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Lex Sacra and Sabbath in the Pentateuch

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1. The Origin of the Sabbath and the Seventh-Day Rule

In ancient Israel the new moon (hebr. חֹדֶשׁ) at the beginning of every new month and the *Shabbat* day (hebr. שַׁבָּת) at the full moon were regularly celebrated (2 Sam 20:5, 18:24; 2 Kgs 4:23; Hos 2:13; [Amos 8:5; Isa 1:13-14]).¹ They were connected with meals and offerings, and it seems that certain rules of purity were observed. These calendar regulations were even observed in post-exilic times (Num 28:11, 14; Isa 66:23; Ezek 45:17; 46:1, 6; Neh 10:34). The oldest evidence for a rule to rest on the seventh day is part of Yhwh's Law of Privilege in the Covenant Code (Exod 23:12) in line with the rule of *šemiṭṭāh* for the fallow land that serves the poor every seventh year (Exod 23:10-11).² The interruption of all farming activities on the arable land on every seventh day meant a rest for the farmer, but mostly for the animals involved in pulling the plows and bearing the burdens, such as bulls and asses (שֹׂרֵר וְחֹמֹר). But it also served as recreation (hebr. נִינֵפֶשׁ) for those who stood on the lowest step of the hierarchy of working persons in the ancient farmer's households: the children of female slaves who had no father or mother to protect them and were bondservants of their owners (cf. 21:4-5), as well as the *gēr*, the foreign resident, a displaced person, who had found refuge and shelter in the household of the landowner. The rule thus embodied social and animal welfare and – in addition to new moon and Sabbath – offered a protected span of time for all creatures. We do not have any information about the rule's age, but it may be dated to a pre-exilic edition of the Covenant Code in the late eighth century B.C.E. during Hezekiah's reign. Obviously this rule was not identified with the name "Sabbath".³

Among the catechetical teachings of the Decalogue (Deut 5:12-15; Exod 20:8-10), the association of the rule for resting every seventh day with the Sabbath becomes crucial for one of the few religious practices that developed during the Neo-Babylonian exilic period.⁴ During the exilic period, the *šabbāt* day as such, as well as the other days of sacrifice, could

1 A. Grund, Die Entstehung des Sabbats. Seine Bedeutung für Israels Zeitkonzept und Erinnerungskultur (FAT 75; Tübingen: Mohr Siebeck, 2011), 66-133: "Zum שַׁבָּת im vorexilischen Israel".

2 Grund, Entstehung, 19-66: „Der siebte Tag im vorexilischen Israel“.

3 Grund, Entstehung, 133-157. S. Gesundheit, Three Times a Year. Studies on the Festival Legislation in the Pentateuch, FAT 82, Tübingen 2012, 21-43, has improved the notion that Exod 34:21 is part of a post-D and post-P composition.

4 Grund, Entstehung, 157-182; R. Achenbach, The Sermon on the Sabbath in Jer 17:19-27 and the Torah, in: J.C. Gertz / B.M. Levinson / D. Rom Shiloni / K. Schmid (eds.), The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel and North America, FAT, Tübingen 2016, 869-886.

not be celebrated in a proper way by any national religious assembly of Israelites. But in both the Neo-Babylonian province of Yehûd and in the other gatherings of ancient Judeans in Mesopotamia (such as Al Yahudu, Bit-Neshar, Tel ‘Aviv), in Egypt (such as Migdol, Tachpanches, Nof [Jer 44:1] or Elephantine), and within the Neo-Babylonian province of Samaria (in Bethel, Samaria etc.),⁵ the Israelites themselves had to work the arable lands. Here, the utmost religious rule was to observe the “seventh day rule”.

The Deuteronomistic text of the Decalogue reformulated this ancient rule. The ancient words “six days you shall do your work (hebr. *העשה מעשיך*), but on the seventh day you shall rest (hebr. *שבת*)” (Exod 23:12a) were now altered into the wording ‘six days you shall do your service (hebr. *העבד*), [that is you shall to all your painful labor (hebr. *כל-מלאכתך*)] but the seventh day is *Shabbat* for Yhwh, your God; you shall not do any labor!’ (Exod 20:9–10a//Deut 5:13.14a).⁶

The authority of the ancient Sabbath day as a day specially dedicated to the deity as the God of heaven and the full moon is now extended to the seventh day; the seventh day is declared to be dedicated to the deity of the “people of Yhwh”.⁷ This day is always to be treated as a “Sabbath day for Yhwh”. Now the whole household is explicitly included: the farmer (including his wife), his sons as the heirs, and his daughters, as well as all of the male and female slaves, the bonded members of his house. The welfare of the beasts of burden mentioned in the ancient rule (“bull and ass”) comprises all his animals. The rest (hebr. *menûchah*) is the expression of honoring the law of Yhwh’s Privilege, which every free and bound creature must give to Yhwh (vv. 13–14). The Deuteronomistic Parenthesis in Deut 5:15 declares the day to be a continuous memorial to the liberation from slavery and foreign (religious) dominion. The text was now adjusted to a Hexateuchal context, where Deuteronomy appears as a Mosaic explanation of the first revelation of divine law from Mount Sinai (5:12 with respect to Exod 20): Israel shall “*hallow*” the day to Yhwh. Even though the seventh day was now permanently identified with “Sabbath” in religious conceptions of the early Second Temple tradition from the 5th century BCE, we rarely find further detailed regulations about its observance.

2. The Sabbath in the Priestly Torah and in the Holiness Code

In the Priestly Code the seventh day is the day of the revelation. Exodus 24:15–18 reports:

“When Moses went up on the mountain, the cloud covered it, 16 and the Glory (*kabôd*) of Yhwh dwelled on Mount Sinai. The cloud covered the mountain for six

5 For the multiplicity of Jewish cultures during the Neo-Babylonian and post-exilic period cf. R. Albertz, *Die Exilszeit: 6. Jahrhunder v. Chr.*, BE 7, Stuttgart 2001, 65–116; L.E. Pearce / C. Wunsch, *Documents of Judean Exiles and West Semites in Babylonia in the collection of David Sofer*, CUSAS 28, Bethesda (Maryland) 2014, 3–29.

6 For a closer exegesis of the two Decalogues and the relation between Exod 20 and Deut 5 cf. E. Otto, *Deuteronomium 1–11. Zweiter Teilband: 4,44–11,32*, HThKAT, Freiburg – Basel – Wien 2012, 684–715.738–743.

7 For the change of concepts during the exilic and post-exilic period cf. also M. Köckert, “Ein Palast in der Zeit: Wandlungen im Verständnis des Sabbatgebotes”, in: Idem, *Leben in Gottes Gegenwart. Studien zum Verständnis des Gesetzes im Alten Testament*, FAT 43, Tübingen 2004, 109–151.

days, but on the seventh day He called Moses *from the center of the cloud ... 18 and Moses entered the center of the cloud*, and he went up on the mountain.“ –

Traditionally, scholars assumed that the scheme of six–seven was part of the creation narrative in the Priestly Code from its beginning in Gen 1:1–2:3. However, a closer look at the literary structure of that text shows that the theology of time and Sabbath observance is not an integral part of the original account.⁸ The priestly narrative was based upon a source that reported God’s creating (hebr. vb. ברא) as part of a great “work” (מעשה),⁹ that God performed in the presence of other heavenly beings, whom he addressed when deciding to form humanity in the divine image (Gen 1:26 ‘Let us make...!’). Against the archaic flood of *Tehôm* he formed the firmament and the heavenly bodies, separated water and earth, and thus created plants, animals, and people. The Priestly narrative reworked this account and emphasized that the world is a creation from one God, who created everything by God’s word¹⁰ and – beginning with the creation of light – brought the fundamental distinction between *good* and *evil* into the cosmos. A closer look at its theology shows that it is related to the teachings of Deutero-Isaiah, who – contrary to the national Babylonian myth of Marduk – emphasizes that Yhwh is Lord of history and creation; Yhwh’s words create reality and are consistent, as will be the promises associated with Israel’s ancestors and the new exodus.¹¹ P’s new reformulation of Israel’s origin myths is somehow a narrative realization of this new *golah* theology of salvation. The covenants with Noah (Gen 9) and with Abraham (Gen 17) are covenants of grace. This concept could be related to the Deuteronomic ideas about the land and progeny promised to the predecessors. Redactional editing unified the covenantal theologies of law and of grace in the one great composition of the Hexateuch. However, in this composition the Sabbath is mentioned only in the Decalogue and complemented by the rules of *shemittah* and manumission in Exod 21:1–11 and Deut 15:1–18.¹²

A third phase in the formation of the Pentateuch lifted the theology of the Sabbath to a new level of religious thinking. It has always been observed that the number of works in creation surmounts the number of days reserved for them. In the original account according to Gen 1:14a the purpose of the sun, moon, and stars was to distinguish between day and night. Thus, the awareness of time and the reflection on a calendar was made possible. In a

8 T. Krüger, “Schöpfung und Sabbat in Genesis 2,1–3”, in: C. Karrer–Grube a.o. (eds.), *Sprachen – Bilder – Klänge. Dimensionen der Theologie im Alten Testament und in seinem Umfeld*, FS R. Bartelmus, AOAT 359, Münster 2009, 155–169.

9 This source can be traced in Gen 1:1–2, 7a, 8a, 16–18a, 9aβ(LXX*), 10, 12, 21a, 25a, 26–27a*, 31a; and 2:1.

10 The réécriture of the text results in the creation narrative of the Priestly Code; the author added Gen 1:3–4, 6, 7b, 9aαb, 11, 14a, 15, 20, 22, 27b, 28.

11 Cf. Gen 1:7–10/Isa 45:18; Gen 1:12, 26–27//Isa 42:5; 43:1, 15; Gen 1:16–18//Isa 45:7; Gen 2:1//Isa 40:26; 45:12. For similarities to the Neo-Babylonian Marduk theology cf. M. Albani, *Der eine Gott und die himmlischen Heerscharen. Zur Begründung des Monotheismus bei Deuterojesaja im Horizont der Astralisierung des Gottesverständnisses im Alten Orient*, ABG 1, Leipzig 2000.

12 B.M. Levinson, *The Manumission of Hermeneutics. The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuch Theory*, in: A. Lemaire (ed.), *Congress Volume Leiden 2004*, VT.S 109, Leiden – Boston 2006, 281–324; E. Otto, *Deuteronomium 12–34. Erster Teilband: 12,1–23,15*, HThKAT, Freiburg – Basel – Wien 2016, 1320–1373: *Deuteronomische Bruderethik und ihre Begründung in JHWHs Privilegrecht in Dtn 15,1–23*.

reworking of the account, the creation of night and day was connected to the creation of light in contrast to the darkness (Gen 1:4b). This distinction of good from evil was connected with the concept of night and day (Gen 1:5). The creation of the heavenly bodies was demoted to a subordinate position and connected to a secondary function to read heavenly “signs” and the regulations for cultic and cosmic calendars (Gen 1:14b). The seven-day structure was now introduced into the creation myth (Gen 1:4b, 5, 8b, 13, 19, 23, 31b). Creation not only implies cosmic rules for nature, the creator himself proves this creation to be completed by leaving it to itself, taking his own cosmic rest on the first Sabbath day (Gen 2:2). God himself makes the Sabbath “holy” and establishes the seventh day as a cosmic order for all the creation. God himself is holy and hallows the Sabbath by declaring its holiness and by divinely blessing this special seventh day (Gen 2:3). Therefore those who want to lead a life in justice and holiness have to follow this concept. The creation myth becomes the fundamental legitimation for the first and most distinguished of all *leges sacrae* in the Torah, the commandment to sanctify the day of Sabbath. However, although the Sabbath was not mentioned in the sources and narratives before its introduction in Gen 2, it was not introduced into the further narrative from Genesis to Exodus until the priestly expansion of the manna narrative with the legend on divine *torah* teaching in the desert in Exod 16:4–5, 8, 16–30).¹³ Abraham, Isaac, and Jacob do not know anything about it! Before the late priestly haggadic explanation of the manna narrative by the *torah* on the Sabbath was introduced, the commandment was inserted into the Decalogue in Exodus 20:10b–11; especially in v. 11b, cf. Gen 2:3!¹⁴

Exod 20:11: “Because in six days Yhwh made the heavens and the earth, the sea, and all that is in them, but he rested (יָנַח) on the seventh day, therefore Yhwh has blessed the Sabbath day and made it holy.”

The Decalogue interprets God’s “resting”, related in Gen 2:3 as hebr. שָׁבַת by the verb נָח that is associated with the idea of a divine place of permanent presence, מְנוּחָה, and the ark in Num 10:33, 36, 1 Chr 28:2.

The next text addressing the Sabbath commandment and providing it with additional support is at the beginning of the cultic calendar in Lev 23:3 in the Holiness Code!

13 The basic layer of the priestly account about the manna miracle can be traced in Exod 16:1aβ*, 2–3*, 11–15, 31 (P); redactional *Fortschreibung* connects the text with the Hexateuchal composition (v. 1aα.35; cf. Josh 5:10–12). Further rewriting reflects the motif of murmuring, revelation, and knowledge of God (vv. 6–7, 9–10), and – in a third stage of later priestly reworking – its inclusion in the ritual calendar (v.1b), the Torah of Sabbath (vv. 4–5, 8, 16–30), and some liturgical distinctions (vv. 32–33, 36) were added to the story.

14 Exod 16:26 is dependent on Exod 20:9–10 and thus formulates a new variation of the commandment, cf. Exod 20:9 שֵׁשֶׁת יָמִים עָבַד → Exod 16:26 שֵׁשֶׁת יָמִים תִּלְקַטְהוּ, and takes up v. 10 (וַיָּנוּחַ); cf. Grund, *Entstehung*, 256. Exod 16:30 (וַיִּשְׁבֹּת הָעָם בַּיּוֹם הַשְּׁבִיעִי) describes the people’s observance in accordance with the typological paradigm of God’s rest in Gen 2:2 (וַיִּשְׁבֹּת בַּיּוֹם הַשְּׁבִיעִי). This is an interpretation of the theology of *imago Dei*, cf. F. Hartenstein, *Der Sabbat als Zeichen und heilige Zeit. Zur Theologie des Ruhetages im Alten Testament*, in: *Das Fest. Jenseits des Alltags*, JBTh 18, Neukirchen-Vluyn 2004, 103–131.122.

Lev 23:1 Yhwh spoke to Moses, saying: 2 Speak to the Israelites and say to them: ‘These are the set feasts of Yhwh (מועדי יהוה), which you shall proclaim as sacred convocations (מקראי קדש). These are my appointed times of feasts (אלה הם מועדי):

3 Six days work shall be done (ששת ימים תעשה מלאכה), but on the seventh day there shall be a Sabbath of complete rest (וביום השביעי שבת שבתון)! You shall do no manner of work! It shall be the Sabbath of Yhwh throughout your settlements!’

Here, the Sabbath is named as the first of the holy times distinguished for ritual encounter with the deity, hebr. the *mōʿadīm*. The Sabbath rule is repeated, beginning with the traditional wording from Exod 23:12 (מעשך) and the Decalogue (מלאכתך), but using the word מלאכה – painful work – in a general way (without suffix) and the general word for the day of sabbath (שבת) instead of the verb (שב). The Sabbath is now a distinct day of rest, hebr. שבתון, the term used in the Holiness Code (Lev 23:24, 39; שבת שבתון Lev 23:3, 32) and in texts related to it (Exod 31:15; 35:2; Exod 16:23; see also the extension of the term in Lev 25:4, 5). According to the Holiness Code, the celebration of Sabbath is connected with a convocation of a cultic assembly (מקרא קדש), but the demand to leave all work is extended to every place the members of the holy people of Israel live (Lev 23:3b). In the celebrating of Sabbath, the congregation of the central sanctuary is united with the ecumenical congregation of all Israel – בכל־מישבותיכם. The universal perspective of Sabbath overarches heaven and earth, space and time. Since a broad scholarly consensus that the Sabbath law in Lev 23:3 is an addition has come to dominate,¹⁵ the insertion of the rule is programmatic and should be seen as a consequence of a Pentateuch composition that took its starting point in Gen 2:2–3. The following rules on the Sabbatical Year in Lev 25:2–7 reinterpret Exod 23:10–11 in connection with Deut 15:1–11, and the Jubilee legislation in Lev 25:8–55 reformulates and innovates the slave laws in Exod 21:2–11 and Deut 15:12–18;¹⁶ thus a wide range of Sabbath theology is developed in connection with the Holiness Code.

The roots of Sabbath in the law of privilege of Yhwh show up again in the reformulation of the covenantal curses in Lev 26: Israel’s violation of the Holiness Code as *lex sacra* will lead to a punishment that leaves the promised land to lay fallow until the lost times of Sabbath will have been fulfilled and the original holiness will be restored, cf. Lev 26:43:

15 C. Nihan, *From Priestly Torah to Pentateuch. A Study in the Composition of the Book of Leviticus*, FAT 2/25, Tübingen 2007, 498, with reference to B. Baentsch, *Exodus, Leviticus, Numeri*, HK I/2, Göttingen 1903, 413; R. Kilian, *Literarkritische und formgeschichtliche Untersuchung des Heiligkeitgesetzes*, BBB 19, Bonn 1963, 104; K. Elliger, *Leviticus*, HAT I/4, Tübingen 1966, 304–306; I. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, Minneapolis (MN) 1995, 14–19; B.M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*, New York (NY) – Oxford 1997, 19–20; K. Grünwaldt, *Das Heiligkeitgesetz Leviticus 17–26. Ursprüngliche Gestalt, Tradition und Theologie*, BZAW 271, Berlin – New York 1999, 77; K.W. Weyde, *The Appointed Festivals of YHWH. The Festival Calendar in Leviticus 23 and the sukkôt Festival in Other biblical Texts*, FAT 2/4, Tübingen 2004, 11–12.

16 C. Nihan, *Priestly Torah*, 534–535. The possibility to read and interpret Lev 25 in line with Deut 15 does not imply that Deut 15 must be literarily younger than the Holiness Code (versus B. Kilchör, *Mosetora und Jahwetora. Das Verhältnis von Deuteronomium 12–26 zu Exodus, Levitikus und Numeri*, BZAR 21, Wiesbaden 2015, 108–155).

“For the land will be deserted by them and will enjoy its Sabbaths while it lies desolate without them; they will pay for their sins because they rejected my laws...”

By combining the Dtr perspective of blessing and cursing as part of the covenantal theology and the priestly perspective of the holiness of the land and the Sabbath, Lev 26 clearly represents a new, synthetic position that is post P and post D.¹⁷ In the Ezekiel tradition we find a retelling of the story about Israel’s wandering through the desert, stating that God gave the commandment of Sabbath to Israel as a “sign” (hebr. *אוֹת*) that he made Israel holy (Ezek 20:12: *וְגַם אֶת־שַׁבְּתוֹתַי נָתַתִּי לָהֶם לְהוֹיָה לְאוֹת בֵּינִי וּבֵינֵיהֶם לִדְעַת כִּי אֲנִי יְהוָה מִקְדָּשָׁם*).

This legend was introduced into the Pentateuch narrative in Ex 31:12–13:

12 And Yhwh said to Moses: 13 Speak to the Israelites and say: ‘Nevertheless, you must keep My Sabbaths, for this is a sign between Me and you throughout the generations, that you may know that I, Yhwh, have consecrated you!’ –

(*אֲךָ אֶת־שַׁבְּתוֹתַי תִּשְׁמְרוּ כִּי אוֹת הוּא בֵּינִי וּבֵינֵיכֶם לִדְרֹתֵיכֶם לִדְעַת כִּי אֲנִי יְהוָה מִקְדָּשְׁכֶּם*).

The passage seems like a final statement at the end of the revelation of the holy tabernacle to Moses in Exod 25–31. Yhwh requests his servant to inculcate the commandment to the Israelites, “because this is a sign between Me and you ... that you may know that I am Yhwh who makes you holy!” The expression reminds the reader of the covenantal formulation of Gen 9:13b. Exod 31:12–17 reflects several frequent formulations of the Holiness Code and in Ezekiel, and “can only be understood in relationship to H.”¹⁸ Now the Sabbath commandment is a sacred law, *lex sacra*. The Sabbath is a holy day for the deity, and, therefore, violating the Sabbath is a contravention of sacred law that consequently evokes a death sentence comparable to all blasphemy (cf. Exod 31:15):

“Whoever does any work on the Sabbath day must be put to death (יָמוּת יוֹמָת)!”

The priestly scribe underlines the parenetic speech with the proclamation the Sabbath commandment as the claim of an everlasting covenant (*בְּרִית עוֹלָם*). Thus, the Torah from the Ezekielian Zadokites and the Holiness-Code School introduced a new priestly theology of covenant into the Sinai pericope, the covenant of Sabbath. Exodus 32 must be read as a narrative about breaking the covenant also with relation to this new, special focus on the divine law. Exod 31:17 correlates this covenant theology of the Sabbath with the myth of creation in Genesis 1:1–2:3: The original meaning of the creation of the universe already

17 J. Stackert, *The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives*, CBQ 73, 2011, 239–250.

18 C. Nihan, *Priestly Torah*, 567; *ibid.*: שמר שבת Exod 31:13, 14, 16; in the Pentateuch only in Lev 19:3, 30; 26:2; שבתתו Exod 31:13 in Lev 19:3, 30; 26:2; cf. Ezek 20:12, 13, 16, 20, 21, 24; 22:8, 26; 23:38; 44:24; and Isa 56:4; אני יהוה מקדשכם Exod 31:13; cf. Lev 20:8; 21:8, 15, 23; 22:9, 16, 32; Ezek 20:12; 37:28; שבת שבתון Exod 31:15; 35:2; Lev 16:31; 23:3, 32; 25:4; Exod 16:23 etc. The close relation between Lev 26 and Exod 31:12–17 was observed already by W. Gross, “Rezeption” in Exod 31,12–17 und Lev 26, 39–45. Sprachliche Form und theologisch-konzeptionelle Leistung, in: R.G. Kratz / T. Krüger (Hg.), *Rezeption und Auslegung im Alten Testament und in seinem Umfeld*, FS O.H. Steck, OBO 153, Freiburg (Schweiz) – Göttingen, 1997, 45–64; R. Achenbach, *Das Heiligkeitgesetz und die sakralen Ordnungen des Numeribuches* in: T. Römer (Hg.), *The Books of Leviticus and Numbers. Colloquium Biblicum Lovaniense LV*, 1.-3. August 2006, BEThL 215, Leuven 2008, 145–175.124–128.

implies God's eternal covenant with Israel. The divine speech Exod 31:17a, "It will be a sign between me and the Israelites forever!", is continued in a scribal *Fortschreibung* recalling Gen 2:2–3, Exod 31:17b: "because in six days Yhwh made the heavens and the earth, and on the seventh day he abstained from work and rested." G. von Rad – and, following him, Karl Barth – has described this intertwining of creation theology and covenantal theology with the famous sentence, that "Die Schöpfung ist der äußere Grund des Bundes und der Bund aber ist der innere Grund der Schöpfung."¹⁹

3. Sabbath and Lex Sacra

By the work of the late post-exilic priestly scribes, the commandment to keep the Sabbath as a seventh-day rest became a *lex sacra*, a fundamental ritual rule as part of the Mosaic Torah. This sacred law includes rules of sanctions. There is evidence from other parts of the Hebrew Bible and from extrabiblical texts that this strict rule on the Sabbath was not known as a common Israelite religious law for a long time, even during the post-exilic era. In the book of Nehemiah (3rd century B.C.E.), we find an account about a binding agreement between priests, Levites, and the people of Jerusalem (כרתים אמה) that "when people of the land bring merchandise of all sorts of grain to sell on the day of Sabbath, we will not buy from them on the Sabbath or on a holy day" (Neh 10:32). That means that, according to the so-called memoir of Nehemiah from around 445 B.C.E., there was no binding distinction in Yehud that could prevent free transport and trade in the area even within the district of Jerusalem and in the temple precinct's surroundings. The idea of not doing any work, especially not bearing burdens on the Sabbath, could only be kept up by self-commitment of the religious community. Their attitudes found support in the scriptures related about the prophet Jeremiah, where a sermon is reported saying (Jer 17:27):

"But if you do not listen to me to keep holy the Sabbath day, by not carrying burdens as you come through the gates of Jerusalem on the Sabbath day, then I will kindle an unquenchable fire in the gates of Jerusalem that will consume her fortresses ...!"

Obviously scribal erudition reformulated the prophetic message as a warning with respect to post-exilic religious demands in the tradition of 2 Kgs 17:13–23. Jer 17:19–27 should, presumably, be dated to the fifth-century rewritten edition of the words of Jeremiah.²⁰ The Elephantine papyrus CG 152 from the second half of the 5th century attests the admonition of a person who urges a partner or servant to secure a shipment of vegetables on the Sabbath day in the name of YHH (Yahu).²¹ For this person the Sabbath day has a

19 G. v. Rad, *Theologie des Alten Testaments I*, München 1962, 149–152; K. Barth, *Kirchliche Dogmatik III: Die Lehre von der Schöpfung. 1. Teil Das Werk der Schöpfung*, Zürich 1951, § 41.

20 For a closer analysis of the sermon of Jeremiah, cf. C. Maier, *Jeremia als Lehrer der Tora*, 218–223; E. Otto, *Jeremia und die Tora: Ein nachexilischer Diskurs*, in: R. Achenbach/M. Arneith/E. Otto, *Tora in der Hebräischen Bibel. Studien zur Redaktionsgeschichte und synchronen Logik diachroner Transformationen*, BZAR 7, Wiesbaden 2008, 134–182; Achenbach, *Sermon* (s.a. n. 4), 885–886.

21 A. Dupont-Sommer, *L'ostrakon araméen du Sabbat* [Collection Clermont–Ganneau no 152], *Semitica* 2, 1949, 29–39; L. Doering, *Schabbat. Sabbathalacha und –praxis im antiken Judentum und Urchristen-*

special meaning in the calendar, but this does not at all include the idea that a valuable load of fresh vegetables may be permitted to spoil because the servant fails to fetch it from the delivery man. The danger that anybody could think it was forbidden to bear burdens on Sabbath may even have motivated this harsh admonition to save the valuable goods. The letter thus illustrates a position almost opposite to the religious attitude related in Neh 10. The religion of the merchant thus stands in some tension to the religion of a priestly dominated temple community.

Finally, if we look at the legend on the origin of death penalty for bearing burdens on the Sabbath in Num 15:32–36,²² we find that this religious spirit is much more rigorous and strict compared to the liberal position in the Elephantine papyrus. The legend is a parallel etiological haggadic narrative to Lev 24:10–16, 23 that postulates that a blasphemer “be he an alien or a native-born, when he blasphemes the *Name*, he must be put to death” (Lev 24:16). Accordingly, a man who was found gathering wood on the Sabbath day “must die, the whole assembly must stone him...!” (Num 15:35). Both legends are secondary additions to the Pentateuch with respect to the Holiness Code. The texts show that there was a period in the composition of the Pentateuch, probably in the 4th century B.C.E., when priestly scribes were able to introduce into the Mosaic Torah the demand for the death penalty for blasphemy and violating the *lex sacra*, and thus establish the hierocratic rigor as canonical within the realm of their religious influence.

The haggadic legend in Exod 16:22–23 represents the positive position behind this religious rigor: Israel shall trust in Yhwh’s providence and take care that people relinquish commerce and work on the Sabbath day. This religious attitude has not only implications for the piety of the community and the individuals, but also a cosmological and an ecological aspect. In this respect, the religion of the Second Temple community could even be attractive for non-Israelites, including high commissioners of the Persian Empire who were forced to serve as Eunuchs (hebr. כְּרִיסִים). The scribal group that formed the Trito-Isaianic collection in addition to the great Isaiah scroll demanded, in the name of Yhwh, that eunuchs who were prepared to keep the Sabbaths and held to the distinctions of the covenant should be accepted as members of the temple community (Isa 56:4–7). The harshness of the message implies that this position was not shared by all parts of the Second Temple congregation. However, in the late priestly rules, the basic demand for those who wanted to share in Israel’s celebrations was circumcision (Exod 12:48) and the oneness of the Torah, Exod 12:49: תּוֹרָה אֶחָד לְאוֹרֵחַ וּלְגֵר הָגֵר בְּתוֹכְכֶם: – “There is one (and the same) Torah to be applied to the native-born and to the alien living among you!” –

The introduction of the Sabbath commandment as *lex sacra* into the composition of the Pentateuch is part of a process of *sacralization of the law* that took place in the final period of the formation of the Mosaic Torah, probably during the 4th century B.C.E. The exclusivity of the concept of Israel’s holiness includes a more strict interpretation of the law of Yhwh’s privilege than before. Those who live in the area surrounding the holy temple pre-

tum, TSAJ 78, Tübingen 1999, 23–36.

22 Cf. M. Fishbane, *Biblical Interpretation in Ancient Israel*, Oxford 1988 (repr. 2004), 98–102; C. Nihan, *Priestly Torah*, 512–520; R. Achenbach, *Complementary Reading of the Torah in the Priestly Texts of Num 15*, in: C. Frevel/T. Pola/ A. Scharf (eds.), *Torah and the Book of Numbers*, FAT 2/62, Tübingen 2013, 201–232.225–227.

cinct, including those foreigners who desire to be integrated in the community of Israel, are called to strictly keep to the *leges sacrae*. Those who remain far from Judah/Yehud and from the Second Temple are considered to prevail in the continuing situation of diaspora, expecting the fulfillment of Israel's promises in some eschatological future. The celebration of the unity of the chosen people of Israel was symbolized in the celebration of Sabbath.