: Moses' burden with respect to the perpetual (or at least renewed) murmuring, his complaint and God's response to it in the form of the support of Moses, the intensified miracle, and the punishment. The people's reassessment of the divine gracious gift of manna forms the occasion for the punishment. That Num 11:4–35 at first glance seems to be inconsistent and treats two different questions can thus be attributed to the creative combination of different source texts.

As already stated, another source text for Num 11:4–35 is Exod 33:7–11,<sup>75</sup> where the questioning (בקש) of YHWH at the tent of meeting (cf. Num 27:2) occurs outside the camp. YHWH and Moses speak to each other in the tent of meeting, while the cloud or pillar of cloud indicates the presence of YHWH (Exod 33:9–10; Num 11:25). The position of the tent of meeting outside the camp is simply presupposed in Num 11:4–35. After speaking with YHWH “Moses went out” (11:24) to speak to the people; after the spirit was given to the elders at the tent of meeting, Moses and the elders returned to the camp (11:30), while Eldad and Medad did not even go to the tent of meeting but stayed in the camp at first (11:26). It thus confirms here as well that Num 11:4–35 rests on various source texts and presupposes what they report in more detail. In contrast to the cases of Exodus 16; 17:1–7; and 18:13–27, no creative-adaptive interest can be detected in the reference of Num 11:4–35 to Exod 33:7–11.

## V. Conclusion

If the formulation of the title is understood as a thesis, the above discussion confirms the thesis at least for selected texts of the book of Numbers. In Num 36:1–12; 27:1–11; 15:32–36; 9:6–14; as well as in Lev 24:10–23, narrative and legal texts are creatively adapted to answer legal questions that had

74 In contrast, points of comparison to Exod 17:8–16 and 18:1–12 reveal little, and, above all, they do not deal with the core theme of Numbers 11: Num 11:28 and Exod 17:8–16 share also the figure of Joshua, whose appearance in Numbers 11 is in fact surprising (but cf. also Exod 33:11). Exod 17:13 and Num 11:26 share the motif of something fixed in writing, which is not further explained in Numbers 11. Exodus 18:1–12, with the positive assessment of the exodus by the Midianite Jethro stands in contrast to the people's questioning of the exodus in Numbers 11. Moses' Midianite relationship is thematized in the post-Sinai period, however, not in Numbers 11 but already in Num 10:29–32.

75 Cf. A. H. J. Gunneweg, “Das Gesetz und die Propheten. Eine Auslegung von Ex 33,7–11; Num 11,4–12,8; Dtn 31,14 f.; 34,10,” ZAW 102 (1990): 169–180.

not yet been clarified. Thus, existing source-texts are used and consequently updated in new situations – in the history of Israel or the redactional history of the texts. Numbers 11:4-35 was formed in a similar way but does not update any legal questions (to the contrary, as the comparison with Exod 18:13–27 shows). It does, however, connect different narratives into a new literary unity, thus updating events and constellations of events in Israel's narrated history.

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