
This revised dissertation explores the revision and elaboration of earlier legal material in later legal compositions, particularly the Holiness code material in the broader Priestly layer of the Pentateuch. It focuses on laws surrounding three topics: asylum, the seventh year and slavery release, and the tithe. The result is a combination of detailed analysis of individual cases and some broader theories regarding the process and purpose of legal composition.

The book opens with a substantial introduction that engages literature on topics that intersect with the book’s theme: the history of Pentateuchal legal scholarship, questions surrounding the distinctiveness and character of the Holiness writings in the Pentateuch, and problems surrounding the identification of genetic dependence of one text on another. Here he joins the approach initiated particularly by Israel Knohl (especially *The Sanctuary of Silence: The Priestly Torah and the Holiness School* [trans. Jackie Feldman and Peretz Rodman; Minneapolis: Fortress, 1995]), which distinguishes in the broader Priestly layer of the Pentateuch between an earlier group of “Priestly” texts and a broader layer of “Holiness” material found in Leviticus 17-26 and an ever growing number of other (formerly P) texts that share the perspective and distinctive terminology of that portion of Leviticus. A distinctive aspect of Stackert’s approach is his claim that these Holiness materials are distinguished from their earlier Priestly counterparts by their frequent tendency to revise and adapt legal compositions found in the Covenant and (especially) the Deuteronomic codes. Indeed, he appears to risk some circular reasoning in claiming, furthermore, that the presence of a link to one of those earlier codes in a text formerly considered to be Priestly would be to consider reassigning it to the Holiness/H layer of the Pentateuch (15). Thus, Holiness materials are distinguished from priestly materials by adaptation of earlier material, and supposedly priestly materials that adapt earlier materials are probably holiness materials. The bulk of the book is devoted to detailed studies of the three aforementioned cases of interpretation and adaptation of earlier legal material. For example, he argues that the Deuteronomic code (Deut. 19:1-13) interprets the Hebrew word *maqom* (“place”) that is used cultically in the Covenant code asylum law (Exod. 21:12-14), so that it really refers to various cities scattered around the kingdom to which a killer can flee. The H (Holiness) asylum regulation (Num. 35:9-34) adapts this Deuteronomic law, solving certain problems in it through adaptation of priestly reasoning seen in Lev. 10:16-20. Here and elsewhere, the authors of the Deuteronomic and Holiness laws fluidly drew on earlier legal formulations, while offering often radically different conceptualizations of the laws under question. That said, Stackert finds that the revisions by the Holiness authors are more focused than their early Deuteronomic counterparts on resolving technical and logical problems with laws found in their legal precursors, and the tendency toward harmonization of divergent laws is yet more pronounced in the manuscript-attested, late revision of the section on asylum law in Josh. 20:1-9.

For the non-specialist, it is easy to get lost in the details of Stackert’s arguments, yet the reasoning is important. To the best of this reviewer’s knowledge, Stackert’s study is
one of the most careful explorations of how one might establish genetic dependence of one legal text on another—including direction of dependence—in cases where the legal texts involved do not contain sustained verbal parallels between them. In an earlier publication, I explored a similar set of problems, but focused on Second Temple Jewish texts, such as the Temple Scroll and 4QRP, where one could work with extended textual overlaps between source text and later text (David Carr, “Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34,11-26 and Its Parallels,” pp. 107-40 in M. Köckert and E. Blum, eds., Gottes Volks am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10 [Gütersloh: Gütersloh Verlagshaus, 2001]). Stackert also reviews some other discussions which have looked at how one establishes a relationship of dependence between texts where relative date is clear, such as New Testament allusions to Old Testament or Second Temple Jewish texts. Stackert’s study, however, examines how to establish both dependence and direction of dependence in cases of legal texts where the verbal resonances are limited to single words or (occasionally) phrases and where the relative dating is not clear. This is a particularly thorny issue because much recent scholarship on Pentateuchal legal texts has claimed that many of the Holiness texts that are the focus of Stackert’s work actually predate their Deuteronomic counterparts. At least with regard to these three cases, Stackert builds an excellent case for the dependence of Lev. 25:1-55; Num. 18:20-32; and Num. 35:9-34 on their non-Priestly counterparts.

One could raise quibbles about some minor technical points in Stackert’s work, but the overall approach and conclusions are compelling and significant. In terms of technical points, though he is painstaking in carefully and sympathetically treating a range of perspectives on the relations between legal texts, he is more cursory on issues relating to narrative texts, such as the relationship between the law in Deut. 15:12-18 and the narrative in Exod. 3:20-22. Moreover, as the assignment of formerly P texts to H continues, the “H” of Stackert’s and other studies is looking more and more like the “P” of studies that saw Leviticus 17-26 as an integral part of P (while the “P” of Stackert’s and other studies is looking more and more like P’s sources).

Such issues, however, do not detract from the power of Stackert’s overall argument. Through his careful exegesis, he has made a strong case that Biblical law was, in large part, a theoretical and interpretive creation. This started with the Covenant Code’s treatment of many themes and concepts found in the Code of Hammurapi, and it continued with the Deuteronomic code’s appropriation of covenant code regulations and the further interpretive appropriation and revision of Deuteronomic formulations in Holiness and still later materials. Furthermore, Stackert argues persuasively in the conclusion, in opposition to the arguments of Hindy Najman (Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism [Leiden/Boston: Brill, 2003]), that these Pentateuchal compositions originally were designed to replace, not supplement, their legal precursors. In this way and others, the type of interpretive appropriation and adaptation seen in the Deuteronomic and Holiness materials is distinct from that characteristic of post-biblical materials emphasized by Najman, myself, and others. In this respect, Stackert’s study offers a particular richness of insights into