III

In a recently published study, J. Milgrom builds upon the observation of D. Z. Hoffmann that whenever Deuteronomy refers to its own statements it employs the participial construction *'šr 'nky mṣwh*, »that which I command,« (e. g. 4₂, ₄₀; 6₂, ₆; 11₈, ₁₃, ₂₂, ₂₇, ₂₈) but that when it refers to prior commands, it uses the past tense *k'šr ṣwyty*, »as I commanded« (e. g. Dtn 24₈ refers to Lev 13).[78] Milgrom argues that the expressions *k'šr ṣwh/nšbc/dbr* found 32 times in Deuteronomy, is »Deuteronomy's ›cf.‹ its unique formula to indicate the sources which it assumes are so obvious to the reader that there is no need to quote them.«[79] Thus, Dtn 5₁₂, ₁₆ in D's version of the Ten Commandments refers back to Ex 20₈₋₁₂; while Dtn 4₅ and 5₂₈₋₂₉ refer back to the Covenant Code in Ex 20₂₂–23₁₉ (cf. Dtn 4₁₄).[80] In three cases, Deuteronomy presupposes various sections of P:[81]

1. Dtn 24₈ »In cases of a scaly affection, be most careful to do exactly as the Levitical priests instruct you. Take care to do as *I have commanded them* (*k'šr ṣwytm*).« The instructions to the priests concerning skin diseases are found in Lev 13₁–14₅₄ (P).

2. Dtn 29₁₂: »to the end that he may establish you this day as His people and be your God, *as he promised you* (*k'šr dbr lk*) and as *he swore* (*wk'šr nšbc*) to your fathers, Abraham, Isaac and Jacob.« This promise to the forefathers is a Deuteronomic comprehension of Gen 17₇₋₈ (P⁸) in the light of passages such as Gen 22₁₆₋₁₈; 26₂₄ (JE). The promise to the people is based on Ex 6₇ (P⁸), Lev 26₁₂ (P). The combination of both promises is found only in P.[82]

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ing features were evaluated in P: A3, A6, A7a, A9, A11, A12. The thrust of his criticism concerns the appropriateness of comparing linguistic features and drawing chronological conclusion from documents representing different literary genres: narratives vrs. technical records and lists.

This issue, raised also by Rendsburg and myself, presents a challenge to a methodology which forced Polzin to analyze only what was extant in predetermined blocks of text on the assumption that they were truly representative of a given time. Additional fragmentation of the sources into genres would have reduced the blocks to insignificant size and would have made Polzin's experiment impossible. His conclusions concerning JE, CH, and Dtr, which I have not investigated, may still be valid since they are unaffected by this issue.

[78] J. Milgrom, »Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy,« HUCA 47, 1976, 3. Milgrom cites Hoffmann, Das Buch Deuteronomium I, Berlin, 1913. Cf. Hoffmann ad Deut 12₂₀₋₂₂.

[79] »Profane Slaughter,« 4.

[80] These examples are selected from those proferred and discussed by Milgrom on pp. 4–6.

[81] I use P, in this part of the paper to indicate those sections which were not subdivided into either P⁸ or P⁸ by Polzin. Translations are cited from the NJPS.

[82] »Profane Slaughter,« 10.

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3. Dtn 10₉ »... the Levites have received no hereditary share along with their kinsmen: the Lord is their portion, *as the Lord your God spoke* (*k'šr dbr*) concerning them.« Dtn 18₁₋₂: »The Levitical priests, the whole tribe of Levi, ... shall have no portion among their brother tribes: the Lord is their portion, *as he promised them* (*k'šr dbr lw*).«
What is involved in these statements is the right of Levites to food offerings presented as sacrifices. Since according to Deuteronomy, all Levites had the right to serve as priests at the altar (Dtn 18₆₋₈), the reference is to Num 18₂₀ (P): »... you shall, however, have no territorial share among them or own any portion in their midst; I am your portion and your share among the Israelites.« Milgrom correctly discerns the anti-P polemical intent of the opening words in Dtn 18₁ »the Levitical priests, the whole tribe of Levi.«[83]

In the Deuteronomic recapitulation of various events from the time of The Wanderings, the dependence of Deuteronomy on pre-existing sources is obvious. This may be discerned in many parts of the Deuteronomic spy story and its aftermath in Dtn 1₂₀₋₄₆. The parallel in Num 13–14₄₅, is essentially derived from JE, with significant introductory material in 13₁₋₁₅ and parts of a major speech in 14₂₆₋₃₀, ₃₄₋₃₈ derived from P.

The relationship between the two versions is complex. The author of the Deuteronomic version appropriated much from the edition in Numbers; however, because his reason for retelling the story was tendentious, he omitted many sections from the source.[84] The following list of verbatim appropriations indicates the Deuteronomic author's familiarity with both JE and P materials, while the notations of context call attention to the creative rearrangement of the text by the Deuteronomic author:[85]

Source	Context
1	1
a) Dtn 1 ₂₀b [86]	Moses' address to the people
b) Num 13 ₂a (P)	Yahweh's instructions to Moses

a) אשר יהוה אלהינו נתן לנו

b) אשר אני   נתן לבני ישראל

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[83] »Profane Slaughter,« 11–12.

[84] Cf. the observations of S. E. Loewenstamm, »The Relation of the Settlement of Gad and Reuben in Nu XXXII 1–38«, Tarbiz 42 (1972–73) 24 note 13.

[85] The division into sources is based primarily on S. R. Driver, An Introduction to the Literature of the Old Testament, N. Y. 1931 (1913 edition), 62–63; G. B. Gray, Numbers (ICC), Edinburgh, 1902, 128–167, 429–420; and M. Noth, Numbers (OTL), Philadelphia, 1968, 101–112. S. McEvenue's arguments in favor of an additional source in the spy story consisting of 14₃, ₂₅b, ₃₀₋₃₃, and ₃₉₋₄₅ need not be discussed here since he accepts their pre-P origin (» A Source-Critical Problem in Nm 14, 26–38,« Bib 50 (1969) 453–465, cf. p. 453, and idem, The Narrative Style of the Priestly Writer (An Bib 50) Rome, 1971, 91–92).

[86] The expression is common in Deuteronomy, but here it is elicited by the P verse. Cf. Dtn 1 ₂₅; 2 ₂₉; 3 ₂₀.