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The laws prohibiting blood consumption and instituting capital punishment for homicide in Genesis 9 are usually taken as early human developments that later become more complex and more specific to Israel. The warrant for this conclusion is the assumption that the prehistoric narrative context in which these laws appear reflects the social and historical context in which they originated. But Carmichael warns that, although laws certainly “issue from real-life situations with their complex web of social, religious, political, and economic elements,” the narratives with which they are bound up do not necessarily give us that context. Moreover, understanding the flood narrative as representative of a primitive stage of culture is itself problematic. Fishbane penetrates to the heart of this problem in *Biblical Myth and Rabbinic Mythmaking*, where he points out that biblical scholars have often brought to their exegesis a misguided understanding of myth (as a primitive intellectual form) and how it was employed by Israelite scribes (who retained vestiges of myth in order to neutralize them in favor of a higher-order mode of thought). Fishbane demonstrates instead that

**Author's note:** It is my pleasure to offer this essay on the creative use of legal repertoire in biblical narrative in honor of my teacher and one of the foremost scholars of biblical law, Samuel Greengus. As a big-picture thinker with a penchant for theory, I am ever grateful for the way he trained me to ground my observations solidly in careful and detailed readings of text as well as for the appreciation he gave me for the skill and cleverness of ancient scribes, which he taught me never to underrate. It is my hope that this essay illustrates these values and stands as a suitable testimony to his legacy.

1. In some cases, this is because the narrative chronology of the Torah is viewed as historical (e.g., Z. Falk, *Hebrew Law in Biblical Times* [Provo: Brigham Young University Press, 2001] 180), while in others it is due to a reconstructed history of sacrifice that views Genesis 9 as a primitive stage of development (e.g., H. C. Brichto, “On Slaughter and Sacrifice, Blood and Atonement,” *HUCA* 47 [1976] 42–44).


scribes found something evocative about myths that made them extremely useful in the effort to make meaning of situations that are as timeless as they are immediate. Israelite scribes did not merely tolerate myths; they actively made them, and Fishbane notes that “[m]ythmaking is also a learned and literary act that, far from being a feature of degeneration or decreased spontaneity, is often a key factor in the revitalization of earlier sources and is a sign of ongoing cultural creativity.”

This essay will explore what is learned and literary about the flood narrative, especially about its use of law. The flood narrative is learned in that scribes drew not only on a myth that was well-known throughout the ancient world, but also on a specifically Israelite cultural repertoire. It is literary in that scribes made profoundly creative use of these sources to shape a text that would give compelling voice to ideas they deemed foundational for the future of Israelite culture. Fishbane limits his discussion of biblical myth to “highly condensed epitomes or evocations” of mythic events “set within another (non-mythic) literary context or genre,” focusing on uses of the combat myth throughout the Tanakh. The flood narrative, on the other hand, involves highly condensed evocations of various elements of Israelite legal and prophetic repertoire set within the context of a fully-dramatized myth. What I offer here will add to Fishbane’s catalog of examples of biblical mythmaking as well as broaden our understanding of the range of situations in which Israelite scribes made myth and the techniques they used to do so.

**The Flood Narrative and Divine Justice**

The non-Priestly version of the flood narrative is a story about human nature. The flood is viewed as God’s response to human wickedness (רעה האדם; Gen 6:5); רעה is a stative noun, and humans are said to be in this state “all the time.” The problem that warrants destruction in the Priestly version, however, is much more specific. Typically translated “violence,” “wrong,” or “lawlessness,” חמס (Gen 6:11–13) is not a state of being but a category of actions that constitute a “violation of the social-moral order.”

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8. I. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995) 137 n. 51; see also N. Lohfink, “The Priestly Narrative and History,” in *Theology of the Pentateuch: Themes of the Priestly Narrative and Deu-
Lawlessness involves deliberately offering fraudulent testimony in court, using false weights and measures, and theft, especially when these acts are committed against the disadvantaged (Exod 23:1; Deut 9:16; Mic 6:9–12; Isa 59:2–8; Pss 27:12; 35:11). Although accusations of lawlessness are leveled at Israel generally, they frequently focus on those in power, who either misuse their power by failing to carry out their duties properly (Ezek 22:23–29; 45:9–12; Zeph 1:4–9; 3:3–5) or luxuriate in their wealth and security while the rest of society suffers (Amos 6:3–7; Ps 73:6–12). Offenses of this sort warrant divine punishment, whether they are perpetrated by Israel (Jer 6:7; Amos 3:10; Mic 6:12; Zeph 1:9) or other nations (Jer 51:35, 46; Joel 4:19; Obad 10), and Ezek 7:23–27 spells out in horrific terms the punishment that is about to befall Jerusalem due to her lawlessness.

Fishbane discusses a number of examples that illustrate a “complex fusion” of timeless mythic events with specific personal or communal circumstances. Here in the Priestly flood narrative, we see just such a fusion of myth with a recurrent type of communal crisis, if not a specific and particularly catastrophic instance of it: the destruction of the temple and exile. Through this fusion, what was a story about human nature became a story about ethics. Use of the word חמס to characterize humans, on the other hand, prompts an audience familiar with prophetic oracles of judgment such as Ezekiel 7 to see themselves in the antiheroes of the flood, especially the leaders among them whose abuse of power and position was understood to have violent consequences for everyone.

The flood narrative is also a story about justice, although this theme is not new to the Priestly version; the justice of Enlil’s decision to deal with the problem of overpopulation in Atraḫasis by wiping humans out in a flood,


is called into question by the other gods when they are faced with its undesirable effects (III.iii–v). Ezekiel is concerned to establish the absolute justice of God’s punishment of both Israel and other nations and does so by making creative use of the principle of *talion*, framed in the legal corpora by using the same lexical item for crime and punishment: נפש נפש (Exod 21:22–25; Lev 24:19–21; Deut 19:16–21). In Ezekiel, God meets evil deeds (השחתה; Ezek 6:9–10) and the failure of Israelites to obey his laws (משפטים לא נועדו) with judgment (משפט; Ezek 11:11–12; cf. 5:7–8; 7:27). He also wreaks vengeance (נקום) on the Edomites because they acted vengefully against Judah (נהר מר ואמר; Ezek 25:12–14; see also vv. 15–17). Fishbane notes that these scribes are not applying a “strict principle of legal retribution” but rather striving to “establish the nexus between sin and judgment in poetic and highly generalized ways.”

The scribe who wrote the Priestly version of the flood narrative used the same technique in order to impress on his audience the absolute justice of divine actions in causing the flood. השחת is used consistently to articulate not only God’s response to the problem (Gen 6:13, 17) and his promise never to respond this way again (Gen 9:11, 15), but also the problem itself: the polluted earth (תשתחה, נשתחה; Gen 6:11–12), which God must purge, and its cause in human corruption (את־דרכו כל־בשר השחית; Gen 6:12).

Whereas Atraḫasis questions the justice of divine action, Genesis defends it in a learned and literary way through creative use of an element of Israelite legal repertoire. The resulting myth thus frames the highly abstract problem of theodicy in such a way as to give it “vivid mythic realism,” mak-

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15. B. T. Arnold (*Genesis* [NCBC; Cambridge: Cambridge University Press, 2009] 99) notes, “[i]n a way difficult to express in English, the use of this Hebrew verb illustrates that God’s actions are both unavoidable and just.”
ing it compelling in its concreteness.\textsuperscript{16} Using the flood myth as a vehicle for this reflection on theodicy also provided the scribe with a means of further exploring the complexities of that theme. The flood narrative in Genesis affirms the ideal of divine justice even as it explores the limits of idealism. Absolute justice is a problematic ideal because its consequences are as undesirable for God as they are for humans. When he smells Noah’s sacrifice in Gen 8:20–22, as the gods do in Atraḫasis III.v, God promises never again to destroy the earth so that the seasonal cycles of life might be preserved. While the flood was warranted and purged the earth of its corruption, it also nearly deprived God of his relationship with creation. Were it not for Noah, this deprivation might have been thorough.

The dénouement of Atraḫasis provides a more sustainable solution to the problem of overpopulation than wiping out humanity in the form of various checks on human fertility that serve as “essential prerequisites for the continued existence” of creation (III.vi–vii).\textsuperscript{17} This element of the myth’s plot structure, like the sacrifice offered after the vessel has come to rest and the hero has disembarked, became a vehicle for the Israelite scribe to develop an alternative way to conceptualize justice, one that establishes a foundation for a future beyond the catastrophe without abandoning the ideal of perfect justice. Ezekiel 18 shares this concern. Although old social institutions have been disrupted by exile, the legal tradition is treated as a source of future stability, a resource for reconstituting the community as much as for justifying its present circumstances.\textsuperscript{18} Future existence depends on the Israelites renewing their dedication to law and maintaining a standard of holiness necessary to prevent the thorough demise of the community (Ezek 18:31–32). The dénouement of the Priestly flood narrative also establishes a new world order after the flood through creative use of Israelite legal tradition. As in Ezekiel 18, this new era is one in which “God and the human community are interdependent actors.”\textsuperscript{19} Having established that the “promise and blessing to humans at creation stands” (Gen 9:1; compare Gen 1:28), God, for his part, accepts human inadequacies (Gen 9:2–3) and promises to avoid acts of total destruction in the future (Gen 9:8–17), just as he does in the non-Priestly version (Gen 8:20–22).\textsuperscript{20} But between

\textsuperscript{16} Fishbane, \textit{Biblical Myth and Rabbinic Mythmaking}, 41.
\textsuperscript{18} G. H. Matties, \textit{Ezekiel} 18 and the Rhetoric of Moral Discourse (SBLDS 126; Atlanta: Scholars Press, 1990) 186–95, 211.
\textsuperscript{19} Matties, \textit{Ezekiel} 18, 214.
the concession and the promise, he establishes laws for humans designed to “tame and control” the appetites which resulted in a corrupt earth in need of cleansing. Continued existence depends not only on a blessing and God’s promise to stay his hand, but also on human management of a reasonably just world according to divine law.

The Prohibition against Blood Consumption

The first law prohibits consumption of blood and is modeled directly on Israelite legal tradition, evident in the form of Gen 9:4, which imitates other instances of the blood prohibition and its motive clauses quite closely (see Lev 3:17; 7:26; 17:11, 14; Deut 12:16, 23). It is not immediately clear how this particular prohibition serves as a corrective to the lack of ethics among humans or how it would mitigate the effects of rampant corruption, although it is generally understood to be ethical in nature insofar as consuming blood is viewed as an egregious violation of life. As Milgrom puts it, “The human being must never lose sight of the fundamental tenet for a viable human society—life is inviolable and may not be treated lightly.”

This value is rooted not in a view about the inherent value of blood, as some have argued, but in an association between blood and life in the context of death, and this association is used in Leviticus 17 as part of an integrated rationale for the expiatory function of blood in the cult.

Deuteronomy 12 also prohibits consuming meat with blood still in it, but offers a different rationale for the ethical nature of the prohibition, one that forms the basis for its use in Gen 9:4. The issue with which the passage begins is craving for meat (Deut 12:20). A desire for meat is accompanied


by a need to kill to get it. Appetite for meat, as Plato famously discussed in *Laws* 782a–783a, can easily become a destructive appetite for violence if it is not constrained, and we find the same idea expressed in Deuteronomy 12. Avoiding consumption of meat with blood still in it is a reminder that blood is life and, as Milgrom puts it, “Humanity has a right to nourishment, not to life.” Respecting the principle of life even as we take a life for food is considered to be a sign of ethical integrity (Deut 12:25).

Appetite is also what is checked by use of the blood prohibition in Gen 9:4, but here it is appetite for *injustice* rather than appetite for food that is uncomfortably close to bloodlust. What enables the application of this law beyond its literal meaning in Deuteronomy 12 is a symbolic association between eating meat and injustice common in Ezekiel, where predatory wild animals are often used to signify a presence that threatens social order. Ezekiel 22 in particular depicts Israel’s leaders as bloodthirsty wild animals, holding them accountable for the destruction brought on the entire community by a litany of their crimes including idolatry, incest, seizing wealth, profaning the sacred, violating the sabbath, unjust gain, false prophecy, fraud, robbery, and taking advantage of the disadvantaged. By means of their injustices, Israel’s leaders “consume life, tearing prey like a lion” (Ezek 22:25). They are not civilized human beings but animals whose unethical and unjust behavior is as threatening to Israel’s security as the lions who lurk at the edges of the wilderness.

Although the litany of crimes in Ezekiel 22 involves the same range of unethical behaviors covered by the word חמס, the humans in the flood narrative are not explicitly characterized as wild animals in Genesis 6–9 as Israel’s leaders are in Ezekiel 22. But God does alter his initial dietary instructions in Gen 1:29–30 and permits humans to eat meat as well as plants in Gen 9:2–3. This change does not point to a primitive development in human dietary habits but constitutes a very clever use of prophetic imagery: In permitting humans to “eat meat,” God acknowledges and allows for the human appetite for injustice. But he also demands that humans keep that appetite in check by obeying laws designed to institute respect for life. The prohibition on consuming blood with meat is not used in Gen 9:4 with the literal sense it has in Leviticus 17, Deuteronomy 12, and elsewhere. Rather, the association between eating meat and injustice enables use of this specific element of Israelite legal repertoire to symbolize a limit on our power.

to act in a variety of ways that compromise or destroy the lives of others. God recognizes that humans have a propensity for corruption but provides a legal principle to keep it from getting so out of hand that the existence of the world is at stake.

**Capital Punishment**

The prohibition against blood consumption is the first qualification (נָעַר) of God’s permission to eat meat. The second begins again with וַאֲבָדָה and encompasses Gen 9:5–6, which deals with enforcement. What should happen when “blood is consumed,” when “murder” takes place, when life is compromised in any of the myriad ways it can be? Crüsemann suggests that this law regarding capital punishment was taken from Exod 21:12 and “here formulated for all humanity.” The formulation of Gen 9:6 bears no resemblance to either Exod 21:12 or Lev 24:17, both of which use a form of נָעַר to describe the crime of homicide and מְסַרֶּה to articulate the punishment. In fact, there has been much form-critical debate about the rather poetic יָשְׁפִּיךְ דָּם הָאָדָם דָּם יָשְׁפִּיךְ, and some have suggested that it may be a proverb rather than a law. There is no question that capital punishment for homicide is meant here, but the atypical terminology and form vis-à-vis the framing of this law in the legal corpora suggest an even more creative use of cultural repertoire than we saw in Gen 9:4.

Although the expression יָשְׁפִּיךְ דָּם does not appear in the capital punishment laws, it is an element of Israelite legal repertoire, as it is used in the asylum laws to differentiate homicide from manslaughter, which is subject to asylum (Deut 19:1–13; Num 35:9–34). The issue in these passages is the idea that intentional shedding of innocent blood brings bloodguilt not only on the perpetrator but on the land itself and consequently must be dealt with immediately before it endangers the entire Israelite community (Deut 19:10, 13; Num 35:33). The concern over this issue was so profound that it extended even to the case of a corpse found lying in the open just in case that individual had been the victim of homicide (Deut 21:1–9).

Among the many innovations in the literature of the Holiness School is the treatment of various ethical violations as violations of sancta, a “fusing of the realms of cult and morality.” For example, יָשְׁפִּיךְ is used in Lev 17:4 to elevate sacrifice performed outside the camp to the level of homicide, and Lev 18:24–30 treats the preceding litany of sexual transgressions

in a similar fashion. Like bloodshed, such offenses pollute the land and bring destruction not only on the offender but on the entire community.\textsuperscript{30} A number of texts extend the meaning of שפך דם even further, such that it becomes a metonym for a wide range of ethical violations: adultery (Ezek 16:38; 23:45), haughtiness, lies, hatching evil plots, false witness, and inciting others to quarrel (Prov 6:16–19), falsehood, treachery, unjust lawsuits, dishonesty, and general lawlessness, or חמס (Isa 59:7). Ezekiel 18 uses this metonym to great rhetorical effect in order to argue that the current generation (the son) cannot blame its circumstances on the sins of a previous generation (the father), because the son is a שפך דם, “shedder of blood” (Ezek 18:10), guilty of a whole range of crimes from idolatry (ritual) to adultery (sexual) to unfair lending practices (social), a representative sample of offenses from Israelite—and particularly Priestly—legal tradition.\textsuperscript{31} As such, he alone must be held accountable for his crimes (cf. Num 35:33).

The capital punishment law in Gen 9:6 was not modeled on the legal corpora as the blood prohibition in Gen 9:4 was because איש המכה (Exod 21:12) has none of the resonances of שפך דם, which tie into the development of character and theme in the flood narrative. The expression שפך דם is effectively a synonym for one who is guilty of חמס, as both expressions refer to the same range of ethical violations. Moreover, equating these ethical violations with homicide, unlike simply calling them חמס, involves the idea of bloodguilt that affects not merely the perpetrator but the entire Israelite community, an idea that ties in with the emphasis earlier in the narrative on human corruption which polluted the the land and made the entire human community vulnerable to the catastrophic effects of divine purgation (Gen 6:11–12). שפך דם is thus a fitting way to capture the crime committed by the antiheroes of the flood. The poetic structure of באדם האדם שפך דמו ישפכו is not proverbial but was produced by using שפך דם in talion-like fashion to articulate both the crime and the punishment, thus preserving the principle of justice established in a similar way earlier in the narrative, even while shifting the responsibility for actualizing it onto humans. The principle is not abandoned but, in the post-flood world, a variety of intentional offenses must be brought to justice within the human community lest injustice corrupt humanity to such an extent that there is no one left to stand in the breach (see Ezek 22:30–31) and stave off the tragic zero-sum game that will ensue if ensuring a just world is left to God, whose execution of justice is absolute.

\textsuperscript{30} Ibid., 108, 180, 182, 185.

\textsuperscript{31} Matties, Ezekiel 18, 160–81. For other metonymic uses of שפך דם, see Ezek 36:18; Prov 6:16–19; 2 Kgs 24:4; Lam 4:13.
Human responsibility for executing justice is conveyed in this law with the expression **בָּאָדָם**. It has sometimes been questioned whether it indicates agency, because the **ב** can mean either agency (“by man”) or price (“for man”), the latter indicating that the blood is spilled as a ransom for the initial life that was lost. But the context for Gen 9:6 established in the preceding verse clearly emphasizes human agency. The expression **אדָרְשׁ יִשְׂרָאֵל**, “I will seek blood,” which appears at the beginning of Gen 9:5, means “to hold someone accountable for” the life of another which has been lost. This accountability is ultimate, as the subject is always God, whether explicitly, as in Ezek 33:6, where he holds the watchman accountable for the deaths of the Israelites if he fails to warn them that the sword is coming (see also Ps 9:13), or implicitly, as in Gen 42:22, where Reuben thinks Joseph is dead and warns his brothers that Joseph's blood will be sought (in other words, that they will ultimately be held accountable for his murder). The second part of Gen 9:5 makes it clear that humans are the ones held responsible when other human life is compromised: **מֵימַר הָאָדָם מִדָּר אֶשֶׁת אָדָם אֲדוֹרֲשׁ אוֹלָמָּה**, “From humans—each for the other—I will seek (a reckoning for) human life.” The emphasis here on human responsibility becomes even more evident when we note that, in the legal corpora, the punishment for capital crimes is typically formulated in the passive without a subject (**יֹוָסְתָה פִּתְתָה**), creating ambiguity about who is responsible for carrying out this punishment. While Gen 9:6 still uses the passive, the agent is not only explicitly stated but fronted in the clause (as it is Gen 9:5): **שֹׁפְטֶה גֵּרֵם בֵּאָדָם שֹׁפְטָה בָּאָדָם** , “Whoever sheds human blood, by a human shall his blood be shed.”

**Covenant and Kingship**

The dénouement of the flood narrative in Gen 9:1–17 shows the same concern for sustaining creation that God shows at the end of the non-Priestly version, when he promises himself that he will never again bring a flood (Gen 8:21). Here in the Priestly version, however, Noah and his family—indeed, the entire human family—are involved in the plan for preservation because of a covenantal obligation to obey these laws.  

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33. The Noachide covenant is typically understood as promissory, since God makes a promise to Noah and his family, but they do not say or do anything in response (Westermann, *Genesis 1–11*, 470–71). Gen 9:1–17, however, clearly involves legal obligations on the part of humans, and the notion that future catastrophe can be averted if humans meet these obligations is very much in the spirit of covenant texts (e.g., Leviticus 26; Deuteronomy 27–28); as Arnold (*Genesis*, 101) notes, “[c]ovenant-living is
his concern for sustaining creation through the expression אדרש את־נפש אדם in Gen 6:5, which is double-voiced because “to seek life” also means “to acknowledge, to provide refuge” (see Ps 142:5, where the parallel stichs suggest this meaning). God thus holds humans accountable for blood—both literally and as a metonym for a whole range of ethical violations that pollute the earth as blood does—not for the sake of retribution but with the overall intent of preserving life, which was nearly lost altogether.34

Despite our appetite for injustice, Genesis 9 emphasizes that humans do have what it takes to carry out our covenantal obligations. The motive clause for the capital punishment law—כי בצלם אלהים עשה אדם את־האדם, “for in the image of God did he make humanity” (Gen 9:6)—is typically taken to explain why the loss of human life is so valuable as to require such extreme consequences: life is sacred, and to violate it “is direct and unbridled revolt against God.”35 As Bird has discussed, the scribe invokes Mesopotamian royal ideology in his use of the term אלהים צלם to depict humans not as slaves to the gods, as they are in Atraḫasis, but as representatives of God and godlike in their “ruling function and power,” an anthropology also expressed in Psalm 8.36 The expression בצלם אלהים is notoriously ambiguous about what godlike power differentiates us from animals and qualifies us to rule creation, but a Greek comparison suggests an otherwise overlooked exegetical possibility. The Greeks understood the faculty of justice to be a gift of the gods with which humans are uniquely endowed, an idea expressed notably by Hesiod in Works and Days: “This is the law that Cronus’ son established for human beings: that fish and beasts and winged birds eat not only the means of survival (that is, salvation) from the flood, but also the Bible’s answer to humanity’s sinful nature more generally.” Consequently, this view needs to be rethought, and the issues raised by C. Nihan, “The Priestly Covenant, Its Reinterpretations, and the Composition of ‘P,’” in The Strata of the Priestly Writings: Contemporary Debate and Future Directions (ed. S. Shectman and J. S. Baden; ATANT 95; Zürich: Theologischer Verlag, 2009) 92–103 are important to consider.

34. This intent is also expressed in the first part of the verse, את־נפש את־דמכם אדרש, which may be translated “I will hold you accountable for blood for the sake of your lives,” understanding the ל in לנטשתכם to indicate purpose. This expression is frequently translated “For your own life-blood I will require a reckoning” (jpsv, nrsv), understanding the ל to indicate possession. Both analyses are grammatically possible, but the former better fits the concern to preserve life which is key to the dénouement of the flood narrative.


one another, since Justice is not among them; but to human beings, he has
given Justice, which is the best by far.”37 In the Tanakh, justice is not a gift
of the gods but a godlike trait that an ideal ruler should have (for example, 1
Kgs 3:28). Matties notes that, “at the heart of Ezekiel’s ethics is the assumption
that the character of the people must correspond to the character of
Yahweh.”38 The same idea informs the Priestly creation (Gen 1:24–28) and
flood narratives. The motive clause in Gen 9:6, then, does not explain why
life is so valuable as typically thought, although to say that is not to dispute
the fact, which is solidly established in Gen 9:4. Rather, it explains how
humans are qualified to rule creation and administer a system of law.39 We
will inevitably carry out this task imperfectly, beset as we are with appetites
which may lead us into violence against one another even as they nourish
us. But the more godlike aspect of our nature enables us to manage this
world on God’s behalf and keep it from descending into depths of corrup-
tion and pollution only God can fix.

While humans, as perpetrators of חמס, exemplify everything that is
corrupt about Israelite leadership, the flood narrative gives us a model of
what an Israelite leader should be in the character of Noah. The non-Priestly
version emphasizes Noah’s divine favor (Gen 6:8), but the Priestly version
(Gen 6:9) is specific about the traits that earn him this favor: Noah is a righ-
teous man, as he is in the non-Priestly version (see Gen 7:1), but he is also
blameless. Righteousness is a common enough trait in the Tanakh, but to
call him תמים, “blameless,” is to invoke comparison to only a few others, all
idealized leaders: Abraham, from whose seed kings shall issue (Gen 17:1;
see v. 6), David (2 Samuel 22; see Psalm 18), and the king of Tyre (Ezek
28:15). To be blameless is to be everything חמס is not. A blameless person
is just, upright, speaks the truth, avoids harming innocent people, advocates
for those who have been wronged, does not lend money at interest, does not

37. Hesiod, Works and Days 276–80 (Most, LCL). It is important to be clear that I
am not making an argument for literary dependence. Hesiod is widely cited in the work
of other Greek writers as early as the 6th century B.C.E., and his work is sometimes dated
as early as the 7th century B.C.E. (E. Cingano, “The Hesiodic Corpus,” in Brill’s Compan-
ion to Hesiod [ed. F. Montanari, A. Rengakos, and C. Tsagalis; Leiden: Brill, 2009] 98,
116–17), so he is early enough to have influenced Ezekiel and Genesis by their standard
datings. But we more likely have here a shared cultural repertoire to which writers in
both cultures had access; on this, see my “Deluge, War, and Dios Boulē: Making Sense of
38. Matties, Ezekiel 18, 198.
39. For the same reason, the motive clause should also not be taken to equate ho-
micide with deicide, as it is in N. Stahl, Law and Liminality in the Bible (JSOTSup 202;
Sheffield: Sheffield Academic Press, 1995) 44.
accept bribes, uses honest weights and measures, and has no reason to be ashamed of his behavior (Psalm 15; see Jer 22:3; Ezek 45:9). Indeed, to be blameless is to imitate divine traits (Deut 32:4; Ps 18:31–33) and qualifies one to dwell on God’s holy mountain (Ps 15:1).

The king of Tyre is the odd man out in this list because he is not an Israelite, yet his characterization in Ezekiel 28 exemplifies Israelite images and ideas of leadership. He wears what may be a Priestly breastplate (28:13; see Exod 28:7–20), and his downfall comes in part as a result of defiling the sanctuary (28:18), an odd concern for an Israelite prophet to have about a foreign sanctuary but a primary reason for the destruction of Jerusalem as far as Ezekiel is concerned (Ezek 7:24; 24:21; see Lev 21:12, 23). He is blameless in his ways (חכם הדריך, Ezek 28:15) which, according to Psalm 15, qualifies him to walk about (התהליך) with God on God’s holy mountain, until he disqualifies himself through his lawlessness (חמס) and is cast out. The point of the judgment oracle and lament in Ezekiel 28, with its use of these Israelite images and concepts of leadership, is that Tyre is in no position to gloat over the downfall of Jerusalem (Ezek 26:2) because it suffers the same problems and will surely be subject to a similar punishment. The oracle could certainly have gotten its point across to a Tyrian audience should it ever have had one, but it would have spoken quite poignantly to an Israelite audience. Like the king of Tyre before his fall, or any good Israelite leader, Noah in Gen 6:9 is blameless (חכם) and walks with God (התהליך), in contrast to those around him whose lawlessness (חמס) is about to lead to catastrophe, just as it inevitably will for the king of Tyre. These characteristics enable Noah to be the one person—the one person whom God could not find in Ezek 22:30–31—able to stand in the breach and constitute some hope of a future beyond the catastrophe.

The Priestly flood narrative imagines a world in which we should all be kings, not for the benefits of wealth, status, and power over other creatures

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43. The royal character of the hero has precedent in Mesopotamian literature, especially where the flood tradition and the king list tradition intersect; see discussion in J. R. Davila, “The Flood Hero as King and Priest,” JNES 54 (1995) 199–214, who concluded that there is no trace of royal status in either the non-Priestly or the Priestly versions of the flood narrative in Genesis, but in his focus on Mesopotamian comparisons appears to have missed the inner-biblical resonances discussed here.
such a role might bring us, but out of our covenantal obligation to maintain a reasonably just order in creation and, in so doing, partner with God to preserve life. It is a story profoundly shaped by Israel's social and historical circumstances and her effort to make meaning out of those experiences. In it we find the same insights about ethics and justice that we find elsewhere in the Tanakh, and especially in Ezekiel, which reflects quite specifically on the experience of exile. Through their fusion with myth, these insights no longer just explain very real and painful human experience; they shape a narrative world that serves as a “model of reality and theology” designed to be constitutive of Israelite culture in a future which transcends that experience.

The Israelite legal tradition was an important source for shaping this future. The classical approach to composition history viewed the laws in Gen 9:4–6 as an interpolation into the Priestly base narrative (P⁴⁶) of Genesis 9 on the grounds that legal vocabulary is not otherwise characteristic of the style of P⁴⁶ and the assumption that law does not have a place in a context otherwise characterized by blessing.⁴⁵ While this classical approach determines sources on the basis of style and considers how divergent sources might have been redacted into a composite whole, I have approached the issue of composition by considering the sources of various elements of cultural repertoire and how these elements were used to develop character and theme in the narrative. We definitely see a complex fusion of repertoire—myth, law, prophetic imagery—from different background contexts. But it is all blended together, each element tightly linked to the development of the narrative.⁴⁶ Consequently, there are no grounds for viewing the laws in Gen 9:4–6 as interpolations. To do so would deprive the story of its rather profound dénouement and would constitute a failure to appreciate the skill and creativity of the scribes who wrote it.

Knohl offers an extremely useful analysis of the development of Priestly literature in *The Sanctuary of Silence: The Priestly Torah and the Holiness*.⁴⁴

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45. E.g., S. E. McEvenue, *The Narrative Style of the Priestly Writer* (AnBib 50; Rome: Pontifical Biblical Institute, 1971) 67–71. This view has been disputed even within a classical approach to composition history; see Westermann, *Genesis 1–11*, 464.

School. Despite his generally sensitive and multidimensional approach to sorting out compositional layers, he may have made the mistake of over-reliance on style in his analysis of Genesis. He assigns Gen 9:1–7 to P because it does not exhibit what he finds to be the characteristic linguistic features of H. In Knohl’s view, H did some final editorial work in Genesis, but this was limited to arranging Priestly and non-Priestly traditions and did not involve substantive rewriting because H focused mainly on laws relating to the entire congregation of Israel and had minimal interest in pre-Israelite traditions. But the anthropomorphisms, direct punishment, and ethical focus Knohl attributes to P in Genesis are elsewhere key characteristics of H. Moreover, I have shown here that the Priestly flood narrative exhibits a fusion of non-Israelite traditions with laws and other elements of Israelite cultural repertoire drawn eclectically from H, D, and prophetic backgrounds, making it a composition very much in the spirit of Knohl’s Holiness School. Is this effort at mythmaking part of a Torah-wide Holiness recension? To answer this question is beyond our scope here, but it is one worth exploring.

Hope for the future is pinned on the ability to make this imagined post-flood world real. Fishbane discusses how mythmaking creates a space between the real (exile) and the imagined (a universal flood) that is ironic because the story is “perceived to be both true and not true at the same time.” The near-annihilation of humanity in a flood is a mythic event set in valorized time, while the exile was an all-too-real historical event. The truth about the exile with which the scribe responsible for the Priestly flood narrative was concerned consisted not of names and dates but of insights about the nature of humanity and of God, why life looks as it does, and especially what it ought to look like in the hope of averting future tragedy. The fiction of the flood myth enabled these insights to transcend the circumstances out of which they emerged so that they might be true not only at one specific point in historical time but at any time or at all times. What makes the flood narrative a story about all humanity is not some primitive status of either its traditions or its laws but a realization on the

47. Knohl, Sanctuary of Silence, 60.
48. Ibid., 103.
49. For more on the Holiness School’s role in the composition and redaction of the flood narrative, see elsewhere in this volume B. T. Arnold, “The Holiness Redaction of the Flood Narrative (Genesis 6:9–9:29),” pp. 13–40
part of Israelite scribes that the truth of their insights ran so much deeper than their own particular situation that it might take its most compelling shape in myth.