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Study of the
Old Testament**

**When Moses Is Not Enough: A Comparative Study of
Referral Narratives in the Torah**

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When Moses Is Not Enough:

A Comparative Study of Referral Narratives in the Torah

Abstract

This article revisits nine Pentateuchal passages in which Moses, confronted by unprecedented crises, “brings the matter before YHWH”. Reading Exod. 15:22-25; 17:1-7; Lev. 24 :10-14; Num. 9:6-14; 15:32-36; 27:1-11,15-23; 36:1-12; and Deut. 1:17; 17:8-13 as a single corpus, it argues that the Torah legitimates new law precisely where Moses’ competence fails. A close philological survey reveals a stable three-step formula—approach, suspension and divine verdict—that recurs across pre-Priestly, Priestly and Deuteronomic layers. While the earliest narratives rely on charismatic miracle, Priestly redactors translate crisis into repeatable jurisprudence and Deuteronomy institutionalises referral as a permanent appellate system. Theologically, the motif grounds every fresh statute “upwards” in YHWH’s direct speech and “outwards” in priestly or judicial bodies able to outlive Moses, thereby securing both divine authority and communal transmission. The study concludes that revelation in the Pentateuch is narratively fashioned to appear precisely “when Moses is not enough”, making his limitation the hinge on which enduring Torah turns.

Keywords: Moses; Referral Narratives; Torah/Pentateuch; Priestly source; Deuteronomy; biblical law; mediation; Torah authority

1. Introduction

When the Torah lets us listen in on the wilderness camp, we often meet Moses standing at the very margin of what his received law can solve. The canvas is broad: pilgrims who, after the Song of the Sea, taste the bitter pools of Marah and discover that no statute yet sweetens water; a parched congregation at Rephidim ready to stone its leader because the rock will not yield a drop; ritually-impure wanderers who nevertheless long to eat the Passover lamb and join the nation's formative memory; a solitary wood-gatherer caught breaking the Sabbath in the open sight of his peers, his offense at once obvious and unprecedented; daughters who have no brothers but plenty of courage, stepping forward through the ranks to ask whether the promised land can recognise their names; aging elders who sense that Moses' days are numbered and fear a vacuum of leadership; entire clans whose ancestral holdings appear to slip away with every engagement ring their daughters receive.

Each dilemma threatens the fragile, desert-born order, and each scene abruptly lowers the narrative's pulse, hushes the congregation, and marks the moment with the almost whispered formula that Moses "brought the case before YHWH". That gesture—half confession of human limit, half act of covenant trust—lies at the heart of this article. It prompts the questions pursued here: what sorts of ritual, juridical, or communal crises are grave enough to push Israel's premier lawgiver beyond his competence; whether the Hebrew text preserves a recognisable cluster of verbs and syntactic turns that formally announce the hand-over of judgment; and how these narratives, by staging the hand-over, draw a carefully measured theological boundary around Moses' authority even as they elevate the divine reply into enduring Torah.

Three interlocking insights steer the investigation. First, a careful reading of the accounts hints at a ritual-linguistic fingerprint that recurs whenever ordinary jurisprudence stalls: verbs of physical approach or legal inquiry are repeatedly welded to the prepositional refrain לַפְּנֵי יְהוָה "before YHWH". The collocation functions like a narrative gavel: the moment it sounds, human competence is suspended, the camp pauses, and the story invites the reader to expect a fresh divine decision.

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Second, the cluster reaches its fullest resonance in the five stories that dominate the book of Numbers¹. There, the formula is not merely reported but artistically amplified—framed by public assemblies, echoed in Moses’ own speech, sealed with communal execution or celebration—so that the motif itself becomes a theological argument for emergent priestly authority. By contrast, the analogous scenes in Exodus (15 and 17), Leviticus (24), and Deuteronomy (17) preserve the same kernel yet harness it for other purposes: testing covenant loyalty in the wilderness, guarding the holiness of the Divine Name, or anchoring a centralized court in the future land. The referral logic, however, is never abandoned; it is only refracted through different narrative lenses.

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Third, although classic commentaries have illuminated single passages and more recent studies have deepened our grasp of priestly legislation or legal hermeneutics, scholarship still seems to lack a sustained comparison that places every referral episode on the same analytic map. This article sets out to draw that map, tracing the shared lexical bedrock and the divergent theological contours that shape the Torah’s portrait of law born in moments when “Moses is not enough”.

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As for the methodology, this investigation remains quite firmly within classical exegesis. It begins with a text-critical weighing of the Hebrew text against the other major traditions wherever referral vocabulary or legal outcome diverges. It then tries to assign each passage—Numbers foremost, but also Exod. 15 and 17, Lev. 24, Deut. 17—to its documentary layer and tracks the redactional seams that reshape inherited material for post-exilic concerns. Genre is considered next, reading the pericopes as crisis stories or legal case reports, before turning to their rhetorical architecture of exposition, tension, verdict, and communal ratification with special attention to inclusions, verbal rhythm,

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¹ In this regard, see especially Bühner 2019: 213-239. Working with Num 9:6-14; 15:32-36; 27:1-11; 27:15-23; and 36:1-12 (with Lev 24:10-23 as a close parallel), Bühner shows that late-Priestly scribes deliberately wove a series of “oracular novellas” into the wilderness itinerary in order to solve legal lacunae without undermining earlier Torah. Each novella follows a four-step plot—petition, suspension, fresh oracle, fulfilment “as YHWH commanded”—and thereby turns narrative crisis into statutory precedent. Bühner terms this compositional activity *schriftgelehrte Fortschreibung* (“creative-adaptive expansion”): the redactors preserve continuity by recycling lexemes and motifs from Exodus and Leviticus, yet extend the law to cover daughter-inheritance, tribal boundaries, Sabbath violation, corpse-impurity at Passover, and leadership succession. He argues that these Priestly insertions, probably Persian-period, locate legal authority simultaneously in YHWH’s immediate speech and in public assemblies, priestly custody, and communal execution, thus embedding jurisprudence in the social structures of the camp. By demonstrating the shared vocabulary and the editorial seams that frame them, Bühner provides the strongest evidence to date that Numbers was intentionally shaped around a cluster of referral narratives whose literary purpose is to depict Torah as living revelation precisely where Moses’ competence reaches its limit—an insight directly relevant to the five stories analysed in the present article.

and narrative time. Bringing these strands together, the study argues that every gap in Moses' knowledge becomes an aperture through which the Torah itself speaks, so that his acknowledged insufficiency paradoxically secures both his mediatorial vocation and the supremacy of YHWH's direct word.

2. Scenes of Divine Referral: Defining the Corpus

The motif under study appears only where an unsolved crisis is carried beyond Moses to YHWH and receives an explicit divine verdict. Applying that criterion yields nine passages spread across four books of the Torah. Together they form a coherent yet varied data set: two water-crisis stories that bracket Israel's earliest wilderness days (Exod. 15:22-25; 17:1-7); a legal breach in Leviticus that threatens the sanctity of the divine name (Lev. 24:10-14); five tightly-linked priestly narratives in Numbers that legislate everything from ritual timing to succession (Num. 9:6-14; 15:32-36; 27:1-11.15-23; 36:1-12); and a Deuteronomic provision that institutionalises the principle for future generations (Deut. 1:17; 17:8-13). Although often mentioned in discussions of conflict resolution, Exod. 18 is excluded here, as its mediation remains entirely human—carried out by Jethro and the appointed judges—and the matter is never referred to YHWH.

These nine episodes, treated individually in the pages that follow, supply the textual laboratory in which the study tests its hypotheses about formulaic language, narrative staging, and theological intent.

2.1. *The Bitter Waters of Marah (Exod. 15:22-25)*

Set like a cameo between two sweeping panoramas, Exod. 15:22-25 is bounded first by the resonant cadences of the Sea Song, whose tambourines and antiphonal choruses in 15:1-21 still hang in the air, and then by the travel notice of v. 27 that whisks the company to Elim's twelve fountains². The effect is to seal Marah inside a deliberate

² Following Childs (1974: 266-267), we consider here Exod. 15:26 as a later Deuteronomistic appendage to the Marah episode. There are several scholars who treat v. 26 as an organic part of the previous account: among them, Landau (2019: 75-92) argues that vv. 25b-26 form a balanced couplet whose parallel presupposes a single subject—YHWH—and a single object—the people. He reads *sam lō hōq u-mišpāt* as an idiom meaning “to establish a binding precedent” and understands *nissāh* in its less common sense of “to subject to a rigorous object-lesson”. The bitter-water miracle therefore functions didactically: Israel learns that obedience to divine instruction turns harm into benefit. Verse 26 then spells out that precedent, promising immunity from Egyptian maladies because YHWH is Israel's healer. On this reading vv. 25b-26 together summarise and interpret the incident, so excising v. 26 would sever the narrative's theological punchline. BT German (2013: 47-58) likewise argues for reading v. 26—and indeed v. 25b—as integral to

narrative pause, a miniature “trial” that inaugurates the wilderness testing cycle. The hymn’s exuberant certainty (“YHWH has become my salvation”) yields to geographical disorientation (“Moses made Israel set out from the Sea”) and physiological need, so the audience is ushered from cosmic triumph to the raw, mundane business of survival, a descent sharpened by the water motif that links the parted sea, the bitter pool and, a chapter later, the stricken rock. On the far side, the itinerary formula (“Then they came to Elim, and there...”) resumes the march, resetting narrative tempo and signalling that the juridical question raised at Marah has been answered, law now in place.

Exod. 15:22-25 arranges its material as a set of concentric rings that guide the reader from disorientation to ordinance. The outward layer narrates the march away from the Sea and, after resolution, the resumption of travel, providing geographic brackets that hush the ongoing triumph of the hymn. Inside that frame the scene alternates crisis with response: Israel’s discovery that the pool is “bitter” and its naming of the place are balanced by YHWH’s instruction to sweeten the water, so that problem and remedy mirror one another. At the absolute centre stands a single clause—“and Moses cried out to YHWH”—in which agency collapses into petition and the narrative momentarily hangs in judicial suspension. Once the cry has pivoted the structure, each earlier movement is answered in reverse order, and the pericope closes with the setting of a חֹק וּמִשְׁפָּט, transforming raw need into binding law. Wordplay welds the rings together: מַרְהִימֵי מַיִם intertwines bitterness and water, while the twin מַשֵּׂה מַשֵּׂה pinpoints the exact spot where referral yields statute.

From a lexical and syntactic point of view, the text conspicuously avoids the Priestly verbs קָרַב and עָמַד and instead chooses the more visceral צָעַק, a root that in Exod. 14:10 marks Israel’s desperate cry at the Sea but here singularises Moses as intercessor. The immediacy of the waw-consecutive וַיִּצְעַק followed by וַיִּזְרְהוּ (“and he cried... and he showed him”) compresses need and response into a single rhythm of

the Marah narrative, but on different grounds. Observing that the episode’s tone is markedly more neutral than later murmuring stories, German stresses its uniqueness: no encampment is mentioned, no explicit divine anger is expressed, and the unusual *hiphil* וַיִּצְעַק highlights Moses’ leadership role. In his view, the “statute and ordinance” would foreshadow Sinai by linking healing to obedience, while the test is aimed at Moses—whose prompt compliance (casting the log) models covenant faithfulness for the people.

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4 supplication and instruction, while the clause שָׁמַעְתִּי וְנִשְׁמַעְתִּי employs
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6 paronomasia (שָׁמַעְתִּי וְנִשְׁמַעְתִּי) and hendiadys (שָׁמַעְתִּי וְנִשְׁמַעְתִּי) to lexicalise the metamorphosis
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8 of raw crisis into statute.
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11 Theological gravity gathers at the moment Moses admits defeat. His desperate cry
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13 exposes an authority suddenly too small for the crisis and invites the first explicit mention
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15 of divine “testing” (נִסָּה) in the wilderness. The bitter waters, therefore, are not merely a
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17 logistical inconvenience but a sort of sacramental replay of Egypt: the same power that
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19 turned the Nile to blood now threatens from within Israel’s own canteens, suggesting that
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21 the plagues linger wherever trust falters. YHWH’s response reframes the danger as
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23 curriculum. The tossed piece of wood, neither medicinal nor magical, dramatises
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25 obedience—an enacted midrash on the forthcoming law—and the sweetened pool
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27 becomes a potable Torah-in-miniature. Verses 25-26 make the lesson explicit: heeding
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29 newly issued statutes will immunise Israel from “all the diseases I put on Egypt”. The
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31 promise, “I am YHWH your healer,” simultaneously recalls the salvific might just
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33 displayed at the Sea and anticipates Sinai’s holiness code, where ritual purity and
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35 communal health converge.

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37 Moses’ incapacity is thus not a narrative embarrassment but the generative point
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39 at which revelation takes shape. His acknowledged limit is the womb from which the first
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41 wilderness ordinance is born, inaugurating a pattern that will repeat whenever human
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43 jurisprudence runs dry.

44 2.2. *Lack of Water at Rephidim (Exod. 17:1-7)*

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46 Bracketed on one side by the departure notice from the wilderness of Sin (16:35—
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48 17:1) and on the other by the abrupt entrance of Amalek (17:8), Exod. 17:1-7 stands as
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50 the second water-trial narrative³. The itinerary formula in v. 1 (וַיֵּצֵאוּ מִן־הַיַּם־סוּף
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52 לְרֵפְדִים) establishes a movement, while the war story that follows restores
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58 ³ On the pericope, see Childs 1974: 305-309. Delving into the redactional character of Exod 17:1-7, Berner
59 (2013) classifies the episode as a post-Priestly insertion added after the completion of the main Priestly
60 narrative. For a detailed analysis of Jewish-Christian reinterpretations of the narrative, see Begg 2007: 367-
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3 forward momentum, so Rephidim functions as a dramatic parenthesis in which thirst
4 again interrogates Israel's faith.
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8 From the lexical point of view the scene ratchets up the tension by shifting from
9 the typical murmuring verb לון to the forensic root ריב—a noun and verb cluster that in
10 treaty documents denotes formal litigation—so the congregation no longer grumbles but
11 indicts. The verb וַיִּרְבּוּ (17:2) and the cognate name ריב (17:7) frame the passage like
12 court summonses. Moses' response reprises the desperate צעק of Marah yet now gains
13 an interrogative clause—"What shall I do unto this people?"—front-loaded with the
14 emphatic מֵהָ and cast in the cohortative imperfect אֶעֱשֶׂה, signalling that even the
15 judge has no procedural avenue left. Syntax drives the point home: the anticipatory עֹד
16 וַיִּבֶן מִסְבָּעֵי וְסִקְלֵי לִי—“a little more and they will stone me”—places the imminence adverb
17 and the infinitesimal time phrase before the verb, foregrounding the collapse of
18 governance and casting Moses in the stock motif of the prophet on the brink of
19 martyrdom.
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34 YHWH's answer overturns the familiar consultation pattern. Instead of
35 summoning Moses to stand before the divine presence, the imperative עֲבֹר לְפָנַי
36 bids him to pass on ahead of the people performing a kind of judicial procession, staff in
37 hand and elders in tow. Then comes the astonishing promise הִנְנִי עֹמֵד לְפָנֶיךָ —
38 “I myself will be standing before you” —, where the deity adopts the very verb עמד that
39 elsewhere designates human petitioners. The prepositional inversion (לְפָנֶיךָ) rather
40 than the usual (לְפָנַי הוֹרֵה) recasts the heavenly judge as defendant, relocating authority
41 from leader to presence and exposing Moses' impotence as the indispensable
42 precondition for a verdict that gushes quite literally out of solid rock.
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56 Theological interpretation presses these moves hard: the people's question, “Is
57 YHWH among us or not?”, names the real drought as absence. The miracle reverses
58 Sinai's usual posture by having YHWH stand before Moses, pre-enacting the covenant
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3 pattern that divine presence precedes law. The dual toponym Massah-Meribah crystallises
4 the episode as a legal precedent: testing without trust and litigation without faith invite
5 judgment, yet the rock's gush of water answers both.
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10 Moses' insufficiency, now bordering on fear for his life, again becomes the
11 catalyst of revelation, proving that the leader's vulnerability is the midwife of covenant
12 grace.
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15 16 2.3. *Blasphemy in the Camp (Lev. 24 :10-14)* 17

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19 Embedded like a narrative shard inside the Holiness Code's sequence of cultic
20 statutes, Lev. 24 :10-14 opens with the abrupt appearance of a nameless "son of an
21 Israelite woman and an Egyptian man"⁴, thereby suspending the flow of legal instruction
22 that precedes it and preparing the *lex talionis* rulings that follow. The story's boundaries
23 are quite clear: v. 9 has just concluded the bread-of-presence legislation with a perpetuity
24 formula, while v. 15 resumes legislative style with the impersonal אִישׁ אִישׁ
25 ("whoever"), so the prose of vv. 10-14 functions as a self-contained case that generates
26 law *ex post*⁵.
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35 At the linguistic core of the Lev. 24 drama lies a carefully graded triad of verbs,
36 each widening the gap between human competence and divine verdict. The first pair, נָקַב
37 and קָלַל, appear in *piel*, the Hebrew stem of intensive or causative action: the assailant
38 does not merely "speak" the Name but "pierces" it, and then overlays the laceration with
39 a fully articulated curse. Because both verbs take the same direct object—the generic
40 אֱלֹהֵינוּ, commonly used to avoid pronouncing the Tetragrammaton—the syntax visualises
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⁴ According to Fuad (2019), it is precisely the ambiguity surrounding the offender's identity that calls for a divine resolution. Rooke (2015) observes that scholarly debate on Lev 24:10-23 has concentrated on source-critical seams and the precise nature of the offence yet has largely overlooked the passage's distinctive gendered terminology. She argues that the story functions within the Holiness Code's wider project of identity formation: by marking the offender as the son of an Israelite woman, yet an Egyptian man, the narrative draws an ethnic-gender boundary that ultimately expels the blasphemer's Egyptian identity from Israel's midst. The gendered language would thus serve not as incidental detail but as a rhetorical tool for sharpening Israel's self-definition over against neighbouring peoples.

⁵ On this pericope, see Levine 1989: 166; Hutton 1999: 532-541; Milgrom 2000: 2101-2119. For a discussion on the narrative's legal innovation, see Vroom 2012: 27-44. On the dating of the episode and its relationship to both the Covenant Code (Exod 20–23) and the Holiness Code (Lev 17–26), see Leuchter 2011: 431-450.

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3 speech as assault upon a tangible sacred possession, a nuance absent from any earlier
4 referral narrative. The second key form, $\text{וַיִּגְדֹּחַ יְהוָה}$, is a *hiphil* of גָּדַח (“to set, deposit”,
5 here meaning a detention in prison), identical to the custodial clause in Num. 15:34, as
6 we shall see later. In each instance the verb shifts the tempo from violent action to
7 administrative restraint, signalling that Moses’ authority has reached its procedural limit.
8 By using the object pronoun אֹתוֹ before the locative phrase, the sentence foregrounds
9 the offender’s helpless exposure—he is “set down” like contraband awaiting expert
10 appraisal.
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20 The third expression, $\text{לִפְּרֹשׁ לְהַגִּים עַל־פִּי יְהוָה}$, functions as a legal lacuna
21 deliberately left blank. The root פָּרַשׁ in *hiphil* elsewhere means “to make explicit” or “to
22 specify”, so the infinitive marks the narration’s open file folder: the decision must be
23 itemised, but only “by the mouth of YHWH”. Grammatically, the preposition עַל governs
24 the construct noun פִּי with יְהוָה as its bound term, so the ruling is said to rest quite
25 literally “on the mouth of YHWH”. The wording locates legislative authority in the
26 deity’s own speech and leaves Moses no room even for intercessory mediation. The
27 narrator thus withholds both plea and verdict, stretching the interval of suspense in which
28 community, elders, and Moses wait together for a voice that alone can convert outrage
29 into law. When that voice eventually commands stoning outside the camp (v. 14), the
30 directive not only expels impurity but also mirrors the later scapegoat ritual—sin borne
31 away beyond the perimeter.
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45 In lexical, syntactic, and narrative terms, every stroke underlines Moses’
46 incapacity: the verbs of assault exceed his legal remit, the custodial verb suspends his
47 judicial agency, and the infinitive-plus-phrase reserves final authority for the divine
48 mouth. Holiness legislation is thus birthed precisely where the mediator’s competence
49 proves fatally finite.
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55 The episode exposes a dual boundary crisis: ethnic hybridity questions communal
56 identity, verbal violence threatens cultic sanctity. Moses’ incapacity—manifest not as fear
57 but as procedural restraint—becomes the womb of jurisprudence, for only the divine
58 voice can translate outrage into statute. In a holiness context that has just linked bread,
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3 incense and perpetual covenant, the assault on “the Name” provokes the first recorded
4 use of incarceration in Israel’s legal narrative, proving that even custody itself must await
5 revelation. The pericope thus deepens the article’s thesis: where human law meets its
6 limit, the Torah inserts a story that births fresh ordinance.
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10 11 2.4. *A Second Chance to Celebrate Passover (Num. 9:6-14)* 12

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14 Nestled within the Passover ordinances of Num. 9:1-14⁶, vv. 6-14 introduce an
15 unforeseen contingency: a group of men, rendered corpse-impure on the eve of the first
16 celebration, approach the leadership and protest their exclusion from the feast. The
17 passage is bounded narratively by date notices—“on the fourteenth day...” (v. 5) before
18 it and the travel formula of v. 15 after it—so the episode stands as an inserted case ruling
19 immediately prior to the departure from Sinai.
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25 The lexical staging is meticulous. The clause וַיִּקְרְבוּ לְפָנַי מִשֵּׁהוּ לְפָנַי
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וַיִּקְרְבוּ לְפָנַי מִשֵּׁהוּ לְפָנַי chooses the root קרב, the very verb that Priestly texts use for sacrificial “drawing near”: here it describes human petitioners physically encroaching upon legislative space, echoing the cultic access they seek. Their plea, לָמָּה נִגְרַע (“Why must we be diminished?”), employs the root גרע, a verb of loss that elsewhere marks disqualification from inheritance⁷. By using it reflexively the speakers underline their own ritual marginalisation and subtly invoke inheritance language as a warrant for inclusion. Moses’ answer installs the formal referral: the imperative עֲמַדְו (root עמד, “stand”) places the

⁶ Gray (1903: 82) refers to Num. 9-14 as a “supplementary Passover”, as does Levine (1993: 295), while Noth (1968: 70) entitles it “an appendix to the Passover legislation.” Milgrom (1990: 67), for his part, calls it the “second Passover”. According to Frevel (2020: 341), it marks the first festival celebrated at the wilderness sanctuary. Chavel (2009) argues that the “Second Passover” statute in Num 9:6-14 originated with Jerusalem priests who, facing the cult’s recent centralisation, sought to preserve nationwide participation in the festival without relinquishing its annual temple locus. Literary indicators show no Late Biblical Hebrew, suggesting a pre-exilic or early exilic composition. The ruling’s two key innovations—the provision of a make-up date and the threat of *karet* against anyone who wilfully neglects the Passover—set the feast apart as a uniquely stringent and accommodating institution at once.

⁷ The root גרע occurs roughly two dozen times in the Hebrew Bible, generally expressing subtraction, diminution or withholding (e.g., Exod. 5:11 bricks not to be “diminished”; Lev. 27:18 value “deducted” from a field; Deut. 4:2; 13:1 warning not to “subtract” from the divine word). Significantly, both Num. 27:4 and 36:3-4 (as we shall further see) employ the verb explicitly for the loss of tribal inheritance, so that when the corpse-impure petitioners echo the *niphal* form in Num. 9:7, their complaint resonates uniquely with later land-inheritance anxieties rather than with the more common quantitative uses of the root. See Gevaryahu 2013: 107-112.

petitioners in procedural suspense, while the cohortative הָשָׁמְעָה frames Moses not as judge but as auditor awaiting superior instruction. Syntactically his reply is future-open: the verb יִצְוֶה keeps the divine command in the imminent but not yet sounded realm, converting time itself into a juridical gap.

The divine response breaks the suspense with the well-known legislative marker $\text{דַּבֵּר אֶל־בְּנֵי־יִשְׂרָאֵל לֵאמֹר}$ —an imperative plus infinitive-construct chain that in Priestly diction functions like a royal seal: the moment it sounds, provisional waiting gives way to enacted law. Grammatically the shift is decisive: Moses’ earlier “I will hear” cedes to a second-person imperative that consigns him to the role of herald, not arbiter. The content of the oracle answers the petitioners’ lexical anxieties point for point. Their original outcry expressed by לִמָּוֶת נִגְרָע is countered by an inclusionary clause that bestows a full פְּסַח שְׁנִי on the fourteenth day of the second month, so that the very calendar slot they feared losing is restored. The earlier narrative verb וַיִּקְרָב is echoed when YHWH frames the ruling locating divine mercy precisely where human approach began and thereby completing the semantic circuit. YHWH’s order expressed by the verb יִעֲשׂוּ (“they shall keep”) re-instates active cultic agency: the once-impure men shift from ineligible objects of law to authorised subjects who perform it.

The ruling then widens its horizon with a universalising codicil: “And if a stranger shall sojourn among you...”, extending the concession to הַגֵּר , the resident, and thereby turning a narrowly personal plea into a charter of inclusivity.

Every lexical step thus stages Moses’ insufficiency as the mediator of revelation. The verb קָרַב marks the moment when human need presses against the boundary of existing Torah; the verb עָמַד suspends the action, freezing the narrative until higher judgment arrives; the hearing verb שָׁמַע and the command root צוּה together transfer initiative upward and then outward, translating gap into statute. In this miniature drama the very syntax charts the arc our study traces throughout the Pentateuch: where Moses’

competence ends, new covenant law is born, and vocabulary itself records the passage from human limitation to divine provision.

2.5. *Gathering Wood on Shabbat (Num. 15:32-36)*

Num. 15:32-36 inserts a narrative jolt—real human disobedience—into a chapter otherwise filled with abstract cultic regulations. Date and locale are indefinite (“while the Israelites were in the wilderness”), allowing the pericope to function as a paradigmatic test-case for Sabbath law⁸.

Its internal rhythm is driven by four verbs whose semantic freight exposes the limits of Moses’ existing jurisprudence and charts the birth of new Torah. The inciting action employs *קָשַׁשׁ* (root *קשש*, “to gather twigs or stubble”), a lexeme otherwise reserved for Egypt’s straw-collecting (Exod. 5:7-12). The choice signals both the menial character of the task and its ironic echo of bondage on the very day meant to memorialise deliverance. The offender is then found (וַיִּמְצְאוּ) by unnamed witnesses and brought near to authority: וַיִּקְרְבוּ אֵתוֹ אֲלֵימֹשֶׁה וְאֶל־לֵאֵהֲרֹן. Once again, the *hiphil* of *קָרַב* here flips its usual cultic sense—bringing offerings toward the altar—into a judicial sense—bringing the transgressor toward the court: proximity vocabulary again marks the moment when ordinary community procedure reaches its limit. Verse 34 supplies the formal suspension clause: וַיִּנְיחוּ אֹתוֹ בַּמַּשְׁמֶר (“they set him in custody”), a verbatim echo of what we saw in Lev. 24:12 followed by the reason: כִּי לֹא פָרַשׁ מִהֵי עָשָׂה לוֹ—“because it was not declared what should be done to him”. The *pual* perfect of *פָּרַשׁ* (“to make explicit, to spell out”) identifies a lacuna in revealed statute; the narrative therefore freezes, courtroom-style, until fresh instruction arrives. Moses issues no plea, drafts no verdict: the narrative gives him no verb at all.

⁸ For a quite comprehensive *status quaestionis* on the pericope, see Burnside (2010), who, after summarising the contributions of various authors on the matter, proposes a “narrative approach” as a way of interpreting the law contained in Num. 15:32-36. On the role of Num 15:32-36 in consolidating the meaning of the Sabbath, see Frevel 2020: 342–343.

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3 Divine speech re-starts the narrative machinery: “And YHWH said unto Moses:
4 The man shall be surely put to death”. The doubled infinitive absolute plus imperfect (מוֹת
5 יִרְגְּמוּ אֹתוֹ) intensifies the decree, while the communal execution formula (יוֹמֵת
6 יִרְגְּמוּ אֹתוֹ) restores agency, but not to Moses—rather to
7 “all the congregation”. Their subsequent compliance, narrated with the same verb roots
8 (וַיִּצְוּ יְהוָה... כִּי אֲשַׁרְצֶנּוּהָ יְהוָה), demonstrates how the divine command
9 moves from linguistic prescription to communal performance.
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20 The lexical choreography thus reprises the article’s governing pattern: an
21 approach verb (קָרַב) ushers the crisis to Moses, a suspension verb (נָוָח) and the clause
22 שֶׁלֹּא פָּרַשׁ expose his legal insufficiency, and the root צוּה in divine speech converts that
23 vacuum into statute. Even the menial קָשָׁשׁ carries theological weight: labour reminiscent
24 of Egyptian bondage cannot coexist with Sabbath rest, yet only the fresh word of YHWH
25 transforms that principle from implied ideal to enforceable law.
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34 The episode therefore crystallises our central argument: every time Moses reaches
35 an interpretative dead-end, the narrative pivots from human governance to divine
36 lawmaking. His silence after שֶׁלֹּא פָּרַשׁ is not mere narrative economy but a theological
37 device that foregrounds incapacity as creative space. Precisely because the leader cannot
38 improvise a penalty, the community must hold its breath until the voice of YHWH speaks
39 a statute that none could have inferred. Once spoken, that statute ripples outward—first
40 into the elders who supervise the execution, then into the wider chapter, where Sabbath
41 law is anchored in perpetuity, and finally into the Pentateuch’s memory of Sinai, where
42 labour and rest mark covenant identity.
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51 The hinge image is thus exact: Moses’ impotence swings the narrative door from
52 descriptive report (“they found a man gathering wood”) to prescriptive torah (“so the
53 Israelites did, just as YHWH commanded”). Without the pause created by human
54 limitation, the legal innovation—the communal responsibility to protect Sabbath holiness
55 by capital sanction—would have no narrative room to emerge. In Num. 15:32-36, as
56 across the referral corpus, the leader’s acknowledged limits are not a weakness to be
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3 overcome but the very fulcrum on which new revelation turns and covenant order
4 advances.
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8 2.6. *An Inheritance for Five Daughters (Num. 27:1-11; 36:1-12)*
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10 Even though six chapters separate them, Num. 27:1-11 and 36:1-12 form a single
11 legislative drama⁹. The narrator signals their kinship by beginning both with the same
12 movement verb: first the five orphaned daughters וַתִּקְרַבְנָה “drew near”, then the
13 male clan chiefs וַיִּקְרַבוּ “drew near”. The root קרב marks each petition as a formal
14 approach to the seat of judgment and alerts us that two consecutive crises will press Moses
15 beyond his legal brief.
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24 In the opening scene the sisters frame their plea with the loss-verb יִגָּרַע: “Why
25 should the name of our father be done away from among his family, because he hath no
26 son?” The root גרע, which elsewhere denotes the subtraction of land from Manasseh
27 (Num. 36:3-4) and the threatened exclusion of the corpse-impure from Passover (Num.
28 9:7, as we saw before), here implies that disinheritance is tantamount to expulsion from
29 covenant memory¹⁰. Moses’ response is linguistically minimalist: “And Moses brought
30 their cause before YHWH” (v. 5). The verb וַיִּקְרַב plus the legal term מִשְׁפָּט turns
31 the lawsuit itself into the object of referral and pictorially transfers the weight of judgment
32 from leader to deity¹¹.
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43 YHWH’s verdict reverses the grievance lexeme by declaring: “The daughters of
44 Zelophehad speak rightly” and then unspools a well-articulated legal pattern of
45 inheritance verbs and words (וַהֲעֵבְרַתְּ אֶת־נַחֲלַת אֲבִיהֶן לָהֶם אֲחֵינָחֲלָה) that re-inscribe the threatened name into Israel’s patrimony. Yet that
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52 very generosity generates a fresh inadequacy: if daughters marry outside the tribe,
53 Manasseh’s territory will shrink. Hence Num. 36:1-12 reprises the same vocabulary;
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58 ⁹ On this point, see Achenbach 2003: 567-573; Frevel 2013: 24; Cocco 2020: 122-125. Regarding the
59 redactional development of the allotment motif in biblical tradition, see Johnson 2022: 427-447.

60 ¹⁰ See Gray 1903: 398.

¹¹ See de Vaulx 1972: 318; Milgrom 1990: 230.

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4 Moses once more disappears behind the referral clause וַאֲדֹנֵי צִוְּהָ בַּיהוָה (v. 2), and
5
6 the elders repeat the loss-root גרע (v. 4).
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10 The divine rider corrects the danger by deploying two negative forms of סבב (vv.
11 7, 9) flanking the central policy clause. In biblical Hebrew a *yiqtol* with negation often
12 carries a jussive-prohibitive force; here it functions as a statutory ban: “No inheritance of
13 the Israelites shall shift from tribe to tribe ... and no inheritance shall shift from one tribe
14 to another”. That dual prohibition is bracketed by a positive directive built on the root דבק
15 (“to cling”): “And the Israelites shall cling, each, to the inheritance of his ancestral tribe”.
16 Between the two וְלֹא־תִסָּבֵב clauses stands the matrimonial safeguard—“every
17 daughter who inherits shall become wife to one from the clan of her father’s tribe”. The
18 legislation thus answers the sisters’ earlier loss-verb גרע not by retracting their right but
19 by sealing it within tribal boundaries: inheritance must remain static and kin solidarity
20 must remain adhesive.
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34 Morphologically, Moses again disappears behind the verb צוה; the closing verse
35 says the daughters did “just as YHWH commanded Moses,” underscoring that their
36 original victory and the subsequent restriction alike derive from a voice beyond Moses’
37 jurisdiction. The corrected nuance sharpens the lexical choreography: an imperilled
38 allotment (עַגְרָע) summons a divine decree that twice fortifies immobility (לֹא־תִסָּבֵב)
39 and once enjoins cohesion (יִדְבַק), thereby translating Moses’ renewed incapacity into
40 a statute that protects the very innovation his earlier incapacity had produced.
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49 Read as one continuous narrative, the two petitions showcase referral as an
50 iterative engine: human law meets its limit, divine speech expands the law, the expansion
51 reveals a further vulnerability, and another divine word tightens the weave. Moses’
52 agency shrinks correspondingly; across both pericopes he never speaks judgment, only
53 carries the case upward and relays the verdict downward, his legal impotence recorded in
54 the very syntax that omits deliberative verbs. The shared lexemes—קרב for approach,
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4 גרע for threatened loss, and צוה for the decisive command—trace the exact moments
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6 where Mosaic competence stops and fresh torah begins. Treating Num. 27 and 36 together
7 therefore sharpens the study’s thesis: the Torah narrates its own growth by staging
8 successive crises of leadership, each overcome not by Moses’ ingenuity but by the
9 creative authority of YHWH’s spoken word.
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13 14 2.7. *Leadership Succession (Num. 27:15-23)*

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16 Num. 27:15-23 picks up immediately after the ruling on the daughters’ inheritance
17 and, with no change of setting, turns the legal spotlight back onto Moses himself. The
18 juxtaposition sharpens the irony that the mediator who has just secured land for future
19 generations now admits he has none to lead the generation that will inherit it. The literary
20 frame is minuscule yet clear: v. 12 has already announced Moses’ impending death, v. 14
21 recalls the Meribah failure that bars him from Canaan, and v. 23 resumes the wilderness
22 march, so vv. 15-23 form a compact transfer-of-authority tableau¹².
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30 Lexically the scene pivots on the verb פָּקַד . Moses petitions asking that YHWH
31
32 יִפְקֹד (“appoint, muster”) a man over the congregation—the use of the *qal* jussive
33 recognizing that such a promotion lies beyond the leader’s authority. His request is
34 framed by the rare epithet $\text{אֱלֹהֵי הַרוּחַ לְכָל־בֶּשָׂר}$, “God of the spirits of all flesh”¹³,
35 which admits that inner dispositions are beyond human discernment. Thus, incapacity is
36 encoded not only in Moses’ looming mortality but in his lexical confession that only
37 YHWH reads hearts and distributes roles.
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46 YHWH’s reply mirrors the petition word for word, converting wish into decree.
47 The imperative קַח־לְךָ selects Joshua, and the nominal apposition $\text{אִישׁ אֶשְׁר־רוּחַ בּוֹ}$
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54 ¹² See Milgrom 1990: 233-236; Levine 2000: 348-355; Cocco 2013: 526-528.

55 ¹³ Besides Num. 27:16, the title $\text{אֱלֹהֵי הַרוּחַ לְכָל־בֶּשָׂר}$ (“God of the spirits of all flesh”) occurs only
56 once, in Num. 16:22, where Moses and Aaron appeal to YHWH after the Korah rebellion (see Cocco 2007:
57 227). On both occasions the epithet highlights divine access to the inner dispositions (רוּחַ) of every
58 human being—first to plead against indiscriminate judgement (16:22), then to request an apt successor
59 (27:16). Its rarity underscores Moses’ admission that discerning hearts and appointing leaders lie beyond
60 human ken and must be entrusted to the One who surveys all flesh from within.

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4 answers the earlier appeal to רוחות, confirming divine competence where Mosaic insight
5
6 fails. Three further verbs choreograph the public hand-over: וּסְמַכְתָּ (‘‘lay your
7
8 hand’’); וְהֵעַמְדֵתָ (‘‘cause him to stand’’) and וְנָתַתְּ מֵהַדְּרֹךְ עָלָיו (‘‘grant him
9
10 some of your splendour’’). The compound propositional phrase מֵהַדְּרֹךְ עָלָיו (‘‘some
11
12 of your splendour upon him’’) grammar-checks Moses’ diminishing role: his הוד is
13
14 quantifiable, transferable, and finite. Joshua will consult Eleazar ‘‘by the judgement of the
15
16 Urim’’, shifting the consultation locus from leader to priest and thereby institutionalising
17
18 what had been an ad-hoc referral dynamic.
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22 Moses obeys in silence: following the proleptic statement that he fulfilled
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24 YHWH’s mandate (וַיַּעַשׂ מִשְׁהַכֹּאֲשֵׁר צִוְּהָ יְהוָה אֱתוֹ), the narrator strings four
25
26 *wayyiqtol* verbs—וַיִּקַּח, וַיַּעֲמֵד הוּ, וַיִּסְמַךְ, וַיִּצְוֶה—without attaching a
27
28 single speech clause to the dying leader. The syntax itself records compliance stripped of
29
30 commentary, as though the narrative wishes to vacuum any residual authority from his
31
32 voice and let the gesture of hand-laying do the talking. The divine order re-emerges in the
33
34 narrator’s summation, כֹּאֲשֶׁר דִּבֶּר יְהוָה בְּיַד מֹשֶׁה, emphasising once more that
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36 Moses is conduit, not originator.
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41 In lexical sequence the pericope thus enacts the article’s thesis with architectural
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43 clarity: an approach verb turned petition (פקד), an explicit admission of human limitation
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45 (רוחות recalls something beyond sight), a cluster of imperative commands that relocate
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47 charisma (לקח, סמך, נתן), and a compliance chain that features no prophetic speech at
48
49 all. New torah for leadership succession is born precisely because Moses can neither read
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51 hearts nor outrun death: his incapacity becomes the necessary hinge on which covenant
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53 continuity turns, guaranteeing that the authority to adjudicate future crises will itself
54
55 outlive the leader who once carried every case ‘‘before YHWH’’.
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58 2.8. *A Juridical Principle for Difficult Cases (Deut. 1:17; 17:8-13)*

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3 Moses' retrospective in Deut. 1 recalls his appointment of lower judges, yet the
4 memory climaxes in a frank confession of judicial limit: הַמִּשְׁפָּט לַאלֹהִים הוּא—
5 “the case belongs to YHWH” (1:17). That formula, occurring where Moses exhorts his
6 deputies neither to cower before rank nor to show partiality, already seeds the referral
7 motif within Deuteronomy's prologue: any matter that outstrips human courage or
8 competence must ascend beyond the camp.
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15 The manual for that ascent is spelled out several chapters later. Deut. 17:8 opens
16 with כִּי יִפְּלֶא מִמְּךָ דְבַר לִמְשַׁפֵּט (“If there arise a matter too hard for you”),
17 employing the root פלא, whose nuance of wondrousness magnifies the gap between
18 quotidian jurisprudence and the unsolved dilemma¹⁴. Three paired merisms—“blood and
19 blood, plea and plea, stroke and stroke”—paint the full spectrum of local adjudication and
20 then label it, syntactically, as out of reach.
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29 The text answers with a brisk staircase of imperative verbs: וְקָמְתָ וְעָלִיתָ
30 “rise and go up”; וּבֵאתָ “and go”; וְדָרַשְׁתָּ “and inquire”, climaxing at the place
31 YHWH will choose. There, the Levites priests and “the judge who is in those days”¹⁵
32 embody the divine bench¹⁶, and their decision is framed by two recurring roots that have
33 shaped the corpus of referral texts: נָגַד (“to declare”), referring to what is to be proclaimed
34 as a verdict by divinely recognized authorities, and שָׁמַר/עָשָׂה (“to observe” / “to
35 perform”), indicating the actions expected of the people. The warning that follows—“do
36 not turn aside (לֹא תִסּוֹר) from the word they tell you, right or left”—elevates obedience
37 to the level of covenant fate: the offender who presumes to ignore the verdict shall die,
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52 ¹⁴ On early rabbinic interpretations of this formula, see Fraade 2017: 409-431.

53 ¹⁵ The expression הַמִּשְׁפָּט אֲשֶׁר יִהְיֶה בַיָּמִים הַהֵם (“the judge who shall be in office in those days”) does not refer to a specific individual, but rather to the judicial authority in function at the time a case arises. Also attested in Deut. 19:17, this formula underscores the requirement to obey present institutions, rather than to idealise past authorities. In the Deuteronomistic context, the term *shōfēṭ* may denote either a priest exercising judicial functions or a lay official with legal competence, in continuity with the administrative framework outlined in Deut. 16:18. The phrase reflects a perspective that seeks to legitimise the contemporary authorities of the redactor, suggesting a dynamic and institutional conception of justice, rooted not in personal charisma but in office.

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60 ¹⁶ On the cultic dimension of this type of central court, see Hagedorn 2003: 538-556.

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3 echoing the capital sanction of the Sabbath wood-gatherer but now tied to institutional
4 authority.
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8 From the lexical point of view, the passage carries forward all three stages of the
9 referral rhythm traced in earlier narratives: approach (עלה) to the chosen place),
10 suspension (א.ל.י signalling a matter beyond reach), and command (שמר/עשה) that
11 transforms uncertainty into statute. Yet a decisive evolution is visible: the mediating verbs
12 no longer rest on Moses but on a permanent triad—sanctuary, priesthood, and
13 contemporary judge—so that referral becomes a standing jurisprudential principle rather
14 than an ad hoc miracle.
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23 Deuteronomy thus turns Moses' earlier incapacity into constitutional design: the
24 acknowledgement that some cases are “too extraordinary” for local courts legitimises a
25 central appellate ladder which, once climbed, speaks with an authority equal to YHWH's
26 own word at Horeb. The pattern—human limit, upward appeal, irreformable verdict—
27 remains unchanged, but its locus shifts from a single leader to a trans-generational
28 institution, ensuring that the covenant can survive Moses' disappearance while still
29 reserving the last word for the voice that outstrips every earthly bench.
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36 **3. Weaving the Referral Narratives Together**

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39 With the individual referral scenes now examined in detail, the study turns from
40 microscopic exegesis to macroscopic comparison, gathering the data harvested from
41 Exodus, Leviticus, Numbers, and Deuteronomy and setting them side by side in order to
42 trace larger patterns. By asking what kinds of crises trigger a referral, which lexical and
43 syntactic formulas recur, how the motif evolves across documentary layers, and what
44 theological work it performs, the synthesis frames the nine narratives as variations on a
45 single theme: Moses' acknowledged limit is the narrative aperture through which fresh
46 Torah and enduring priestly authority are introduced.
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54 *3.1. Circumstances Triggering Referral: Typology (Ritual, Juridical, Communal)*

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57 Seen against the full sweep of the Torah's legal material, each of the nine referral
58 scenes erupts precisely where the written or remembered torah offers no clause to consult;
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3 but the lacunae cluster in three, partly intersecting, spheres: ritual emergencies, juridical
4 impasse and communal leadership.
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8 Ritual emergencies dominate the wilderness itinerary's early stretch. Undrinkable
9 or absent water at Marah and Rephidim (Exod. 15; 17) threatens Israel's ability to sustain
10 purity rites and festival preparations; corpse-defilement on the eve of the first Passover
11 (Num. 9) places covenant participation itself in jeopardy; and the Sabbath wood-gatherer
12 (Num. 15) desecrates the ritual calendar that defines Israel's weekly rhythm. Each crisis
13 exposes a breach at the point where worship, rather than civil order, is at stake.
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19 The second, partly overlapping sphere is that of juridical impasse. Lev. 24
20 confronts a blasphemy whose gravity is clear but whose penalty is unmapped; Num. 27
21 and 36 test the land-tenure code first by expanding it to daughters and then by shielding
22 tribal boundaries from the very reform just granted; Deut. 17, finally, generalises the
23 phenomenon, envisioning any "wondrous" matter that overwhelms local courts. Here the
24 narrative silence concerns distributive justice—how holiness translates into equitable
25 verdict.
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32 The third sphere is communal leadership: in Num. 27:15-23 Moses' own mortality
33 becomes a sort of constitutional crisis, for without an authorised shepherd the newly
34 clarified inheritance statutes and cultic calendars cannot be enforced.
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39 Although analytically distinct, the spheres interlace: every ritual lapse soon
40 demands a judicial ruling, every judicial dilemma threatens communal cohesion, and the
41 succession problem surfaces only because unresolved law requires ongoing
42 interpreters. Across all three, the narrator withholds resolution until Moses—or, in
43 Deuteronomy's backward glance, lesser judges—admits that the matter lies "with
44 God". That admission is the trigger: circumstance becomes occasion, complaint becomes
45 petition, and divine speech fills the torah's momentary silence with a precedent that binds
46 Israel for generations.
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53 3.2. *Fixed and Recurring Formulas* 54 55

56 Whenever the Torah narrates a matter that Moses cannot settle, the story moves
57 through a quite recognisable three-beat pulse before it rests. First comes movement
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toward the seat of judgment: petitioners “draw near” (וַיִּקְרַבּוּ/וַיִּקְרַבוּ) or Moses himself “cries out” (וַיִּצְעַק) when the crisis overtakes him. That verb of approach is the audible sign that ordinary procedure has stalled. The narrative then freezes the court. Either the people are told, “Stand still and I will hear what YHWH commands”, or the offender is physically confined. This suspension clause puts the whole camp on hold and magnifies Moses’ impotence. Only after that pause does the text release a divine verdict, introduced by a dictate-formula—something like דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל דְּבַר הַדְּבָר אֲשֶׁר צִוְּהָה יְהוָה or לֵאמֹר זֶה הַדְּבָר אֲשֶׁר צִוְּהָה יְהוָה. The fresh command turns the legal vacuum into prescriptive Torah. Finally, a brief colophon reports that Israel acted just as YHWH commanded Moses, sealing the new statute into communal memory.

Approach, suspension, command, compliance: the vocabulary changes from case to case, but the rhythm never breaks. The shared pulse of every referral scene can be tracked in these four verbal stations, summarised in the table below:

NARRATIVE STAGE	CORE HEBREW WORDING	TYPICAL GLOSS	KEY PASSAGES	NARRATIVE ROLE
Approach / appeal	וַיִּצְעַק מֹשֶׁה (Ex 15:25) וַיִּקְרַבוּ / וַתִּקְרַבְנָה / וַיִּקְרַבוּ (Ex 17:4; Num. 9:6; 27:1)	“Moses cried out”; “They drew near/brought the case”	Ex 15; 17; Num. 9; 27; Deut. 17	<i>Signals breakdown of ordinary process</i>
Suspension	עֲמִדוּ אֲשֶׁר מַעַה (Num. 9:8) וַיִּנְיחוּ אֹתוֹ בְּמִשְׁמַר כִּי־לֹא פִרְשׁ (Lev. 24:12; Num. 15:34)	“Stand still and I will hear”; “They placed him in custody, for it had not been specified”	Num. 9; Lev. 24; Num. 15	<i>Declares judicial vacuum; halts the narrative</i>
Divine verdict	דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל לֵאמֹר ... (Lev. 24:13) זֶה הַדְּבָר אֲשֶׁר צִוְּהָה יְהוָה ... (Num. 36:6)	“Speak to the Israelites, saying ...”; “This is the word that YHWH has commanded ...”	Lev. 24; Num. 9; 36; Deut. 17	<i>Supplies the missing law</i>

NARRATIVE STAGE	CORE HEBREW WORDING	TYPICAL GLOSS	KEY PASSAGES	NARRATIVE ROLE
Compliance colophon	וַיַּעֲשׂוּ כַּאֲשֶׁר צִוָּהּ יְהוָה אֱתֵמֶשֶׁהָ	“They did just as YHWH commanded Moses”	Ex 17:6; Num. 15:36; 36:12	<i>Embeds the ruling in communal practice</i>

3.3. Differences and Continuity Across Redactional Layers

The referral motif evolves as the Pentateuch’s redactional strata move from charismatic crisis to institutional jurisprudence, yet a single linguistic spine—verb of approach + pause clause + divine verdict—remains unbroken.

The earliest occurrences, usually attributed to pre-Priestly strands (Ex 15; 17), stage the pattern in its most elemental form. Moses utters the visceral וַיַּעֲזָבֵק and receives an answer mediated not by shrine or priest but by YHWH’s own gesture—“I will stand before you on the rock at Horeb”. The narrative foregrounds raw immediacy: no technical terms for custody, no legal nouns, only crisis, outcry, and physical theophany. Authority is charismatic, lodged in the man whose staff splits both sea and stone—until it fails.

Priestly redactors, writing in or after the exilic period, recast that spontaneity into jurisprudence. In Num. 9; 15; 27; 36 the appeal verb shifts to the *hiphil* הִקְרִיב “bring forward”, the people assemble “before Moses, before the whole congregation”, and the text labels the plea as a מִשְׁפָּט. Suspension is no longer a desert hush but a formal remand: וַיִּגְיחוּ אֶת־בְּמִשְׁמַר. The verdict is issued through Moses yet already sounds archival, in form of a statute (חֻק) and an ordinance (מִשְׁפָּט) which YHWH has commanded. Priestly vocabulary thus converts singular wonder into repeatable precedent, suitable for scribal preservation and temple enforcement.

Lev. 24, likewise Priestly texts, tightens the judicial register a step further. The narrator explains the custody with the phrase לְפָרֹשׁ עַל־פִּי־יְהוָה, “to clarify by the

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3 mouth of YHWH”, embedding within the story the very hermeneutical principle later
4 scribes will use—final authority rests in the citation formula *ע.ל.פ.י.י.הו.ה*. Here the
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7 divine answer is not merely imitated but quoted as a model for due process.
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10 Deuteronomy, representing a distinct school, preserves the skeleton yet redirects
11 its energy from momentary oracle to standing institution. The local judge confronted with
12 a matter too extraordinary must “go up” (*עלה*) to the central sanctuary; there priests and
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14 “the judge who is in those days” issue a ruling that carries capital authority. Moses’ own
15 incapacity, narrated retrospectively in 1:17 (“the judgment is God’s”), is transposed into
16 constitutional design: referral becomes the appellate mechanism of a nation rather than
17 the crisis protocol of a leader. The verbs of appeal (*ה.ל.ה, א.ב.א, ש.ר.ש*) and the dictate
18 formula (*ג.ו.ה. ידו ל.ר.*) prove that Deuteronomy does not abandon the pattern; it rather
19 institutionalises it.
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30 One of the consequences is that the written Torah can function as a surrogate for
31 Moses, preserving his authority and voice in material form. Deuteronomy locates ultimate
32 authority not in social structures alone but in a material artefact that literally preserves
33 Moses’ voice. The king is ordered to “write for himself this Torah on a scroll” and to
34 “read in it all the days of his life” (Deut 17:18-20). Later, the Levites deposit “the scroll
35 of the Torah beside the ark ... as a witness against you” (31:24-26). The object itself is
36 styled a *testis perpetuus*, able to indict Israel long after Moses has died. When Deut 27:8
37 commands the law to be engraved on plastered stones at the Jordan, the written word
38 literally becomes public monument. In other words, text replaces the person of Moses
39 with a durable “surrogate consciousness”.
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48 Recent studies show how an autobiographical frame can endow a written artefact
49 with the illusion of animate voice¹⁷. A similar dynamic operates here: the Deuteronomic
50 scroll is handed over, enthroned beside the ark, and periodically recited so that the
51 community hears Moses speaking even in his absence. Hence the institutional ladder
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¹⁷ See Schniedewind 2005; Carr 2005; Vayntrub 2021: 79-94.

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3 traced in the texts above culminates not in a human office but in the *sefer torah* itself, a
4 kind of “portable Sinai”.
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8 The scroll’s vicariant power explains why Deut 17:11 can claim that disobedience
9 to the priest-judge is tantamount to sin against YHWH: those officials merely mediate the
10 written norm. The narrative logic therefore reaches beyond institutionalisation to
11 materialisation: Moses’ charisma is crystallised into ink on parchment, ensuring that
12 Torah can travel through space and time without its first speaker.
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21 Continuity, therefore, resides in the unvarying pivot: every redactional layer still
22 pauses on a referral verb that confesses human limit, and every divine response still births
23 a normative word labelled as YHWH’s own. Difference lies in the orbit that forms around
24 that pivot: from spontaneous cry to judicial custody, from singular staff to communal
25 stoning, from Moses’ ear to a permanent bench at “the place YHWH will choose”. The
26 redactional history of the Pentateuch can thus be read as a widening ripple outward from
27 a single claim—that law is born where human judgment ends, and every generation must
28 find new, yet recognisably inherited, ways to voice its appeal “before YHWH.”
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34 35 3.4. *Theological Function: Legitimizing Torah and Priestly Authority* 36 37

38 Overall, the referral narratives function as theological engines shifting the centre
39 of gravity away from charismatic leadership toward enduring Torah and the institutions
40 that safeguard it.
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44 In Exodus’ water crises YHWH’s intervention turns the very medium of life into
45 a didactic sign: bitter waters become sweet, the naked rock gushes, and the refrain “I am
46 YHWH your healer” (Ex 15:26) names the deity, not Moses, as legislator and saviour of
47 the people. Moses’ cry therefore legitimates the new ordinance upward, grounding it in a
48 divine act that none may dispute.
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54 When the Priestly writers take up the motif, they translate that vertical ratification
55 into communal jurisprudence. The Sabbath wood-gatherer is executed only after the
56 community, “all the congregation”, receives YHWH’s unambiguous sentence; the
57 blasphemer’s fate is sealed “outside the camp,” where priestly oversight marks both
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3 boundary and holiness; the daughters of Zelophehad obtain land through public
4 declaration, just as tribal leaders later safeguard that ruling through controlled
5 marriage. Each detail embeds the divine word outward in ritual performance, letting
6 stoning, incarceration, or marriage rites act as visible signatures of priestly authority.
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11 In Deuteronomy the arc reaches completion: Moses disappears from the appellate
12 ladder, and the phrase “according to the sentence of the law which they shall teach you”
13 (Deut. 17:11) elevates priests and judges to oracular surrogates whose verdict carries the
14 same weight as Sinai’s thunder. Here referral is no longer emergency protocol but
15 standing principle; Moses’ insufficiency has been codified into constitutional design.
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21 Earlier sections have shown how referral narratives translate the leader’s
22 incapacity into fresh law. A final step must be underlined: the written Torah ultimately
23 absorbs Moses’ judicial agency. In the earliest crises, revelation is tied to spectacular
24 objects – a branch sweetens water, a staff splits rock. Priestly redactors transpose wonder
25 into procedure: incarceration, public assemblies, genealogical registers. Deuteronomy,
26 however, freezes procedure into parchment. Once the scroll is sealed, carried by Levites,
27 read to the gathered nation every seventh year (Deut. 31:9-13), the text itself speaks,
28 rendering further oracular moments unnecessary. Authority has moved from hand, to
29 institution, to page. The scroll is Moses continued – a tangible, audible conscience for
30 Israel. As already pointed out, recent studies in textual personhood confirm that ancient
31 audiences conceived written artefacts as capable of agency, memory, and judgment. The
32 material Torah is both the doctrinal culmination of the referral motif and its narrative
33 replacement for the prophet.
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44 Far from exposing a weakness, the moments when Moses must step back function
45 as theological guarantors: they certify that Israel’s Torah is both divine in origin and
46 communally reproducible, ensuring covenant continuity generation after generation.
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50 51 *3.5. Redaction as Mantic Scribalism*

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53 Scholarly work of the last decade has portrayed post-exilic scribes not merely as
54 archivists but as mantic technicians who sought divine guidance through the very act of
55 redaction¹⁸. The referral dossier (Num 9; 15; 27; Deut 17; 31) illustrates this ethos. By
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¹⁸ See van der Toorn 2009; Levinson 2010; Clifford 2018: 653-667; Leuchter 2021; Schroeder 2025.

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3 juxtaposing episodes where Moses pauses for revelation with Deuteronomic instruments
4 (altar, central court, scroll), the compilers enact a hermeneutical ritual: the old texts
5 become like lots cast before the deity, whose answer emerges in their ordered
6 arrangement. The redactional seams, therefore, are themselves sites of divination.
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11 A brief, yet telling, example reveals how the redactors' joinery itself operates as
12 a mantic procedure. As we saw before, the Sabbath wood-gatherer incident (Num 15:32-
13 36) and the blasphemer narrative (Lev 24:10-14) both halt the community's action with
14 an identical formula—"they placed him in custody until the word of YHWH should be
15 made clear to them". The duplication of that clause is not accidental: by lifting the rare
16 idiom from one legal crisis and echoing it in another, the editors create an intra-textual
17 signal that the two episodes belong to a single dossier of divinely adjudicated ambiguities.
18 Their compositional choice also foregrounds the process of waiting—a liminal pause in
19 which human judgement is suspended and oracular judgement anticipated.
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28 Deuteronomy deliberately re-works this shared motif into legislative architecture.
29 First, it supplies a permanent court of priest-judges for "matters too wondrous for you"
30 (17:8-13), thereby converting the episodic phrase "until the word was made clear" into
31 an ongoing institutional guarantee that a divine verdict can always be obtained. Secondly,
32 it requires the king to produce and study a personal scroll of Torah (17:18-20) and places
33 another copy beside the ark as a "witness" (31:24-26). The scroll, continuously recited
34 and re-inscribed, functions as a living oracle, ensuring that revelation persists even when
35 no prophet stands at the gate.
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43 By stitching these texts together, the redactor effects a conceptual migration
44 from *ad hoc* query to codified revelation: what was once a momentary halt in crisis
45 becomes a formalised technique of divination embedded in scribal jurisprudence. The
46 legal scribe, in other words, portrays his own craft as the proper heir to Moses' role.
47 Thus, scribal self-representation and narrative content coincide, each legitimating the
48 other within Israel's emergent literate culture.
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54 4. Conclusions

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57 The nine referral narratives scatter across four books, yet they tell a single
58 theological story. Each begins where Moses, emblem of charismatic leadership, reaches
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3 an interpretative wall; each ends with a divine verdict that enters Israel's Torah and, in
4 the process, elevates a community-based mechanism of authority. The motif therefore
5 sharpens three wider claims about the Pentateuch.
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10 First, Moses appears throughout the Torah as a mediator with limited agency. Far
11 from portraying an invincible lawgiver, the narratives stage his incapacity again and
12 again—he cries over bitter water, remands an unidentified blasphemer, listens while five
13 sisters litigate land, and even pleads for a successor he himself cannot appoint. In every
14 instance his most decisive judicial act is to relinquish control: he brings the matter
15 לִפְנֵי יְהוָה, commands the petitioners to “stand still”, and waits. The Hebrew consistently
16 encodes this choreography: first a verb of approach signals the breakdown of human
17 procedure; next a suspension clause verbalises the vacuum; only then does a dictate
18 formula deliver the divine verdict. Because this lexical triangle never fails, Moses'
19 limitation is not an occasional embarrassment but a structural principle: the Torah's legal
20 creativity depends on the leader's willingness to acknowledge the edge of his
21 competence. Ironically, that very edge delineates his greatness. By stepping back, he
22 opens narrative space for revelation; by refusing to improvise, he authorises instructions
23 that outlive him. The Torah thus honours Moses not by erasing his limits but by making
24 them the hinge on which enduring law turns.
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38 Second, charismatic leadership and revealed law intertwine in the referral corpus,
39 yet the stories meticulously show charisma ceding centre stage to durable statute. In the
40 earliest water episodes Moses' staff embodies that charisma: a piece of wood sweetens
41 Marah, a rod splits the rock, and the miracle itself functions as verdict—spectacle that
42 legislates. When the Priestly writers revisit the motif, they recast the staff into syntax:
43 custodial clauses, public assemblies, and the technical term שָׁמַר פְּנֵי הַיְהוָה convert raw wonder
44 into case law. No longer does a single gesture settle the matter; the blasphemer is
45 held בְּיַד הַיְהוָה until it is made explicit what is to be done, the Sabbath violator awaits
46 sentence in the presence of “all the congregation”, and the daughters' plea becomes a
47 legal paradigm extended and then protected by a second ruling. Deuteronomy completes
48 the metamorphosis by institutionalising the referral itself: extraordinary cases must “go
49 up” to the chosen sanctuary, where priests and the sitting judge deliver a decision that
50 carries capital weight. Across these layers the source of authority shifts from stick to
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3 speech, from spectacle to procedure. Charisma initiates law, but once the divine word is
4 uttered the law stands apart from Moses—it can bind priests, govern laypeople, and, in
5 the Deuteronomic court, correct the very community that once relied on Moses’
6 staff. Thus the narratives dramatise a theological progression: charismatic power births
7 Torah, yet Torah, once born, transcends Moses and becomes the stable norm against
8 which future crises—and even Mosaic memory—are measured.
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15 Third, Pentateuchal theology emerges most clearly when the referral thread is
16 traced through the documentary weave. The water crises plant the seed: a crisis ascends
17 directly to YHWH and descends as an unarguable statute. Priestly layers pick up that seed
18 and cultivate it, embedding the same upward-downward motion in carefully crafted legal
19 prose; every fresh ruling still travels upward for warrant—עֲלֵי-פִי יְהוָה—but then
20 spreads outward through public custody, tribal assemblies, and priestly mediation so that
21 enforcement no longer depends on the leader’s presence. Deuteronomy grafts the pattern
22 onto its centralising vision, relocating the ascent to “the place YHWH will choose” and
23 vesting the downward flow in a living court whose verdict must not be swerved from
24 “right or left”. By threading one narrative mechanism across pre-Priestly immediacy,
25 Priestly jurisprudence, and Deuteronomic constitutionalism, the redactors supply the
26 Torah with an internal hermeneutic: law is forever unfinished at the edges of human
27 judgment yet already finished in its divine source.
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39 Literarily the referral scenes act as hinges; they swing the reader from the
40 wilderness’s raw contingencies to the settled cadence of “as YHWH commanded,” from
41 the fragile charisma of a single mediator to the durable institutions that will interpret his
42 memory. The canon that results is therefore doubly grounded—anchored in heaven for its
43 authority, embedded in community for its transmission—and the very stories that
44 highlight Moses’ limits become the narrative scaffolding that secures Torah’s claim to be
45 both living speech and final word.
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52 In the end, the Torah legitimates itself by staging its genesis at the very point
53 where Moses reaches the end of his influence. His limitations are not flaws to be
54 concealed but the deliberate doorway through which YHWH’s inexhaustible word steps
55 into history, fixes law and keeps covenant alive across generations. Put differently,
56 revelation happens precisely when Moses is not enough.
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