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Transformation of Law

Ezekiel's Use of the Holiness Code (Leviticus 17–26)

Michael A. Lyons

EZEKIEL LIVED IN A TIME OF CRISIS.¹ HIS COUNTRY HAD BEEN SUBJUGATED by a superior power, and its elites captured and resettled in a foreign land. Ezekiel and the exilic community in which he lived were marginalized by the citizens of Jerusalem—until they too were conquered and subjected to exile, their city and temple in ruins. What was a prophet-priest to say to such a situation? How could Ezekiel make sense of the exile for his contemporaries and offer them hope for the future?²

1. For social and historical conditions in this period, see John H. Hayes and J. Maxwell Miller, eds, *Israelite and Judean History* (London: SCM, 1977) 469–88; Daniel L. Smith-Christopher, *The Religion of the Landless: The Social Context of the Babylonian Exile* (Bloomington, IN: Meyer-Stone, 1989) 17–47, 93–126; Smith-Christopher, *A Biblical Theology of Exile*, OBT (Minneapolis: Fortress, 2002) 34–73; Oded Lipschits and Joseph Blenkinsopp, eds., *Judah and the Judeans in the Neo-Babylonian Period* (Winona Lake, IN: Eisenbrauns, 2003); Lipschits, *The Rise and Fall of Jerusalem: Jerusalem under Babylonian Rule* (Winona Lake, IN: Eisenbrauns, 2005); Jill Middlemas, *The Troubles of Templeless Judah* (Oxford: Oxford University Press, 2005). On the religious crisis caused by the exile, see Rainer Albertz, *A History of Israelite Religion in the Old Testament Period*, Volume II: *From the Exile to the Maccabees*, trans. John Bowden, OTL (Louisville: Westminster John Knox, 1994) 369–436.

2. On the role of biblical texts as products of and responses to the exile, see in particular Rainer Albertz, *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* (Atlanta: Society of Biblical Literature, 2003). See also Peter R. Ackroyd, *Exile and Restoration: A Study of Hebrew Thought of the Sixth Century B.C.*, OTL (Philadelphia: Westminster, 1968) 43–48, 218–56; Albertz, *Israelite Religion*, 2:370; Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985) 263–65, 408–19;

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Ezekiel responded to the crisis of exile by his strategic use of earlier texts—in particular, the Holiness Code (Lev 17–26). Ezekiel reads the Holiness Code as Scripture: he treats its laws as authoritative instruction for his day. He uses it to explain the present, transforming its laws into accusations and its conditional covenant punishments into descriptions of imminent and actual devastation. But he also uses it to create hope for the future by radically transforming its conditional covenant blessings into descriptions of guaranteed blessing in a future restoration.

The Relationship between Ezekiel and H

It has long been recognized that Ezekiel and Lev 17–26 share a remarkable number of locutions—that is, not just individual words, but multiple words in combination and in syntactic relationship. Starting in the late 1800s, those who observed this phenomenon compiled lists of these shared locutions,³ and there has been a broad consensus that they are due to literary dependence.⁴ Unfortunately, few of these lists

Joseph Blenkinsopp, *A History of Prophecy in Israel* (Louisville: Westminster John Knox, 1996) 148–60, 173; Thomas M. Raitt, *A Theology of Exile: Judgment/Deliverance in Jeremiah and Ezekiel* (Philadelphia: Fortress, 1977) 83. For biblical texts containing direct responses to the crisis of the Babylonian invasion and exile, see e.g. attempts to explain the disaster (2 Kgs 23:26–27; 24:20; Isa 42:23–25; 50:1; Jer 44:20–23); questions about God’s apparent rejection of the monarchy, temple, and covenant (Ps 89; Lamentations); attempts to locate hope in the exilic community rather than in Jerusalem (Ezek 11:14–17; 33:24).

3. For lists of locutions shared by H and Ezekiel, see Michael A. Lyons, *From Law to Prophecy: Ezekiel’s Use of the Holiness Code*, LHBOTS 507 (New York: T. & T. Clark, 2009); Karl Graf, *Die geschichtlichen Bücher des Alten Testaments. Zwei historisch-kritische Untersuchungen* (Leipzig: Weigel, 1866) 81–82; August Klostermann, “Ezechiel und das Heiligkeitsgesetz,” in *Der Pentateuch: Beiträge zu seinem Verständnis und seiner Entstehungsgeschichte* (Leipzig: Böhme, 1893) 386–401 [368–418]; Rudolf Smend, *Der Prophet Ezechiel*, 2nd ed., KeH (Leipzig: Hirzel, 1880) xxv–xxvii; L. Horst, *Leviticus XVII–XXVI und Hezekiel: Ein Beitrag zur Pentateuchkritik* (Colmar: Barth, 1881) 72–83; Bruno Baentsch, *Das Heiligkeits-Gesetz Lev. XVII–XXVI: Eine historisch-kritische Untersuchung* (Erfurt: Güther, 1893) 81–88, 108–9, 121–24; L. B. Paton, “The Holiness Code and Ezekiel,” *The Presbyterian and Reformed Review* 26 (1896) 98–101; Millar Burrows, *The Literary Relations of Ezekiel* (New York: Jewish Publication Society, 1925) 30–34; S. R. Driver, *An Introduction to the Literature of the Old Testament* (reprinted, Gloucester, MA: Smith, 1972) 146–51; Risa Levitt Kohn, *A New Heart and a New Soul: Ezekiel, the Exile and the Torah*, JSOTSup 358 (Sheffield: Sheffield Academic, 2002) 30–85.

4. See for example G. A. Cooke, *A Critical and Exegetical Commentary on the Book of Ezekiel*, ICC (Edinburgh: T. & T. Clark, 1936) 63; Driver, *Introduction*, 49; Rudolf Kilian,

were accompanied by criteria that could be used to determine whether the shared locutions were due to purposeful or non-purposeful borrowing.⁵

More startling has been the lack of curiosity about the reasons for these shared locutions: why would an author use an earlier text, and to what use is he putting the borrowed locutions? Most early studies of the relationship between Lev 17–26 and Ezekiel were undertaken in order to reconstruct the compositional history of the Pentateuch or its parts (Graf, Wellhausen, Baentsch, Kilian) or of Ezekiel (Burrows), or the history of the development of Israelite religion (Wellhausen).⁶ Even those who wrote commentaries did not consistently pursue the question of why an author would use an earlier text.⁷ Richard Schultz argues that the lack of interest in explaining the phenomenon of quotation and allusion was characteristic of older studies:

The study of prophetic quotation consistently has been treated as a means to an end. The primary concern of scholars never has been the phenomenon of verbal parallels but the bearing it

Literarkritische und Formgeschichtliche Untersuchung des Heiligkeitsgesetzes, BBB 19 (Bonn: Hanstein, 1963) 185; Walther Zimmerli, *Ezekiel 1: A Commentary on the Book of the Prophet Ezekiel, Chapters 1–24*, trans. Ronald E. Clements, Hermeneia (Philadelphia: Fortress, 1979) 47–52; Levitt Kohn, *A New Heart*, 111–12; Christophe Nihan, “The Holiness Code between D and P: Some Comments on the Function and Significance of Leviticus 17–26 in the Composition of the Torah,” in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk*. Edited by Eckart Otto and Reinhard Achenbach, 81–122, FRLANT 206 (Göttingen: Vandenhoeck & Ruprecht, 2004) 108–110.

5. This is not to say that all authors of these early studies were unaware of the problem; see e.g. Burrows, *Literary Relations*, 14: “Equally often, however, by the briefest quotations or by mere phraseological echoes he [Ezekiel] recalls utterances of his predecessors, though in such cases it is sometimes difficult to determine whether the reminiscence is intended or unconscious.”

6. Note that Julius Wellhausen called Lev 17–26 “a perfect compendium of the literary history of the Pentateuch”; see *Prolegomena to the History of Ancient Israel*, trans. J. S. Black and A. Menzies (1885; reprinted, New York: Meridian, 1957) 376. For his evaluation of H and Ezekiel as evidence for reconstructing the development of Israelite religion, see 377–79.

7. That is, commentaries written by authors who explained the shared locutions by a model of literary dependence. For example, Zimmerli provides a partial list of locutions common to H and Ezekiel (*Ezekiel 1*, 46–51), but in the commentary proper he does not discuss the way in which borrowed locutions contribute to Ezekiel’s argument; see e.g. his discussion of Ezek 5:1–2, 11–13 (172–73, 176); Ezek 6:3–7 (186–87); Ezek 24:21 (507); Ezek 24:23 (508).

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might have on a particular theory of dating, authorship or inter-relationship. As a result, subjectivity tended to play a significant role: methodological problems were downplayed, superficial comparisons were made, the relevant data were investigated only in as much detail as was necessary to serve a particular scholar's purpose.⁸

Fortunately, this is no longer the case. Recent monographs and commentaries on Ezekiel show that authors are increasingly willing to investigate the rationale for and effects of the shared locutions in H and Ezekiel.⁹ This willingness can be linked to a surge of interest in innerbiblical quotation, allusion, and interpretation.¹⁰

Disputed Issues

Perhaps the most vexing problem relating to the relationship between the Holiness Code (H) and Ezekiel is the issue of the direction of literary dependence and criteria that one could use to determine the direction

8. Richard L. Schultz, *The Search for Quotation: Verbal Parallels in the Prophets*, JSOTSup 180 (Sheffield: Sheffield Academic, 1999) 56; see also 113, particularly n. 142. Note also Burrows, *Literary Relations*, 29: "With the single exception of Hölscher, scholars seem to have approached the problem in the interest of the dating of H, assuming the traditional date of Ez."

9. In particular, see Levitt Kohn, *New Heart*, 76–85, 107–110; Ka Leung Wong, *The Idea of Retribution in the Book of Ezekiel*, VTSupp 87 (Leiden: Brill, 2001) 80–119. Henning Graf Reventlow studied Ezekiel's use of H, but rejected any model of literary dependence; see *Wächter über Israel: Ezechiel und seine Tradition*, BZAW 82 (Berlin: Töpelmann, 1962) 42–43. For treatment in commentaries, see Leslie Allen, *Ezekiel 1–19*, WBC 28 (Dallas: Word, 1994) 78, 92–96; parallels with Leviticus are discussed in his comments on Ezek 4:16–17; 5:1–2; 14:12–13; 18:8–9. Moshe Greenberg, *Ezekiel 1–20: A New Translation with Introduction and Commentary*, AB 22 (New York: Doubleday, 1983), claimed that he would treat the "genetic-historic relation of this book to others" (25) in a following volume, but see already his comments on the use of Lev 17–26 in 124–25, 127, 132, 262. Daniel Block, *The Book of Ezekiel, Chapters 1–24*, NICOT (Grand Rapids: Eerdmans, 1997) claims that Ezekiel is "heavily influenced" by H (40), and in several places discusses the argument created by his use of H; see his comments on Ezek 5:2 (194); 6:1–7 (218–19); 7:12–13 (259); 14:1–11 (423–24); 22:3 (704); 22:6 (708).

10. Michael Fishbane's work *Biblical Interpretation in Ancient Israel* is responsible for this interest, though I. L. Seeligmann's seminal essay "Voraussetzungen der Midraschexegese," in *Congress Volume. Copenhagen 1953*, ed. G. W. Anderson et al., VTSup 1 (Leiden: Brill, 1953) 150–81, has also been highly influential.

of dependence.¹¹ Some have argued that Ezekiel was using H;¹² others, that H and Ezekiel exhibit mutual literary dependence;¹³ still others that H used Ezekiel.¹⁴ Complicating this is the thorny issue of the compositional history and dating of H: was it an independent document, either pre-exilic (Driver) or post-exilic (Wellhausen), that was at some point incorporated into P?¹⁵ Or was H the product of compositional activity, either pre-exilic (Knohl, Milgrom) or post-exilic (Otto, Nihan), that was written to supplement and interact with P?¹⁶

For the purposes of this essay, it is unnecessary to determine whether H ever existed independently of its present context or not. However,

11. Determining the direction of literary dependence is acknowledged as a methodological problem in Wellhausen, *Prolegomena*, 379–84; Paton, “Holiness Code,” 102–6, 109–15; Burrows, *Literary Relations*, ix–xi; Driver, *Introduction*, 150; Jacob Milgrom, *Leviticus 23–27*, AB 3B (New York: Doubleday, 2001) 2348–63.

12. See Klostermann, “Ezechiel und das Heiligkeitsgesetz,” 386–402; Paton, “Holiness Code,” 110–14; Burrows, *Literary Relations*, 28–36; Driver, *Introduction*, 145–51; Milgrom, *Leviticus 23–27*, 2348–62; Levitt Kohn, *A New Heart*, 84–85.

13. See e.g., Kilian, *Untersuchung*, 164–79, 185; Zimmerli, *Ezekiel 1*, 47, 52.

14. See Wellhausen, *Prolegomena*, 378–84; Baruch Levine, “The Epilogue to the Holiness Code: A Priestly Statement on the Destiny of Israel,” in *Judaic Perspectives on Ancient Israel*, ed. Jacob Neusner et al., 9–34 (Philadelphia: Fortress, 1987) 24–30; Eckart Otto, “Innerbiblische Exegese im Heiligkeitsgesetz Levitikus 17–26,” in *Leviticus als Buch*, ed. Heinz-Josef Fabry and Hans-Winfried Jüngling, BBB 119 (Berlin: Philo, 1999) 180–82 [125–96]; Nihan, “Holiness Code,” 108–110, though these authors have very different ideas regarding the formation of H and its role in the development of the Pentateuch. Their belief that H uses Ezekiel is based solely on investigations of H, and do not include a comprehensive investigation of the locutions shared by H and Ezekiel.

15. Driver, *Introduction*, 47–48, 149–51; Wellhausen, *Prolegomena*, 379–84.

16. For Milgrom, H was a pre-exilic priestly author who created the book of Leviticus by editing earlier P material and adding his own legal material to it; see Milgrom, “HR in Leviticus and Elsewhere in the Torah,” in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003) 24–25 [24–40]; see also Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995) 199–204, 225–30. For Otto and Nihan, H was a post-exilic composition; see Otto, “Innerbiblische Exegese”; Nihan, “Holiness Code”; Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr/Siebeck, 2007) 545–75. Both Otto and Nihan claim that H combined and reworked legal material from the Covenant Code, D, and P (for some plausible examples, see esp. Nihan, “Holiness Code,” 85–88, 95–96, 98–100). They have argued that H contributed to the redaction of the Pentateuch (so Otto, “Innerbiblische Exegese,” 180–81) or was a redactor of a “first edition” of the Pentateuch (see Nihan, “Holiness Code,” 116; *From Priestly Torah*, 562–63, 616–19).

both Milgrom and Nihan provide convincing reasons for believing that H was interacting with earlier Priestly laws, which suggests that H was a supplement rather than an independent document.¹⁷ Moreover, it seems most likely to me that H was composed in the pre-exilic period. This is suggested by its relationship to Ezekiel (see below), its warnings against emulating Egyptian and Canaanite practices (Lev 18:3), its reference to multiple (evidently legitimate!) sanctuaries in Lev 21:23; 26:31, and its laws regulating land tenure and resident aliens (which seem more likely to have been created and enforced during the freedom of the pre-exilic period rather than under Persian authority).¹⁸

Criteria for Determining Direction of Dependence and Purposeful Use

When two texts share enough significant locutions that literary dependence is likely, it is necessary to determine the direction of dependence. Three criteria are useful here. First, one of the texts containing shared locutions must also contain differences in the parallel material that can be interpreted as *modifications towards the author's distinctive language, ideas, and arguments*. In this case one must be able to offer plausible arguments that an author has made adjustments in the borrowed material that move it linguistically or conceptually away from the source text towards the target text, or has presented an interpretation of the source text. One should be able to show that the differences are *motivated* in one text (the borrowing text) but not the other (the source text). Here are two examples of this kind of modification:

17. Milgrom, *Leviticus 17–23*, 1349–55; Nihan, “Holiness Code,” 100–105.

18. On H's reference to multiple Yahwistic sanctuaries, see Milgrom, *Leviticus 17–22*, AB 3A (New York: Doubleday, 2001) 1363. For a plausible reconstruction of a pre-exilic setting for H, see in particular Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, VTSup 67 (Leiden: Brill, 1996) 89–90, 165–68, 204–7. He remarks (89–90): “The functions attributed to the collective addressed in H largely exceed those of a cultic or religious community. The fact that they encompass such matters as the administration of justice and the organization of economic life does not accord well with the conditions of Israel in the Babylonian and Persian periods, when large parts of public life were directed by a foreign power. The rules concerning the treatment of the resident alien show with particular clarity that the Israelite people, as presented by H, are free to impose laws on non-Israelites living among them . . . we are led to the conclusion that the historical conditions addressed by H are those of the pre-exilic period.”

You shall not *rule* over him *with harshness*, but you shall fear your God. (Lev 25:43)

You have not strengthened the weak, you have not healed the sick, you have not bound up the broken, you have not brought back the banished, you have not sought the lost; but with strength you *ruled* them, and *with harshness!* (Ezek 34:4)

The locution “rule with harshness” (רדה בפרך) occurs only in Lev 25:43, 46, 53; Ezek 34:4. Leviticus 25:35ff regulates slavery and indentured service, making careful distinctions between Israelites (אחיך “your brother,” vv. 35, 39) and non-Israelites (הגויים, v. 44; הגרים, v. 45). It prohibits the enslaving of Israelites, which it regards as “ruling with harshness.”¹⁹ Ezekiel borrows H’s locution and turns H’s regulation into an accusation. What is significant is that he finds it necessary to gloss the rare word “harshness” with the more common word “strength.” The fact that Ezekiel glosses the word indicates that Ezek 34:4 is the borrowing text, not the source text.²⁰

And those who are left over among you will *rot in their iniquity* in the lands of your enemies, and also in the iniquities of their fathers with them they will rot! (Lev 26:39)

In order that, lacking bread and water, they will be appalled, each one and his brother; and they will *rot in their iniquity*. (Ezek 4:17)

The locution “rot in iniquity” (מקק בעון) is found only in Lev 26:39; Ezek 4:17; 24:23; 33:10. Is H borrowing Ezekiel’s statement and expanding it by adding the reference to the “iniquities of their fathers”? Or is Ezekiel borrowing only part of H’s locution? It seems to me that Ezekiel has a motive for selecting only part of the locution: in chap. 18 he rigorously argues against the idea of vertical retribution. Ezekiel attempts to convince his contemporaries that they are being punished for their own sins, not those of their ancestors (Ezek 18:2–3, 20). This

19. H may be borrowing from and reworking material from the Covenant Code (Exod 21:2–6) here; see Bernard M. Levinson, “The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code’s Manumission Law by the Holiness Code (Leviticus 25:44–46),” *JBL* 124 (2005) 617–39.

20. See Milgrom, *Leviticus 21–27*, 2356. Outside of H and Ezekiel, the word פרך “harshness” is found only in Exod 1:13, 14.

extended argument is congruent with other arguments in the book.²¹ Ezekiel's insistence that his contemporaries are being punished for their own misdeeds explains his reluctance to borrow a locution claiming that people *do* suffer for the misdeeds of their ancestors. In contrast, H does not contain any sustained argument that depends on the idea of vertical retribution. There is no contextual reason to explain why H would borrow the phrase from Ezekiel and expand it. It is more likely, then, that Ezekiel is borrowing from H because it is possible to demonstrate polemical intent in Ezekiel.²²

The second criterion for determining the direction of dependence is that the parallel material may be only partially integrated in one text, and therefore display indications of its original context that are incongruous within its new context, thus pointing to its derivative and secondary nature. Here are two examples of this incongruity:

And I will destroy *your high places*, and I will cut off your *incense stands*, and I will put your *corpses* upon the *corpses of your idols*, and my soul will loathe you. And I will make your *cities a waste*, and I will make *desolate* your sanctuaries, and I will not smell your pleasing smells. (Lev 26:30–31)

21. While some of Ezekiel's accusations and judgments are general and reflect (or are condensations of) broad historical periods, others are provided with details specific to Ezekiel's own generation (e.g., Ezek 8:7–12; 11:1–13, 15; 12:1–16, 17–20). This juxtaposition of accusation and judgment against people in Ezekiel's own time creates linkages between behavior and consequences, underlining the guilt of his contemporaries. Note also the differences between H's and Ezekiel's descriptions of cannibalism during siege: "you will eat the flesh of your sons and the flesh of your daughters" (Lev 26:29); "fathers will eat sons among you, and sons will eat their fathers" (Ezek 5:10). Greenberg (*Ezekiel 1–20*, 113–14) explains Ezekiel's statement as a conflation of Lev 26:29 and Deut 24:16 ("a gem of literary adaptation and combination"). By using Deut 24:16 as a template and creating an "equal opportunity punishment," Ezekiel is also reinforcing his argument in chap. 18 that his contemporaries are being punished for their own sins.

22. Milgrom, *Leviticus 21–27*, 2328. Note that Targum Onkelos also modifies Lev 26:39, arguing that children are only punished for the parents' sins *when they sin in the same way*: "and also on account of the sins of their fathers—the bad deeds which are held in their hands—will they be faint." Of course, any argument about individual responsibility in Ezekiel must be balanced by a recognition of passages dealing with collective punishment, e.g., Ezek 21:8–9. For a careful treatment of individual and collective responsibility in Ezekiel, see Paul Joyce, *Divine Initiative and Human Response in Ezekiel*, JSOTSup 51 (Sheffield: Sheffield Academic, 1989), and the chapter by Joyce in this volume.

And your altars will *be desolate*, and *your incense stands* will be broken, and I will cause your slain to fall before your *idols*. And I will put the corpses of the sons of Israel before their *idols*, and I will scatter your bones around your altars. In all your dwelling places, the *cities* will be *waste* and the *high places* will be *desolate*, in order that your altars may *be waste* and incur guilt, and that *your idols* may be broken and come to an end, and your *incense stands* will be hewn down, and your works wiped out. And your slain will fall in your midst, and you will know that I am YHWH. (Ezek 6:4–7)

The words “idols” (גלולים), “incense stands” (חמנים), “high places” (במזות), “cities will be waste” (עריים + חרב), and “desolate” (שמים) are used together only in Lev 26:30–31 and Ezek 6:4–7. However, the appearance of these locutions in Ezekiel contains an incongruity: the addressee in Ezekiel is “the mountains of Israel” (v. 3), yet v. 5b mentions “your bones,” and v. 6 “your dwelling places,” words that presuppose the *human* addressees of Leviticus 26. This incongruity suggests that Ezekiel is borrowing from Lev 17–26 and not fully integrating the borrowed material into its new context. This incongruity was noticed and “repaired” by a scribe: MT Ezek 6:5a, which is absent in LXX, introduces a reference to people (“and I will place the corpses of the sons of Israel before their idols”).²³

Ezekiel 34 contains another example of incongruity:

And I will give your rains in their time, and the land will give its produce, and the tree of the field will give its fruit. (Lev 26:4)

And I will make them and the regions around my hill a blessing, and I will bring down rain in its time; they will be rains of blessing. And the tree of the field will give its fruit, and the land will give its produce. (Ezek 34:26–27a)

Here Ezek 34:26 refers to “rain” (singular; “I will send rain in its time”), but continues with the comment “*They will be rains* of blessing.”

23. Greenberg (*Ezekiel 1–20*, 132) notes, “The first half of the verse, with its third-person formulation breaking the connection between vs. 4b and vs. 5b, its absence in G, and its similarity to Lev 26:30, may have originated as an explanation of a difficulty in vs. 4b: since it is a strain to understand the pronoun of “your slain” in vs. 4b as still referring to the mountains, vs. 5a refers the pronoun to the inhabitants of the (mountainous) land in language inspired by Lev 26:30—a verse which doubtless is echoed in vs. 4b.”

The incongruous slip into plural indicates Ezekiel's dependence on Lev 26:4 ("I will give your *rains* in *their* time").

The third criterion for determining the direction of dependence is that one of the texts must be capable of being described as *conceptually dependent* on the other in such a way that the reader is forced to supply information from the second text (the source text) in order to understand the first. The following example illustrates this conceptual dependence:

If your brother becomes impoverished and he *sells* some of his property, then his next-of-kin shall come to him and redeem the *sold thing* of his brother. And if a man does not have a redeemer, but is able and finds sufficient means for his redemption, then he shall reckon the years since his sale, and he shall return the surplus to the man to whom he *sold*, then he shall *return* to his property. But if he is not able to find sufficient means to return it to him, then his *sold item* shall remain with the *one who acquired* it until the year of jubilee; and in the year of jubilee it will revert, and he shall *return* to his property. (Lev 25:25–28)

Let not the *acquirer* rejoice, nor the *seller* mourn—for wrath is upon her entire multitude—because the *seller* will not *return* to the *thing sold* while they are still alive. (Ezek 7:12b–13a)

The words קנה, מכר, ממכר, and שוב ("acquire," "sell," "thing sold," and "return") are found together only in Lev 25:25–28 and Ezek 7:12–13. In the middle of an oracle of judgment, Ezekiel employs these words to create an obscure statement: the seller should not mourn, and the buyer should not rejoice, for the seller will not return to the thing sold. This unexplained reference to some kind of commercial transaction *presumes* a knowledge of Lev 25, Ezekiel's source text, which discusses the reversion of land sold by a person in financial difficulty. Ezekiel borrows these words from H to describe the imminence of the coming disaster: exile will occur before either party has a chance to rejoice or mourn at the sale of land. But there is no plausible way to describe why Lev 25 might be borrowing from Ezekiel's oracle of judgment to create laws about land tenure and redemption.

The examples listed above provide evidence that Ezekiel was using the Holiness Code. I do not rule out of hand the possibility that there could be mutual literary dependence. After all, both texts bear

indications of redactional activity.²⁴ It could be the case that additions were made to H under the influence of Ezekiel.²⁵ Moreover, not all the shared locutions display the features listed above. However, even when redactional activity is taken into account, I cannot see any features in the shared locutions that would indicate H was using Ezekiel.

How can we determine whether the locutions common to H and Ezekiel are the result of purposeful borrowing? It is possible that the presence of verbal parallels in two texts could be attributed to other factors as well—coincidence, unconscious dependence, or the use of language that is fixed due to the genre or social setting in which it is used. To eliminate instances of shared locutions that are not due to purposeful borrowing, I use three criteria.²⁶ First, I isolate shared combinations of two or more words in close proximity or in the same syntactic construction, examining the frequency and distribution of these locutions in the entire biblical corpus. Second, I look for the presence of modification,²⁷ interpretation,²⁸ or the creation of arguments based

24. In H, see e.g., Lev 26:33b–35, 43–44, which contains *Wiederaufnahme* (cf. vv. 31–32 // 33b), introduces a new topic, and signals its retrospective exilic standpoint by a change in verb forms (v. 44). On this example, see Milgrom, *Leviticus 23–27*, 2322–23, 2337; for other examples, see *Leviticus 17–22*, 1332–33, 1346–47, 1439. In Ezekiel, see e.g., Ezek 28:25–26, or Ezek 38–39. On the latter, see the chapter by William Tooman in this volume. Locutions from H are employed in a substantially similar manner at both the compositional and redactional levels of Ezekiel.

25. This phenomenon has occurred in textual transmission; compare Lev 19:26 in the MT (לֹא תֹאכְלוּ עַל-הַדָּם, “you shall not eat with the blood”) and LXX (Μὴ ἔσθετε ἐπὶ τῶν ὀρέων, “You shall not eat on the mountains”). The *Vorlage* of the LXX is a harmonization to Ezek 18:11, 15; 22:9 (לֹא אֲכַל עַל הַהָרִים), “[not] eat on the mountains”).

26. Here I am heavily indebted to the work of Richard Schultz; see *Search for Quotation*, 211, 222–27.

27. Note how Ezek 24:7, 8 uses the locution from Lev 17:13 (“spill blood, cover with dirt”) in a completely different way than H; whereas H is discussing procedure for animal sacrifice, Ezekiel turns the words into an accusation of human murder. Similarly, see the use of locutions from Lev 21:7 + 14 in Ezek 44:22, where H’s two laws directed to different priestly audiences are conflated and directed at all priests.

28. See the use of בְּכֹחַ “rule with harshness” from Lev 25:46 in Ezek 34:4, where Ezekiel glosses the rare word “harshness” with the common word “strength”; see the use of locutions from Lev 26:22 in Ezek 14:15, where the ambiguity of H (are desolate roads a consequence of wild animals, or the next punishment?) is clarified in Ezekiel (בְּפְנֵי הַחַיָּוִת, “because of wild animals”).

on H.²⁹ This eliminates instances of coincidental parallels and unconscious dependence. Third, I look for evidence that Ezekiel was aware of the larger context from which he borrowed the locutions. This includes instances where Ezekiel has juxtaposed, combined, or conflated two or more separate locutions, eliminating the possibility that he was simply using fixed language.³⁰

Ezekiel's Use and Transformation of H

An examination of Ezekiel's use of H reveals the presence of regularly occurring formal patterns, which allow us to speak of Ezekiel's *techniques* of modification. These techniques include the inversion of word order,³¹ the creation of word pairs,³² the split-up and recombination of locutions into new forms,³³ the creation of word clusters,³⁴ the com-

29. See the use of locutions from Lev 26:5–6 in Ezek 34:25, 28. Here Ezekiel turns H's conditional covenant blessings into guaranteed future blessings; he changes person, number and gender; he creates reversals and inversions; he exaggerates the motif of "security"; and he makes "peace" relational.

30. See the combination of locutions from Lev 21:1–3 + 11 in Ezek 44:25, or from Lev 18:7–9+15+17+19 in Ezek 22:10–11.

31. Compare Lev 26:4b // Ezek 34:27a; Lev 26:5–6 // Ezek 34:25; Lev 26:9 // Ezek 36:11; Lev 18:19–20 // Ezek 18:6. On the technique of inversion, see Pancratius C. Beentjes, "Discovering a New Path of Intertextuality: Inverted Quotations and their Dynamics," in *Literary Structure and Rhetorical Strategy in the Hebrew Bible*, ed. L. J. de Regt, J. de Waard and J. P. Fokkelman, 31–49 (Assen: Van Gorcum, 1996).

32. The locution "cut off livestock" (Lev 26:22) is expanded into "cut off humans and livestock" in Ezek 14:13, 17, 19, 21; 25:13; 29:8.

33. Note the modification of locutions from Lev 26:33 in Ezek 22:15 (also Ezek 12:15; 20:23; 29:12; 30:23, 26; 36:19, and note the same pattern with variations in word choice in Ezek 6:8; 11:16); Lev 25:36 in Ezek 18:8, 13; Lev 18:5 in Ezek 20:11, 13, 21. See Lyons, "Marking Innerbiblical Allusion in the Book of Ezekiel," *Biblica* 88 (2007) 245–50.

34. The words "wild animals" (Lev 26:22) + "sword, plague" (Lev 26:25), and famine (Lev 26:26) are combined into "sword, famine, wild animals, and plague" (Ezek 5:17; 14:13+15+17+19, 21); "sword + famine + plague" (Ezek 5:12; 6:11, 12; 7:15; 12:16); "sword + wild animals + plague" (Ezek 33:27).

ination and conflation of locutions,³⁵ and the use of wordplay³⁶ and reversals.³⁷

But why does Ezekiel use this material at all, and how does he employ it to solve the problems that he and his contemporaries were facing? Ezekiel's use of Leviticus was fundamentally rhetorical—that is, he used its images for persuasive effect, he appealed to the authoritative nature of its laws, and he used and transformed its arguments in order to develop his own arguments.

The ways in which Ezekiel employs locutions borrowed from the Holiness Code fall into five categories.³⁸ First, Ezekiel turns H's positive and negative instructions into accusations. Second, Ezekiel turns the conditional covenant punishments of Lev 26 into descriptions of present or imminent judgment on Jerusalem. Third, Ezekiel takes H's laws and appeals to them as authoritative standards for behavior. Fourth, Ezekiel turns the reference to the display of God's power in the Exodus (Lev 26:45) into an argument that the motivation for God's actions is concern for his reputation. Fifth, Ezekiel turns the conditional covenant blessings in Lev 26 into guaranteed covenant blessings in the future.

Accusation

First, Ezekiel turns the positive and negative instructions of Lev 17–26 into accusations:

You shall *do my ordinances* and keep *my statutes* so as to walk in them; I am YHWH your God. And you shall keep *my statutes* and *my ordinances, by which a man will live if he does them*; I am YHWH. (Lev 18:4–5)

35. Lev 10:10 + 20:25 in Ezek 22:26; Lev 21:5+10 in Ezek 44:20; Lev 21:7+14 in Ezek 44:22; Lev 10:10 + 20:2 in Ezek 44:23; Lev 21:1–3 + 11 in Ezek 44:25; Lev 19:34 + 25:45–46 in Ezek 47:22.

36. Note the use of פָּנָיו / פָּנָיו "set the face" in Lev 20:3, 5, 6 // Ezek 14:3–8 and 15:6–8. See S. Talmon and M. Fishbane, "The Structuring of Biblical Books: Studies in the Book of Ezekiel," *ASTI* 10 (1976) 129–53, esp. 137–38.

37. Punishment ("send wild animals," Lev 26:22 in Ezek 5:17; 14:15, 21; "set my face against you," Lev 20:3; 26:17 in Ezek 14:8; 15:7; "scatter you among the nations," Lev 26:33 in Ezek 12:15; 20:23; 22:15; 29:12; 30:23, 26; 36:19; etc.) is reversed into blessing ("finish off wild animals," Lev 26:6 in Ezek 34:25; "I will turn to you," Lev 26:9 in Ezek 36:9; 37:26; "gather you from the peoples," Ezek 11:17; see also 20:34, 41; 34:13; 36:24; 37:21).

38. For a detailed description of how H's locutions are used by Ezekiel, see Lyons, *From Law to Prophecy*.

But the house of Israel rebelled against me in the wilderness; they did not *walk in my statutes*, and they rejected *my ordinances*, by which a man will live if he does them. (Ezek 20:13)

The locution “my statutes . . . my ordinances, by which a man will live if he does them” occurs only in Lev 18:5; Ezek 20:11, 13, 21; Neh 9:29, though only H and Ezekiel use the apocopated form ׁוַיִּחְיֶה “will live.” Unique variations on this locution occur in Ezek 20:25; 33:15. In chap. 20, Ezekiel surveys Israel’s history and turns H’s locution into a repeated accusation that the people did not obey. This chapter is designed to convince the reader that Ezekiel’s contemporaries are incorrigible transgressors, displaying the same pattern of behavior as their forefathers.

Ezekiel also uses H’s locutions to accuse his audience in Ezek 22:

They treat father and mother with contempt among you; they act with extortion towards the alien in your midst; they oppress orphan and widow among you. You despise *my sacred contributions*, and you profane *my sabbaths*. *Slandering* men are among you in order to shed *blood*, and they eat on the mountains among you; they commit *lewdness* in your midst. *The nakedness of a father one uncovers* among you; the *woman impure in her menstrual period* they rape among you. And one *commits abomination with the wife of his neighbor*, and in *lewdness* another defiles *his daughter-in-law*; and another among you rapes *his sister, the daughter of his father*. They take bribes among you in order to shed blood; you *take interest and accrued interest*; and you violently profit from *your neighbor* by *extortion*. And you forgot me!—utterance of Lord YHWH. (Ezek 22:7–12)

Ezekiel 22 contains a litany of accusations, most of them taken from laws regarding social justice and prohibited sexual relations in Lev 18–20. These accusations form the grounds for the judgment promised in Ezek 22:2, 4–5, 14–15. Some of the shared words are rare in the corpus of biblical Hebrew; other shared words are common individually, but occur in proximity with other shared words only in H and Ezekiel:

- “treat father and mother with contempt” (קלל את־אב ואת־אם): Exod 21:17; Lev 20:9; Ezek 22:7; Prov 20:20; 30:11 (see also “revere mother and father,” Lev 19:3)
- “sacred contribution” (קִדְּשׁ): The word קִדְּשׁ is common, even when used in the specific sense of the “sacred contributions” that constitute priestly meals. Abuses of these contributions are de-

scribed with the verb **חלל** “to profane” in Lev 19:8; 22:2, 15; Num 18:32; Ezek 22:26 // Zeph 3:4, and with the verb **בוזה** “to despise” in Ezek 22:8.

- “my sabbaths” (**שבתותי**): Exod 31:13; Lev 19:3, 30; 26:2; Isa 56:4; Ezek 20:12, 13, 16, 20, 21, 24; 22:8, 26; 23:38; 44:24. While some occurrences of “sabbaths” in Ezekiel cannot be traced to a definite context in H, the presence of other locutions occurring in the same context indicates that Ezek 22:8 draws from Lev 19:13 and Ezek 23:38 draws from Lev 19:30. Ezekiel has reversed H’s locution “keep my sabbaths, reverence my sanctuary” (Lev 19:30; 26:2) to “they defiled my sanctuary, they profaned my sabbaths” (Ezek 23:38). The shorter locution “keep my sabbaths” (Lev 19:3) is reversed to “they profaned my sabbaths” in Ezek 22:8. It is likely that the use of “treat father and mother with contempt” (Lev 20:9) in Ezek 22:7 brought to mind the occurrence of its opposite, “revere mother and father” in Lev 19:3; the use of “my sabbaths” with “father and mother” occurs only in Lev 19:3; Ezek 22:7–8.
- “slander” (**רביל**) + “blood” (**דם**): The word “slander” occurs six times (Lev 19:16; Jer 6:28; 9:3; Ezek 22:9; Prov 11:13; 20:19). The only place it occurs in proximity to the word “blood” is in Lev 19:16 and Ezek 22:9.
- “lewdness” (**זמה**): This word occurs twenty-nine times. Used with the sense “depravity, lewdness,” it occurs four times in Leviticus (Lev 18:17; 19:29; 20:14 [2x]) and fourteen times in Ezekiel (Ezek 16:27, 43, 58; 22:9, 11; 23:21, 27, 29, 35, 44, 48 [2x], 49; 24:13). It is found elsewhere with this meaning only in Judg 20:6; Jer 13:27.³⁹
- “uncover the nakedness of a father (**גלה ערות אב**): Lev 18:7; 20:11; Ezek 22:10
- “a woman impure in her menstrual period” (**טמאה / טמאה + לא קרב אל-אשה נדה**, in construct): Ezek 18:6 uses Lev 18:19 **לא קרב אל-אשה נדה** (“do not draw near to a woman in her period”). The phrase “a woman impure in her menstrual period” (**טמאת הנדה**) in Ezek 22:10 is probably a modification of **אשה בנדת טמאתה**

39. Used with the meaning “evil plan,” it occurs eight times (Isa 32:7; Hos 6:9; Psa 26:10; 119:150; Job 31:11; Prov 10:23; 21:27; 24:9), though it can refer to a “plan” with no negative sense (Job 17:11).

“a woman in her menstrual impurity” in Lev 18:19, though it also resembles *טמאת נדתה*, “the uncleanness of her menstrual impurity” (Lev 15:26).

- “commit abomination” (*עשה תועבה*): Lev 18:26, 27, 29, 30; 20:13; Ezek 8:6, 9, 13, 17; 9:4; 16:50, 51; 18:12, 13, 24; 22:11; 33:26, 29; 43:8; 44:13 (but also in Deut 12:31; 13:15; 18:9; 20:18; 1 Kgs 14:24; 2 Kgs 21:2, 11; Jer 6:15; 7:10; 32:35; 44:22; Mal 2:11; 2 Chron 33:2; 36:8; etc.)
- “wife of a neighbor”: *אשת אמי*, Lev 18:20; *אשת רע*, Exod 20:17; Lev 20:10; Deut 5:21; 22:24; Jer 5:8; 29:23; Ezek 18:6, 11, 15; 22:11; 33:26; Prov 6:29 (always with other words referring to impropriety)
- “daughter-in-law” (*כלה*): This word is found throughout the Hebrew Bible, but in H and Ezekiel it only occurs in contexts dealing with sexual impropriety (Lev 18:15; 20:12; Ezek 22:11; it also occurs in Gen 38, the story of Judah and Tamar). Ezekiel has modified H’s locution “uncover the nakedness of a daughter-in-law” to “defile a daughter-in-law.”
- “a sister, the daughter of a father” (*אחות בת אב*): Gen 20:12; Lev 18:9; 20:17; Deut 27:22; Ezek 22:11 (all in contexts of sexual impropriety)
- “take interest and accrued interest” (*לקח נשך ותרבית*): Lev 25:36; Ezek 18:8, 13, 17; 22:12
- “extortion/extort” (*עשק*) + “neighbor” (*רע*): Lev 19:13 (*לאֲתַעֲשֶׂק לְאַחֲרֵיךָ*); Ezek 22:12 (*תִּבְצַעִי רֵעֶךָ בְּעִשְׂק*)

In these passages and others, Ezekiel has borrowed locutions from positively and negatively phrased legal material in H in order to create accusations. He directs these accusations against his fellow-exiles in order to explain their condition as the result of God’s just punishment for breach of covenant obligations.

Judgment

The second way Ezekiel uses H’s locutions is to turn the conditional covenant punishments of Lev 26 into descriptions of present or imminent judgment on Jerusalem (though to some extent also on Edom,

Sidon, and Egypt). Ezekiel's descriptions of judgment depend heavily on the threats of invasion, siege, starvation, and ruin listed as punishments for covenant violation in Lev 26. Ezekiel claims that these disasters are about to fall, or have already fallen, upon the citizens of Jerusalem for their offenses against God and fellow humans:

And I will send *wild animals* into you, and they will bereave you, and they will *cut off* your *cattle* and diminish you, and your roads will be desolate . . . And I will bring against you the sword which avenges the covenant, and when you gather yourselves into your cities, then I will send a *plague* into your midst, and you will be given into the hand of the enemy. When I break for you the *staff of bread*, ten women will bake your bread in a single oven, and they will return your bread by weight; and you will eat, but you will not be satisfied. . . . And I will scatter you among the nations, and I will unsheathe a sword after you; and your *land will become a desolation*, and your cities will be a waste. (Lev 26:22, 25–26, 33)

Son of man, if a land sins against me, so as to commit treachery, and I stretch out my hand against it and *break for it the staff of bread*, and I send famine into it, and *cut off* from it humans and *cattle*, and these three men were in its midst—Noah, Daniel, and Job—they would deliver themselves by their righteousness—utterance of Lord YHWH. If I cause *wild animals* to pass through the *land*, and they bereave it, and it *becomes a desolation*, without passerby because of the wild animals, if these three men were in its midst, as I live—utterance of Lord YHWH—they could deliver neither sons nor daughters; they alone would be delivered, and the *land would become a desolation*. Or if I bring a *sword against* that land, and I say, “A *sword* shall pass through the land,” and I *cut off* from it humans and *cattle*, and these three men were in its midst, as I live—utterance of Lord YHWH—they could deliver neither sons nor daughters, but they alone would be delivered. Or if I send a *plague* into that land, and I pour out my wrath upon it in blood, in order to *cut off* from it humans and *cattle*, and Noah, Daniel, and Job were in its midst, as I live—utterance of Lord YHWH—they could deliver neither son nor daughter; they would deliver themselves by their righteousness. For thus says Lord YHWH: How much more when I send my four deadly judgments—*sword* and famine and *wild animals* and *plague*—against Jerusalem, in order to *cut off* from it humans and *cattle*! (Ezek 14:13–21)

Ezekiel borrows the following words and phrases from H:

- “break the staff of bread” (שבר מטה־לחם): Lev 26:26; Ezek 4:16; 5:16; 14:13; Psa 105:16. An even closer match exists between Lev 26:26 and Ezek 5:16, both of which use a suffixed preposition (“when I break *for you* the staff of bread”); Ezek 14:13 contains a similar construction (“break *for it* the staff of bread”).
- “cut off cattle” (הכרית בהמה): Lev 26:22; Ezek 14:13, 17, 19, 21; 25:13; 29:8 (1 Kgs 18:5 uses the Nifal of כרת)
- “wild animals will bereave” (חיה שבלה): Lev 26:22; Ezek 5:17; 14:15. See also the wordplay on שבל “bereave” / כשל “stumble” in Ezek 36:12–15 (referring to the “mountains of Israel”).
- “land” + “desolation,” where the latter is describing the former (ארץ + שממה): Exod 23:29; Lev 26:33; Isa 1:7 (see also 62:4); Jer 4:27 (see also 6:8; 12:11); 32:43; Ezek 6:14; 12:20; 14:15, 16; 15:8; 29:9, 10, 12; 32:15; 33:28, 29; 36:34; Joel 2:20 (see also 2:3; 4:19); Mic 7:13. The word “desolation” (from the root שםם) occurs in other nominal forms as well; the locution ארץ + משמה “land” + “desolation” is attested in Ezek 6:14; 33:28, 29. A similar locution occurs in Jeremiah using the related noun form שמה (Jer 2:15; 4:7; 18:16; 25:11, 38; 44:22; 50:3; 51:29).
- “I will bring a sword against” (הבאתי חרב על): Lev 26:25; Ezek 5:17; 6:3; 11:8; 29:8 (all “against you”); Ezek 14:17; 33:2 (“against a land”)
- “send a plague” (שלח דבר): Lev 26:25; Jer 24:10; 29:17; Ezek 14:19, 21; 28:23; Amos 4:10; 2 Chron 7:13.

In Lev 26, the punishments for breach of covenant are presented as God’s instruments to induce repentance. This is accomplished by listing them in order of increasing intensity, and by separating them into groups with refrains that clearly state their restorative purpose: v. 18 “*if despite this you will not obey . . .*”; v. 21 “*if you continue hostile to me, and are not willing to listen . . .*”; v. 23 “*if in spite of these you are not disciplined back to me . . .*”

However, when Ezekiel uses these threats, he argues that the judgment against Jerusalem is final and total. Here the punishments are *not*

restorative, and there is *no* room for appeal.⁴⁰ But Ezekiel does not just modify the modality of the punishments, changing them from conditional threats into descriptions of actual devastation. He also modifies H's punishments by structuring them in order to make an argument about the *totality* of judgment: in Ezek 5:12, one third will die by pestilence and famine, one third by sword, and another third by scattering. In Ezek 6:12, the same threats are applied to those who are far off, those who are close by, and those who are left over. In Ezek 33:27 the threats are applied to those in the waste places, those in the field, and those in strongholds and caves. By using H's covenant punishments as descriptions of the actual or imminent state of affairs, Ezekiel interprets the fall of Jerusalem as punishment for covenant violation and implicates his contemporaries as covenant violators. By structuring H's locutions in different ways, Ezekiel is applying H's punishments to different groups that are representative of the totality of the people.

Instruction

Third, Ezekiel takes instructions from the Holiness Code and appeals to them as authoritative standards for behavior:

My ordinances you shall do and *my statutes* you shall keep so as to walk in them; I am YHWH your God. And you shall keep *my statutes* and *my ordinances*, by which a man will live if he does them; I am YHWH. . . . And you shall not come near to a woman in her menstrual impurity in order to uncover her nakedness. And you shall not have sexual relations with *the wife of your neighbor* [עַמִּיתָה] so as to become defiled with her. (Lev 18:4, 5, 19–20)

And if a man commits adultery with another man's wife—any one who commits adultery with *the wife of his neighbor* [עַרְוָה]—the adulterer and the adulteress shall surely be put to death. (Lev 20:10)

Do not take interest or accrued interest from him, but fear your God, so that the life of your brother shall be with you. *You shall not give your money to him at interest*, and you shall not give your food at a profit. (Lev 25:36–37)

40. See “my eye will not show pity, and I will not have compassion” (6x: Ezek 5:11; 7:4, 9; 8:18; 9:5, 10).

[If] he does not eat on the mountains, and does not lift up his eyes to the idols of the house of Israel, and does not *defile the wife of his neighbor* [רע], and does not come near a woman in her menstrual period, . . . He does not give at interest, and does not take accrued interest; he withholds his hand from iniquity. He does true justice between one man and another. *He walks in my statutes, he has kept my ordinances* so as to act faithfully. He is righteous; he will surely *live*—utterance of Lord YHWH. (Ezek 18:6, 8–9)

In this passage, Ezekiel uses the following words and phrases from H:

- “neighbor’s wife” + “defile” (אשת רע + טמא) / (אשת עמית): Lev 18:20; Ezek 18:6, 11, 15; 33:26 (cf. 22:11). While עמית “neighbor” occurs elsewhere in H, Lev 18:20 is the sole occurrence of אשת עמית “neighbor’s wife.” Ezekiel never uses the word עמית as the word for “neighbor,” but prefers the word רע from Lev 20:10 for use in this locution.
- “come near a woman in her menstrual period” (קרב אל־אשה . . . נדה): Lev 18:19; Ezek 18:6.
- “take interest and accrued interest” (לקח נשך ותרבית): Lev 25:36; Ezek 18:8, 13, 17; 22:12. Following Lev 25:37 (נתן בנשך, “give at interest”), Ezek 18:8, 13 introduce the verb נתן into the locution.
- “walk” (הלך) + “keep” (שמר) + “my statutes” (חקתי) + “my ordinances” (משפטי) + “to live” (חיה), where “statutes” and “ordinances” are the object of the verbs “walk” and “keep”: Lev 18:5; Deut 30:16 (variation: uses the three-element list “commands, statutes, and ordinances”); Ezek 18:9; 20:21.⁴¹ The fact that Ezekiel is aware of Lev 18:5 is evident from his use of the longer locution “my statutes . . . my ordinances, by which a man will live if he does them” (which occurs only in Lev 18:5; Ezek 20:11, 13, 21;

41. The combination of “my statutes” (fem. חקתי) + “my ordinances” + “to live” occurs in Lev 18:5; Deut 30:16 (variation: uses the three-element list “commands, statutes, and ordinances”); Ezek 18:9, 21 (variation: “keeps all my statutes, and does righteousness and justice”); 20:11, 13, 21. A similar combination using the masculine form of “statute” (חק) occurs in Deut 4:1; Ezek 20:25.

Neh 9:29, though only H and Ezekiel use the apocoped form ״״״
“will live”).

In 33:10, 15, Ezekiel answers the people’s question “How can we live?” with the response “walk in the statutes of life.” Ezekiel has created this unique locution “walk in statutes of life” by condensing the phrasing of Lev 18:4–5 (“you shall *walk* in my *statutes* . . . by which if a man does them, then he will *live*”). For Ezekiel, these legal regulations are indeed “statutes of life.” In fact, he fills chap. 18 with instructions from the Holiness Code and argues that God evaluates the exiles on the basis of how they—not their parents—do or do not keep these statutes. Those who obey God’s instructions will live; those who do not will die.

Ezekiel also uses H’s legal material as the basis for laws accompanying his vision of the restored temple and land in chaps. 40–48. Here Ezekiel is addressing the problem of past abuses to sanctity.⁴² In response to these abuses, Ezekiel crafts laws that are based on older priestly legal traditions, yet which go beyond these in significant ways to create stricter safeguards for the holiness of the sanctuary, levitical and priestly service, offerings, and the land itself.⁴³

For example, Lev 21 gives two sets of laws for priests: one for common priests (Lev 21:1–8), and the other for priests of a higher status (Lev 21:10–15). The rules for the latter are more strict: Lev 21:14 prohibits marriage to a widow, a divorced woman, or a “promiscuous or profaned woman.” There are no restrictions, however, on a marriage between a common priest and a widow (Lev 21:7). In Ezek 44:22, Ezekiel takes the

42. While I do not wish to minimize the complexities of these chapters, I think much of the material can be plausibly attributed to the prophet Ezekiel. For various attempts to explain the compositional history of these chapters, see e.g. Cooke, *Ezekiel*, 425–29; Hartmut Gese, *Der Verfassungsentwurf des Ezechiel (Kap. 40–48) traditionsgeschichtlich untersucht*, BHTh 25 (Tübingen: Mohr/Siebeck, 1957); Jon Douglas Levenson, *Theology of the Program of Restoration of Ezekiel 40–48*, HSM 10 (Missoula, MT: Scholars, 1976); Menahem Haran, “The Law-Code of Ezekiel XL–XLVIII and its Relation to the Priestly School,” *HUCA* 50 (1979) 45–71; Moshe Greenberg, “The Design and Themes of Ezekiel’s Program of Restoration,” *Int* 38 (1984) 181–208; Walther Zimmerli, *Ezekiel 2: A Commentary on the Book of the Prophet Ezekiel, Chapters 25–48*, trans. James D. Martin, Hermeneia (Philadelphia: Fortress, 1983) 328, 329, 409; Steven Shawn Tuell, *The Law of the Temple in Ezekiel 40–48*, HSM 49 (Atlanta: Scholars, 1992).

43. Most references to the legal material in H occur in Ezek 44 (cf. Ezek 44:7–8 and Lev 22:9–10; Ezek 44:20 and Lev 21:5+10; Ezek 44:22 and Lev 21:7+14; Ezek 44:23 and Lev 10:10 + 20:25; Ezek 44:25 and Lev 21:1–3+11; Ezek 44:31 and Lev 22:8).

locutions of Lev 21:14 and applies H's rules for the priest of high status to *all* priests.⁴⁴ Unlike H, Ezekiel needs no distinction between common priests and priests of higher status; he has already made a strong distinction between Levites and Zadokite priests (Ezek 44:10–14, 15–16) and is increasing priestly sanctity with new legislation (cf. Ezek 44:18b). He does, however, modify H's clause about priestly marriage to a widow, permitting it in the case of a woman who had previously been married to a priest.

Concern for God's Reputation

Fourth, Ezekiel turns the reference to the display of God's power in the Exodus into an argument that the motivation for God's actions is concern for his reputation:

And I will remember for them the covenant of the former ones whom *I brought out from the land of Egypt in the eyes of the nations*, to be God for them; I am YHWH. (Lev 26:45)

But they rebelled against me, and they were not willing to listen to me. Not one threw away the detestable things of their eyes, and they did not forsake the idols of Egypt. And I thought to pour out my wrath upon them, to finish off my anger on them in the midst of the land of Egypt. But I acted for the sake of my name, so as not to be profaned *in the eyes of the nations* in whose midst they were, in whose eyes I made myself known, to *bring them out from the land of Egypt*. (Ezek 20:8–9)

When they entered the nations, wherever they entered, they profaned my holy name, in that it was said about them: "They are the people of YHWH, but they went out from his land!" . . . Therefore, say to the house of Israel: Thus says Lord YHWH, "Not for your sake am I acting, O house of Israel, but for my holy name which you profaned among the nations into which you entered. And I will sanctify my great name which was profaned among the nations, which you profaned in their midst; and the *nations* will know that I am YHWH—utterance of YHWH—when I show myself holy among them *in their eyes*. (Ezek 36:20, 22–23)

44. אִלְמְנָה וְגֵרוּשָׁה . . . לֹא לִקְחָהּ . . . כִּי אִם־בְּתוּלָהּ "A widow or divorced woman . . . he/they shall not take . . . rather, a virgin." Note that Ezekiel changes H's singular verb form to a plural verb form.

Ezekiel uses the following locution from H:

- “bring them out” + “in the eyes of the nations” (הוֹצִיא אֹתָם + לְעֵינֵי הַגּוֹיִם): Lev 26:45; Ezek 20:9, 14, 22, 41. In each case the subject of the verb refers to God and the object to Israel.⁴⁵ A shorter form of this locution appears as לְעֵינֵי הַגּוֹיִם “in the eyes of the nations” (not attested with prepositions other than לְ); excluding the references above, it occurs in Isa 52:10; Ezek 5:8; 22:16; 28:25; 36:23 (the locution is split apart); 38:16 (the locution is split apart), 23; 39:27; Psa 98:2; 2 Chron 32:23.

Leviticus 26:45 refers to the Exodus as a public event, occurring “in the eyes of the nations.” Ezekiel refers to this event in the same way. In chap. 20, Ezekiel states that God was ready to destroy the people because of their idolatry (vv. 8, 13, 21). However, after having publicly brought the people out of Egypt, God’s reputation “in the eyes of the nations” would be damaged if he were to kill his people (Ezek 20:9, 14, 22). So God exiles the people instead of killing them (Ezek 20:23). But this solution is not satisfactory either. As we see in Ezek 36:20ff, Ezekiel argues that the condition of exile is publicly damaging God’s reputation. In response, God will act to protect his name, publicly displaying his holiness “in the eyes of the nations” by bringing Israel out of captivity and into their own land.

Hope

Fifth, Ezekiel turns the conditional covenant blessings of Lev 26 into guaranteed covenant blessings in the future:

And I will give your rains in their time, and the land will give its produce, and the tree of the field will give its fruit. And your threshing will overtake the grape harvest, and the grape harvest will overtake the sowing, and you will eat your bread to the full, and you will live securely in your land. And I will put peace in the

45. In Lev 26:45; Ezek 20:9 the people are brought out מֵאֶרֶץ מִצְרַיִם “from Egypt”; in Ezek 20:14, 22 the word “Egypt” is not used, though the verses clearly refer to the Exodus from Egypt. However, in Ezek 20:41, Israel is brought “from the peoples.” References to the Exodus from Egypt can be phrased in a number of ways: e.g., הֵעֵל יְהוָה . . . מִמִּצְרַיִם (Exod 3:17; Lev 11:45; Num 21:5; Deut 20:1; Josh 24:17; Judg 2:1; 1 Sam 8:8; 2 Kgs 17:7; Jer 16:14; Amos 2:10; Mic 6:4), or מֵאֶרֶץ מִצְרַיִם . . . הוֹצִיא (common; e.g., Exod 7:4; 12:17; 13:9; Lev 19:36; 22:33; 26:13; Num 15:41; Deut 1:27; 4:37; Josh 24:6; 1 Sam 12:8; 1 Kgs 8:16; Jer 7:22; Ezek 20:6, 10; 2 Chron 7:22; etc).

land, and you will lie down *and there will be no one who terrifies. And I will finish off wild animals from the land*, and the sword will not pass through your land . . . I am YHWH your God who brought you out from the land of Egypt, from being slaves to them; *and I broke the bars of your yoke*, and I made you walk upright. (Lev 26:4–6, 13)

And I will make a covenant of *peace* for them, *and I will finish off wild animals from the land, and they will live securely* in the wilderness, and they will sleep in the forests. And I will make them and the regions around my hill a blessing, and I will bring down *rain in its time*; they will be rains of blessing. *And the tree of the field will give its fruit, and the land will give its produce*, and they will be on their land *securely*, and they will know that I am YHWH, *when I break the bars of their yoke*. And I will deliver them from the hand of *those who used them as slaves*. And they will no longer be plunder for the nations, and *wild animals* will not devour them; *and they will live securely, and there will be no one who terrifies*. (Ezek 34:25–28)

In this passage, Ezekiel uses the following words and phrases from H:

- “rain in its time” (גשם בעתו): Lev 26:4; Jer 5:24 (adds ומל קוש ויורה); Ezek 34:26.
- “and the land will give its produce” (והארץ תתן יבולה): Lev 26:4, 20; Ezek 34:27; Zech 8:12; Psalms 67:7; 85:13.
- “and the tree of the field will give its fruit” (ונתן עץ השדה ואת־פריו): Lev 26:4, 20 (“tree of the land”); Ezek 34:27. Note the variation “and I will multiply the fruit of the tree and the produce of the field” (Ezek 36:30).
- “live securely” (שב לבטח): Lev 25:18, 19; 26:5; Deut 12:10; Judg 18:7; 1 Sam 12:11; 1 Kings 5:5; Isa 47:8; Jer 32:37; 49:31; Ezek 28:26 [2x]; 34:25, 27 (replaces שב with הִיָּה), 28; 38:8, 11, 14; 39:6, 26; Zeph 2:15; Zech 14:11; Psa 4:9; Prov 3:29.
- “peace” (שלום): Lev 26:6 (“I will put peace in the land”) and Ezek 34:25 (“covenant of peace”) share this common word; it is only the presence of other shared locutions that suggests Ezekiel may be borrowing this from H.

- “there is no one who terrifies” (אֵין מַחְרִיד): Lev 26:6; Deut 28:26; Isaiah 17:2; Jer 7:33; 30:10; 46:27; Ezek 34:28 (also includes חִיָּה from Lev 26:6); 39:26; Micah 4:4; Nahum 2:12; Zeph 3:13; Job 11:19. The expression “terrify secure Cush” (MT Ezek 30:9) contains an expression in which יִשָּׁב לְבִטָּח (Lev 26:5) and אֵין מַחְרִיד (Lev 26:6) have been conflated.
- “I will finish off wild animals from the land” (וְהִשְׁבַּתִּי חַיָּה רַעֲוָה מִן־הָאָרֶץ): Lev 26:6; Ezek 34:25.
- “slave/to enslave” (עִבַד): This common root occurs in Lev 26:13 and Ezek 34:27 in descriptions of liberation; in both cases it occurs in proximity to other shared locutions.
- “break the bars of the yoke” (שָׁבַר מִטּוֹת עַל): Lev 26:13; Ezek 34:27; both verses also include words from the root עִבַד (see also Lev 25:46).⁴⁶

In Ezek 34:25–28, Ezekiel has used and transformed the covenant language of Lev 26 into a new blueprint for restoration. He has omitted H’s covenant punishments (Lev 26:14–39) because—as is clear in Ezek 11:20; 36:27; 37:24—the people will be enabled to obey, thus rendering threats superfluous. He has also removed the conditional elements from H’s blessings (“If you walk in my statutes,” Lev 26:3) and turned them into unqualified guarantees.

Ezekiel does not simply take over H’s locutions, but modifies them in order to make his model of restoration more extravagant than the description of the covenant relationship in H. Not only will Israel “live securely in the land” (Lev 26:5), but they will “live securely in the wilderness and sleep in the forests” (Ezek 34:25). The word “securely” is repeated three times (Ezek 34:25, 27, 28) to underscore its importance as a solution to the problem of the harassed flock described in vv. 1–6. Not only will there be “rain in its season” (Lev 26:4; Ezek 34:26b), but these will be “rains of blessing” (Ezek 34:26c). Ezekiel not only repeats H’s blessing about the elimination of wild animals (Lev 26:6; Ezek 34:25), but he also reverses H’s punishment of destructive wild animals (Lev 26:22; Ezek 34:28). Finally, Ezekiel reverses the punishment of famine

46. The shorter locution שָׁבַר מִטּוֹת “break (yoke) bars” occurs in Nah 1:13; Jer 28:10, 12, 13; Ezek 30:18. The locution עַל שָׁבַר “break a yoke” occurs in Jer 2:20; 5:5; 28:2, 4, 11; 30:8; “yoke will be broken” (עַל חִבְלֵי עַל) appears in Isa 10:27.

described in H (Lev 26:26; Ezek 34:29b). By juxtaposing this reversal with the statement “I will establish for them a planting of renown (מַטֵּעַ לְשֵׁם, Ezek 34:29a),” he plays on the literal and figurative meanings of the word “planting” to argue for the fertility of both land and people.⁴⁷

Ezekiel’s Model of Restoration

The idea that the “house of Israel”—that is, Ezekiel’s fellow-exiles (Ezek 11:15)—might come to an end is intolerable for the prophet. He had to contend with the dangers of marginalization (Ezek 11:15ff), religious assimilation (20:32ff), and fatalistic despondency (37:11ff). Ezekiel responds to these dangers by using the language of the Holiness Code to argue that there is a hopeful future in store for Israel.

One might ask: why doesn’t Ezekiel simply use the model of restoration presented in Lev 26:40–42? According to H, if the people confess (Hitp. הִדָּה), humble (כִּנְעוּ) their heart, and make amends (רָצוּהוּ) for their iniquity, God will remember the land and the covenant with the patriarchs. However, this program is based on the idea that restoration is contingent upon human repentance—an idea that Ezekiel cannot accept.

Ezekiel believes that the people are incorrigible.⁴⁸ He repeatedly calls them “the rebellious house” (Ezek 2:5, 6, 7, 8; 3:9, 26, 27; 12:2, 3, 9, 25; 17:12; 24:3; 44:6). God warns Ezekiel at the beginning of his ministry that they will not listen to what he says (Ezek 3:7). Ezekiel describes the history of the people in purely negative terms, showing that they are unable and unwilling to depart from the evil practices of their ancestors (Ezek 16, esp. vv. 44–45; chap. 20, esp. v. 30). There are only three references to repentance in the entire book (Ezek 14:6; 18:30–32; 33:11)—and there is no indication in any of these contexts that Ezekiel expects a positive response.⁴⁹ Even more significant is the fact that Ezekiel never

47. See Greenberg, *Ezekiel 21–37: A New Translation with Introduction and Commentary*, AB 22A 5 (New York: Doubleday, 1997) 703–4; see also Isa 60:21; 61:3.

48. See Baruch Schwartz, “Ezekiel’s Dim View of Israel’s Restoration,” in *The Book of Ezekiel: Theological and Anthropological Perspectives*, ed. Margaret S. Odell and John T. Strong, SBLSymS 9 (Atlanta: SBL, 2000) 46 [43–67].

49. Other commentators have noted this rarity; see Schwartz, “Ezekiel’s Dim View,” 46–47. Paul Joyce (*Divine Initiative*, 57–58) argues that the function of these appeals is to underscore Israel’s responsibility and God’s yearning for obedience, not to pro-

ties his descriptions of restoration to these appeals to repent. The idea that the people are incorrigible is brought out most clearly in Ezekiel's statement of their need for a "new heart": the people are spiritually abnormal, and must therefore undergo some kind of ontological change in order to follow God's commands (Ezek 11:19–20).

Not only does Ezekiel reject the possibility that the people might take the initiative to repent, but he depicts restoration as the result of God's initiative. In every description of restoration (Ezek 11:14–21; 16:60–63; 20:33–44; 28:25–26; 34:11–16, 23–31; 36:8–15, 22–38; 37), the blessings described are not contingent on any action by the people, but on God's action alone.⁵⁰ This is argued quite clearly in Ezek 36:22, 32, where God announces that he is not restoring Israel because of any action they take, but for the sake of his reputation alone.

Ezekiel's departure from the model of restoration in H is reflected in his vocabulary. Of H's three words for restoration (Lev 26:40–41), Ezekiel never uses "confess" (Hitp. יָדָה) or "humble" (בָּנֵה), and only uses רָצָה with God as the subject in the sense "to accept." Ezekiel's alternative program for the future is expressed by a different constellation of words he uses to describe the people's response to God's unilateral action: the people will "remember (זָכַר) their wicked ways" (Ezek 16:61, 63; 20:43; 36:31; 39:26); they will "feel shame" (בֹּשָׁם, כָּלֵם) for what they have done (16:54, 61, 63; 36:32; cf. 39:26, כָּלֵם מִזֵּד), and they will "loathe themselves (קָוָה)" (20:43; 36:31). These actions are not the preconditions for restoration; they are the results of it. The function of

duce a response that would result in restoration; see also Joyce, *Ezekiel: A Commentary*, LHOTS 482 (New York: T. & T. Clark, 2007) 20–23, 26–27. Even Andrew Mein, who wonders whether "perhaps the calls for repentance are to be understood straightforwardly," agrees that "no direct connection is made between repentance and YHWH's action in restoration"; see Mein, *Ezekiel and the Ethics of Exile* (Oxford: Oxford University Press, 2001) 211–12.

50. On the unilateral action of God in Ezekiel's model of restoration, see Joyce, *Divine Initiative*, 126: "Israel's obedience will be the result rather than the cause of deliverance, part and parcel of the restoration and certainly not a condition upon which it depends"; Milgrom, *Leviticus 23–27*, 2330: "Interestingly, Ezekiel denies any role to Israel in the redemptive process. God will restore Israel to its land unconditionally . . . Ezekiel, like Jeremiah before him, despairs of Israel's ability to change its ways and, as a consequence, predicts that God will perform a "heart transplant," which will guarantee that Israel will sin no more . . ."; and Baruch Schwartz, "Ezekiel's Dim View," 49: "Ezekiel severs the nexus between the two elements [viz., between repentance and mercy], asserting that YHWH remembers his covenant with Israel irrespective of the latter's return to him and not as an act of reconciliation."

these responses is to testify to the fact of spiritual transformation: for the first time the people will be capable of grasping the enormity of their offenses against God.⁵¹

Ezekiel's problem with the model of restoration found in Lev 26 is that it does not address the possibility that the people might not repent. Nor does it address the possibility that a repentant people might someday apostatize again. Ezekiel solves these problems in a very radical way. Instead of simply copying the covenant of Lev 26 and projecting it into the future, Ezekiel removes the punishments from the covenant and envisions a change that guarantees the covenant stipulations will always be kept. This change is one that God will perform in the hearts of the people.

This radical reconceptualization of the covenant can be seen in passages where Ezekiel transforms the commands of Leviticus into guarantees of future behavior. Whereas H *commanded* the people to walk in God's statutes (Lev 18:4–5), Ezekiel argues that God will *make* the people walk in his statutes (Ezek 36:27). Whereas H commanded the people to keep God's ordinances, Ezekiel argues that God will give them a new heart *so that they will* keep his ordinances (Ezek 11:19–20).

Leviticus 26, then, does not provide the full model behind Ezekiel's outlook; it only provides part of the conceptual imagery. When Ezekiel envisions the physical aspects of restoration in Ezek 34:25–28—a return to the land, the rebuilding of waste places, fertility of the ground, living in security—he uses the blessings of Lev 26 for his descriptions. When he envisions the spiritual aspects of restoration—a covenant relationship, the divine presence, an obedient people—he again uses locutions from Lev 26, but carefully omits all of its threats, because he believes these will no longer be necessary in the future.

Conclusion

Thomas Renz argues that the book of Ezekiel represents an attempt to convince the reader of four things:

51. See Jacqueline E. Lapsley, "Shame and Self-Knowledge: The Positive Role of Shame in Ezekiel's View of the Moral Self," in *The Book of Ezekiel: Theological and Anthropological Perspectives*, ed. Margaret S. Odell and John T. Strong, SBLSymS 9 (Atlanta: SBL, 2000) 143–73.

At first, the readers were only asked to see the end of Jerusalem as the result of her sin, then they were asked to “judge” Jerusalem, and with Jerusalem their own rebellious behavior. In the oracles against the nations the readers were invited to see the same pattern of rebellion against Yahweh at work which had brought Jerusalem to its end. The readers are encouraged to see that rebellion against Yahweh reduces Israel to the level of other nations and does not have a future, since Yahweh will destroy pride against him everywhere. Thus they will realise that assimilation into other nations will only continue the rebellious history of the past and consequently will not open up a future for their community. Chaps. 33–48 then show that the beginning and end of New Israel is the acknowledgement of Yahweh’s kingship which has the promise of transformation.⁵²

The analysis of Ezekiel’s use of H laid out in this essay supports Renz’s conclusions. Ezekiel’s transformation of H’s laws into accusations and H’s conditional covenant punishments into descriptions of imminent or actual punishment form the basis for the first three arguments noted by Renz. The Holiness Code is the authoritative standard by which Ezekiel finds his contemporaries guilty, and it contains the punishments with which he targets the Jerusalemites and the nations. The fourth argument that Renz notes deals with Ezekiel’s outlook for restoration, and it is here that Ezekiel uses the description of the conditional covenant blessings in H as a paradigm for the future, transforming them into guaranteed blessings of a new relationship.

Ezekiel’s recontextualization of H’s locutions necessitated the transformation of their literary form, addressees, scope, temporal frame, and modality. By transforming earlier legal material into accusations and conditional covenant punishments into descriptions of actual devastation, Ezekiel could account for the exile by creating a causal connection between the people’s behavior and the disaster they experienced. By selectively and paradigmatically using imagery from H’s description of covenant blessings, Ezekiel described a future involving both physical and spiritual restoration. In this description, however, Ezekiel radically

52. Renz, *The Rhetorical Function of the Book of Ezekiel*, VTSup 76 (Leiden: Brill, 1999) 230–31. However, Renz’s remark that “acknowledgement of Yahweh’s kingship . . . has the promise of transformation” does not entirely bring out the nuances of Ezekiel’s concept of restoration. For Ezekiel, YHWH *forcibly assumes* kingship over the people (Ezek 20:33), and the people’s acknowledgment *follows* transformation rather than preceding it (Ezek 37:13–14).

redefines the very notion of covenant by omitting all of H's punishments in his description of the future relationship between God and Israel. His use of H was therefore primarily rhetorical in nature: he appealed to its authority and used its arguments and imagery to create his own arguments.

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