THE NATURE AND FUNCTION OF THE CONCEPT OF THE ELECTION OF ISRAEL IN THE BOOK OF DEUTERONOMY: A PERSPECTIVE FROM NATIONHOOD

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Author's Declaration

I declare that the work in this thesis was carried out in accordance with the regulations of the University of Gloucestershire and is original except where indicated by specific reference in the text. No part of the thesis has been submitted as part of any academic award. The thesis has not been presented to any other education institution in the United Kingdom or overseas.

Any views expressed in the thesis are those of the author and in no way represent those of the University.

Signed: **Date:** Mar 20

Abbreviations

4QDeut^j	fragmentary text of Deuteronomy from Cave 4 Qumran
ABD	Anchor Bible Dictionary
AJSL	*American Journal of Semitic Languages and Literature*
ANE	Ancient Near East(ern)
ANET	J. B. Pritchard (ed.), *Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed., Princeton: Princeton University Press, 1969.
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
BA	*Biblical Archaeologist*
BCE	Before Common Era
BETL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
Bib	Biblica
BTB	*Biblical Theological Bulletin*
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
CBQ	*Catholic Biblical Quarterly*
Dtr	the Deuteronomist
DtrH	the Deuteronomistic History
IDB	Interpreter's Dictionary of the Bible
JAAR	*Journal of the American Academy of Religion*
JBL	*Journal of Biblical Literature*
JETS	*Journal of the Evangelical Theological Society*
JNES	*Journal of Near Eastern Studies*
JQR	*Jewish Quarterly Review*
JSOT	*Journal for the Study of the Old Testament*
JSOTSupp	Journal for the Study of the Old Testament, supplement Series
LXX	Septuagint
MT	Masoretic Text

OT	Old Testament
OTL	Old Testament Library
Repr.	Reprint
SJT	*Scottish Journal of Theology*
TDOT	Theological Dictionary of the Old Testament
VT	*Vetus Testamentum*
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*

Abstract

The concept of the election of Israel is one of the foundational doctrines of the Old Testament. The main focus of the theological study of the election of Israel has been the issue of dating and the nature of the concept. When did this concept originate? And is the election of Israel an unmerited grace of God or is it dependent on obedience to Torah? In the study of modern nations, the concept of ethnic election is found to be an important factor in the origin and sustenance of nations. If this is so, then the question arises, whether the concept of the election of Israel was closely linked to the origin and sustenance of the ancient nation of Israel? The question of the relationship of election to nationhood has not been sufficiently explored in theological studies. Therefore, this thesis will study the nature and function of the concept of the election of Israel in relation to ancient Israelite nationhood.

The modern ethno-symbolic theory of nationhood is useful in the analysis of ancient nations like Israel because it identifies the concept of ethnic election to be an important influence in the creation and maintenance of both modern and ancient nations. The ethno-symbolic perspective on nationhood takes seriously ethnicity and religion or culture in the formation and maintenance of a nation.

The book of Deuteronomy is considered to be a constitution by several scholars and thus relevant to the study of nationhood. It is also the *locus classicus* of the election theology in the Old Testament. Therefore, selected texts from Deuteronomy will be studied from the principles derived from the ethno-symbolic approach to the study of nationhood. Such a study will give a fresh perspective to our understanding of the concept of the election of Israel. Studied from the perspective of nationhood, the concept of the election of Israel can be interpreted as a symbol of belongingness and loyalty to a nation, a symbol of pride and power, and a boundary marker demanding moral and religious loyalty and affiliation to the nation and its God.

Introduction

> 2 and when the LORD your God has delivered them over to you and you have defeated them, then you must destroy them totally. Make no treaty with them, and show them no mercy ... 5 This is what you are to do to them: Break down their altars, smash their sacred stones, cut down their Asherah poles and burn their idols in the fire. 6 For you are a people holy to the LORD your God. The LORD your God has chosen you out of all the peoples on the face of the earth to be his people, his treasured possession. 7 The LORD did not set his affection on you and choose you because you were more numerous than other peoples, for you were the fewest of all peoples. 8 But it was because the LORD loved you and kept the oath he swore to your forefathers that he brought you out with a mighty hand and redeemed you from the land of slavery, from the power of Pharaoh king of Egypt. [Deut 7.2, 5-8, NIV]

> 10 When you march up to attack a city, make its people an offer of peace ... 16 However, in the cities of the nations the LORD your God is giving you as an inheritance, do not leave alive anything that breathes. 17 Completely destroy them – the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites – as the LORD your God has commanded you. 18 Otherwise, they will teach you to follow all the detestable things they do in worshiping their gods, and you will sin against the LORD your God. [Deut 20.10, 16-17, NIV]

The concept of God's election of Israel is, according to H. D. Preuss, central and foundational to Old Testament Theology. The book of Deuteronomy is commonly regarded as the *locus classicus* of the concept of the election of Israel. And Deut 7 is central to the theologisation of the concept of the election of Israel. It sets forth the view that Israel is a specially favoured nation among the nations of the earth because God loved them; therefore, Israel, being the chosen and holy people of God, should desist from any religious influence from other nations, particularly from the Canaanite nations. However, the complete annihilation of all the Canaanite nations has been a contentious and an embarrassing issue to both the proponents and critics of the election theology. Therefore, biblical scholars right across the spectrum of theological affiliation either tend to disregard annihilation as religious rhetoric or justify it on the basis of God's sovereign justice. The focus of the theological study of the concept of the election of Israel has centred on two issues. First, it has been debated whether the concept of the election of Israel is specifically deuteronomic or earlier or later than that? The second issue is whether God's election of Israel is based on grace or law, that is whether the election of Israel is unconditional, based on God's grace and love and / or conditional, based on Israel's observance of the Torah?

A perspective from nationhood will bring a fresh understanding to the discussion of this concept. Viewed from the perspective of nationhood, the concept of the election of Israel and the rhetoric to separate and annihilate the Canaanites in Deuteronomy can be seen as being closely linked to the creation and maintenance of Israel's national identity and survival.

Presupposition

The concept of the election of a nation by the nation's deity is used in national rhetoric to create a sense of national identity and mission in relation to its existence and survival among nations. Therefore, the thesis is that the concept of the election of Israel in Deuteronomy is about nationhood, that is, the nature and function of the election of Israel is related to the origin and sustenance of Israel as a nation. It is as much political as religious. Religion was largely subservient to the national cause in the ancient world.

Methodology

The concept of the election of Israel has been predominantly studied from a theological perspective. The historical critical methods, source, literary and tradition analysis have been the main means of the study of the election texts in the Old Testament. The historical critical analysis mainly focuses on the historical and theological problems posed by the concept and it attempts to answer them within the parameters of the historical critical methodology. The theological study starts with the presupposition that Israel is God's elect and chosen people among the nations and thus the focus is on the end purpose of that choosing, which is God's mission to other nations.

The study of the concept of the election of Israel in relation to nationhood would require the study of the concept in relation to the origin and sustenance of ancient Israel as a nation. There are several theories on the definition of nation and its constituent elements, and how a nation survives. Modern study of nationhood may be grouped into two schools: modernists and perennialists. According to the modernists, nation is an invention by modern society brought about through industrialisation and mass communication, whereas the perennialists argue that the nation is ancient, based on ethnicity and religion. The perennialists' view of nationhood supports the idea of Israel as an ancient nation. For instance, Anthony D. Smith's ethno-symbolic approach to the study of nationhood takes ethnicity and religion seriously in the study of nationhood.

Ethnicity is considered by some scholars to be 'given' or primordial or ancient, whereas others consider it as instrumental, that is, induced by agents or factors or purpose. Fredrik Barth views ethnicity as self-ascription and ascription by others, and also ethnicity and ethnic identity as organisational, that is, created or shaped in relation to or in opposition to others. If ethnicity provided the groundwork for nations, religion provided the foundation for long term existence and sustenance of nations in the ancient world. It provided a belief-system, which gave a sense of commitment, loyalty and sacredness to nation. The study of nation from an ethno-symbolic perspective gives a fresh insight into the nature and function of the concept of the election of nation and its function in the origin and sustenance of nationhood.

Since the last decade there has been an increased attempt by theological and biblical scholars to apply the methods of modern study of nation to the study of ancient Israel. Prominent among them are Theodore Mullen, Kenton Sparks and Steven Grosby, who take different theoretical positions in the study of ancient Israel. Although all the above three scholars use the modern theoretical framework for the study of ancient Israel, they work within historical critical and theological assumptions. For instance, Mullen starts with the presupposition that Deuteronomy is post exilic, and a history 'invented' for the purpose of the creation of national identity to the exiles who lived in Babylon and thus finds it suitable to apply the modernist theory of nation to the study of ancient Israel. Sparks and Grosby, on the other hand, assume a Josianic edition of the book of Deuteronomy, and the creation of Israel's national identity during the Josianic period as a result of Assyrian occupation and Josiah's revolt against it.

Recently many scholars have considered Deuteronomy as a constitution of ancient Israel. This view is supported by the study of ancient Syrian and Mesopotamian colonies as well as ancient Greek city-states which show early forms of democracy, where the people are central to the organisation and function of the society. These are reasonable grounds to study the concepts of the election of Israel in Deuteronomy from the perspective of nationhood.

Scope

This thesis is limited to the study of the concept of the election of Israel in the book of Deuteronomy without enquiring into the dating of the passages. Three passages, Deut 32, Deut 4 and Deut 7, have been selected to study and interpret the concept of the election of Israel from the perspective of nationhood. These passages have been selected because of the important views they provide in understanding the concept of the election of Israel. Deut 32 is an ancient text and preserves the earliest traditions concerning the notion of Israel as a nation. The concept of the election of Israel in this chapter is ancient and uses familial symbols, which suggests that the concept of the election of Israel in this chapter meant belongingness and loyalty to Yahweh, the God of Israel. Deut 4 is a later text, which re-interprets and reapplies the ancient idea of nation from Deut 32 in a new exilic context. It focuses on the glories of Israel and Yahweh. Thus, the concept of the election of Israel in Deut 4 is viewed as self-ascription for the purpose of the creation of national identity. The concept is used to compare and contrast Israel with other nations. Deut 7 uses the concept of the election of Israel in the context of a constant threat to their existence and survival, thus the heightened view of the concept of the election of Israel in Deut 7. The emphasis on reciprocal covenant in Deut 7, seeking the elected people to actively counter the threat posed by the Canaanite nations, is directly related to Israel's identity and survival as a nation.

Organisation of the Thesis

In chapter one, we enumerate the different theological positions with regard to the study of the concept of the election of Israel. This chapter aims to specify the presupposition and the results of the application of different methods within the historical critical study, which brings out various aspects of the concept. In chapter two we discuss various theories pertaining to the modern study of nationhood. In chapter three we discuss the application of the theories of nationhood to the study of ancient Israel by three scholars mentioned above, Mullen, Sparks and Grosby. In chapter four we discuss the possibility of Deuteronomy being a constitution of ancient Israel and thus an appropriate book for the study of the concept of the election of Israel and its relevance to nationhood. In chapter five we study three selected passages from Deuteronomy and discuss the nature and function of the concept of the election of Israel in relation to nationhood on the basis of the modern theories of nationhood.

Significance

Interpretation of the concept of the election of Israel from the perspective of nationhood gives a fresh perspective, and contributes to the study of the concept of the election of Israel. It is a new way of studying an old issue. The result of the study could lead to further exploration of the concept of the election of Israel and other theological and religious concepts in other books of the Old Testament from the perspective of nationhood. It is important to locate the religious concepts in social settings and the framework of nationhood is an important tool in such an endeavour.

Chapter One: Theological Interpretations of the concept of the Election of Israel

1.1 Introduction

The common Hebrew term used for the election of Israel is בחר.[1] The root word בחר and its derivatives occur in the Masoretic Text 146 times, of which the theological use of the word with God as subject occurs 98 times (67 percent). Of these 98 times, the root בחר occurs in Deuteronomy 29 times and in the Deuteronomistic history 20 times, Chronicles 18 times and Psalms 9 times. And in the prophetic literature, Isaiah alone employs the root 11 times (Proto-Isaiah 1 time, Deutero-Isaiah 7 times and Trito-Isaiah 3 times). It is important to note that the root בחר in its theological sense does not occur at all in Genesis and Exodus. The concentration of its occurrence, about 50 percent, is in the deuteronomic and deuteronomistic literature. Of these the use of בחר in relation to the people occurs predominantly in Deuteronomy, Isaiah and Psalms.[2]

The election of Israel is the subject of several monographs (K. Galling,[3] H. H. Rowley,[4] T. C. Vriezen[5] and H. Wildberger[6]) and Old Testament theology (H. D. Preuss[7]). The book of Deuteronomy is central to any study of the concept of election.[8] There is wide consensus among scholars, on the basis of the study of the word בחר, that deuteronomic authors were instrumental in the birth or at least the theologisation of this concept.

Two questions are important in the theological study of the concept of the election of Israel. One is when the concept originated? Was it at the beginning of Israel's history or did it occur very late and was then retrojected into earlier narratives? The other question is whether the concept was based on God's grace or law? However, two other important questions are not sufficiently discussed in the theological study of the concept: what factors contributed to the belief in the concept of the election of Israel? And what functions did it render to the society?

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[1] Deut 4.37, 10.15, 7.6, 14.2, 26.18; Ps 135.4, 47.5, 33.12; Neh 9.7; Is 41.8, 43.10, 44.1, 44.2, 48.10. And the parallel term is סגלה (Ex 19.5; Deut 7.6, 14.2; 26.18; Ps 135.4).

[2] H. Wildberger, '*Bhr* 'to Choose", in *Theological Lexicon of the Old Testament*, ed. by Claus Westermann Ernst Jenni, 1 (Peabody, Mass.: Hendrickson Publishers, 1997), 209-226, (pp. 211-212). See Wildberger for a useful chart showing the occurrences of the root בחר through out the Old Testament.

[3] K. Galling, *Die Erwählungstraditionen Israels*, BZAW 48 (Giessen: Alfred Topelmann, 1928).

[4] H. H. Rowley, *The Biblical Doctrine of Election* (London: The Lutterworth Press, 1950).

[5] Th. Vriezen, *Die Erwählung Israels Nach Dem Alten Testament*, ATANT (Zurich: Zwingli Verlag, 1953).

[6] H. Wildberger, *Jahwes Eigentumsvolk*, ATANT 37(Zürich: Zwingli Verlag, 1959).

[7] Horst Dietrich Preuss, *Old Testament Theology*, trans. by Leo G. Perdue 2 (Edinburgh: T&T Clark, 1996).

[8] Dennis J. McCarthy, *Old Testament Covenant: A Survey of Current Opinions* (Oxford: Basil Blackwell, 1972), p. 22.

The purpose of this chapter is to bring together scholarly discussions bearing on the above theological quests and to show that the application of different methodology and presupposition brings to light different aspects of the concept of the election of Israel. The aim is not to suggest that one methodology or presupposition is better than another but to draw important insights from the theological discussion for the study of the nature and function of the concept of the election of Israel in Deuteronomy in relation to nationhood.

1.2 Election and History

1.2.1 Julius Wellhausen and Abraham Kuenen – Evolutionary

Julius Wellhausen, in his article *Israel*,[9] presents an evolutionary understanding of Israel. He places Israel's beginning in the ritualistic faith based on experience and regulation, which was basically employed to administer the society rather than judge its moral standards. In such a society, he contends, the relationship between God and the people was "a natural one as that of son to father; it did not rest upon observance of the conditions of a pact."[10] He likens the early Israelite religion to totemism, where a natural, intimate or blood relationship is presumed to exist between the group and their God. The new and distinctive Israel was born only as a result of Israel's historical situation and the prophetic preaching. He argues that the Assyrian threat of the eighth century BCE and the prophetic preaching of the impending threat to Israel, as a result of Israel's poor moral standards, 'raised' the conception of God from the benevolent and natural 'helper' of earlier Israelite society to the conception of the Divine as the God of the world with righteousness as his basic nature. Such a prophetic conception of God, contends Wellhausen, led to the articulation of the relationship between Yahweh and Israel in terms of a covenant and election:

> The natural bond between the two (Israel and Yahweh) was severed, and the relation was henceforward viewed as conditional. As God of the righteousness which is the law of the whole universe, Jehovah could be Israel's God only in so far

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[9] Julius Wellhausen, *'Israel' in Prolegomena to the History of Israel* (Atlanta, Georgia: Scholars Press, 1994), p. 468f.

[10] Wellhausen, *Israel*, p. 469.

> as in Israel the right was recognised and followed. The ethical element destroyed the national character of the old religion.[11]

Wellhausen restates this in his *Prologomena*,

> The relation of Jehovah to Israel was in its nature and origin a natural one... Only when the existence of Israel had come to be threatened by the Syrians and Assyrians, did such prophets as Elijah and Amos raise the Deity high above the people, sever the natural bond between them, and put in its place a relation depending on conditions, conditions of a moral character. To them Jehovah was the God of righteousness in the first place, and the God of Israel in the second place, and even that only so far as Israel came up to the righteous demand which in His grace He had revealed to him.[12]

Wellhausen argues, thus, that the prophets played a significant role in converting the natural relationship between Yahweh and Israel to a conditional relationship.[13] According to him the prophets used the term ברית "covenant" to interpret this relationship between Yahweh and Israel. Further, Josiah introduced it with the notion of covenant making, which gained ground in deuteronomic circles[14] and thereafter was projected into the earlier writings.

Likewise, Abraham Kuenen in his reconstruction of the history of Israel sees a separation between unconditional and conditional aspects of Israel's religion. For instance, according to him, the canonical prophets put more emphasis on holiness than their predecessors.

> All the prophets, without distinction, believed both in the election of Israel by Jahveh and in the holiness and righteousness of Jahveh; but, very naturally, the relation between these two convictions was not exactly the same with the one as with the other. *One* placed the election in the foreground, and made the revelation of Jahveh's righteousness subordinate to it... *Another*, on the contrary, took the holiness of Jahveh as his starting-point, and came to the conclusion that even the chosen people should not be spared.[15]

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[11] Wellhausen, *Israel*, pp. 473-474.

[12] Julius Wellhausen, *Prolegomena to the History of Israel*, Scholars Press Reprints and Translations Series (Atlanta, Georgia: Scholars Press, 1994), p. 417.

[13] Wellhausen's argument that the aspects of conditionality and righteousness are later incorporations into Israelite religion is questionable. Conditionality is a primordial category of religion, it is the basis of any relationship, and the devotee is expected to do something for the deity in return for any favour received. Even the aspect of righteousness can be argued as primordial as no deity (one's own) is conceived as wicked even if they are worshipped out of fear, as in the case of animistic religions.

[14] Wellhausen, *Prolegomena*, pp. 418-419.

[15] Abraham Kuenen and Adam Milroy, *The Prophets and Prophecy in Israel: An Historical and Critical Enquiry* (London: Longmans Green and co, 1877), p. 361.

Thus, Wellhausen and Kuenen distinguish between Israel's 'natural' and Israel's 'moral' or 'unique' relationship with Yahweh. They present the earlier relationship as a 'natural' relationship, which normally happens between any group and their God. And they attribute the development of the 'moral' or 'unique' relationship between Yahweh and Israel to the historical crisis and prophetic preaching when the moral qualities of God were emphasised over the natural qualities. According to them it is in the context of crisis and responsibility that the concepts of election and covenant need to be understood. Further, such schematization of history placed the origin and development of law in the later period of Israel's life. This also resulted in seeing the Sinai tradition as a late addition to the earlier narratives.

Following Wellhausen and Kuenen, it became customary to view the covenant and election traditions as late deuteronomistic works, which were introduced following the collapse of Israel and Judah. The classical prophets were regarded as unaware of the election and covenant concepts as they do not refer to it. The deuteronomic writers were credited with having introduced the concepts on the basis of the prophetic preaching and then retrojected them into the earlier history.[16]

Wellhausen's idea of seeing the relationship between Israel and its religion as evolutionary, developing from natural, to moral could be related to primordial and instrumental aspects of nationhood. However, Wellhausen's view that the prophetic religion destroyed the national character of natural relationship is questionable. The prophetic critique in fact should be seen as focusing on the national character as the prophets were interpreting earlier religious traditions in favour of the sustenance of the nation of Israel. The primordial and instrumental aspects of ethnicity and nationhood will be discussed in the next chapter.

1.3 Election and Traditions

A challenge to Wellhausen came from the tradition critics who, on the basis of existing oral and written traditions of ancient Israel, said that the election tradition goes back to earlier times.

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[16] For an extensive treatment of the subject see Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon Press, 1986), pp. 109-110. 7-27.

1.3.1 Kurt Galling – Interpretation of God's favour to Israel

Kurt Galling's monograph *Die Erwählungstraditionen Israels* is an analysis of the election traditions of Israel in the Old Testament. For Galling the concept of election brings together different pictures and expressions of Israel's relationship with Yahweh,[17] for instance, through various metaphors like shepherd, father, husband and creator.

1.3.1.1 Election consciousness – natural

With Eissfeldt and Gressmann, on the basis of Exod 24.1f. esp. 9-11, Galling argues for a natural alliance between Yahweh and Israel, where Israel undertakes to revere Yahweh and Yahweh undertakes to protect Israel as his people against all dangers.[18] This view is closer to Wellhausen's idea that the earliest form of Israelite religion was similar to totemism. But it is different in that Galling argues that this natural alliance between Yahweh and Israel led to election consciousness from the earliest period of Israel's history and religion, whereas Wellhausen considered election faith to have originated as a result of prophetic preaching and the socio-political situation of the seventh century.[19]

1.3.1.2 Election and the classical prophets

Galling further counters the common argument that the classical prophets were not aware of the election faith. In particularly, Amos in 9.7-10 is consciously using the election tradition although negatively.[20] According to Galling the prophets dealt with the national election consciousness.[21] They pointed to the exodus tradition as the origin of election faith, focusing not on rights and hopes but instead on duties because of the impending threats.[22]

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[17] Galling, *Die Erwählungstraditionen Israels*, p. 2.

[18] Galling, *Die Erwählungstraditionen Israels*, p. 27. When Galling speaks of natural alliance he means that such alliances are common between any nation and their god or gods.

[19] Wellhausen, *Prolegomena*, p. 417.

[20] Galling, *Die Erwählungstraditionen Israels*, p. 11.

[21] Galling, *Die Erwählungstraditionen Israels*, p. 1.

[22] Galling, *Die Erwählungstraditionen Israels*, p. 9.

1.3.1.3 Election is specifically deuteronomic

In Galling's view, election of the people is specifically deuteronomic, for he says, „Spezifisch deuteronomisch ist die Bezeichnung Israels als des erwählten Volkes."[23] But he quickly adds that the deuteronomic writers did not invent the election faith, it was drawn from early Israelite experiences. He thinks that the tradition of the forefathers recorded in Deut 26.5ff in the liturgical prayer shows forth a collective consciousness of the people.[24] Galling thinks that Deut 26 is an ancient song as it does not mention the Patriarchs being in the Promised Land but rather speaks of them as 'wandering Aramaenians.'[25]

1.3.1.4 Election as historical reflection

Galling traces two bases or motives for election consciousness (*Erwählungsbewußtsein*) and election faith (*Erwählungsglauben*). One is the exodus tradition (*Auszugstradition*) and the other, the forefather tradition (*Erzvätertradition*). The election faith is a result of historical reflections on these traditions, claims Galling:

> Beim Auszug und bei den Erzvätern (das sind die beiden Motivierungen der Erwählung) handelt es sich gleicherweise um Geschichtsreflexionen.[26]

For Galling the *Auszugstradition* is based on the historical event of Exodus, which remained in the memory of the people and is recounted in various forms on various occasions in Israelite literature and history. Thus, the *Auszugstradition* is a sure foundation on which the election faith of Israel is based. His argument is based on older texts such as Deborah's song (Judg 5), Balaam's oracles (Num 24) and the ancient covenant at Sinai (Exod 15), where the exodus tradition is prominently recounted.

Thus, knowledge of election, according to Galling, is synonymous with the salvation history of the people.[27] The exodus tradition forms the landmark of the election faith from preprophetic times to the Maccabean period, whereas the Patriarchal tradition, with its promises, is late in origin.[28] According to Galling the Jahwistic writer, through the stories of Patriarchs, placed the election faith of Israel in the framework of the world and creation.[29]

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[23] Galling, *Die Erwählungstraditionen Israels*, p. 4.
[24] Galling, *Die Erwählungstraditionen Israels*, p. 7.
[25] Galling, *Die Erwählungstraditionen Israels*, p. 8.
[26] Galling, *Die Erwählungstraditionen Israels*, p. 2.
[27] Galling, *Die Erwählungstraditionen Israels*, p. 4.

1.3.1.5 Election and Sinai Covenant

The connection between election faith and the Sinai tradition is late according to Galling. He follows Wellhausen in arguing that the Sinai tradition was retrojected into the earlier writings at a later period.[30] His attribution of any written covenant to a younger layer leads to a much later date.[31] Although the prophets do not conceive a connection between Sinai and election, they do understand a connection between election faith and exodus, and thus they indicate a covenantal relationship between Israel and Yahweh.[32] However, covenant is not a dominant theme in the prophets as it generated a secure feeling among the people and so is subject to criticism.[33] Thus, for Galling the covenant and election belong together, for he says, "Die Erwählung ist der Bund."[34] But he adds that election is a self-expression of the divine not a mutual obligation.[35]

1.3.1.6 Election and Nationhood

Galling firmly argues for a relationship between election faith and nationhood. He says that election consciousness is closely related to the legitimization of land during the tenth, seventh and fifth century BCE.[36] It is closely related to the political attempt to create a greater Israel.[37] The song of Deborah (Judg 5) records a period of peace with the Canaanites and then a period of conquest and war, where victory was attributed to Yahweh, Israel's God. It records the unity of all the tribes, a national and religious unity, where Yahweh helped the people and the people assisted Yahweh in relation to war. In that text is expressed a mutual togetherness, from which arises the obligation to help one another; those who do not are excommunicated, for instance the tribe of Meroz (5.23).[38]

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[28] Galling, *Die Erwählungstraditionen Israels*, p. 63.
[29] Galling, *Die Erwählungstraditionen Israels*, pp. 63-64.
[30] Galling, *Die Erwählungstraditionen Israels*, p. 26.
[31] Galling, *Die Erwählungstraditionen Israels*, p. 27.
[32] Galling, *Die Erwählungstraditionen Israels*, pp. 28, 32-33.
[33] Galling, *Die Erwählungstraditionen Israels*, pp. 30-31, 37.
[34] Galling, *Die Erwählungstraditionen Israels*, p. 34.
[35] Galling, *Die Erwählungstraditionen Israels*, p. 36.
[36] Galling, *Die Erwählungstraditionen Israels*, p. 68.
[37] Galling, *Die Erwählungstraditionen Israels*, p. 69.

1.3.1.7 The Meaning of Election for the Israelite Religion

The uniqueness of Israelite election tradition, according to Galling, is that it is not based on chance but on God's grace; being based on grace it protects the people from unbelief and breaking the covenant and also it encourages duties towards God.[39] Further, the election faith interpreted history and was making history. Galling thus calls the election faith a philosophy of history or a historical theology. „Der Erwählungsglaube ist Geschichtsphilosophie oder besser Geschichtstheologie, d. h. also: er hört das Wort von Gott in der Geschichte".[40]

He concludes that the exodus faith is unique because it is bestowed by the unmerited grace of God. It generated Israel's gratitude and devoutness. The Patriarchal tradition showed God's grace was not based on chance but on mercy.[41]

Galling argues that election consciousness or faith was a result of historical reflections on the exodus and patriarchal tradition. The prophetic critique of over reliance on such a consciousness was a proof that Israel's election consciousness was earlier. However, he views that the specific expression of Israel as the elect of Yahweh was a late development. Galling's view of the concept of the election of Israel as a collective consciousness and reflection of past traditions for the purpose of nationhood is useful for our study, where Deuteronomy relates the concept of the election of Israel to the oath and promises to the patriarchs.

1.3.2 Von Rad – Saving Tradition of Israel

Von Rad like Galling takes a traditio-historical approach to the explication of the concept of the election of Israel in the Old Testament. Thus, for von Rad, election is one of the elements in the saving events of Israel's history: the deliverance from Egypt, redemption and election form the saving events with which Israel's history with Yahweh began.[42] The saving event is basic to various traditions in Israel. Various traditions were gathered together to show Yahweh's saving acts. Election is a theological concept, according to von Rad, which is based on the belief in Israel's historical redemption from Egypt. Unlike Wellhausen, von Rad does not equate the covenant or election, which is remembered and preserved in the ancient traditions of Israelite history, with "any idea of a natural relationship with the deity of the kind expressed in myths."[43] Election or covenant is a privilege offered by God.

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[38] Galling, *Die Erwählungstraditionen Israels*, pp. 69-70.
[39] Galling, *Die Erwählungstraditionen Israels*, p. 92.
[40] Galling, *Die Erwählungstraditionen Israels*, p. 93.
[41] Galling, *Die Erwählungstraditionen Israels*, p. 94.

This memory of God's privilege to Israel, according to von Rad, is found in two complexes of traditions: the Patriarchal and the Sinai traditions. The Jahwistic account of the patriarchal covenant is ancient and unconditional, whereas the Jahwistic and Elohistic account of the Sinai tradition preserves a slight variation. The Jahwistic account of the Sinai covenant in Exod 24.9-11 is a "unilateral protective relationship" whereas in the Elohistic account (Exod 24.3-9) "the human partner is vigorously reminded of his duty, and called on to make a decision, and only as he declares himself ready to play his part is the covenant made."[44] Von Rad does not consider this Elohistic account of the covenant as conditional as he thinks that this covenant is enveloped by grace: "the law became visible alongside, indeed even within, the very offer of grace itself."[45] But in Deuteronomic theology, argues von Rad, covenant is synonymous with commandment and thus is conditional. The Priestly document which mentions two covenants, the covenants with Noah and Abraham, is considered by von Rad as unconditional without having any reference to law.[46]

Von Rad thinks that the idea of election in Deuteronomy[47] is late, radical and presupposes a universalistic idea of history. In Deuteronomic theology the connection between covenant and law became so close that, "the word 'covenant' has practically become a synonym for commandments."[48] The closeness of covenant and law, von Rad maintains, would have resulted from a threat to the existence of Israel.[49]

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[42] Von Rad, *OT Theology*, trans. by D.M.G. Stalker 1 (Edinburgh: Oliver and Boyd, 1963), p. 177.

[43] Von Rad, *OT Theology*, p. 130.

[44] Von Rad, *OT Theology*, p. 131.

[45] Von Rad, *OT Theology*, p. 131.

[46] Von Rad, *OT Theology*, pp. 134-135.

[47] Set in the plains of Moab Deuteronomy for von Rad is Israel's interim period of the saving history, where she stood between "on the one hand, the completion of her election as Jahweh's peculiar people, and on the other, the fulfilment of the divine promise. And Deuteronomy implies that very much can still be decided for Israel in this intermediate state." Von Rad, *OT Theology*, p. 223.According to von Rad, Deuteronomy sets Israel "in the perspective of the situation between election and fulfilment." Von Rad, *OT Theology*, p. 223.

1.3.3 J. A. Wharton – Holy War Tradition

J.A. Wharton points out that the concept of election may have originated in the cultic institution of the holy war in the days of the tribal federation before the monarchy. This mainly referred to the assembly of the able bodied men gathered for defensive warfare against a common enemy (Jdg 5.11,13 cf 20.2). Behind this institution lay the unique covenant relationship according to which the tribes confessed Yahweh as the one who had formed the people of Israel through certain mighty acts in history and entered a covenant relationship with them. (Deut 6.5-9, Josh 24.2-13)[50]

1.3.4 H. Wildberger – Divine-Royal Ideology

Those who contend that the concept of election or covenant tradition is late base their argument largely on the occurrences of the root words בחר and ברית. However, Wildberger is of the opinion that God's relationship with Israel is not to be confined to one particular, although special, root word בחר. Secondly, he questions whether the verb בחר is an original deuteronomic coinage.[51] He also questions the common notion that Israel's election was not explicitly mentioned before Deuteronomy.

His argument is that the deuteronomic usage of the root בחר exhibits a 'molded stereotypical form' suggesting a 'comprehensive theological formulation.' It became a terminological expression after the failure of monarchy. Therefore, Wildberger contends that the concept of the election of Israel was based on the exodus-election tradition after the demise of monarchy. He says,

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[48] Von Rad, *OT Theology*, pp. 77, 131.
[49] Von Rad, *OT Theology*, p. 178.
[50] J.A. Wharton, 'People of God', in *IDB*, ed. by G.A.Buttrica 3 (NewYork: Abingdon Press, 1962), p. 727. Cf. von Rad, *Studies in Deuteronomy*, trans. by David Stalker (London: SCM Press Ltd, 1953), pp. 42, 62.
[51] Wildberger, '*Bhr* 'to Choose", p. 215.

> the concept was thus transferred in the process of this democratization from the realm of myth (election of the king or of the divine mountain) into that of history (exodus from Egypt).[52]

According to Wildberger, the prophets knew of the concept of election but avoided it because of leading to false security. The deuteronomistic historians did not suppress the election tradition of the kings, but rather spoke of Saul, David and Zion as chosen. But the Deuteronomistic historian also spoke about the rejection of Israel, Judah and Zion (2 Kgs 17.20, 23.27, 24.20).[53]

Thus, Wildberger dates the election consciousness to the pre-prophetic period but argues that the specific theologisation of the concept of the election of the people was formulated after the demise of the monarchy by the deuternomistic writers.

1.3.5 Klaus Koch – Independent traditions

In an important article, Klaus Koch undertakes a traditio-historical analysis of the origin and transmission of the conception of election in Israel. His study involves an analysis of בחר in Psalms, Deuteronomy and Deutero-Isaiah. Koch strongly argues for the origin and development of the election conception in the Jerusalem cultus. This is worth noting as it is generally considered that the root word בחר, particularly its application to the people (Israel), is considered a Deuteronomic coinage.[54] Koch begins by explicating the occurrence of the root word בחר in relation to kings, priests, Zion and Israel in Psalms.[55]

The Use of בחר *in Psalms*

Koch notes that there are 15 instances where בחר with Yahweh as the subject is used in Psalms, which is more frequent than in Deutero-Isaiah.[56]

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[52] Wildberger, '*Bhr* 'to Choose", p. 216.
[53] Wildberger, '*Bhr* 'to Choose", p. 219.
[54] See H. Seebass, *TWAT*, I 5 197, p. 606 cited by Byron E Shafer, "The Root bhr and Pre-Exilic Concepts of Choseness in the Hebrew Bible", *ZAW* 89(1) 1977, p. 21. Cf. Dale Patrick, "Election" *ABD*, 1992, p. 435. Cf. H. Wildberger, בחר *TDOT*, p. 216.
[55] Klaus Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', *ZAW*, 67 (1955), 205-225, (p. 206).
[56] The uses of בחר in relation to people are few comparatively, Ps 33.12; 135.4; 106.5; 105.43; and 47.5. In Deutero-Isaiah, Is 41.8; 42.1; 43.10, 20; 45.4.

Koch maintains that the idiom “Yahweh chooses” appears only in hymns and royal psalms. It does not appear everywhere as a free theology, which can be dated to any time; rather it has a fixed place in the Jerusalem Cult. According to Koch there are 3 different election traditions in Psalms: the election of the people, the king and the priests:[57]

I. The features in the first tradition (the election of the people) according to Klaus Koch are:

1. Election is the rationale of the salvation history. This is clear from the occurrence of בחר before (Ps 105.6ff; 135.4ff; 106.5ff) and after (105.43; and 47.5; 33.12) the salvation accounts.[58]
2. Salvation history begins often with creation (Ps 33.6ff; 135.6ff).
3. The object of the election is the patriarch Jacob and his descendants (Ps 105.6; 135.4, 47.5 and 78.70f).
4. Election is not a temporal concept but a unique historical action of Yahweh.
5. Election results in giving a gift of the land as a hereditary possession (נחלה) to the chosen (105.11; 47.5; 105.44; 135.12).
6. The chosen become the hereditary possession of Yahweh through election (106.5; 135.4).
7. Results in the confession of Yahweh’s uniqueness (47.3; 105.7; 135.5).
8. Shows Yahweh’s unique relationship with Israel (105.7; 135.5 and 33.12).

II. The features of the second tradition (the election of the king) are:

1. The election is a creation action of Yahweh.
2. The object of the election is David (78.70; 89.4, 132.10ff) and also Zion as Yahweh’s resting place (78.68; 132.10).
3. The election of David is considered as the conclusion of the salvation history (78.67f).
4. The chosen king is Yahweh’s servant (78.70; 89.4, 20f; 132.10).
5. The tradition related to the election of a king is rare in the Psalter compared to the tradition of the election of the people.
6. There are no indications of the uniqueness of Yahweh or a unique relationship with the king.

III. The features of the third tradition (the election of the priest) are:[59]

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[57] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 212.

[58] What is the relationship between the election statements in the Psalms observed by Koch and the salvation accounts within these Psalms? What functions do the election statements in these Psalms perform in relation to the salvation accounts? The third element in these Psalms being praise of Yahweh, the relationship between the election statements and the salvation accounts within these Psalms seems to be the praise of Yahweh. Thus, the main function of the election of Israel in Psalms could be seen as cultic as argued by Koch.

[59] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 213.

1. This tradition is named only 2 or 3 times (65.5; 105.26 and 106.23).
2. It is connected with the title of servant in 105.2.

Klaus Koch, comparing the three traditions, assumes that they once existed independently. The title servant was unfamiliar to the first tradition as it occurs only in Ps 105 and is applied only to the father of the chosen, Jacob. Koch notes that the servant title and reference to creation could be later, both coming from the tradition of the election of the king.[60] With respect to the royal election, Koch observes that the salvation history was foreign to the royal election, since it penetrated from the thought world of communal election. So he concludes that both the royal and communal election traditions influenced each other and that it is quite probable that both these traditions could have been alive at the same time in Jerusalem.

The use of בחר *in Deuteronomy*

In Deuteronomy the stem בחר appears so frequently that Koch concurs with Vriezen that the theology of Deuteronomy is an election theology. But he observes that the election tradition in Deuteronomy refers more frequently to the election of the place than that of the people (12.5, 11, 21; 14.23f; 16.2, 6, 11).[61] The chosen place is the axis around which the whole cult life of Israel is set to function. The priests are mentioned only twice as chosen (18.5 and 21.5). Their election is linked to the election of the place, as they are elected to bless the people on behalf of Yahweh from the chosen place. The election of the people is portrayed to show that they are chosen from among the nations. Secondly, Israel is a holy people and thirdly, Yahweh is a unique God.[62]

Comparing the election traditions of Psalms and Deuteronomy, Koch notes that in Deuteronomy Israel becomes by election a holy people (7.6; 14.2) and the inheritance of

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[60] Koch is not dealing with the question of why and how the title came into the tradition of the election of the king. This is significant as he posits that the title 'servant' was adopted into the tradition of the election of the people from the tradition of the election of the king. And what is the relation between the usage of the title servant in Deutero-Isaiah, which has a large coverage, and Psalms? Was Deutero-Isaiah influenced by the usage of the title servant from the tradition of the election of the kings? Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 213.

[61] Koch's argument about the centrality of the place rather than the people in Deuteronomy is closely related to his thesis of the cultic origin of the election tradition.

[62] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', pp. 214-215.

Yahweh (4.37). A similar idea is present in the Psalms but in Psalms, the election tradition is linked to the Patriarchs, particularly the patriarch Jacob, whereas in Deuteronomy it is the people which is chosen, and election is linked to the deliverance from Egypt, although it is mentioned as an expression of the love for and an oath sworn to the fathers (7.7f; 4.37; 10.15). Koch notes that the expression of the oath to the fathers is present in the Psalms, but election on the basis of the love of Yahweh towards Israel is unknown. He also highlights the fact that the basis of election in the Psalms is not Moses but the patriarchs, including the north-Israelite ancestor Jacob.[63] Election, according to Koch, on the basis of Moses, would have been easier to understand, as the salvation event is fundamental to the Old Testament.[64]

Koch thinks that the election tradition of Deuteronomy is later though it shows traces of earlier traditions in terms of reference to the patriarchs. Further, in Deuteronomy the place name is not given but the priests are identified as Levites, whereas, in Psalms the place is named Zion and the chosen person David. In Deuteronomy the priests are referred to in the singular, which seems part of an earlier important tradition. Deuteronomy seems to use the older tradition of the priesthood and extends it to the chosen place where the name of Yahweh lives. However, Koch argues that one cannot say that the Psalter is influenced by Deuteronomy; it is possible that both draw from a common tradition.[65]

Referring to I Kings 8.16 *"Seit dem Tage, an dem ich mein Volk Israel aus Ägypten herausführte, habe ich keinen Ort von allen Stämmen Israels erwählt, um dort ein Haus meinem Namen zu bauen, bis ich David erwählte, über mein Volk Israel zu herrschen"*. Koch notes that the Deuteronomistic text combines the election traditions of both the Psalter and Deuteronomy. He postulates that the election phrases "from all the tribes of Israel" and the "name" are Deuteronomic idioms. In I Kings 3.8 "*Dein Knecht steht inmitten deines Volkes, welches du erwählt hast, ein großes Volk, welches keiner zählen kann ...*" Koch notes that the election of David is prominent and the election of the people recedes into the background. Nevertheless, it would be absurd, thinks Koch, to say that the election statements of the Psalter derive from the Deuteronomistic influence. According to him the traditions concerning the election of the people and David were already in Jerusalem during monarchic times.[66] But the lack of the word בחר in the pre-exilic prophets is conspicuous.[67]

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[63] Koch rightly notes that the reference to patriarchs in the election tradition is more often to Jacob. What is the significance of the use of Jacob and not Abraham? Does it suggest a late coinage or earlier? It is significant in relation to Ps 78, where the rejection of Ephraim and Joseph and the election of Judah is distinctly mentioned along with a reference to "David his servant ... to be the shepherd of his people Jacob, of Israel his inheritance" vv. 67-71.

[64] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 216.

[65] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 217.

The use of בחר *in Deutero-Isaiah*

The word בחר does not appear in the pre-exilic prophets, neither in the covenant theology nor the title "Yahweh's Servant"; even the patriarchs are not mentioned in relation to the election tradition, in contrast to Psalms and Deuteronomy. This surprises Koch, though he mentions that this does not mean that the prophets were unaware of the election tradition but merely that they restrained from using it.

The objects of election in Deutero-Isaiah are Jacob and Israel/Jeshurun (41.8; 44.1f). But Koch thinks that the reference to Jacob is a designation for the then current people. Election is an important part of creation for Deutero-Isaiah. The almost exclusive use of בחר in the salvation oracles points to the cult tradition as the place of its origin. The election tradition is similar to Psalms in relation to the election of Israel with the stress on the uniqueness of Yahweh and also its connection to creation. The differences are of course the absence of election of David, Zion and the priesthood in Deutero-Isaiah.[68] Koch thinks that the election tradition of Deutero-Isaiah is a limited version of the Psalms traditions, which has many features. Therefore, he concludes that Deutero-Isaiah is dependent on the Psalms. Deutero-Isaiah does not refer to the election of the kings rather he transfers the title "servant" which was used of them in Psalms, to the people, who are now directly called "servant."[69]

Summary

According to Koch the comparison of Psalms and Deuteronomy proves that the election of the patriarch Jacob and the grant of land as a hereditary possession were ancient, based on the oath to the Patriarchs. And in fulfilment of this oath Yahweh delivered Israel from Egypt. The centre of this notion is found in the creedal hymns of the Psalms from whence it appears in the sermons of Deuteronomy and then in the salvation oracles of Deutero-Isaiah. As this tradition was transmitted, Koch believes, Israel maintained the consciousness of its uniqueness among all people.[70]

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[66] So Byron E Shafer, H. Seebass, Wildberger and others think.
[67] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 217.
[68] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 221.
[69] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 222.

Koch thinks that the use of בחר in a new way was initiated with the emergence of monarchy. The election tradition of Zion was connected to the election of David; the Priestly election tradition was left behind but the election tradition of the people survived.[71]

He reiterates that the Deuteronomists changed the basis of election from the patriarchs to the deliverance from Egypt and connected it to obedience to law. The priests chosen are distinctly Levites and not Aaron as in the Jerusalem tradition.

Deutero-Isaiah, Koch notes, on the contrary, stands in the Jerusalem election tradition, which he brings to the fore-front after its conspicuous omission by the pre-exilic prophets. But Deutero-Isaiah limits this election tradition by omitting the Davidic election, the priestly election and the election of Zion; the whole weight is placed on the election of the people. Koch adds that what was there in the hymns, the features of the election of the kings, namely the servant title and creation aspects were transferred to the people's election by Deutero-Isaiah.[72]

Koch's tradition analysis of the concept of the election of Israel in Psalms, Deuteronomy and Deutero-Isaiah points out that the concept was instrumental in the organisation of tribal society during the Patriarchal period, where the concept was based on the oath and promises to the Patriarchs. During the monarchic and post monarchic period the concept was more based on salvation oracles, particularly the deliverance of Israel from Egypt. This suggests, although Koch does not discuss it, that the traditions of the concept of the election of Israel were closely linked to ethnicity and nationhood of ancient Israel.

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[70] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 223.
[71] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 224.
[72] Koch, 'Zur Geschichte Der Erwählungsvorstellung in Israel', p. 225.

1.3.6 Byron Shafer – Extension of the Exodus and Patriarchal traditions

Byron E. Shafer's article on the pre-exilic origin of the concept of chosenness is a revision of his doctoral dissertation on the subject.[73] In this important work he argues for a patriarchal origin for the election tradition. Primarily comparing and analyzing H. Seebass's and H. Wildberger's articles on the concept of election, Shafer prefers Wildberger's historical dynamic enquiry as against Seebass's word study approach, which focuses on the purpose of election rather than the historical dimension. However, he takes exception to Wildberger's idea that the concept of election was based on the ANE pattern of divine royal election.[74] He argues against Wildberger's idea that the concept of chosenness was transferred from the mythic concept of the king to the historical concept of the people. He also argues against Galling's idea that the chosen people concept was first identified with the Exodus tradition and only later identified with the patriarchal tradition.

In an attempt to find the first use of the root בחר Shafer studies the Deuteronomic and Psalmic traditions of the concept of the chosen people along with the use of בחר in ANE theophoric names.[75]

1.3.6.1 Deuteronomic and Psalmic Concepts of the Chosen People

Following N. Lohfink, Shafer argues that Deut 10.12 – 11.17; 7.1-5, 6-8, 9-12; 14.1-2 is one of the oldest in Deuteronomy, and that the author of Deut 7.6-8 was influenced by Deut 10.15, or that both drew on an independent tradition. He contends that Deut 7.6-8 is an editorial elaboration of the older material in Deut 7.1-5. Deut 7.9-12 also comes from the editor of 7.6-8.[76] Thus, Shafer, pointing out the connection between Deut 7.6-8 and Deut 7.9-12, argues that the election tradition in 7.6-8 is closely connected to the patriarchal covenant in 7.9-12.[77]

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[73] B. E. Shafer, *A Theological Study of the Root "bhr" in the Old Testament and Post-Biblical Jewish Literature*, B. C. (Harvard University, 1968). [unpublished].
[74] Byron E. Shafer, 'The Root Bhr and PreExilic Concepts of Chosenness in the Hebrew Bible', *ZAW*, 89 no. 1 (1977), 20-42, (p. 25).
[75] Shafer, 'The Root Bhr', p. 30.
[76] Shafer, 'The Root Bhr', p. 26.
[77] Shafer, 'The Root Bhr', p. 27.

Deut 4.1-40

Similarly, following N. Lohfink and F. M. Cross, Shafer presents Deut 4 as another example, which has a strong connection between the concept of election and the choosing of the forefathers.[78] For instance, vv. 20, 31 and 37 connect the exodus with an oath to the forefathers, and choosing Israel with love for Israel's forefathers.

Ps 47

Following P. D. Hanson,[79] Shafer dates Ps 47 to the pre-exilic period in the royal cult exemplifying the ritual pattern of conflict, similar to that found in the ANE myth. Apart from this he also contends that the linguistic and structural features point to its oldest form during the monarchic period. For instance: the phrase 'the God of Abraham,' occurs in J or E, in the prayer of David (1 Chr 29.18), in the account of Elijah's contest (1 Kgs 18.36) and the letters of cultic reform by Hezekiah (2 Chr 30.6-7). Furthermore the unusual Hiphil verb ידבר occurs only in Ps 18.48, which is dated to the 9th – 8th centuries BCE. Again, Shafer identifies v.5 'he chose for himself our inheritance (נחלה)' as an example of the concept of the chosen people.[80]

Ps 135

Because of the frequent use of the relative pronoun ש in Ps 135, Shafer dates it in the post exilic period. This psalm is a call to praise Yahweh because Yahweh has chosen Jacob as his סגלה.

Thus, Shafer argues that the persistence of patriarchal motifs within the chosen people passages suggests strongly that the chosen people concepts in Deuteronomy and Psalms are survivals, extensions, developments and/or revisions of the patriarchal religious concepts of the ancient Israelite tribal society.[81]

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[78] N. Lohfink considers that the pericope is postexilic whereas Cross, following Shafer, places it during Josiah's reign. Shafer, 'The Root Bhr', p. 27.

[79] He cites P. D. Hanson, 'Zechariah 9 and the Recapitulation of an Ancient Ritual Pattern,' *JBL*, 92 (1973), 57-58.

[80] Shafer, 'The Root Bhr', pp. 28-29.

[81] Shafer, 'The Root Bhr', p. 30.

Further, according to Shafer, the appointment of the monarch in Israel was conditional on a reciprocal covenant (I Sam 15; II Sam 6.21, I Sam 16.18; I Kgs 11.34 and Ps 132.12). However, he thinks that, "sometime between David's inauguration and the composition of Ps 89.4-5, the concept of royal chosenness began to be dissociated from the concept of conditional covenant and to be newly associated with a concept of unilateral divine dynastic promise."[82]

Following F. M. Cross, Shafer argues that the unilateral unconditional covenant was still based on David's covenant faithfulness. F. M. Cross thinks that the change from conditional to unilateral covenant came during Solomon's period. So Shafer concludes that the concept of chosen king might have originated in the context of tribal league traditions of holy war and conditional covenant and subsequently become associated with the ANE type of sonship and perpetual dynasty.[83]

Further, he points out the use of names with the root word בחר in the pre-exilic period, for instance one of David's sons was called יבחר (II Sam 5.15, I Chr 3.6, 14.5).[84] Thus, the concept of reciprocal covenant was primary and that of unilateral covenant secondary.[85]

He thinks, following Cross, that during the Solomonic period the Patriarchal-historical covenant was "systematically altered by retrojecting upon them an artificial pattern of eternal, unconditional decree inimical to their historically reciprocal form. He cites Ps 89.4, I Chr 28.6-10, Ps 132.13 as examples of such changes.[86] The reciprocal covenant concepts originated in the North, while the eternal-decree originated in the South.

Summary

The tradition critics have predominantly dated the origin of the concept of the election of Israel to a relatively earlier period. Most of them consider the Exodus tradition to be instrumental in the conception of the election faith. However, they attribute the clear use of the election concept to the later deuteronomic period. They identify historical reasons for the importance given to election and covenant in Deuteronomy. For Wellhausen, it is the prophetic preaching and the historical situation of the Josianic period, for Galling it is the socio-political situation that necessitated the interpretation of earlier traditions in terms of election faith and, for von Rad and Wildberger, it is the demise of the kingship, necessitating the conceptual transfer from kingship to the election of the people. Koch and Shafer argue for the early origin of the concept of the election of Israel, particularly in the patriarchal tribal context. The tradition-historical analysis of the concept shows its origin to be in an ancient and primordial setting - the patriarchal tribal social organization. However, during the monarchic and post-monarchic period it has adopted the exodus traditions of God's saving and making Israel as a nation. Thus, the concept of the election of Israel is closely related to ethnicity and nationhood.

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[82] Shafer, 'The Root Bhr', p. 32.
[83] Shafer, 'The Root Bhr', p. 33.
[84] Shafer, 'The Root Bhr', p. 33.
[85] Shafer, 'The Root Bhr', pp. 36-37.
[86] Shafer, 'The Root Bhr', p. 38.

1.4 Election and Theology

1.4.1 Walter Eichrodt – Divinely Ordained

Walter Eichrodt's study is a historical critical analysis of the covenant concept from a theological perspective. He sees the development of the concept in three stages: its origin in the Mosaic period, its decline during the settlement and monarchic period and its eventual re-fashioning by the deuteronomic theologians during the Josianic period.

Origin in the Mosaic Period

Like Wellhausen, he traces the covenant concept to the Mosaic period but, unlike him he holds the covenant concept to be a historical religious experience of the early Israelites, a divine revelation of God's will.[87] God's will and historical experience play important roles in Eichrodt's explication of the covenant concept. His emphasis on God's will and historical experience enables him to argue that the covenant was a historical fact and was based on God's free will and not on the basis of any merit, so cannot be annulled by any human party. Therefore, Eichrodt particularly argues against the likening of the covenant concept to nature religions:

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[87] Wather Eichrodt, *Theology of the Old Testament*, trans. by John Baker 1 (London: SCM Press, 1983), p. 37. For Wellhausen, election and covenant are natural relationships between a deity and the people.

> The covenant agreement excluded the idea, which prevailed widely and was disseminated among Israel's neighbours as well, that between the national God and his worshippers there existed a bond inherent in the order of Nature, whether this were a kind of blood relationship, or a link between the God and the country which created an indissoluble association between himself and the inhabitants. This type of popular religion, in which the divinity displays only the higher aspect of the national self-consciousness, the national 'genius', or the *mysterium* of the forces of Nature peculiar to a particular country, was overcome principally by the concept of the covenant. Israel's religion is thus stamped as a 'religion of election', using this phrase to mean that it is the divine election which makes it the exact opposite of the nature religions.[88]

Secondly, unlike Wellhausen, Eichrodt thinks that from the beginning the covenant concept included promise as well as demand, the Mosaic covenant[89] was "infused with a deep feeling for righteousness," it involved both a demand and a promise "You shall be my people and I will be your God." The covenant played a crucial role in awakening the historical self awareness of Israel and impressed a special character on the people.[90]

Thirdly, Eichrodt is against the nationalist view that Israel's religion was a by product of its tribal coalition unity. He says:

> It is no tightly closed national community giving religious expression to national feeling in the worship of Yahweh. That which unites the tribes to one another and makes them a unified people with a strong sense of solidarity is the will of God. It is in the name of Yahweh and in the covenant sanctioned by him that the tribes find the unifying bond, which proves a match even for the centrifugal tendencies of tribal egoism and creates from highly diversified elements a whole with a common law, a common cultus and a common historical consciousness.[91]

Thus, according to Eichrodt, it is not ethnicity or any other natural factors that were instrumental in the origin and cohesion of the nation of Israel, rather it was the historical experience of Yahweh.[92] The historical experience of Yahweh enabled Israel to have faith in their covenant God, a faith which is continually rekindled and practised in the social life of the nation, subjecting the nation to a higher purpose: submission to Yahweh's commandments. Therefore, Eichrodt argues that Israel's history is unique compared with other histories of the ancient East, which experience their deity in isolated events, whereas for Israel every area of life was to be subordinated to the will of the deity.[93]

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[88] Eichrodt, *Theology of the Old Testament*, p. 42. Italics author's.

[89] He means the Decalogue and the Book of the Covenant. Eichrodt, *Theology of the Old Testament*, p. 38.

[90] Eichrodt, *Theology of the Old Testament*, p. 39.

[91] Eichrodt, *Theology of the Old Testament*, p. 39.

[92] Eichrodt, *Theology of the Old Testament*, pp. 39-40.

Corruptions of God's covenant with Israel

Eichrodt contends that the settlement of the Israelites with the Canaanites perverted the pure religion of Israel. Particularly, the naturalism prevalent in the Canaanite religion crept into Yahwism: the divine vitality of the life force and sensory experiences took precedence over the moral will of the divine;[94] God was confined to the local territory and the people. God was looked upon as a benefactor deity distributing gifts and the whole paraphernalia of religious cult crept in to regulate divine gifts and human performance, thus making religion more legalistic.[95] Eichrodt thinks that the legalistic idea of the covenant as a commercial treaty replaced the "trustful surrender" of the people and turned it into an "irreverent calculation of divine obligations."[96]

Re-fashioning of the Covenant Concept

According to Eichrodt, during the period of the Davidic and Solomonic empire, the Jahwistic and Elohistic writers enlarged and extended the Mosaic covenant to the Patriarchs, effectively connecting Israel's history with the world.[97] For instance, J1 presented election as a series of blessings to the Patriarchs.[98] J2, from the expiatory sacrifice of Noah to the covenant sacrifice of Abraham, presented the election tradition in relation to sacrifice.[99] The Elohist presented it as a series of divine testings.[100] The retrojection of the concept of election and covenant to the Patriarchs, according to Eichrodt, provided a "counterpoise both to misconception of a narrow-minded, particularist kind and to naturalistic distortions of the covenant relationship."[101] Eichrodt acknowledges that during the classical prophetic period the use of the covenant concept receded into the background although the prophets used other categories to describe the relationship. The prophets perhaps avoided the term because they were fighting against religious legalism, where reward was sought for organised religious duties or rituals as per law. Therefore, Eichrodt argues that the prophets "make no reference to the Sinai covenant, but instead call to mind the deliverance from Egypt."[102] Due to "a new spiritual situation" during the Josianic period the concept of ברית takes on a special emphasis.[103] The term is used to refer to the enduring relationship between Yahweh and Israel but conditionality is emphasised. Eichrodt notes the shift to the frequent use of צוה ברית in place of ברית כרת.[104] Thus in Deuteronomic Law the emphasis of ברית fell both on the legal character and the grace of God. He says,

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[93] Eichrodt, *Theology of the Old Testament*, p. 41.
[94] Eichrodt, *Theology of the Old Testament*, p. 45.
[95] Eichrodt, *Theology of the Old Testament*, p. 46.
[96] Eichrodt, *Theology of the Old Testament*, p. 47.
[97] Eichrodt, *Theology of the Old Testament*, pp. 49-50.
[98] Gen 9.25ff; 12.1ff;25.23ff; 32.29; 49.
[99] Gen 8.20ff; 15.7ff; 26.24; 27.29a; 28.13ff.
[100] Gen 15.1ff; 22.16-18; 26.2-5; 27.27, 29b; 28.10ff; 30.10f; 35.1ff; 48.15ff, 20.
[101] Eichrodt, *Theology of the Old Testament*, p. 50.

> The teaching of Deuteronomy conveyed to the people a striking and easily understood complex of ideas in which the loving condescension and unwearied faithfulness of God were closely linked with the obligations and performances expected from men in their turn.[105]

The deuteronomist, contends Eichrodt, by bringing in both the privilege of Israel through their covenant with God and Israel's unworthiness, negated the Canaanite ideas of God and their influence on Israel. Nevertheless, he acknowledges that the nationalistic[106] and cultic sense of the covenant still continued, but was subordinate to the prophetic knowledge of God.

According to Eichrodt, the Priestly writer contributed an incomparably deeper understanding of the covenant concept. The distinctiveness of the Priestly use of the covenant concept is the complete restriction of its use to 'salvation history.' P uses ברית הקם or נתן ברית 'establishes' or 'grants' the covenant, emphasising the gift of grace. P also refers to the covenant as ברית עלם.[107] Central to P's covenant, contends Eichrodt, is the Abrahamic covenant; the Sinai covenant is a re-fashioning of the Abrahamic covenant.[108] By emphasising the Abrahamic covenant P did away with the bilateral aspect:

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[102] Eichrodt, *Theology of the Old Testament*, p. 52.
[103] Eichrodt, *Theology of the Old Testament*, p. 52.
[104] Deut 4.13, Josh 7.11; 23.16; Judg 2.20; I Kings 11.11. Eichrodt, *Theology of the Old Testament*, p. 54.
[105] Eichrodt, *Theology of the Old Testament*, pp. 54-55.
[106] For Eichrodt the nationalistic sense of the covenant concept in Deuteronomy is a misinterpretation of the pure mosaic and prophetic interpretation of the covenant. See Eichrodt, *Theology of the Old Testament*, p. 55.
[107] הקם ברית: Gen 6.18; 9.9, 11, 17; 17.7, 19,21; Ex 6.4; Lev 26.9. נתן ברית: Gen 9.12; 17.2; Num 25.12 עלם ברית: Gen 9.16; 17.7, 13, 19; Ex 31.16; Lev 24.8; Num 18.19; 25.13.
[108] Eichrodt, *Theology of the Old Testament*, p. 56.

it is a pure covenant of grace, where the human party just receives the grace of God - even circumcision is a sign of the covenant not an obligation. Thus, the essential character and goal of the covenant according to P is "not the performance of men, but the creation of a real community between God and man."[109]

1.4.2 H. H. Rowley – Teleological

H. H. Rowley's work *The Biblical Doctrine of Election* is a monograph on the doctrine of the election of Israel. It derives from the lectures delivered by the author at Bangor School of Theology in 1946 and at the Cardiff School of Theology in 1948. The book is divided into six chapters of which the first three focus on the basis, nature and purpose of the election of Israel, the fourth and fifth speak about the election of individuals including the non-Israelites but particularly the election of the remnant and the final chapter is about the Church becoming an heir to the heritage of Israel's election.[110] We will examine Rowley's account of the basis, nature and purpose of Israel's election faith.

1.4.2.1 Basis and Nature of Israel's Election Faith

Rowley begins his work by refuting J. M. Powis Smith's[111] view that Israel's faith in its election rested on a natural pride of nation, race and her god Yahweh. For Powis Smith there is no essential difference between Israel's conception of divine choice and mission and the ANE counterpart, a view similar to Wellhausen's evolutionary understanding of Israel's religion. According to Rowley there is only a superficial similarity between the ANE and Israel's traditions and in fact the oriental kings often announced their divine vocation to rule and conquer and not to serve, whereas it was "the miracle of Divine grace that God chose her (Israel) in her weakness and worthlessness and lavished His love upon her" (refers to Deut 7.6; Jer 1.5f). In other words, it is completely contrary to scriptural witness that Israel felt proud that it was the only elect of God among the nations. Crucial for Rowley's thesis is the idea that Israel expressed its election faith in terms of its weakness and God's grace.[112]

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[109] Eichrodt, *Theology of the Old Testament*, p. 57.
[110] Rowley, *The Biblical Doctrine of Election*, p. 16.
[111] J. M. Powis Smith, "The Chosen People", *AJSL*, 45, 1928-29, pp. 73ff

Rowley treats both the patriarchal stories and the deliverance of Israel from Egypt as important events that set out God's gracious act in the election of Israel; in contrast to Wellhausen's view he considers both to be early, historical and important for the concept of election.[113] Nevertheless, he holds the deliverance from Egypt to be the more important.[114]

Although Rowley speaks of the grace of God in relation to election, because of his teleological perspective he emphasizes the conditional aspect of election, which is the covenant obligation. If Israel fails to keep the covenant obligation it could lose the status of being elected. For Rowley a teleological perspective on election is absolutely essential since, without it, he would not be able to explain why Israel was 'set aside' and the heritage passed on to the Church.

1.4.2.2 Purpose of Israel's Election

For Rowley, the election of Israel was conditional on keeping the election purpose. If Israel disregarded God's election purpose, then it repudiated election itself. In other words, God's grace or election is with a view to a response, "for election is never divorced from its purpose."[115] Rowley points out three purposes for the election of Israel, which are: "to receive the revelation of God, to reflect His will in all its life, and to mediate to all men the knowledge of God."[116]

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[112] Though Rowley speaks of Israel's expression of her worthlessness, he points out that election by its very nature carried "an irrevocable privilege on every Israelite." Rowley, *The Biblical Doctrine of Election*, pp. 45, 103, 116. To explain his point he notes that Isaac and Jacob were 'colourless' compared to Abraham yet they were chosen "less for themselves than for those who should come after them" and Rowley points to Esau's rejection to show that election is not automatic but has to be renewed by each generation, which inherits it (34-35).

[113] Rowley, *The Biblical Doctrine of Election*, pp. 36-37. Referring to the Patriarchs: Isa 51.2; Isa 41.8f; Mic 7.20; Ps 105.5-10, 43; Deut 7.8. Referring to Exodus: Hos 11.1; Jer 2.2; Ezek 20.5. He notes that Deut combines these two traditions: Deut 7.8; 4.37; Ps 105.43.

[114] For Rowley the migration of Abraham was a significant moment in the history of Israel's election. But he is quick to point out that the work of Moses was a far more significant moment in the history of election. Rowley, *The Biblical Doctrine of Election*, pp. 30-31. According to him Abraham worked within the sphere of personal religion whereas Moses worked in the prophetic sphere, as Moses was the mouth-piece of God and he interpreted and revealed the character of God, thus giving a new character to the religion of Yahwism. So Abraham was a blessing by what he *was* but Moses was a blessing by what he *did.*

[115] Rowley, *The Biblical Doctrine of Election*, pp. 35, 70.

Rowley maintains that the meaning of election can be seen only in its purpose, in God's wisdom and grace, not in "looking behind for its causes."[117] This is Rowley's structuring principle by which he evaluates the whole history and tradition of election in the Bible. He prefers to see election from a teleological point of view. According to Rowley, the question of the reason for God's election if not seen teleologically could lead to the dilemma of the arbitrariness of God's justice (if God chooses the unworthy) and grace (if God chooses the worthy). And the greatest purpose of election is that God might reveal Godself to the world and "Israel was most suited to it."[118] Although Rowley repeats this phrase several times in his monograph he never explains in what way Israel was most suited for election. In fact, it runs contrary to his argument about God's grace.

In summary, Rowley's thesis is that although God elected Abraham he did so in order to choose Israel and he chose Israel out of His love and grace with a view to claiming its loyalty. He chose it so that it might carry forward the grace of God to the nations and it was the most suited to God’s choice. But Israel failed and election, being based on grace, continued to linger and found its place in the remnant and from the remnant passed to the Church which largely carried forward the work.

His methodology or approach is synchronic. Though he delves into historical issues at various points they are largely unrelated to the subject of election (for example, historicity of the Patriarchs, Yahwism and Priests and the Virgin birth). His structuring principle is to read from the end point, to evaluate the past from the present, a method which he calls teleological. Rowley interprets the election tradition of Israel from a Christian theological point of view, which brings a different perspective to the grace versus law debate in the concept of the election of Israel.

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[116] Rowley, *The Biblical Doctrine of Election*, p. 94.
[117] Rowley, *The Biblical Doctrine of Election*, pp. 34-35.
[118] Rowley, *The Biblical Doctrine of Election*, p. 39.

1.4.3 R. Rendtorff – Monotheistic faith

In an important article on the election of Israel,[119] Rolf Rendtorff, following Wellhausen's evolutionary idea of Israel's religion, proposes that the election of Israel is closely related to Israel's understanding of God.

1.4.3.1 Yahweh as the creator

One of the crucial elements of election theology for Rendtorff is the phrase "from all peoples." He argues that this phrase suggests the fundamental idea that Yahweh had power over all peoples, that He is the creator and ruler of the whole world. Nevertheless, he argues that such a concept was not prevalent throughout the history of Israelite religion, for instance Israel did believe that other nations had their gods just as they had theirs (see Judg 11.24; 1 Sam 26.19-20; Micah 4.5). Rendtorff argues that the conception that Yahweh was the creator God was based on an older Canaanite conception of God, which is recorded in Deut 32, where it was believed that El Elyon was instrumental in distributing the people over the earth to different gods and thus Yahweh received Jacob. Further, he refers to Ps 82, which gives strong support to the ancient tradition found in Deut 32, where El is the supreme god, who presides over other gods. Thus, Rendtorff argues that the conception of Yahweh as a creator was developed from Canaanite influence.[120]

1.4.3.2 Israel as Yahweh's chosen people

Further, Rendtorff sees a connection between the conception of the creator and the election of the people. For instance in Ps 33, Yahweh as creator occurs first and then the concept of election follows (v.12). Yahweh is seen as creator of all people but He chooses Israel as his special possession. Such a concept is seen in Deut 10.14f where the whole earth is portrayed as belonging to Yahweh but he set his heart upon Israel's forefathers and chose their seed. Similarly Deut 4.37ff connects Yahweh's election with Yahweh's creation. So Rendtorff concludes that Yahweh as creator and Yahweh's election of Israel belong together: „an denen wir diesen Zusammenhang zwischen dem Schöpfersein Jahwes und der Erwählung Israels aufgezeigt."[121]

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[119] Rolf Rendtorff, 'Die Erwählung Israels Als Thema Der Deuteronomischen Theologie', in *Die Botschaft Und Die Boten: Festschrift Für Hans Walter Wolff*, ed. by Jörg Jeremias and Lothar Perlitt (Neukirchen-Vluyn: Neukirchener Verlag, 1981), 75-86.

[120] Rendtorff, 'Die Erwählung Israels Als Thema Der Deuteronomischen Theologie', p. 77.

However, Rendtorff credits Deuteronomy with the development of the monotheistic view of Yahweh. He argues that such a strong monotheistic faith naturally led to a theological problem, for if Yahweh is the creator of the whole world, then what is his relationship with Israel? It was as an answer to this theological problem that the theology of the election of Israel was developed by the deuteronomic writers:[122]

> Insofern ist der Satz von der Erwählung Israels „konservativ", indem er alte Traditionen bewahren hilft. Zugleich ist er aber eine der entscheidenden Neuerungen der deuteronomischen Theologie und eine der bedeutendsten Leistungen ihres theologischen Denkens. Die deuteronomischen Theologen haben die gefährliche Spannung erkannt, die zwischen dem neuentwickelten „universalistischen" Gottesverständnis und den grundlegenden Glaubentraditionen Israels entstanden war. Sie haben sich diesem Problem gestellt und eine Antwort darauf gefunden, die weitreichende Folgen für die Geschichte der israelistisch-jüdischen (und der christlichen!) Religion und Theologie gehabt hat.

Rendtorff argues further that the deuteronomic writers firmly fixed this new monotheistic and election theology within the traditions of exodus and the forefathers according to which Yahweh delivered Israel from Egypt because of an oath to the Patriarchs. Thus, he interprets the concept of election from the viewpoint of the monotheistic faith of the deuteronomic writers.[123]

1.4.4 H. D. Preuss – Election as the foundational concept of the OT

H. D. Preuss's theology of the Old Testament is an important work for the analysis of the Old Testament concept of the election of Israel. Preuss's theology of the Old Testament is similar in structure and methodology to Eichrodt's work on covenant. As Eichrodt views Old Testament faith as an outworking of the covenant faith, so Preuss regards the election faith as instrumental in the experience and understanding of Old Testament faith.

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[121] Rendtorff, 'Die Erwählung Israels Als Thema Der Deuteronomischen Theologie', p. 79.
[122] Rendtorff, 'Die Erwählung Israels Als Thema Der Deuteronomischen Theologie', p. 83.
[123] Rendtorff, 'Die Erwählung Israels Als Thema Der Deuteronomischen Theologie', p. 84.

Election faith is foundational

The election of Israel, for Preuss, is a foundational and unique event, which transformed Israel from a mere group to a well-established nation with moral and political standards. He says, election:

> is a fundamental structure of the Old Testament witness to YHWH, gives the Old Testament its inner unity, designates what is typical for the Old Testament and its God, and thus expresses the "foundational dimension" of the Old Testament faith.[124] ... the belief in the reality of election, the awareness of election, and the origin of community between God and the people within history are fundamental for the faith of the Old Testament.[125]

First, the concept of election pervaded all the facets of Israel's life. Individuals (king, priest and prophet), the place, and the people collectively in Israel's history, were considered to be the elect of Yahweh. Secondly, unlike others who see the election faith in terms of the use and occurrence of specific the term בחר, Preuss sees election faith in a wide range of terms, which bear witness to the activities of Yahweh in relation to Israel. There are many instances, where the concept of election is expressed through other verbs[126] such as קרא ('to call' Exod 31.2; 35.30; Hos 11.1; Isa 41.9; 43.1; 48.12; 49.1 and 51.2), בדל ('to separate out' Deut 10.8; 1 Kgs 8.53 and Lev 20.24, 26), חזק ('to seize' Isa 41.9, 13; 42.6; 45.1 and Jer 31.32), אוה ('to desire' Ps 132.13f), גאל ('to redeem' Exod 6.6; 15.13; Ps 74.2; 77.16; 106.10; Isa. 44.22f. 51.10; 52.3; and 63.9), ידע ('to know' Gen 18.19 and Amos 3.2), פדה ('to purchase' Deut 7.8; 9.26; 13.6; 15.15; 21.8and 24.18), קנה ('to acquire' Deut 32.6; Ps 74.2; 78.54; Isa 11.11), לקח ('to take' Gen 24.7; Exod 6.7; Deut 4.20; 30.4 and Josh 24.3) and מצא ('to find' Hos 9.10 and Deut 32.10). Thus, the election faith, according to Preuss, was fundamental to the religion and expression of life and activity in Israel.

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[124] Horst Dietrich Preuss, *Old Testament Theology*, trans. by Leo G. Perdue 1 (Edinburgh: T&T Clark, 1995), p. 24.

[125] Preuss, *OT Theology, Vol. 1*, p. 37.

[126] Preuss, *OT Theology, Vol. 1*, p. 31.

Election faith is historical

Preuss's work closely follows Wellhausen's view that the relationship between Israel and Yahweh was 'natural,' similar to that of other nations. Preuss argues that the relationship between Yahweh and his people originated in the early situations of war which was led by Yahweh.[127] However, Wellhausen argues that the prophetic critique changed Yahweh's relationship with Israel from 'natural' to moral whereas Preuss postulates that such a change occurred because of the historical experiences of Israel. He maintains that certain historical experiences changed Israel's perception of Yahweh and altered relationship to Yahweh from general to special or unique:

> YHWH's relationship with Israel primarily is viewed no differently from the relationships of the other nations with their deities. However, certain historical experiences were so compelling that they led to the recognition of the special, unique, and unmatched character of YHWH. These experiences of YHWH's uniqueness suggested, then, the distinct concept of election that included, for example, both the consequences of being set apart and the expansion of faith into the spheres of nature, creation, fertility, the world of the nations, and others. YHWH elected Israel, even though or because he was also the Lord of heaven and earth.[128]

Preuss, like Galling, considers that the exodus of Israel from Egypt played a crucial role in the understanding and interpretation of Old Testament faith, particularly the election faith. He says,

> "Election" in the Old Testament refers not to some kind of supratemporal or primeval divine decree but rather to a historical action of YHWH. Through means of the exodus out of Egypt, Israel/Judah became YHWH's sanctuary and dominion.[129]

Although Preuss thinks both the exodus and patriarchal traditions were crucial for the development of the concept of the election of Israel, the exodus tradition is genuinely 'Israelite.'[130] The tradition of the ancestors, according to Preuss, first emerged among the previous inhabitants of Canaan, who later became related to Israel (Josh 24). Thus for Preuss, Israel is an exodus community.[131]

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[127] Preuss, *OT Theology, Vol. 1*, p. 77.Follows R. Smend, *Die Bundesformel*, 16.
[128] Preuss, *OT Theology, Vol. 1*, p. 38.
[129] Preuss, *OT Theology, Vol. 1*, p. 37.
[130] Preuss, *OT Theology, Vol. 1*, p. 36.

Election faith is ancient

Against the common scholarly contention that the election faith is Deuteronomic and late, Preuss like Galling thinks that the 'election faith is ancient.'[132] According to Preuss, conceptually undeveloped forms of election can be found in Amos 3.2; 6.1; Gen 16 and 21. The election theme continues to develop until it reaches its climax in Deuteronomy and Deutero-Isaiah.

Preuss's statement 'the Old Testament speaks about election, before defining it'[133] captures the importance of election in Israel's early history. According to him, the reason for election is not given in the Old Testament; it is to be found only in Yahweh. In fact, Preuss calls the exodus event the 'primal election.'[134]

By 'primal election' Preuss means primary traditions and interpretations developed on the basis of historical experience. He comments:

> we must resign ourselves to the fact that several of the most important narrators within the Pentateuch/Hexateuch tell about the exodus and deliverance at the sea in their own particular ways and according to their differing emphases and interests. And these interests are not in accord with those of precise history. This becomes especially significant, because the exodus and deliverance do not have to do with some event within the history of Israel but rather represent a "primal datum" of this people's experience of God. If one extends this point, this also means that the entire nation of Israel was not in Egypt at that time and thus not all participated in the exodus.[135]

Preuss argues that this foundational event is rooted primarily in the event of the exodus from Egypt and is interpreted and contextualised through the history of Israel in various forms. Like Galling, Preuss regards the historical event of exodus and the election of the Patriarchs as central to the concept of the election of Israel:

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[131] However, he argues that the exodus community consisted of only those who came out of Egypt, while there was a larger community already in Israel. Preuss, *OT Theology, Vol. 1*, p. 53.

[132] Preuss, *OT Theology, Vol. 1*, p. 37.

[133] Preuss, *OT Theology, Vol. 1*, p. 38.

[134] Preuss, *OT Theology, Vol. 1*, p. 40.

[135] Preuss, *OT Theology, Vol. 1*, p. 41.

> In looking over the entire Old Testament, what is central to the election of the nation are the exodus from Egypt and the choosing of the early ancestors. These are the two components of election to which later developing understandings return and on which expanding "election traditions" are developed.[136]

Summary

Eichrodt sees the covenant between God and Israel as the basis of the election of Israel, whereas Rendtorff argues that the monotheistic faith of Israel led to belief in the election concept. Rowley places the emphasis on God's ultimate mission as the reason for the election of Israel. Preuss regards historical experiences and their theological interpretation to have shaped the concept of the election of Israel. The theological analysis sees the concept primarily as initiated by God for a particular purpose. It takes history as linear and sees God working out a divine purpose through the history of humankind, for this purpose Israel was chosen by grace and for grace. Thus, the theological analysis rightly considers religion as the prime cause of the concept of the election of Israel. Although scholars like Eichrodt do not see a close relationship between the concept of the election of Israel and nationhood, they agree that the concept was instrumental in the creation of a religious and moral community.

1.5 Election and Sociology

1.5.1 Norman K. Gottwald – Social Demythologization

Sociological study views the concept of the election of Israel from the perspective that religion is a function of society as against the opposite, theological, view that religion is the driving force of society in general.

Norman K. Gottwald defines the concept of the election of Israel in terms of early Israel's social experiences. He expounds the election concept from the angle of social demythologization. According to him the idea of election, in fact even Yahwism itself, originated from the initial egalitarian social experience. Israel became conscious of its distinctiveness as it was the only autonomous egalitarian social group in the region. Such an idea died out with the emergence of monarchy and the divine election itself became arbitrary and a theological problem. Yahwism adapted itself to the new situation by revision and expansion but the divine election had to be explained as the wilful divine love toward Israel:

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[136] Preuss, *OT Theology, Vol. 1*, p. 35.

> It represents an absolutizing of an experiential social reality into dogmatic general claims as the special property of a group. It is an instance of the objectification and reification of an actual reality into such a form and context that it becomes an embalmed relic and grosteque (sic) parody of the original truth.[137]

Surely Gottwald is not denying the religious notion of the concept of the election of Israel. His main disagreement with the theological formulation is its complete 'dismembering' of the concept from the social phenomenon which gave 'birth' to it. Thus, the "original truth" for him is its sociological origin, which both the Israelite theological formulation and the present theological analysis have discarded. Gottwald's disagreement is not only with the present theological analysis but with the deuteronomic theological formulation of the concept of election as based on the "love of God."[138] He argues that when the social system which gave 'birth' to the concept of election changed, it became a theological problem.

> Divine election of Israel arose as "a theological problem" only when the form of life that gave birth to the belief ceased to be dominant in Israel, whereas Yahwism itself – suitably revised and adapted and expanded – lived on as a religious cult and ideology under social conditions that no longer corresponded to the social conditions obtaining in earliest Israel.[139]

So what is the special sociological phenomenon which gave 'birth' to the conceptualisation of the election of Israel? According to Gottwald it is social egalitarianism, which Israel adopted against the Canaanite hierarchical and stratified society. Gottwald's social egalitarianism is based on the theory of historical cultural materialism.[140] In line with this theory, although Gottwald talks about the functional interdependence of Israelite society and Israelite religion, he upholds the priority of Israelite society over Israelite Yahwistic religion.[141]

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[137] Norman K. Gottwald, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel 1250-1050 BCE* (London: SCM Press, 1980), p. 702.

[138] Deut 7.6.

[139] Gottwald, *The Tribes of Yahweh*, p. 702.

[140] Gottwald follows Marvin Harris' cultural materialist theory, which although similar to Karl Marx's historical materialism differs in that it takes the cultural and environmental aspects seriously in formulating

> A cultural-materialist version of my functional model states: (1) that social egalitarian relations (rooted, of course, in the constant production and reproduction of the material conditions of existence) among proto-Israelites and Israelites provided the "leading edge" (initiating motive and energy) in bringing the Yahwist religious innovation into being, and (2) that within this flow of social relations into religious symbolization, the Yahwist religion powerfully sustained the foundational egalitarian social relations.[142]

According to Gottwald both the Yahwistic religion and the concept of the election of Israel originated from the egalitarian social system adopted by the early Israel. The egalitarian social system, as against the stratified Canaanite society, projected a strataless society and one God that is 'one indivisible God for one indivisible people.'[143]

Moreover Gottwald observes that the source of tension between Canaanite society, which was hierarchical and stratified, and Israelite society was not religious innovation, for the Canaanites would have easily accommodated another god, even one who was exclusively worshipped by another group; rather the threat came from Israel's introduction of a 'united and mutually supportive network of egalitarian relations.'[144]

Thus, Gottwald traces the origin of the concept of the election of Israel back to the earliest period in Israel's history to the egalitarian social system. The deuteronomic rendering of the election concept as based on God's love is a result of the loss of the social base which produced it.

1.5.2 David C. Pellet – Natural Selection

David Pellet, in a study of the concept of the election of Israel from a sociological perspective, argues that it would be a simple assertion to claim that God chose Israel.

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the social theories of the people concerned. Gottwald, *The Tribes of Yahweh*, p. 638. See Marvin Harris, *The Rise of Anthropological Theory*, 1986.

[141] Gottwald, *The Tribes of Yahweh*, p. 642.

[142] Gottwald, *The Tribes of Yahweh*, p. 643.

[143] Gottwald, *The Tribes of Yahweh*, p. 648.

[144] Gottwald, *The Tribes of Yahweh*, p. 645.

According to Pellet, 'specific geographical, historical, and sociological factors'[145] caused the formation of the Israelites and the growth of the conviction through successive generations that they were the chosen people of God. Such a conviction was then retrojected into the patriarchal and other traditions. What are those specific geographical, historical and sociological factors?

The historical factors include, for Pellet, the tradition that Israel's forefathers were Aramaeans, which played a significant role in uniting the Israelites as one people (Deut 26.5).[146] Further, the nomadic life ensured self-reliance[147] and loyalty to the clan. There was a process of selection at work because only those who were religiously loyal and physically vigorous survived.[148] Apart from this, geographical factors forced the Israelites to migrate to Egypt and live under harsh conditions. It was the experience of liberation from Egypt and the Sinai encounter which convinced the Israelites that they were indeed chosen of Yahweh.[149] Further, the geographical features of the land played a significant role in the conquest of Canaan. The land, being segmented, with a variety of climate and fertility, was relatively easy for a nomadic tribe like Israel to conquer. The Canaanites were unable to exercise control over this fragmented land, which later became equally difficult for the Israelites to hold, so that only Judah survived in the end. Thus, Pellet argues that the story of the Israelites is a story of natural selection due to various historical and geographical factors. But these factors led them to believe that they were indeed the chosen people of Yahweh.

The sociological studies of both Gottwald and Pellet situate the concept of the election of Israel in the social and historical situation of the early tribal period of Israel. Later, when the socio-historical situation was eroded, the concept was theologised. However, their attempt to relate the concept to the tribal society of Israel is important for our consideration of the concept in relation to nationhood.

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[145] David C. Pellett, 'Election or Selection?: The Historical Basis for the Doctrine of the Election of Israel', *Encounter*, 26 (1965), 155-169, (p. 155).

[146] Pellett, 'Election or Selection?' p. 157.

[147] Pellet thinks that the harshness of the wilderness experience 'hardened the people and made them physically and psychologically better fitted for the later invasion of Canaan.' Pellett, 'Election or Selection?' p. 159.

[148] Pellett, 'Election or Selection?' p. 160.

[149] Pellett, 'Election or Selection?' p. 159.

1.6 Summary

The historical critical and theological study of the concept of the election of Israel deals with two main issues: when it was that Israel was elected by God and what the nature was of God's relationship with Israel in relation to other nations. Different perspectives and theological presuppositions give different results. Wellhausen presumes that Israel's origin and the development of its social and religious institutions were part of the ongoing natural evolution of any society but that the special input or intervention from the prophetic and historical situation led to the creation of a special consciousness of being elected and loved by the universal God.

Galling, Koch, Wildberger and Shafer, who use traditio-historical analysis consider traditions to have played an important role in the formation and articulation of special consciousnesses such as that of being chosen or elected. Of many traditions, the Exodus and the Patriarchal traditions are considered to have played a significant role in the development of the election tradition. Galling takes the view that reflection on the historical event of Exodus has led the Israelites to conceive of being favoured by their deity, whereas Shafer thinks that the closer relationship between Yahweh and Israel and the conception of being elected was a result of the oath and promise to the patriarchs. Koch and Wildberger think that there were various parallel traditions and that the election tradition of the people survived the other traditions.

The theological perspective of Rowley, Eichrodt and Preuss raises the question whether the concept of the election of Israel was based on the grace of God or law. They answer by focusing on the purpose of election, which, according to their theological analysis, is God's grace upon Israel for the ultimate blessing of the nations.

The sociological perspective adopted by Pellet and Gottwald interprets the concept of the election of Israel as stemming from the social institutions or circumstances of early Israel. The concept according to them is a result of social phenomena.

Although some scholars like Wellhausen attribute the early stage of the election of Israel to a natural process, all of them identify the election of Israel with some kind of uniqueness. Wellhausen calls it moral uniqueness, whereas the theological analysis traces the concept of the election of Israel to the unique relationship between God and Israel against other nations. The sociological theory of Gottwald is based on a unique social egalitarianism. Thus the uniqueness of Israel is paramount in these studies, whether theological, historical-critical, traditio-historical or sociological.

Among the scholars above, Galling affirms the relationship between election and nationhood. According to him, the concept of the election of Israel was related to the legitimization of land and the political attempt to create a greater Israel. In contrast, Eichrodt attributes national cohesion and solidarity to the Covenant law rather than the election concept. Although scholars relate the concept of the election of Israel to the early tribal period and the Exodus event, there is no sufficient study of the relationship between the concept of the election of Israel and ancient Israelite nationhood. That is, there is no discussion of the concept of the election of Israel in relation to Israel's national identity and solidarity. Predominantly, the concept of the election of Israel is studied in isolation or within a theological framework but not within the context of the nationhood of Israel. To do this, we will need to understand what constitutes ethnicity and a 'nation,' and enquire whether the concept of the election of Israel is functionally connected to the aspiration of Israel to be a nation.

In the next chapter we will discuss modern theories of nationhood and their relevance to the study of ancient Israel as a nation. The theory of nationhood proposed by Anthony D. Smith regards the concept of election as an important factor in the creation and maintenance of a nation. His study and approach will be useful in the analysis of ancient nations like Israel. The theory of nationhood will bring a new perspective to our study of the concept of the election of Israel, complementing the results of the historical and theological studies discussed in this chapter.

Chapter Two: What, How and When is a Nation – Ethno-Symbolic Perspective

2.1. Introduction

In the last two decades the study of nationhood has attracted heightened attention from scholars and common people. It is particularly brought sharply into view by Israeli-Palestine issues, the Balkan wars, the Kashmir tension, the Sri Lankan-Tamil struggles and lately the terror attacks around the world.[1] The debate on nation focuses on three questions represented in the title of this chapter: the definition of nation, whether nation is a modern phenomenon or has roots in antiquity, and what forms and sustains a nation.[2]

Nation is defined by some as an abstraction and invention of modernity while others, taking account of the importance of ethnicity and religion in the formation of nation, argue that nation is the result of a real historical process and a sacred communion. In particularly, Anthony D Smith's ethno-symbolic approach to the study of the concept of nation provides a framework which not only takes seriously the ethnic and religious influences on nation but also helps to understand ethnic and religious concepts in the light of community and nation building. Those who support the importance of ethnicity and religion in the formation and sustenance of nation also recognise the central role played by religious belief in ethnic election or the Hebrew concept of chosenness.

Therefore, the aim of this chapter is first, to define and discuss what constitutes a nation, whether the idea of nation is entirely a modern phenomenon or is it rooted in antiquity and second, on the basis of Smith's ethno-symbolic approach to the study of nation, to define and discuss the role of ethnicity and religion in the formation and sustenance of a nation.

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[1] Christopher Bennett, 'Ethnic Cleansing in Former Yugoslavia', in *The Ethnicity Reader: Nationalism, Multiculturalism, and Migration*, ed. by M. Montserrat Guibernau and John Rex (Cambridge: Polity Press, 1997), 120-132. See also Michael E. Brown, 'Causes and Implications of Ethnic Conflict', in *The Ethnicity Reader: Nationalism, Multiculturalism, and Migration*, ed. by M. Montserrat Guibernau and John Rex (Cambridge: Polity Press, 1997), 80-100. John Rex, 'The Nature of Ethnicity in the Project of Migration', in *The Ethnicity Reader: Nationalism, Multiculturalism, and Migration*, ed. by M. Montserrat Guibernau and John Rex (Cambridge: Polity Press, 1997), 269-283, (p. 269).

[2] In other words, the three main issues regarding nations and nationalism are: what is a nation, when is a nation and why or how is a nation? The first deals with the definition of the nation, the second, the time of origin and the third, what characterises and drives a nation. These terms are adopted from the special edition of the periodical *Geopolitics*, which focused on these questions. See *Geopolitics*, Vol. 7 (2), 2002.

The importance of this chapter is to gain understanding of the theoretical bases of nationhood in order to study Israel as a nation in antiquity. Viewing Israel from the perspective of nationhood gives a new impetus and direction to the study of the concept of the divine election of Israel, its nature and its function in the formation and sustenance of early Israelite community as a nation.

2.2. Defining Nation

The term nation comes from the Latin word *natio*. It was used originally in mundane conversation, referring to a group of people larger than a family but smaller than a clan, particularly a group of foreigners, says Elie Kedourie. For instance, one referred to the 'nation' of Rome as *populus romanus* and not *natio romanorum*. The term did not correspond to a modern geographical division but was a collective noun for a group of people. Kedourie notes, citing Seiyès, that by the eighteenth century, the term *natio* had developed a political meaning. Nation was considered as "a body of associates living under one common law and represented by the same legislature."[3] However, Adrian Hastings traces the modern use of the word 'nation' in fourteenth-century to sixteenth-century English translations of the Bible from the Vulgate. The word *natio* was translated from the Latin of the Vulgate into English as 'nacioun' consistently.[4] Liah Greenfeld credits the members of the new Tudor aristocracy in England in the sixteenth century with making the 'nation' synonymous with the English people.[5]

The debate concerning the relationship between nations and their ethnic past and what drives and sustains nations is divided into two main schools of thought: the modernist and the perennialist.[6] The modernists argue that nations are modern phenomena brought about by the processes of modernisation, capitalism or industrialisation. The modern nation is a construction of the nationalists. It is an 'invention of tradition.' They largely ignore or give less importance to the religious influence on national formation and national identity. The perennialists argue that ethnic communitarian symbols, religion and history have lasted into modern times and play an important role in the making and running of modern nations. In other words, the crucial question is whether nation is a construct or the product of a real historical process. Anthony Smith, Adrian Hastings and others have argued for the latter and emphasise the importance of ethnic election myths in the formation and sustenance of modern and ancient nations.

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[3] Elie Kedourie, *Nationalism*, 4th expanded edn (Oxford: Blackwell, 1993), pp. 5-7.

[4] Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion and Nationalism* (Cambridge: Cambridge University Press, 1997), pp. 16-18. See also E. J. Hobsbawm, *Nations and Nationalism since 1780 : Programme, Myth, Reality*, 2nd edn, Canto. (Cambridge: Cambridge University Press, 1992), pp. 14-19.

[5] Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, Mass.: Harvard University Press, 1992), pp. 14, 23.

[6] John Rex, 'Religion in the Theory of Ethnicity', in *Ethnic Minorities in the Modern Nation State: Working Papers in the Theory of Multiculturalism and Political Integration*, ed. by John Rex, Migration, Minorities, and Citizenship (Basingstoke: Macmillan in association with Centre for Research in Ethnic Relations University of Warwick, 1996), 200-215, (pp. 204-205). Alternatively, there are four schools or approaches, well summarized by Anthony D. Smith, to the study and understanding of nation and nationalism: nationalists, perennialists, modernists and post-modernists. For the nationalists, nation is part of the natural order, that is, it is always there, even if it is in the hearts of its members. For the perennialists, nation is not

2.2.1. Nation as an Invention

Elie Kedourie, in his final influential work,[7] defines nation as "a body of people to whom a government is responsible through their legislature; any body of people associating together, and deciding on a scheme for their own government, form a nation."[8] In addition, he defines nationalism as "a doctrine of national self-determination."[9] Kedourie rightly emphasises the principle of the sovereignty of the people as one of the main elements in his definition of nation and nationalism. However, he traces this freedom of the will of people, achieved by self-guiding cognitive and moral principles solely to Enlightenment thinkers like Immanuel Kant and to the French Revolution.[10] And thus, he argues that nationalism is "a doctrine invented in Europe at the beginning of the nineteenth century".[11] Kedourie's definition is rationalistic and leaves inadequate room for other social influences like culture and religion on society.

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part of the natural order but immemorial. That is, a particular nation may dissolve but its identity remains such that later generations can choose to recreate the nation on its earlier ethnic foundation. The emphasis here is on continuity. For the modernists, nation is a recent phenomenon, a product of nationalist ideologies based on modern industrialised society. Therefore, the past is irrelevant. For the post-modernists, although nation is modern, a product of modern cultural conditions, it can freely select, invent and mix past traditions for its present needs. Anthony D. Smith, 'Gastronomy or Geology?: The Role of Nationalism in the Reconstruction of Nations', *Nations and Nationalism*, 1 no. 1 (1994), 3-23, (pp. 18-19). See for different categories and approach (primordial, functional, narrative and modern) to nationalism, John Breuilly, 'Approaches to Nationalism', in *Mapping the Nation*, ed. by Gopal Balakrishnan (New York & London: Verso, 1996), 146-174, (pp. 149-157).

[7] Kedourie, *Nationalism*.

[8] Kedourie, *Nationalism*, p. 7.

[9] Kedourie, *Nationalism*, p. 23. Kedourie states that the doctrine of nationalism holds that "humanity is naturally divided into nations." See Kedourie, *Nationalism*, p. 1. For different types of nationalism: State-building, peripheral, irredentist and unification nationalism see Michael Hechter, *Containing Nationalism* (Oxford: Oxford University Press, 2000), pp. 15-17.

[10] Kedourie, *Nationalism*, pp. 11-13.

[11] Kedourie, *Nationalism*, p. 1.

Although Ernest Gellner follows Kedourie in arguing for a modern origin of the emergence of nation and nationalism,[12] he critiques Kedourie's definitions as being dependent on rationalistic premises ignoring the cultural and political aspects of the formation of nation and nationalism.[13] Firstly, Gellner considers nationalism as primarily "a political principle, which holds that the political and the national unit should be congruent."[14] Gellner sees nationalism as directly linked to the political state. He claimed that, "nationalism does not arise when there is no state."[15] Equally if there was no state there would be no nation. Thus nationalism is "not the awakening of nations to self-consciousness: it invents nations where they do not exist."[16] Secondly, Gellner argues that nations require cultural homogeneity, which, according to him, is brought about by growth-oriented industrialisation and modernisation, through the political division of labour.[17] Pre-modern society, said Gellner, was primarily an 'agro-literate' society, where the role of culture was focused on people's status and identity.[18] In agro-based societies the elites and food-producing masses were separated along cultural lines as elite and labourers, which rendered them incapable of generating a political ideology to narrow the gap between the two. At best, pre-modern society for Gellner was only "local self-governing communities."[19] Gellner argues that the emergence of the idea of nation was based on:

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[12] Following Kedourie, Ernest Gellner argued that nations could only be defined by the age of nationalism, which he connected to the emergence of modern industrial society. In the Warwick Debate, held in Oct 1995 between Gellner and his former student Anthony D. Smith, Gellner opened with the question: do nations have navels or not? According to him some nations do while others don't, but he considered the question inessential as for him nations are a modern product, whereas the pre-modern world was agro-based simple societies. This was Gellner's final comment on nationalism as he died subsequent to the debate in November. See Ernest Gellner and Anthony D. Smith, 'The Nation: Real or Imagined?: The Warwick Debates on Nationalism', *Nations and Nationalism*, 2 no. 3 (1996), 357-370, (pp. 367-368). The online version of the debate can be accessed from http://www.lse.ac.uk/Depts/Government/gellner/Warwick0.html. Further on the definition of nation, see Ernest Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983), pp. 6-7.

[13] Gellner argued that Kant's main principle of self-determination was based on individual will and freedom rather than on the collective and national will. For more on the criticism of Kedourie's dependence on Kant's rationalistic framework for the definition of nation and nationalism, see Ernest Gellner, *Thought and Change*, Nature of Human Society Series (London: Weidenfeld and Nicolson, 1964), pp. 2, 130-134. See also Anthony D Smith, *Chosen Peoples: Sacred Sources of National Identity* (Oxford: Oxford University Press, 2003), pp. 10-11.

[14] Gellner, *Nations and Nationalism*, p. 1.

[15] Gellner, *Nations and Nationalism*, pp. 4-5.

[16] Gellner, *Thought and Change*, p. 169. Giddens also, like Gellner, locates the emergence of nations and nationalism in the late eighteenth century. See M. Montserrat Guibernau, *Nationalisms: The Nation-State and Nationalism in the Twentieth Century* (Cambridge: Polity, 1996), who cites A Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1985), pp. 116-119.

[17] See Gellner, *Nations and Nationalism*, p. 5. Markus Banks calls this an econo-historical argument; see Marcus Banks, *Ethnicity: Anthropological Constructions* (London: Routledge, 1996), p. 129. Thus, for Gellner, nations are modern inventions brought about by economic and scientific changes since the 17th C. The economic explanation of the emergence of nation and nationalism from the Marxist point of view is argued by Tom Nairn. Nairn explains the emergence of nationalism in the modern era as a product of capitalism and the uneven development of world regions. See Athena S. Leoussi, 'Theories of Nationalism and the National Renewal', *Geopolitics*, 7 no. 2 (2002), 249-257, (p. 253). Further on the Marxist views of the nation and nationalism see Guibernau, *Nationalisms*, pp. 13-21.

[18] On the Agro-literate society model see Ernest Gellner, 'The Coming of Nationalism and Its Interpretation: The Myths of Nation and Class', in *Mapping the Nation*, ed. by Gopal Balakrishnan (New York & London: Verso, 1996), 98-145, (p. 99f).

> a high powered technology and the expectancy of sustained growth, which requires both a mobile division of labour, and sustained, frequent and precise communication between strangers involving a sharing of explicit meaning, transmitted in a standard idiom and in writing when required ... trained by specialists, not just by his own local group ... (whereas) traditional, agrarian societies ... simply do not possess the capacity or the resources to reproduce their own personnel. The level of literacy and technical competence, in a standardized medium ... is so high that it simply *cannot* be provided by the kin or local units.[20]

Eric Hobsbawm, like Gellner, considers nation as belonging exclusively to a particular and historically recent period. He regards nation as an "artefact, invention and social engineering"[21] of the eighteenth century. Like Gellner, Hobsbawm places the emergence of nation in the context of "a particular stage of technological and economic development."[22] He also stresses the importance of nation as a political and cultural entity.[23] He and Gellner both reject as myth the idea of nation as a natural and God-given entity.

Hobsbawm, distinguishing between the prospective and the real nation, claims that "the 'nation' conceived by nationalism, can be recognized prospectively; the real 'nation' can only be recognized *a posteriori*."[24] In other words, nationalism comes before nation and not the other way around. In contrast to Gellner, Hobsbawm considers nation and nationalism as "dual phenomena," constructed both from above and below, that is by "the assumptions, hopes, needs, longings and interests of ordinary people."[25] With regard to the difference between nationalism and ethnicity, Hobsbawm considered nationalism as a political programme, which assumes the right of the people to particular territorial states, whereas ethnicity is neither political nor programmatic but related to social and group identity.[26]

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[19] Gellner, *Nations and Nationalism*, p. 13.

[20] Gellner, *Nations and Nationalism*, p. 34.

[21] See Gellner, *Nations and Nationalism*, pp. 48-49. and Hobsbawm, *Nations and Nationalism since 1780 : Programme, Myth, Reality*, p. 10.

[22] E. J. Hobsbawm, *Nations and Nationalism since 1780 : Programme, Myth, Reality*, Wiles Lectures. (Cambridge: Cambridge University Press, 1990), pp. 10, 28.

[23] Hobsbawm, *Nations and Nationalism since 1780 : Programme, Myth, Reality*, p. 37.

[24] See Hobsbawm, *Nations and Nationalism since 1780 : Programme, Myth, Reality*, p. 9.

[25] See Hobsbawm, *Nations and Nationalism since 1780 : Programme, Myth, Reality*, pp. 9-10.

Benedict Anderson defines nation as an "imagined political community – and imagined as both inherently limited and sovereign."[27] A nation is 'imagined' because the inhabitants do not know each other. Thus, he distinguishes nation from village or community where there is face-to-face contact. Further, nation, according to Anderson, is imagined as limited, sovereign and as a community. Nation is imagined as limited, because "no nation imagines itself coterminous with mankind."[28] Nation is imagined as free and sovereign. Here Anderson argues that freedom and sovereignty, born in the American and European Revolutions and the Enlightenment, spreading through modern print capitalism, dethroned the "divinely-ordained, hierarchical dynastic realm."[29] Anderson points to the decline of the importance of the sacred texts and language (Latin) and the rise of vernacular languages through modern printing technology as a development which enabled imagination of the community as a nation. Finally, for Anderson, nation is also imagined as a community because, regardless of inequality, nation is conceived as "a deep, horizontal comradeship."[30] That is, perhaps, the reason, thinks Anderson, why people are willing to sacrifice themselves and die for a nation.[31]

2.2.2. Nation as a Sacred Communion: ethno-symbolic perspective

The modernist perspective of nation and nationalism is abstract and theoretical, centring on modern socio-cultural (mass education and print-media), socio-economic (capitalism and trade) and socio-political (relationships controlled by state) realms. Thus, the nation emerges, for the modernists, as an invention or an imagined community. Further, for the modernists, nation and nationalism are secular categories; there is no place for religion and ethnicity or they give them much less weight as they consider them to be declining phenomena after the Enlightenment. For instance, Gellner largely ignores religion, at best giving a passing reference to the role of religion in the national movements of Europe:

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[26] Eric Hobsbawm, 'Ethnicity and Nationalism in Europe Today', in *Mapping the Nation*, ed. by Gopal Balakrishnan (New York & London: Verso, 1996), 255-266, (pp. 256-257).

[27] Benedict R. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Rev. edn (London: Verso, 1991), p. 6.

[28] Anderson, *Imagined Communities*, p. 7.

[29] Anderson, *Imagined Communities*, pp. 7, 37-46. For a comparative analysis of Gellner and Anderson see Banks, *Ethnicity*, pp. 126-129. Banks calls Anderson's emphasis on technology as techno-historical argument.

[30] Anderson, *Imagined Communities*.

[31] See Renan's observation on this, 'la nation est une grande solidarité constituée par le sentiment des sacrifices qu'on a faits et de ceux qu'on est disposé de faire encore.' (Translation: the nation is a big solidarity constituted by the feeling of sacrifices which they made and of those that they are willing to make still.) E. Renan, Qu'est-ce qu'une Nation? Calmann-Levy: Paris, 1882, cited by Anthony D. Smith, 'War and Ethnicity: The Role of Warfare in the Formation, Self-Image and Cohesion of Ethnic Communities', *Ethnic and Racial Studies*, 4 no. 4 (1981), 375-397, (p. 378)..

> The role of Protestantism in helping to bring about the industrial world is an enormous, complex and contentious topic; and there is not much point in doing more than cursorily alluding to it here.[32]

Similarly Hobsbawm is almost dismissive in his reference to the role of religion in the modern nation:

> Neither (religion or ethnicity) can be legitimately identified with the modern nationalism that passes as their lineal extension, because they had or have no *necessary* relation with the unit of territorial political organization which is a crucial criterion of what we understand as a 'nation' today.[33]

However, as early as 1882 Ernest Renan[34] defined nation as a soul, which connected the past and present:

> A nation is a soul, a spiritual principle. Two things, which in truth are but one, constitute this soul or spiritual principle. One lies in the past, one in the present. One is the possession in common of a rich legacy of memories; the other is present-day consent, the desire to live together, the will to perpetuate the value of the heritage that one has received in an undivided form.[35]

Renan makes two important contributions to our discussion of nation: on the one hand, a nation is connected to its past by its rich legacy of memories and, on the other, the growth and survival of a nation depends upon the cultivation and perpetuation of its received heritage.

Thomas H. Eriksen notes that Anderson, despite his modernist overtones, classifies nationalism with kinship and religion rather than with fascism and liberalism. Likewise, Josip Llobera views nationalism as a kind of secular religion. Bruce Kapferer, points out

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[32] Gellner, *Nations and Nationalism*, p. 41.

[33] Hobsbawm, *Nations and Nationalism since 1780 : Programme, Myth, Reality*, p. 47.

[34] Renan was an important French theorist, whose essay 'What is a Nation?', first delivered as a lecture at the Sorbonne in 1882, is an important influence in modern debate and understanding of nation and nationalism. This essay can be accessed online in French at <http://ourworld.compuserve.com/homepages/bib_lisieux/nation01.htm>

[35] Ernest Renan, 'What Is a Nation?' in *Becoming National: A Reader*, ed. by Geoff Eley and Ronald Grigor Suny (New York ; Oxford: Oxford University Press, 1996), 41-55, (p. 52).

Eriksen, stresses the religious aspect of nationalism and considers it as an ontology, a doctrine about the essence of reality. Nationalism often draws on religious symbolism that has importance for the people. Kapferer also depicts the nation as a sacred community.[36]

Adrian Hastings, refuting Eric Hobsbawm, argues that nation, ethnicity, nationalism and religion are four distinct and determinative elements in the construction of nationhood.[37] Similarly, according to Joh Rex, the ideology of nationalism is not enough to "create a national sentiment and a sense of belonging to the nation," as it only reaches the elite, there is an important place also for "symbols, mythology and sense of sacredness."[38]

Montserrat Guibernau's differentiation of nation from nation-state is useful in further understanding the idea of nation, particularly its origin prior to modernity and its connection with the movement of the people. According to Guibernau most of the modernists' references to 'nation' mean 'nation-state.'[39] A nation-state is:

> characterized by the formation of a kind of state which has the monopoly of what it claims to be the legitimate use of force within a demarcated territory and seeks to unite the people subjected to its rule by means of homogenisation, creating a common culture, symbols, values, reviving traditions and myths of origin, and sometimes inventing them.[40]

In contrast, a nation is not "a purely modern phenomenon."[41] A nation claims Guibernau is "a human group conscious of forming a community, sharing a common culture, attached to a clearly demarcated territory, having a common past and a common project for the future and claiming the right to rule itself."[42] Thus the nation includes five dimensions: the psychological (consciousness of forming a group), cultural, territorial, political and historical.[43]

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[36] Thomas Hylland Eriksen, *Ethnicity and Nationalism*, 2nd edn, Anthropology, Culture, and Society (London: Pluto, 2002), p. 106, cites Josep R. Llobera, *The God of Modernity : The Development of Nationalism in Western Europe*, Berg European Studies Series (Oxford: Berg, 1994), p. 221, and Bruce Kapferer, *Legends of People, Myths of State: Violence, Intolerance, and Political Culture in Sri Lanka and Australia, Smithsonian Series in Ethnographic Inquiry ; 7* (Washington, D.C. ; London: Smithsonian Institution Press, 1988).

[37] Hastings, *The Construction of Nationhood*, p. 1. Hastings' book is based on the Wiles Lectures delivered at The Queen's University of Belfast in 1996. Hastings' starting point in the book is the refutation of modernist views of Eric Hobsbawm's Wiles Lectures of 1985.

[38] Rex, 'The Nature of Ethnicity in the Project of Migration', p. 273.

[39] Guibernau, *Nationalisms*, p. 57.

[40] Guibernau, *Nationalisms*, p. 47.

[41] Guibernau, *Nationalisms*, p. 50.

[42] Guibernau, *Nationalisms*, p. 47.

Guibernau identifies the main difference between nation-state and nation:

> while the members of a nation are conscious of forming a community, the nation-state seeks to create a nation and develop a sense of community stemming from it. While the nation has a common culture, values and symbols, the nation-state has as an objective the creation of a common culture, symbols and values.[44]

Guibernau's definition of nationalism is also important for the understanding of nation as a sacred communion. His two fundamental attributes of nationalism are political character and group consciousness. In terms of political character nationalism is "an ideology defending the notion that state and nation should be congruent,"[45] and as part of group consciousness nationalism provides "identity for individuals forming a group based upon a common culture, past, project for the future and attachment to a concrete territory."[46] Thus, Guibernau defines nationalism as:

> a sentiment that has to do with attachment to homeland, a common language, ideals, values and traditions, and also with the identification of a group with symbols (a flag, a particular song, piece of music or design) which define it as 'different' from others. The attachment to all these signs creates an identity; and the appeal to that identity has had in the past, and still has today, the power to mobilize people.[47]

One of the distinctive features of nationalism, claims Guibernau, is its ability to create sentiments of belonging to a particular community. Symbols play a significant role in cultivating such belongingness and solidarity. Guibernau argues nationalism is not merely an invention nor an ideology invoked by the elite to maintain the masses, rather it is important to acknowledge “people’s capacity for emotional attachment and identification.”[48] Therefore, for a better understanding of nation and nationalism it is important to understand group identity and loyalties.[49]

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[43] For a psychoanalytical perspective on national identity formation see Catarina Kinnvall, 'Nationalism, Religion and the Search for Chosen Traumas', *Ethnicities*, 2 no. 1 (2002), 79-106. A Psychoanalytic perspective, observes Kinnvall, adds three important dimensions to national identity formation. "First, it points to the significant emotional weight that national identity carries in everyday discourse. Second, it understands national identity as part of the individual's larger project of establishing moorings. Third, by emphasizing the affective and intersubjective bases of identity formation – such as fear and alienation, as well as love and pride – it is possible to comprehend national and other identity formation in terms of both negative and positive responses." Kinnvall, 'Nationalism, Religion and the Search for Chosen Traumas', p. 84.

[44] Guibernau, *Nationalisms*, pp. 47-48.

[45] Guibernau, *Nationalisms*, p. 3.

[46] Guibernau, *Nationalisms*, p. 3.

[47] Guibernau, *Nationalisms*, p. 43.

A systematic argument countering the modernist view of nation comes from Anthony D. Smith. Smith criticises the modernists’ insistence on nation as a modern category, maintaining that it rests basically on the following features:

> nation is a territorial unit with clear borders with a bounded community; nation is legal-political community with a common code of law; nation is legitimated by a nationalist ideology, which seeks the loyalty of its community; nation is part of the international community built on the principles of political and cultural pluralism and nation is a mass community, in which all the people of the nation are equal citizens participating in the national life, particularly, its political life.[50]

According to the modernists these characteristics of nation cannot be found prior to the economic and political revolutions of the eighteenth and nineteenth century, and the novel modern conditions of industrialism, capitalism, secularism, democracy, bureaucracy and mass education. Smith argues that the passion and commitment evoked by nationalism towards nation cannot be explained only in terms of the economic and political categories of modernity. Smith criticises the modernists’ notion of nation as partial and limited, claiming that religion and ethnicity also played a significant role in the formation and sustenance of nations.[51]

Smith argues that nation combines "elements of faith and ethnic communities to produce a new synthesis, which draws much of its strength and inspiration, as well as many of its forms, from older religious beliefs, moral sentiments and sacred rites."[52] Nation is not only modelled on earlier beliefs but “is invested with sacred qualities that it draws from older beliefs, sentiments, and ideals about the nature of community, territory, history and destiny. The result is a national community of faith and belonging, a sacred communion, every bit as potent and demanding."[53]

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[48] Guibernau, *Nationalisms*, pp. 3, 44 & 51.

[49] Guibernau, *Nationalisms*, p. 49.

[50] See Anthony D Smith, 'When Is a Nation?' *Geopolitics*, 7 no. 2 (2002), 5-32, (pp. 6-7).

[51] Smith, 'When Is a Nation?' p. 8.

[52] Smith, *Sacred Sources of National Identity*, p. 23.

[53] Smith, *Sacred Sources of National Identity*, p. 23.

This requires a different kind of analysis which would focus on the cultural resources of a nation, consisting of "ethnic symbol, memory, myth, value, and tradition, and their expressions in texts and artefacts-scriptures, chronicles, epics, music, architecture, paintings, sculpture, crafts and other media."[54]

Emphasising the symbolic aspects of religion and ethnicity, Smith proposes an alternative approach to the study of nation and nationalism: the ethno-symbolic approach. The ethno-symbolic approach focuses on the "symbolic and social elements" of ethnic communities. Some of the important features of this approach are:

> the importance of continuity, recurrence and appropriation as different modes of connecting past, present and future; the significance of the ethnic type of collective cultural identity and of ethnic communities or *ethnie* in the formation of nations; the importance of symbols, memories, myths, values and traditions for an understanding of ethnic and other kinds of collective cultural identity; the peculiar role of memories of golden ages, myths of origin and ethnic election, cults of heroes and ancestors, homeland memories and attachments in the formation and persistence of national identities; the different kinds of *ethnie* that serve as bases and points of departure for the formation of various kinds of nations.[55]

First the ethno-symbolic approach presupposes that nations are rooted in the ethnic past.[56] By taking ethnic communities seriously, it recognises the importance and contribution of the common people to the making of nation.[57] Secondly, it focuses on 'symbolic' goals, that is, the role of memories, values, myths and symbols in the making of nations. In other words, culture and religion, along with ethnic community, are to be taken seriously into consideration. As Smith argues, "What gives nationalism its power are the myths, memories, traditions and symbols of ethnic heritage and the ways in which a popular living past has been, and can be, rediscovered and reinterpreted by modern nationalist intelligentsias."[58]

Thus, the ethno-symbolic approach gives due weight to ethnic and cultural resources, including religion. The common features of Smith's 'ethnic' nation include the following:

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[54] Smith, *Sacred Sources of National Identity*, p. 18.

[55] Smith, 'When Is a Nation?' pp. 14-15.

[56] For Hastings the answer to the question where did nations come from? is clear, from ethnicities. See Hastings, *The Construction of Nationhood*, p. 11.

[57] Gellner and Smith, 'The Nation: Real or Imagined?' pp. 60-62.

[58] Anthony D. Smith, *Myths and Memories of the Nation* (Oxford: Oxford University Press, 1999), p. 9.

> a strong emphasis on genealogy, on the fictive tie of ethnic descent in defining membership of the community; the importance of vernacular cultures, including myths of election, linguistic codes, customs and traditions; a nativist interpretation of history, or 'ethno-history' – the set of authentic tales retold by the community; a commitment to 'the people', and hence an emphasis on popular mobilisation as the key to authenticity.[59]

The important influence of ethnicity and religion in the formation, identity and sustenance of a nation requires a major consideration; therefore in sections 2.3, 2.4 and 2.5 we will define and discuss the various aspects of ethnicity and religion in relation to nationhood.

2.3. Ethnic Foundations of Nation

Ethnicity and the study of its nature and function are according to the ethno-symbolic approach fundamental to the understanding of nation. The modern debate on ethnicity, like the debate on nation, is based on two schools of thought, primordial and instrumental. The primordial school regards ethnicity as a 'given' or natural part of any ethnic group, whereas the instrumental school considers it also to be socially organised through interaction between groups. The ethno-symbolic approach views ethnicity both as subjective and as a powerful symbolic mechanism influencing the ethno-genesis of the nation and its socio-cultural survival in the long term. The ethno-symbolic approach enables a new way to understand the influence of ethnic election traditions in the formation and sustenance of ethnic communities and nations in antiquity. Therefore, the aim of this section is to discuss what ethnicity is, what constitutes an ethnic community, the influence of religion, particularly the concept of ethnic election, and the origin and survival of ethnic nations.

2.3.1. Etymology

The word ethnicity comes from the Greek term *ethnos* and subsequently from the modern French term *ethnie* with the adjective *ethnique*. The noun *ethnicité* in French is not commonly used.[60] In English, 'ethnicity' is created by adding a suffix to the adjective 'ethnic.'

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[59] Smith, 'When Is a Nation?' p. 9.

[60] For the history of the term ethnicity see Malcolm Chapman, and others, 'Introduction', in *History and Ethnicity*, ed. by Elisabeth Tonkin, and others, ASA Monograph 27 (London: Routledge, 1989), 1-21.

The earliest recorded use of the term *ethnos* is in Homer, where it was used "to describe large, undifferentiated groups of either animals or warriors."[61] Aristotle used it to refer to barbarian nations in contrast to the Greeks.[62] The Greeks had another term *genos* to describe themselves. The New Testament writers used the term *ethnos* to describe non-Christians and non-Jews.

The Vulgate translated the Greek term *ethnos* as *gentilis* and thus the term 'gentile' gained currency in the Church in place of *ethnos*. Roger Just points out that the Classical Greek usage of the term to refer to 'non-structured,' 'tribal' and 'peripheral peoples' continued throughout the Byzantine and Mediaeval periods until the Ottoman period, when Orthodox Christians themselves became the prominent religious 'other.' Thus, in the Turkish Empire, as non-Muslims were commonly termed *millets*, the term *ethnos* was used to translate *millet* meaning 'gentiles.'[63]

Just further points out that the Greeks had another word, *kratos*, for nation or state in the political sense. Therefore, he argues that *ethnos* referred to nation in the sense of a 'people' rather than 'nation' in the political sense. The Latin term *natio* also referred to 'people' rather than 'nation' in the political sense. The English word nation, however, assimilated both 'people' and 'state.'[64]

Malcolm Chapman notes that until nineteenth century the term *ethnos* meant 'gentiles.' In 1941, W. Lloyd Warner and Paul S. Lunt, requiring a noun to conceptualise ethnic group differentiation on a broader basis than the 'national origin,' used the word 'ethnicity' in a sense that 'separates the individual from some classes and identifies him with others.' Thus, ethnicity came to be employed to refer to general people hood and otherness,' within the larger group.[65] In day-to-day parlance, the word ethnicity has the connotation of 'minorities' and 'race' but in social anthropology, says Eriksen, it refers to "aspects of relationships between groups which consider themselves, and are regarded by other, as being culturally distinctive."[66]

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[61] See Chapman, and others, 'Introduction', p. 12, cites *Iliad* 2.87 and 2.91; 4.59-60; 12.330.

[62] See Chapman, and others, 'Introduction', p. 12 cites Politics 1324.b.1310.

[63] Roger Just, 'Triumph of the Ethnos', in *History and Ethnicity*, ed. by Elisabeth Tonkin, and others, ASA Monograph 27 (London: Routledge, 1989), 71-88, (p. 72ff).

[64] Just, 'Triumph of Ethnos', p. 73.

[65] Werner Sollors, 'Foreword: Theories of American Ethnicity', in *Theories of Ethnicity : A Classical Reader*, ed. by Werner Sollors (Basingstoke: Macmillan, 1996), x-xliv, (pp. x-xi)., refers to W. Lloyd Warner and Paul S. Lunt's The Social Life of an Modern Community, 1941. Glazer and others argue that the first to use the word was the American anthropologist David Riesman in 1953; see Nathan Glazer and Daniel P. Moynihan, 'Introduction', in *Ethnicity : Theory and Experience*, ed. by Nathan Glazer, and others (Cambridge, Mass.: Harvard University Press, 1975), 1-26, (p. 1).

2.3.2. Debate on the Nature of Ethnicity

The interest in the relationship between modern nations and their ethnic past has resulted in a renewed study of ethnic communities, their constitution and function in the making of a nation. The debate centres on the definition and the nature of ethnicity, which can be traced to two schools: the Primordial and the Instrumental schools.[67] These are those who regard ethnicity as 'primordial' and those who regard it as 'instrumental.'[68] The theoretical debates on ethnicity are crucial for our study of nationhood, particularly ancient nations like Israel. In chapter five both primordial and instrumental aspects of ethnicity are used to interpret the relationship between the concept of the election of Israel and Israel's ethnic nationhood.

Understanding ethnicity goes back to the fundamental works of Max Weber. Max Weber defined ethnic groups as "those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or of both, or because of memories of colonisation or migration."[69]

Three important implications of the above definition of ethnic groups could be noted. Firstly, Weber's definition distinguishes ethnic groups from 'races' conceived purely in biological terms. Further, he points out that reliance on the physical appearance is a subjective perception of the ethnic group for "it does not matter whether or not an objective blood relationship exists" for group formation.[70] Instead he points out the importance of customs and culture for ethnic formation and maintenance. Secondly, for Weber the role of history is pivotal in the formation of ethnic sentiments, which are the memories of common origin and traditions. Memories of common origin or kinship ties or traditions, if kept alive for some reason, work to form a powerful sense of ethnic identity. Conversely ethnic groups cease to exist in the absence of these memories and ties despite close kinship relationships.[71] The 'primordialists' draw upon Weber's idea of the influence of culture and the importance of history in the making of ethnic groups.

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[66] Eriksen, *Ethnicity and Nationalism*, p. 4.

[67] Daniele Conversi, 'Reassessing Current Theories of Nationalism: Nationalism as Boundary Maintenance and Creation', *Nationalism and Ethnic Conflict*, 1 no. 1 (1995), 73-85, (p. 1).

[68] Anthony D. Smith, 'The Problem of National Identity: Ancient, Medieval and Modern?' *Ethnic and Racial Studies*, 17 no. 3 (1994), 375-399, (p. 376). See also Rex, 'The Nature of Ethnicity in the Project of Migration', p. 271f. For a detailed analysis of these models, see Virginia Tilley, 'The Terms of the Debate: Untangling Language About Ethnicity and Ethnic Movements', *Ethnic and Racial Studies*, 20 no. 3 (1997), 497-522. and George M. Jr Scott, 'A Resynthesis of the Primordial and Circumstantial Approaches to Ethnic Group Solidarity: Towards and Explanatory Model', *Ethnic and Racial Studies*, 13 no. 2 (1990), 147-171.

[69] Max Weber, 'What Is an Ethnic Group?' in *The Ethnicity Reader: Nationalism, Multiculturalism, and Migration*, ed. by M. Montserrat Guibernau i Berdâun and John Rex (Cambridge: Polity Press, 1997), 15-26, (p. 18).

[70] Weber, 'What Is an Ethnic Group?' p. 19. One of the factors in the understanding and expression of ethnicity, according to Guibernau and Rex, is that ethnicity does not rest on "some scientific sociological

Apart from culture and history, Weber speaks of the influence of politics in the formation and sustenance of ethnicity. Ethnic membership (*Gemeinsamkeit*), unlike kinship groups, is based on presumed identity facilitating group formation, mostly in the political sphere. That is, ethnic identity is inspired and created by political organisation. Weber argues that belief in common ethnicity constituted politically tends to survive even after the disintegration of the political community.[72] Thus, he also considers united political action to be central to the dynamics of ethnicity. He points to the Greek and Israelite tribal confederations as examples of politically created entities. Thus the 'instrumentalist' notion of ethnicity could be traced back to Weber's idea of the political influence on ethnicity.

2.3.2.1. Primordialist School: Ethnicity as 'given'

'Primordial' is understood and defined in two ways, as an 'earliest' form or ingredient and as persisting from the 'beginning.' In the 'primordial' view of ethnic ties, worldview or behaviour is determined by cultural, psychological or biological human qualities.[73]

One of the first social scientists to explain the concept of primordialism was Edward Shils. Shils was responding to Ferdinand Tönnies' idea of 'solidarity' in *Gemeinschaft* and *Gesellschaft*. Tönnies contrasts modern western society (*Gesellschaft* 'society') with traditional society (*Gemeinschaft* 'community'), defining *Gemeinschaft* as organic and *Gesellschaft* as mechanical. He considers that *Gemeinschaft* was based on family, kinship

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truth but on subjective interpretation." See M. Montserrat Guibernau, 'Introduction', in *The Ethnicity Reader: Nationalism, Multiculturalism, and Migration*, ed. by M. Montserrat and John Rex Guibernau (Cambridge: Polity Press, 1997), 1-11, (pp. 2, 3-4). Ethnicity claimed by people is considered as an *emic* perspective and ethnicity attributed by others as an *etic* perspective: one is chosen and the other is imposed.

[71] Weber, 'What Is an Ethnic Group?' p. 20.

[72] Weber, 'What Is an Ethnic Group?' p. 19.

[73] Tilley, 'The Terms of the Debate: Untangling Language About Ethnicity and Ethnic Movements', p. 499.

and local land, with judicial, feudal and sacerdotal functions, whereas *Gesellschaft* was class based market and labour oriented with a common legal system.[74] Shils argues that the intense solidarity or attachment in a kinship group was:

> not merely to the other family member as a person, but as a possessor of certain especially 'significant relational' qualities, which could only be described as primordial. ...It is because a certain ineffable significance is attributed to the ties of blood.[75]

Thus, Shils describes the kinship bond as a primordial and ineffable bond, which persists even when there is not much affection or attachment to another member of the kinship group. According to Shils 'primordial,' 'personal,' 'sacred,' and 'civil' ties were elemental bonds of the social life of *Gemeinschaft*.[76] Shils's view of the primordial bond as a significant relational bond, which is indescribable, is criticised by the instrumentalists as beyond sociological research.[77] Although ineffable, the reality of such a bond is widely accepted.

Following Shils, Clifford Geertz expanded the application of the primordial concept to territory, religion, language and customs:

> By Primordial attachment is meant one that stems from the "givens" –or, more precisely, as culture is inevitably involved in such matters, the assumed "givens" – of social existence: immediate contiguity and kin connection mainly, but beyond them the givenness that stems from being born into a particular religious community, speaking a particular language, or even a dialect of a language, and following particular social practices. These congruities of blood, speech, custom, and so on, are seen to have an ineffable, and at times overpowering, coerciveness in and of themselves. One is bound to one's kinsman, one's neighbor, one's fellow believer, ipso facto; as the result not merely of personal affection, practical necessity, common interest, or incurred obligation but at least in great part by virtue of some unaccountable absolute import attributed to the very tie itself. The general strength of such primordial bonds, and the types of them that are important, differ from person to person, from society to society, and from time to time. But for virtually every person, in every society, at almost all times, some attachments seem

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[74] Ferdinand Tönnies, *Community & Society (Gemeinschaft und Gesellschaft)*, trans. by Charles P. Loomis, Harper and Torchbook edn (New York: Harper & Row, 1963), pp. 33-102.

[75] Edward Shils, 'Primordial, Personal, Sacred, and Civil Ties', *British Journal of Sociology*, 8 no. 2 (1957), 130-145, (p. 142).

[76] Shils follows A. D. Nock on religious affection of people. Concerning Greek religion and piety, Nock remarked, "the gods of the Greeks were strongly felt to be an aspect of their nationality." A. D. Nock, *Conversion* (Oxford: Oxford University Press, 1933), pp. 19-20.

[77] Jack D. Eller and R. M. Coughlan, 'The Poverty of Primordialism: The Demystification of Ethnic Attachments', *Ethnic and Racial Studies*, 16 no. 2 (1993), 183-202, (p. 187).

> to flow more from a sense of natural –some would say spiritual –affinity than from social interaction.[78]

Shils and Geertz both speak of the primordial bond as something natural, innate, given, belonging to or born into. John Rex calls this bond an 'infantile ethnic trap,' that is, every infant is born into this ethnic bond and is part of this bond.[79] Importantly, Shils and Geertz also understand the primordial bond as sacred in nature, and thus speak of the spiritual aspects and qualities of the primordial identity and attachments. Although they refer to the bond as based on kinship and family, they affirm that it rests beyond these human relationships. In other words, the primordial attachment comes from the 'givens' of social existence. The 'givens,' for Geertz, stem from the "immediate contiguity and kin connection" and beyond this "from being born into a particular religious community, speaking a particular language … and following particular social practices." Geertz, like Shils, notes that such bonds do not come merely from "personal affection, practical necessity, common interest or incurred obligation," but by the very nature of the bond and primordial attachment.[80]

What makes or influences the primordial bonds? One factor is 'blood ties,' says Geertz. By 'blood ties,' Geertz means quasi-kinship, extended families and lineages as in a tribe. He regards 'race' as referring to phenotypical physical features especially skin colour, facial, stature and hair type, rather than physical descent. Linguism or language also significantly influence primordial ties. Geertz talks about Nehru's predicament after Indian independence with the many Indian states which were divided on linguistic lines. Nehru was forced to endorse the claims of multiple states based on language, as they would not give up their languages for a common Hindi national language.[81] Geertz thus observes the importance of language as a primordial sentiment in the formation of basic identities in Indian 'multiple' society. His study also includes other South Asian nations Malaysia, Indonesia, Pakistan and Burma.[82]

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[78] Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (London: Fontana Press, 1993), pp. 259-260.

[79] John Rex, *Ethnic Minorities in the Modern Nation State: Working Papers in the Theory of Multiculturalism and Political Integration*, Migration, Minorities, and Citizenship (Basingstoke: Macmillan in association with Centre for Research in Ethnic Relations University of Warwick, 1996), p. 201.

[80] See Donald L. Horowitz, who argues similarly that ethnicity is not chosen but 'given.' By this, he means that ethnic identity is either by birth or through acceptance as if born in to the group, which he calls kinship. Thus, he regards ethnicity as a form of extended kinship, a fictive common ancestry, which enables people to think of themselves as a family. He says ethnicity brings with it an element of family and kinship relations, therefore, ethnic nations are family based. This idea is important for our study of Israel as an ethnic nation. Donald L Horowitz, *Ethnic Groups in Conflict*, Berkeley; London: University of California Press, 2nd Edition, 2000, p. 56.

[81] Particularly, the Dravidians opposed the Hindi language, thus the Indian constitution recognises 18 official languages in India. Although this has its problems, like printing a currency note with 18 translations and such, it has enabled to 'unite' India into multi-cultural and regional nation.

Apart from kinship and linguistic ties, Geertz considers customs and religion to be two important primordial elements which influence group formation and maintenance, as discussed in the last chapter.[83] He refers to the "overpowering coerciveness" of this bond or primordial attachment which, he points out, is natural or even spiritual or sacred.

The primordial view is criticised as "fixed and static, incapable of changing in response to changing circumstances."[84] For instance, people and their behaviour are considered to be constant despite internal or external changes. George Scott observes that Shils and Geertz's concept of primordialism is more descriptive than explanatory.[85] Eller and Coughlan[86] criticise the primordial notion as an "unsociological concept." According to them primordial notions are 'made,' or 'created', not 'given,' *a priori*. They are the result of social interaction not an "unaccountable absolute import" as Geertz puts it. That is, primordial feelings arise out of situations of threat or challenge and, thus, can be subject to analysis. Despite their criticism, Eller and Coughlan accept that ethnic groups may activate "some old realities and resources," which they call a 'primordial heritage.'[87] They speak of specific devices and mechanisms, which invent, modify and perpetuate ethnic phenomena, and for some ethnic groups these are based on religion and religious symbolism.[88]

In a lecture in Budapest, Geertz defended his position of 'primordial loyalty' maintaining that it stems from "the subject's not the observer's sense of 'given' of social existence."[89] Thus, it is an assumed 'given' argues Geertz, affirming with Weber the subjective nature of affiliation. He observes further that these affinities vary from place to place and from time to time. For example, in the Ukraine language unites and religion divides, whereas in Algeria religion unites and culture divides, in China race unites and region divides and in Switzerland, history unites and language divides.[90]

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[82] See Geertz, *The Interpretation of Cultures*, pp. 256-258.

[83] Geertz, *The Interpretation of Cultures*, pp. 261-263. See Rex, *Ethnic Minorities in the Modern Nation State*, p. 202, who also views religion as an intrinsic part of the primordial ethnic bond.

[84] Scott, 'A Resynthesis of the Primordial and Circumstantial Approaches', p. 151.

[85] Scott, 'A Resynthesis of the Primordial and Circumstantial Approaches', p. 150.

[86] Eller and Coughlan, 'The Poverty of Primordialism', p. 187.

[87] Eller and Coughlan, 'The Poverty of Primordialism', p. 188.

[88] Eller and Coughlan, 'The Poverty of Primordialism', pp. 198-199.

[89] Clifford Geertz, 'Public Lecture No. 7: Primordial Loyalties and Standing Entities - Anthropological Reflections on Politics of Identity' in *Collegium Budapest: Institute for Advanced Study*, vols (1994), pp. 1-18 (p. 6).

John Rex agrees with Geertz that the 'given' are "a set of social ties which is an inevitable part of human condition" and include "biological relatedness, territorial proximity and shared religion, language and culture."[91] Moreover, primordial bonding should be distinguished from personal attraction, liking and so on: there is nothing mysterious about it as they can be comprehended and described sociologically.

Similarly, Donald Horowitz regards ethnicity as 'given' not chosen. By this he means that the ethnic identity is either by birth or through acceptance, as if born into the group, which he calls kinship. Thus, he regards ethnicity as a form of extended kinship, a fictive common ancestry, which enables the group to think of themselves as a family:

> To view ethnicity as a form of greatly extended kinship is to recognize, as ethnic groups do, the role of putative descent. There are fictive elements here, but the idea, if not always the fact, of common ancestry makes it possible for ethnic groups to think in terms of family resemblances – traits held in common, on a supposedly genetic basis, or cultural features acquired in early childhood – and to bring to play for a much wider circle those concepts of mutual obligation and antipathy to outsiders that are applicable to family relations.[92]

The extreme formulation of the primordial ethnic bond is the biological approach, a theory associated with Pierre van den Berghe,[93] which considers ethnic communities as formed by people's genetic instinct to form kinship bonds, and not by shared interests, According to this approach, ethnicity is based on primordial sentiments; that is "the genetic tendency, derived from the kinship process."[94] Vernon Reynold thinks that such a concept originates from the evolutionary basis of sociobiological theory, which theorise that early ethnic groups were kinship based, separated from one another by their gene pools and thus remained largely unique.[95] However, many agree that although people tend to live together in kinship groups, they do not live in isolation; there is interaction, exchange and interpenetration between groups. They are not always controlled by genes and instincts. The idea of ethnicity or the development of ethnic identity through social interaction is usefully argued by Fredrik Barth, as we will show below.

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[90] Geertz, 'Public Lecture No. 7: Primordial Loyalties and Standing Entities - Anthropological Reflections on Politics of Identity' in, vols, pp. 6-7).

[91] Rex, *Ethnic Minorities in the Modern Nation State*, pp. 188-189. See also Barbara B. Lal, 'Perspective on Ethnicity: Old Wine in New Bottles', *Ethnic and Racial Studies*, 6 no. 2 (1983), 154-173, (p. 155), who contrasts 'genuine culture' against 'stratified phenomena' or 'interest groups.' Lal contends that in 'genuine culture' the local traditions and group experiences are similar to primordial sentiments advocated by Geertz.

[92] Horowitz, *Ethnic Groups in Conflict*, p. 56-57.

[93] Pierre L van den Berghe, *The Ethnic Phenomenon* (New York: Greenwood Press, 1987), p. 18.

[94] Scott, 'A Resynthesis of the Primordial and Circumstantial Approaches', p. 153.

2.3.2.2. Instrumentalist School: Ethnicity as 'social organisation'

Following Weber, Fredrik Barth, a Norwegian anthropologist in his seminal work affirms that ethnic groups constitute shared identity, common history and traditional cultural heritage but argues that these in themselves may not be sufficient to understand the phenomena of ethnicity. He advocates focusing on the process or mechanism by which the ethnic groups are formed and maintained rather than relying solely on cultural distinctiveness.[96]

In other words, Barth is critical of ethnic groups defined solely as "culture-bearing units," and the premise upon which it is based, that "cultural variation is discontinuous." By "culture-bearing units," Barth means culture understood as a way to describe human behaviour such that there is a corresponding culture for every ethnic group. As a result ethnic groups are classified according to ethnographically observed cultural traits. Such categorisation is based, according to Barth, on the erroneous premise that "cultural variation is discontinuous," which presupposes that each ethnic group has developed and sustained their culture in geographical and social isolation "in response to local ecologic factors, through a history of adaptation by invention and selective borrowing."[97] Thus, the focus has been on the cultural differences of ethnic groups. Barth challenges this view and argues that the focus of analysis should be on "the constitution of ethnic groups, and the nature of the boundaries between them."[98]

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[95] Vernon Reynolds, 'Sociobiology and the Idea of Primordial Discrimination', *Ethnic and Racial Studies*, 3 no. 3 (1980), 301-315, (p. 312).

[96] Fredrik Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (Prospect Heights, Ill.: Waveland, 1998), pp. 5, 9. Donald Horowitz agrees with Barth saying that, "it is, in the end, ascriptive affinity and disparity, and not some particular inventory of cultural attributes that found the group." See Horowitz, *Ethnic Groups in Conflict*, p. 69.

[97] Barth, *Ethnic Groups and Boundaries*, pp. 9, 11. See also Jan-Petter Blom who says, in agreement with Barth, "the organisation of ethnic identities does not depend on cultural diversity *per se*, as generally assumed in anthropology, but rather on the assignment of particular social meanings to a limited set of acts." Jan-Petter Blom, 'Ethnic and Cultural Differentiation', in *Ethnic Groups and Boundaries: The Social Organization of Culture Difference*, ed. by Fredrik Barth (Prospect Heights, Ill.: Waveland, 1998), 74-85, (p. 74).

In Barth's view, ethnicity is "a matter of social organisation above and beyond questions of empirical cultural differences: it is about social organization of culture difference."[99] Cultural features, for Barth, are "boundary-connected: the diacritica by which membership is signalled and the cultural standards that actors themselves use to evaluate and judge the actions of ethnic co-members."[100] Further ethnic identity is "a matter of self-ascription and ascription by others in interaction, not the analyst's construct on the basis of his or her construction of a group's 'culture.'"[101]

The important point in Barth's understanding of ethnicity is that he views ethnic groups in terms of social organisation, not primarily as 'given.' This means two things; first, ethnic groups should be defined from 'within' based on the perspective of the group members instead of the analyst's description of 'objective culture.' Barth calls this self-ascription by members of ethnic groups in interaction with other groups. Secondly, distinctiveness or differences between groups should be viewed as social discontinuities and not cultural. That is, they are boundaries created to maintain and regulate ethnic identity because of constant interaction between groups. Barth calls this boundary maintenance. We will consider below Barth's two focal points, self-ascription and boundary maintenance, and their importance for our discussion of the relationship between ethnicity and ethnic election, which are essential for the study of Israel's election.

2.3.2.2.1. Ethnicity as Social Organisation: Self-ascription

Self-ascription and ascription by others, for Barth, are the classification of "a person in terms of his basic, most general identity, presumptively determined by his origin and background … for the purpose of interaction."[102] This idea tends to agree with the constructed or what Barth calls ascriptive[103] nature of ethnic identity rather than the

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[98] Barth, *Ethnic Groups and Boundaries*, p. 9.

[99] Barth, *Ethnic Groups and Boundaries*, p. 6.

[100] Barth, *Ethnic Groups and Boundaries*, p. 6.

[101] Barth, *Ethnic Groups and Boundaries*, p. 6.

[102] Barth, *Ethnic Groups and Boundaries*, pp. 10-11.

[103] Ascription refers to terms and symbols used by the group themselves to define and characterise them. See Horowitz, *Ethnic Groups in Conflict*, p. 52.

'natural' or 'given' identity. Barth agrees with Weber that this ascription is "not the sum of 'objective' differences, but only those which the actors themselves regard as significant."[104]

According to Barth not culture but ethnic group is the most stable factor in ethnicity. Other models see culture as instrumental in giving identity to ethnic groups. Barth maintains that, culture can be similar in different groups, for instance, the Kachin of Burma constituted several ethnic groups but shared a common culture. The classic example is of Moerman's struggle to describe the ethnic identity of the Lue of Thailand.[105] He found that the Lue did not have any exclusive livelihood, language, custom or religion in distinction from their neighbours. Nevertheless, the Lue considered themselves as a separate group. Eriksen notes that Moerman was forced to conclude that "[s]omeone is Lue by virtue of believing and calling himself Lue and of acting in ways that validate his Lueness."[106] Unable to explain Lueness on the basis of objective cultural features or clear-cut boundaries, he termed it as *emic* category of ascription.[107] Thus, Barth argues that culture does not define ethnic group, rather culture arises out of "ethnic group organisation."[108] Conversely, differences in culture do not necessarily mean different ethnic groups. In other words, Barth's main argument is that the cultural content of ethnic groups is the outcome of social organisation and not the starting point for distinguishing between groups. Similarly, Edwin Ardener regards ethnic groups as self-defining entities: "Ethnicities demand to be viewed from the inside."[109]

2.3.2.2.2. Structuring of Ethnic Interaction: Boundary Maintenance

Ascription by ethnic groups, argues Barth, enables the shifting of focus from cultural features and even organisational form to the maintenance of boundary, which signals the continuity of ethnic groups:

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[104] Barth, *Ethnic Groups and Boundaries*, p. 11. He maintains that "some cultural features are used by the actors as signals and emblems of differences, others are ignored."

[105] See Eriksen, *Ethnicity and Nationalism*, p. 11.

[106] Eriksen, *Ethnicity and Nationalism*, p. 12, cites Michael Moerman, 'Who Were the Lue: Ethnic Identification in a Complex Civilization', *American Anthropologist*, 67 (1965), 1215-1229, (p. 1219).

[107] Eriksen notes that in anthropology the term *emic* refers to 'native point of view' and its contrast *etic* refers to the 'analyst's point of view' or concepts and description.

[108] Barth thinks that for ethnicity to emerge clearly some organisation is necessary. See Barth, *Ethnic Groups and Boundaries*, p. 17.

[109] Edwin Ardener, 'Language, Ethnicity and Population', in *The Voice of Prophecy and Other Essays*, ed. by Edwin Ardener and Malcolm Chapman (Oxford: Basil Blackwell, 1989), 109-127, (p. 111).

> when defined as an ascriptive and exclusive group, the nature of *continuity* of ethnic units is clear: it depends on the *maintenance of a boundary.* The cultural features that signal the boundary may change, and the cultural characteristics of the members may likewise be transformed, indeed, even the organizational form of the group may change – yet the fact of *continuing dichotomization between members and outsiders* allows us to *specify the nature of continuity*, and *investigate the changing cultural form and content.*[110] (Italics mine)

By boundaries, Barth means social boundaries and not territorial boundaries. Barth's idea of ethnic boundaries originates from his observation that "ethnic distinctions do not depend on an absence of social interaction and acceptance, but are quite to the contrary often the very foundations on which embracing social systems are built."[111] That is, ethnic groups do not exist in isolation but only in interaction with and in contrast to other groups.[112]

Boundary, maintains Barth,

> entails criteria for determining membership and way of signalling membership and exclusion. ...(maintained) by continual expression and validation... it canalises social life – it entails a frequently quite complex organization of behaviour and social relations. The identification of another person as a fellow member of an ethnic group implies a sharing of criteria for evaluation and judgement.[113]

The concept of boundary functions firstly to regulate membership and exclusion in ethnic groups, secondly, it organises social life, that is maintenance of overt signals or signs such as "dress, language, house-form, or general style of life" and basic value orientations, such as "standards of morality and excellence by which performance is judged."[114] Boundaries are crucial for the maintenance of ethnic identity since the persistence of ethnic units depends on the maintenance of boundaries. Thus, Barth sees ethnic identity as an imperative status, "a series of constraints on the kinds of roles an individual is allowed to play, and the partners he may choose for different kinds of transactions."[115]

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[110] Barth, *Ethnic Groups and Boundaries*, p. 14.

[111] Barth, *Ethnic Groups and Boundaries*, pp. 14-15. His famous observation is "boundaries persist despite a flow of personnel across them." See Barth, *Ethnic Groups and Boundaries*, p. 10., Also see Banks' comments on Barth Banks, *Ethnicity*, p. 12.

[112] Eriksen says ethnicity is "a product of contact and not of isolation." Eriksen, *Ethnicity and Nationalism*, p. 35.

[113] Barth, *Ethnic Groups and Boundaries*, p. 15.

[114] Barth, *Ethnic Groups and Boundaries*, p. 14.

[115] Barth, *Ethnic Groups and Boundaries*, p. 17.

Similarly, Horowitz argues that cultural movements are about potential shifts in group boundaries. A group that is threatened with subdivision and wants to re-group

> [would on the one hand, reinforce] elements of common culture and common ancestry, suppressing, for example, differences in dialect or stressing descent from a single ancestor. On the other hand, a group that found itself losing its distinctive identity by absorption in another ethnic group might respond by emphasizing its cultural uniqueness, selectively recalling ancient glories, resuscitating all that distinguishes group members from others, destroying all that links them to others.

Horowitz calls these cultural movements, movements of assimilation and movements of differentiation.[116]

In Barth, we see a moderate version of instrumental views on ethnicity, although he argues for social organisation of cultural differences, he sees culture as an important ingredient in the origin and maintenance of ethnic identity and status. Barth is actually closer to the 'primordial' view of ethnicity when he says:

> the constraints on a person's behaviour which spring from his ethnic identity thus *tend to be absolute* and, in complex poly-ethnic societies, quite comprehensive; and the component moral and social conventions are made *further resistant* to change by being joined in stereotyped clusters as characteristics of one single identity.[117] (Italics mine)

At its extreme, the instrumentalist school interprets ethnicity as "a purely political phenomenon." According to this view, Virginia Tilley notes, "culture does not contribute directly to the formation of ethnic identities; rather, ethnic platforms use selected customs as emblems to legitimise ethnic claims in the public domain."[118] Instrumentalists argue that it is important to "look beneath the ethnic rhetoric to identify the deeper cultural element"; it could be that "the claim to ethnic uniqueness and special needs is a classic political ploy."[119] Thus, a collective identity is manipulated to achieve power or to enforce social discipline.

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[116] Horowitz, *Ethnic Groups in Conflict*, p. 70.

[117] Barth, *Ethnic Groups and Boundaries*, p. 17.

[118] Tilley, 'The Terms of the Debate: Untangling Language About Ethnicity and Ethnic Movements', p. 507.

[119] Tilley, 'The Terms of the Debate: Untangling Language About Ethnicity and Ethnic Movements', pp. 506-507.

John Rex adds that the Instrumentalist views are sometimes “related to specific social and political projects”, invented by political leaders and intellectuals for the purposes of social manipulation.[120] Referring to the extreme form of the instrumentalist view, Rex comments that the difference between the ‘primordial’ and ‘instrumental’ view is that the ‘primordial’ view “involves a strong sense of emotional belonging, and even of sacredness,” while the ‘instrumental’ view is related to “ulterior and rationally formulable purposes.”[121]

The theoretical debates on ethnicity as primordial and/or instrumental help to view nation and national identity in relation to ethnic categories. The application of the primordial and instrumental aspects of ethnicity would help us to interpret the concept of the election of Israel in relation to nationhood. We will discuss the application of primordial and instrumental concepts of *ethnie* in the exegetical analysis of select texts from Deuteronomy in the fifth chapter.

In the following pages we will discuss what constitutes an *ethnie* and the factors relating to the formation and sustenance of *ethnies* in the ancient world, which will further inform our understanding of the nature and function of nation.[122] This discussion will then inform our consideration of Israel as an ethnic nation in chapters three and four. We will use Smith’s extensive study of ethnicity as our starting point. As shown earlier Smith’s ethno-symbolic approach takes seriously the subjective scope of ethnic symbols such as myths and memories whilst at the same time it seeks to account for the mechanism and powerful influence of ethnic symbols in the formation and the sustenance of an ethnic community in its historical existence. In relation to the debate on ethnicity as primordial or instrumental, Smith generally sides with the primordial aspect of ethnicity although he combines both in his discussion.

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[120] Rex, 'The Nature of Ethnicity in the Project of Migration', p. 271.

[121] Rex, 'The Nature of Ethnicity in the Project of Migration', p. 271.

[122] For a useful insight on the terminology and theoretical discussion on ethnicity and nation see Smith, 'The Problem of National Identity'.

2.3.3. What constitutes an *ethnie*

Smith defines *ethnies* (ethnic communities) as "named human populations with shared ancestry myths, histories and cultures, having an association with specific territory and a sense of solidarity."[123] The following are important constituent elements in the definition:

2.3.3.1. A Collective Name

As a "named human population," an *ethnie* has a collective name, an "identifying mark" in the historical records. The collective name is "an emblem" by which ethnic communities distinguish themselves from others and summarize their "essence" to themselves. Names, particularly when associated with certain achievements and qualities, summon up "images of distinctive traits and characteristics of a community in the minds and imaginations of its participants and outsiders – as well as posterity."[124] Names are also sacred and potent, generating reverence and awe from the insiders whereas to outsiders they may mean nothing at all – or, on the contrary with powerful *ethnies,* the name may mean awe from outsiders, usually symbolised negatively.[125] A collective name has magical properties; like a talisman, it may take on mythical connotations of potency, which are sometimes more important than its origin and history.[126]

2.3.3.2. Common Myth of Origin and Descent

At the centre of every *ethnie* is a distinctive 'myth of origins and descent,' which provides members with "the means of collective location in the world and the charter of the community which explains its origins, growth and destiny."[127] It attempts to answer the questions of similarity and belonging, that is, the idea of living together as a community and sharing a common culture. This commonality and sense of belonging are more in terms of kinship ties than genetic and blood relations. These myths emerge from the "collective experiences of successive generations," which, when put together, give the community a sense of dignity and identity. Smith calls this a myth symbol complex or

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[123] Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Basil Blackwell, 1986), p. 32.
[124] Smith, *The Ethnic Origins of Nations*, p. 22.
[125] Identification by others as an important feature of ethnicity is affirmed by Eriksen. See Eriksen, *Ethnicity and Nationalism*, p. 89.
[126] Smith, *The Ethnic Origins of Nations*, p. 23.
[127] Smith, *The Ethnic Origins of Nations*, p. 24.

mythomoteur,[128] which makes sense of the community's experiences and defines its 'essence.' The real purpose of 'the myth of origins and descent,' is not collective self-justifications and rationalizations, but rather 'explanation' and meaning for the ethnic community. According to Smith, the object of the myth is "not scientific 'objectivity,' but emotional and aesthetic coherence to undergird social solidarity and social self-definition."[129] Smith emphasises that "without a *mythomoteur* a group cannot define itself to itself or to others, and cannot inspire or guide collective action."[130]

2.3.3.3. Shared History

Ethnies "are historical communities built up on shared memories." Such a sense of shared memories unites successive generations as they 'participate,' by adopting the memories and contributing their own history to them. Thus, the historical sequence provides a 'form' for the community's later experiences. The role of such history is not objective historicizing but to serve poetic, didactic and integrative purposes. Such history narrates the story of the community, giving it continuity by piecing together its parts.[131] Smith calls this history ethnohistory:

> It is not history, as a professional, institutionalised, and more or less disinterested enquiry into the relics of the past that interests us, but the selective shared memories of successive generations of the members of communities, and the ways in which the generations represent and hand down the tales of the community's past to each other.[132]

Ethnohistory is based on myths, memories and the experiences of the people.[133] It is a cultural resource of extraordinary significance; it is the community's sacred past and thus held in reverence and awe. It inspires and encourages good conduct and directs the present history and way of life. Therefore, unlike the modernists for whom past history is of little value, the ethnic nations hold ethnohistory to be of paramount importance.

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[128] Smith calls this myth-symbol complex or a *mythomoteur*, as they are not concerned with actual descent or origin but with "the sense of imputed common ancestry and origins." See Smith, *The Ethnic Origins of Nations*, pp. 24-25.

[129] Smith, *The Ethnic Origins of Nations*, p. 25.

[130] Smith, *The Ethnic Origins of Nations*, pp. 24-25.

[131] Smith, *The Ethnic Origins of Nations*, p. 25.

[132] Smith, *Sacred Sources of National Identity*, p. 169.

[133] Horowitz, *Ethnic Groups in Conflict*, p. 73.

The story of the Exodus of liberation from Egypt, no matter how it is recounted and reinterpreted by successive generations, is defining for Israel, it is the very history and identity of ancient Israel; in fact most of Israel's laws are based on the story of God's deliverance. This ethnohistory not only regulated the day to day life of ancient Israel, but in defeat and struggles, the memories of earlier deliverance fuelled hope and thus enabled the survival of the nation of Israel. Thus, the study and understanding of the ethnohistory of a nation is fundamental to the understanding of its life and survival.

Smith speaks of golden ages; each *ethnie* has a story to tell of their origin, growth, achievements, golden periods, survival and re-grouping. The history of their golden age or the ideal period channels hope and conduct and helps the survival of the community.[134] Smith regards the account of the golden age as one of the key foundations of national identity because it plays an important role in differentiating the nation from other *ethnies*. Smith regards the myth of ethnic election as part of the ethnohistory of an *ethnie*, which will help our understanding of the concept of the election of Israel in chapter five.

2.3.3.4. Distinctive Shared Culture

The most common distinctive traits of an *ethnie* are language and religion, but "customs, institutions, laws, folklore, architecture, dress, food, music and the arts, even colour and physique," may enhance the differences.[135] Language is one of the prominent and natural distinguishing marks of ethnicity. Among some *ethnies* language will be the same; however, different dialects would distinguish one from another. Language also binds people together into a group which greatly helps in group solidarity. The distinctive traits of culture function to bind members together and distinguish them from others. Although, as Barth points out, culture alone cannot set one *ethnie* apart from another, over a period of time each *ethnie* naturally develops variations, thus distinguishing it from its neighbours. Smith notes, "the greater the number of differentiating cultural ties and/or unique cultural traits, the more intense the sense of separate ethnicity, and the greater the chances of ethnic persistence."[136]

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[134] Smith, *Sacred Sources of National Identity*, p. 171ff.

[135] Smith, *The Ethnic Origins of Nations*, p. 27.

[136] Smith, *The Ethnic Origins of Nations*, p. 28.

2.3.3.5. Association with a Specific Territory

Further, there is always a connection between an *ethnie* and a land or territory, which it calls its 'own.'[137] Smith rightly points out that the relevance and importance of a territory for an ethnic group is, "not because it is actually possessed, nor even for its 'objective' characteristics of climate, terrain and location, though they influence ethnic conceptions, but because of an alleged and felt symbiosis between a certain piece of earth and 'its' community."[138]

According to Smith, three aspects of this bond are important: sacred centres, commemorative association and external recognition. Each land possessed or considered theirs by the ethnic community is associated with a deity and thus has a sacred centre or centres in a religio-ethnic sense. Secondly, these centres function with symbolic and emotive attributes drawing and associating people whether the land is occupied by them or not. Thirdly, recognition by others that a particular *ethnie* belongs to a particular land is important for a territory to become a 'homeland,' says Smith, "it must be both 'associated' and 'recognised.'"[139]

Modernists see territory through two main activities: "census taking and map making," both of which view land as a geo-body.[140] In contrast to this, territory is held as sacred and set apart as special by ethnic communities. Thus, land as sacred is part of the cultural resources which nationalists rely upon to further their national cause.[141] In Smith's view sanctification of land is a long process, which includes territorialisation of memory, historicisation of nature and naturalisation of history.

Territorialisation of memory refers to "a process by which particular places evoke a series of memories ... and it summarizes a tendency to root memories of persons and events in particular places and through them create a field or zone of powerful and peculiar attachments."[142] Historicisation of nature is a "process by which land or terrain and its natural features become part of a community's history,"[143] for instance, the historicisations of rivers like the Nile by the Egyptians, the Indus by the Indians, the Yellow river by the Chinese. Naturalisation of history is the reverse of the historicisation of nature, that is treating one's history as part of nature. Here, a community's history is aligned with nature, for instance, the places of worship, tombs and so on, become natural settings for the community's life and practice.[144]

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[137] This does not mean, says Smith, that an *ethnie* has to reside in that land or territory, for he says, that "*ethnie* do not cease to be *ethnie* when they are dispersed and have lost their homeland; for ethnicity is a matter of myths, memories, values and symbols, and not of material possessions or political power." Smith, *The Ethnic Origins of Nations*, p. 28.

[138] Smith, *The Ethnic Origins of Nations*, p. 28.

[139] Smith, *The Ethnic Origins of Nations*, p. 29.

[140] Smith, *Sacred Sources of National Identity*, p. 132.

[141] See Rieffer for the importance of considering land as ancestral homeland or sacred by the religious nationalists. Barbara-Ann J. Rieffer, 'Religion and Nationalism', *Ethnicities*, 3 no. 2 (2003), 215-242, (p. 226).

Smith calls this process of people aligning with land as an ethnoscape, in which "landscape and people are merged subjectively over time, and each belongs to the other."[145] He identifies two types of sacred lands or ethnoscapes. One is the promised land or a land of destiny and the other is the ancestral land or the land of birth or history.

2.3.3.6. Sense of Solidarity

Finally, an *ethnie* is "a community with a definite sense of identity and solidarity."[146] There cannot be an ethnic community without this important feeling of solidarity. It is as important as the other constituent elements of ethnicity if not more so; without a sense of solidarity within the group, the *ethnie* will not survive in the long run; in times of trouble it can override other class or regional differences within the community. Apart from crisis, which brings the community together, language and religion are two important elements that drive a sense of oneness and solidarity in an *ethnie.* Such solidarity, maintains Smith, must animate at least the upper strata of society, who can communicate to other strata in the community.

The above six components differentiate or delimit an *ethnie* from other class or religious groupings. To pursue further in our understanding of the nature of *ethnie* we will present below some of the factors leading to the formation and sustenance of *ethnies*.

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[142] Smith, *Sacred Sources of National Identity*, p. 134.
[143] Smith, *Sacred Sources of National Identity*, p. 134.
[144] Smith, *Sacred Sources of National Identity*, p. 136.
[145] Smith, *Sacred Sources of National Identity*, p. 136.
[146] Smith, *The Ethnic Origins of Nations*, p. 29.

2.3.4. Factors leading to the Formation of the *ethnie*

Smith highlights three factors that influence the formation of ethnic communities: sedentarisation and nostalgia, organised religion and inter-state war. Of these, religion has a profound influence both in the foundation and in the sustenance of ethnic communities throughout their life.

2.3.4.1. Sedentarisation and Nostalgia

Following Rushton Coulborn's work on the immigration-crisis theory of the beginnings of civilisations,[147] Smith identifies three consequences of the process of sedentarisation, which contributed to the formation of *ethnies*.

The first consequence of sedanterisation, notes Smith, is a shift from nomadism to 'localism,' that is, nomads settled in small villages under village headmen and adapted to a farming life, leading to local ties and local exchange. This new type of life and production gave rise to "distinctive patterns of work and ties of loyalty." Secondly, 'localism,' led to 'folk rhythms' and smaller traditions, myths and legends, rites and customs, which provided ingredients for the formation of *ethnies*. Thirdly, over a period, the sedentary life inculcated a passionate attachment to or nostalgia for the territory migrated from and a new bond of kinship relationship. Such yearning for primitive kinship relationships and territorial affinity, affirms Smith, enabled the community to differentiate itself from its neighbouring communities, which is an important factor in the formation and sustenance of an *ethnie*.[148] The early Israelite migration to the land of Canaan would serve as a good example.

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[147] According to Coulborn parched and dry land in Russia and Central Asia drove late Neolithic communities into river basins of the southern hemisphere. The river basins meant a shift from nomadic to sedentary life. Coulborn claims that the process of immigration and adaptation to a new mode of life with its share of stress like failed crops and floods led to ritual beliefs and practices to ensure safety and productivity, and the rise of organised religion to overcome social disintegration. Smith follows Coulborn's emphasis on the contrast between nomadic and sedentary life and the process and trauma of sedentary life. See Smith, *The Ethnic Origins of Nations*, pp. 32-33, citing Coulborn, R., *The Origin of Civilised Societies*, Princeton University Press, 1959.

[148] Smith, *The Ethnic Origins of Nations*, pp. 33-34, cites Coulborn, R., *The Origin of Civilised Societies*, Princeton University Press, 1959.

2.3.4.2. Organised Religion

As well as sedantarisation, religion played an important role as "both symbolic code of communication and focus for social organization among pre-modern communities."[149] There are three important aspects of the relationship between religion and ethnicity.

Firstly, there is "a close relationship between the origin myths of *ethnie* and their religious beliefs about creation and their location in the cosmos."[150] Smith cites the example of numerous versions of the Flood stories and the sole survival of ancestors. Further, he observes that it was common for *ethnies* to trace their king's descent from the city gods. More important than the origin myth was the "implicit idea of divine selection and collective mission ... the idea that 'we' constitute the first of the earth's communities, the special beneficiaries of divine activity, and that we are enjoined to lead a special life under the dispensation of a divinely ordained law-code, such as those of Ur-Nammu, Hammurabi and Moses."[151] The ideas of a group's special location in the cosmos and of ethnic election brought about by religion lent to "ethnic consciousness a sense of separation and superiority over other peoples."[152]

Secondly, religious sectarianism provides an avenue for the formation of ethno-religious communities. Many *ethnies* come into existence through a religious schism, for instance, the Sikh and Buddhist communities were formed out of the mainstream Hindu communities.[153]

Thirdly, organised religion "provides personnel and communication channels for the diffusion of ethnic myths and symbols."[154] Priests, along with scribes, as chief guardians of religion play an important role, "in uniting local traditions and rites, in disseminating common symbols, feasts, ceremonies and myths of heroes and holy men, along with a well-defined life-style and code of religious law."[155] Priests inculcate communal sentiments, doctrines and ethics leading to a distinct and historically conscious community with its particular territory and godhead. Through their common training, priests are able to "synthesize and re-interpret the peculiar rites and legends of local peasantries and incorporate them into a standard canon."[156] Thus, priests help guard, codify and transmit the holy and legal texts of ethno-religious communities, which not only gives identity to the community but serves to re-inforce the community in times of threat.

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[149] Smith, *The Ethnic Origins of Nations*, pp. 34-35.

[150] See Smith, *The Ethnic Origins of Nations*, p. 35. Similarly, Durkheim connects religion and cosmology saying "there is no religion that is not a cosmology at the same time." See Emile Durkheim, *The Elementary Forms of the Religious Life*, trans. by J. W. Swain (London: Allen and Unwin, 1915).

[151] Smith, *The Ethnic Origins of Nations*, p. 35.

[152] Smith, *The Ethnic Origins of Nations*, p. 35.

[153] Smith, *The Ethnic Origins of Nations*, p. 36.

[154] Smith, *The Ethnic Origins of Nations*, p. 36.

[155] Smith, *The Ethnic Origins of Nations*, p. 37.

2.3.4.3. Inter-state Warfare

Apart from sedantrisation and religion, the main cause of the formation of *ethnies* in the pre-modern era was inter-ethnic or state warfare. Although there is much work done on ethnicity and warfare there is inadequate material on the interrelationship between the two. Smith challenges the group aggression theory, which views warfare as a product of society, mostly of out-group hostilities spurred by group competition and inherent animosity. He argues for cohesion theory, according to which war is an important factor in shaping ethnicity.[157]

Smith views group solidarity as a product of external threat. When there is external threat to a community, all differences are set aside leading to ethnic fraternity. Based on Simmel's study of *Conflict*, Smith points out that, "conflict is a possible form of sociation, and that hostility sharpens group boundaries ... mobilises its members."[158] That is, war has the potential to create a "sense of belonging and community."[159] Smith observes that "it is not society or ethnicity that determines war, but conflict itself which determines the sense and shape of ethnicity."[160] Further, he claims such 'bonding' creates myths and heroic legends of war set down in epics and poems, which acts as catalysts for reviving spirits and the ethnic bond.[161]

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[156] Smith, *The Ethnic Origins of Nations*, p. 37.

[157] Smith, 'War and Ethnicity', pp. 375, 378f. Guibernau agrees with Smith that war makes people. "War is political science par excellence. Over and over again has it been proved that only in war a people becomes in very deed a people. It is only in the common performance of heroic deeds for the sake of the fatherland that a nation becomes truly and spiritually united." See Guibernau, *Nationalisms*, p. 8, cites H W C Davis, *The Political Thought of H. Von Treitschke* Constable & Company, 1914), p. 150. See also Horowitz, *Ethnic Groups in Conflict*, pp.95ff (for a useful discussion see chapter 3 Conflict Theory).

[158] Georg Simmel, *Conflict, and the Web of Group-Affiliations* (London: Free Press of Glencoe, 1964), p. 88, cited by Smith, 'War and Ethnicity', p. 378.

[159] Smith, 'War and Ethnicity', p. 378.

[160] Smith, *The Ethnic Origins of Nations*, p. 39.

[161] Smith, *The Ethnic Origins of Nations*, pp. 38-39.

War also sharpens the cultural differences between groups. Smith notes "relations of alliance and conflict help to sharpen a feeling of self-differentiation between communities."[162] Warfare determines identities and relationships, usually with negative stereotypes. There are three main ways such warfare contributed to ethnic sentiments: professional fighters, geo-political location and prolonged warfare.[163] Firstly, a community under external threat recruits a fighter force to protect it. Such indigenous organisation and mobilisation itself enforces solidarity and dependency.[164] Secondly, a community's location is sometimes important for fostering the ethnic bond among members. For instance, in the case of Israel, being in between two great empires, and in constant conflict with local tribal groups, war was a constant reality, which naturally enabled a bonding of the ethnic community. Thirdly, generally prolonged warfare between states crystallises and strengthens the ethnicity bond.[165]

In general it is important to consider war as an independent and chief force in shaping various aspects of ethnicity. And specifically prolonged warfare generally strengthens ethnic self-consciousness and ethnic imagery.[166]

2.3.5. Ethnic Identity and Survival

If nationalism is a modern phenomenon, the equivalents of nationalism in the pre-modern society, according to Smith, are ethnocentrism and ethnicism. Ethnocentrism characterises the nature of group sentiments while ethnicism characterises the various collective activities in defence of the group. Ethnocentrism and ethnicism are greatly spurred by the myth symbol complexes of *ethnie*, by which he means particularly the religious myths, which are crucial for the identity and survival of *ethnie*. Smith's account of the myth symbol complex or *mythomoteur* is important for our understanding of ethnic election.

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[162] Smith, *The Ethnic Origins of Nations*, p. 39. Horowitz argues for group entitlement as one of the basic reason for group conflict. He argues that ethnic conflict "does not occur because groups are becoming more alike. Nor does it derive from the mere fact of group differences. Ethnic conflict arises from the common evaluative significance accorded by the groups to acknowledged group differences and then played out in public rituals of affirmation and contradiction." See Horowitz, *Ethnic Groups in Conflict*, p. 227.

[163] The three functions of war, according to Treitschke, are: it settles quarrels between states, is a remedy against national disunion and it is a means to create new states. See Guibernau, *Nationalisms*, p. 8.

[164] Smith, 'War and Ethnicity', p. 378, cites Simmel, *Conflict, and the Web of Group-Affiliations*, p. 88. Simmel pointed out that "warfare generates an integrated and centralized command structure."

[165] Smith, *The Ethnic Origins of Nations*, p. 40.

[166] Smith, 'War and Ethnicity', pp. 389-390.

2.3.5.1. Ethnocentrism

Smith defines ethnocentrism as "the belief in the centrality, virtue and rightness of the ethnic community."[167] It is the sentiments and attitudes of a community focused upon itself to the exclusion of outsiders and their life-style. Smith considers ethnocentrism as a cultural or even a religious sentiment.[168] Sometimes, these sentiments remain static and are unconscious.[169] "Collective uniqueness" and "centrality" are two common features of the pre-modern *ethnie.*[170]

Such centrality and feelings of cultural and moral uniqueness and superiority embody twin assumptions:

> On the one hand, the myths of origins, the historical memories, cultures and homelands of a given *ethnie* were felt to be 'natural' and 'proper'; they possessed 'value' and 'holiness', and therefore 'our heritage' was in some sense genuine. On the other hand, the myths, memories, cultures and homelands of others somehow lacked value and truth, and were therefore temporary and defective.... Not only Greeks with their sense of superiority to 'barbaroi' or Jews with their contempt for pagan idolators, but every people of antiquity and after has opposed its own sense of 'right' and worth to the rude and unintelligible ways of other communities, whether it be the Egyptians with their disdain of Asiatics, the Babylonians or Chinese sense of being at the centre of the universe, or the Muslim Arab belief in the Dar-ul-Islam's superiority to every other civilization and revelation.[171]

Smith observes that behind this "ethnic outlook stood a conception of history which was particularistic and genealogical,"[172] which is a normal condition for every *ethnie.* However, Smith defends this self-focus or centrality, noting that ethnocentrism:

> entails an almost solipsistic attachment to the communal heritage, with its peculiar myths, memories, values and symbols. This means that the sense of ethnic identity

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[167] Anthony D. Smith, 'Ethnic Election and National Destiny: Some Religious Origins of Nationalist Ideals', *Ethnic and Racial Studies*, 5 no. 3 (1999), 331-356, (p. 336). See also Anthony D. Smith, *Nationalism in the Twentieth Century* (Oxford: M. Robertson, 1979), p. 90.

[168] Smith, *Nationalism in the Twentieth Century*, p. 91. Smith does not agree with the view that ethnocentrism was primarily based on physical or biological characteristics. He agrees that racism has developed the ethnocentric prejudice in the opposite direction to racial superiority. For racial ethnocentrism see Smith, *Nationalism in the Twentieth Century*, pp. 92-114.

[169] Smith, *The Ethnic Origins of Nations*, p. 50.

[170] Smith, *The Ethnic Origins of Nations*, p. 47. Weber calls this 'sentiments of prestige,' see Max Weber, and others, *From Max Weber : Essays in Sociology*, International Library of Sociology and Social Reconstruction (Routledge & Kegan Paul) (London: Kegan Paul Trench Trèubner, 1947), pp. 171-176., cited by Smith, *The Ethnic Origins of Nations*, p. 47.

[171] Smith, *The Ethnic Origins of Nations*, p. 48.

[172] Smith, *The Ethnic Origins of Nations*, p. 48.

> emanates from a commitment and attachment to the shared elements which unite the members of a group, rather than from the differences which debar outsiders. Exactly because *ethnie* are so 'family-centred' and, in fact, embody the sense of being a large, unique family, the members feel so knit to each other and so committed to the cultural heritage which is their family inheritance. Because the ethnic life-style and culture was that of their forefathers in each family within the *ethnie*, there is a strong disposition (other things being equal) to retain and acknowledge that culture and life-style by every present generation.[173]

Smith's idea of ethnocentrism as "family-centred," one's "cultural heritage," equates it with primordial aspects of ethnicity. That is, ethnocentrism is intrinsic, inherent and 'given.' In this sense, Smith's concept of ethnocentrism is a critique of the instrumentalist concept of ethnic bond that regards the various collective symbols and values as mere 'boundary mechanisms' or 'cultural markers' which divide 'us' from 'them.' According to Smith, the conception of ethnocentrism cannot be entirely founded on the sense of the 'alien' and 'unintelligible.' The notion of 'alien' and 'strangers' derives from the community's sense of shared experiences and values, a feeling of 'us-ness' and group belonging, which in turn derives from the family traditions and life-style. Thus, Smith argues that this perception of family outlook and tradition bind the whole community together in a 'community of ancestry', which gains with every generation and which "evokes a veneration and respect for ancestors and the past."[174]

Even ethnic symbols such as dress, diet, rituals and language serve to differentiate one *ethnie* from the other. Smith thinks these symbols are more important for the insider, that is, the group members themselves, as they function as an important reminder and lesson, particularly to younger members of an *ethnie*, of the heritage and traditions of the ancestors. They are "signposts" and "visible spurs" from which an *ethnie* draws its inspiration, sustenance and faith.[175]

2.3.5.2. Ethnicism

Smith defines ethnicism as,

> a collective movement, whose activities and efforts are aimed at resisting perceived threats from outside and corrosion within, at renewing a community's forms and traditions, and at reintegrating a community's members and strata which have

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[173] Smith, *The Ethnic Origins of Nations*, pp. 48-49.
[174] Smith, *The Ethnic Origins of Nations*, p. 49.
[175] Smith, *The Ethnic Origins of Nations*, pp. 49-50.

> become dangerously divided by conflicting pressures … (also) there is always a summons to communal action and a crude but clear programme for restoring aspects of the community's culture and territory.[176]

There is a difference between ethnocentrism and ethnicism; the former is passive and normally unconscious and the latter is active and action oriented.[177] The three aims of ethnicism are territorial restoration, genealogical restoration and cultural renewal. Territorial restoration or ethnic territorialism involves, "on the one hand, primary resistance to invasion conceived as a defence of the community and its culture; and on the other hand, a movement to re-acquire lost territory thought to belong to the community."[178] Genealogical restoration is a movement which relates ethnicity to family legitimation. Cultural renewal seeks renewal of the whole community when it perceives that the community's culture and life-style is under threat.[179]

The main purpose of ethnicism is to create myths to preserve memories of the glorious past. Ethnicism, says Smith, is mainly defensive and is "a response to outside threats and divisions within. It seeks a return to the *status quo ante*, to an idealized image of the primitive past. It emerges when a group's sense of ethnicity is attenuated and impaired, or when it is challenged by shattering external events."[180]

The following factors incite the renewal of ethnic ties and sentiments: First, a military threat or attack on one's territories calls for ethnicism - but a sudden and unexpected attack may not lead to ethnic response as "an ethnic movement requires gestation and organization."[181] Secondly, imperial cultural and religious contact or encroachment prompts resistance.[182] Thus, "historical culture and ancestral homeland" are other main functions of ethnicism.[183]

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[176] Smith, *The Ethnic Origins of Nations*, p. 50.
[177] Smith, *The Ethnic Origins of Nations*, p. 50.
[178] Smith, *The Ethnic Origins of Nations*, p. 51.
[179] Smith, *The Ethnic Origins of Nations*, pp. 53-54.
[180] Smith, *The Ethnic Origins of Nations*, p. 55.
[181] Smith, *The Ethnic Origins of Nations*, p. 55.
[182] Smith, *The Ethnic Origins of Nations*, p. 56.
[183] Smith, *The Ethnic Origins of Nations*, p. 57.

2.3.5.3. Ethnic Mythomoteur

At the centre of every *ethnie* "stands a distinctive complex of myths, memories and symbols (or 'myth-symbol complex') with peculiar claims about the group's origins and lines of descent. These claims and this complex provide the focus of a community's identity and its *mythomoteur*."[184] He notes that there are two main *mythomoteurs*, dynastic *mythomoteurs* and communal *mythomoteurs*, which he further subdivides into political and religious.[185]

The dynastic *mythomoteur*, explains Smith, is "attached to the office of the ruler and by extension to the ruling house and dynasty."[186] It is often couched in religious language and ritual. The king and the dynasty are considered favoured or sanctioned by the divine; thus a holy dynasty, land and people, form a triad of centres of power. Smith calls these religio-dynastic *mythomoteurs*. Examples can be drawn from the Egyptian, Babylonian and Assyrian kingdoms. Smith observes that dynastic *mythomoteurs* are political in intent.

Communal *mythomoteurs* or 'myth-symbol complexes' are focused on the whole community rather than a privileged lineage. Thus, "the cultural and social system of a whole community, as opposed to that of neighbouring communities, forms the object of a special symbolism and descent myth."[187]

Communal *mythomoteurs* are divided into the political *mythomoteur* and the religious or sacral *mythomoteur*. In the political *mythomoteur,* the political system or civic culture is the object. It involves strong local patriotism inducing "a sense of political separateness and historical difference."[188] For instance, the ancient Greek *ethnie* was united by "the political institutions and myths of the component city-states,"[189] which reinforced and galvanised a sense of Hellenic unity against the Persian threat.

The religious or sacral *mythomoteur*, explains Smith,

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[184] Smith, *The Ethnic Origins of Nations*, pp. 57-58.
[185] Smith, *The Ethnic Origins of Nations*, p. 58.
[186] Smith, *The Ethnic Origins of Nations*, p. 60.
[187] Smith, *The Ethnic Origins of Nations*, p. 61.
[188] Smith, *The Ethnic Origins of Nations*, p. 61.
[189] Smith, *The Ethnic Origins of Nations*, p. 63.

> centres around the image of a sacred people with a special relationship to the deity. Typically, this *mythomoteur* posits an ideal past in which that relationship was harmonious and natural, when the community of the faithful lived out God's dispensation in true faith and understanding. Today's generations may have lost their way, but it is their duty to return to the ideal epoch of their history and become once again God's chosen emissaries on earth.[190]

Such theocratic and geo-communal *mythomoteurs* were found among the Israelites and the Aramenians. The priests and the prophets of Israel shaped a theocratic and communal conception of the *mythomoteur*, which enabled them to survive the threats from ancient empires and competing *ethnies*. The Aramenians too "retained an intense attachment to their original mountain kingdom and its sacred Gregorian centre, Echmiadzin."[191]

Among the three types of *mythomoteurs* – the dynastic, the communal-political and the communal-religious – Smith observes that the communal-religious "has undoubtedly the greatest impact on the membership of the community and its propensity for ethnocentrism and ethnicist movements of renewal and restoration."[192]

Can ethnic election be equated with ethnocentrism and ethnicism? Smith defines the myth of ethnic election as "a dramatic tale that links the present with a communal past, and one that is widely believed, it helps to draw the members into a distinctive community, conferring on them a special aura, that of 'the elect.'"[193] One must be cautious about equating the myth of ethnic election with the notion of ethnocentrism. A sense of ethnocentrism is a common sentiment of ethnic uniqueness whereas ethnic election, says Smith, "is more demanding … (it is to be) under moral obligations"[194] or purpose driven. For this reason, Smith does not engage in serious discussion of the similarity between ethnocentrism and ethnic election. Instead, he draws parallels with ethnicism and ethnic *mythomoteurs*, focusing particularly on the importance of ethnic election and ethnic *mythomoteurs* for ethnic identity and survival. However, Smith's explication of ethnocentrism and ethnicism are useful for our understanding of the concept of the election of Israel in Deut 4, which focuses on the uniqueness of Israel and Yahweh, and Deut 7, which focuses on the threat of the 'Canaanites.' We will discuss this further in chapter five.

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[190] Smith, *The Ethnic Origins of Nations*, p. 63.
[191] Smith, *The Ethnic Origins of Nations*, p. 64.
[192] Smith, *The Ethnic Origins of Nations*, p. 68.
[193] Anthony D Smith, 'Chosen Peoples: Why Ethnic Groups Survive', *Ethnic and Racial Studies*, 15 no. 3 (1992), 436-456, (p. 445).
[194] Smith, 'Why Ethnic Groups Survive', p. 441.

2.3.5.4. Ethnic Survival

Why and how some *ethnies* survive and others perish is an important part of the study of ethnicity as it enables one to understand the long lasting characteristics and function of ethnicity. Smith defines ethnic survival as "the persistence over several generations of each of the attributes of ethnic communities: a collective name, a homeland, myths of common ancestry and the like."[195]

There are many factors working for the survival of the *ethnie*, both 'objective' and 'subjective.' The 'objective' factors include political factors such as political leadership, its will and autonomy, economic and ecological variables such as land, its location, population, material resources. The 'subjective' factors, which are equally important, include "ethnic memories, values, symbols, myths and traditions."[196]

An ethnic community can survive without political autonomy or homeland, a fact which suggests that 'subjective' factors are more important for long-term ethnic survival than 'objective' factors. Long-term ethnic survival depends on the active cultivation of a sense of collective distinctiveness and mission. That is members of the community must be made to believe in the community's uniqueness and superiority and help preserve the community values from inner and external 'corruption'. Such myths of distinctiveness are generally derived from myths of origins, symbols and memories of a former golden age.[197]

Thus, Smith affirms that the most important factor in ethnic survival is the belief in the group as a 'chosen people,' which he calls the myth of ethnic election. Apart from "myths of common ancestry and memories of a golden age ... what is even more important for ethnic survival is to cultivate a *myth of ethnic election*... the creation and dissemination by specialist of the belief that 'we are a "chosen people"' has been crucial for ensuring long term ethnic survival."[198]

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[195] Smith, 'Why Ethnic Groups Survive', p. 438.
[196] Smith, 'Why Ethnic Groups Survive', p. 440.
[197] Smith, 'Why Ethnic Groups Survive', p. 440.
[198] Smith, 'Why Ethnic Groups Survive', p. 441.

Smith observes that among ancient *ethnie* the Jews were not the only ones to have believed in ethnic election, such concepts were found in ancient Egypt and Mesopotamia but he rightly maintains that their sense of ethnic election was "muted" and "indirect." Their myth of election was "vested in the king, ... (and) it was through kingship that any covenant between the gods and the community was mediated."[199]

Smith describes two types of ethnic election: dynastic and communal. In the dynastic pattern, the myth of election is normally attached to the ruling house or dynasty from whence the community draws its symbols and traditions. In the communal type, there are three patterns: the communal-demotic, emigrant-colonist and diaspora-restoration.[200] These reveal the significance and various functions of ethnic election for the survival of communities:

> *Warfare* and a warrior ethos are generally prominent in the dynastic-imperial pattern. The elect consist of righteous warriors under their redeemer-princes and faithful caliphs, and ethnic chosenness is borne on the spears and shields of missionary knights such as the Hungarian or Catalan nobility. As with the battles of the ancient Israelites against the Philistines, memories of victory and defeat became incorporated into the sacred history of a chosen people and its warrior-deity. *Popular revolt* stands at the heart of the communal-demotic pattern. Theirs is no simple fate of passive endurance, but rather the ideal of a purified people, mobilized in defence of its heritage ... *Wandering* has become the dominant theme of both emigrant and diaspora patterns. For the first it is a migration to the promised land, with a providential destiny that excludes indigenous peoples and slaves. For the diaspora type, long exile evokes a fervent nostalgia, an ardent desire to recover an original home exclusive to the chosen community.[201]

Smith credits the communal type of ethnic election, which is popular and engages the whole people, with a major role in the sustenance of ethnic communities.

Firstly, as noted earlier, the myths of ethnic election, which arise from unique cultural and religious experiences and tradition, once formed and regularly 'animated,'[202] heighten a sense of "collective uniqueness" and "centrality."

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[199] Smith, 'Why Ethnic Groups Survive', p. 442. See also Walter Bühlmann, *God's Chosen Peoples*, trans. by Robert R. Barr (Maryknoll, New York: Orbis, 1982), p. 187.

[200] Smith, 'Why Ethnic Groups Survive', p. 448.

[201] Smith, 'Why Ethnic Groups Survive', pp. 448-449.

[202] Smith uses this expression to refer to the constant reinterpretation and reinforcement of the unique traditions and symbolisms of the community.

Secondly, this sense of uniqueness and centrality is particular to the community and enables the community to feel 'proud' of its communal identity,[203] which helps unify and mobilise it. Smith observes, "through its symbolism, it strives to unify different classes and regions, spreading ethnic culture outwards from the urban centres and the specialist strata, who guard the traditions, thereby creating a more participant society."[204]

Thirdly, the myth of ethnic election functions as a boundary mechanism between the community and those outside. By creating and maintaining a set of cultural and religious practices, the myth of ethnic election segregates "the chosen community from a profane and alien world, thereby turning the elect in upon themselves and forcing them to rely even more fully on their own spiritual resources."[205]

Fourthly, myths of ethnic election strengthen a community's attachment to its historic territory. They interpret the territory as God-given and thus bind the community to the sacred land.[206] Even if the community is dispersed to a foreign land, the ethnic myth of election draws the sentiments of the exiles to their sacred land of origin or ancestry.

Thus, the major functions of communal ethnic election are to mobilise the community in defence of their culture and territory, renew, reintegrate, and to restore the community's unique cultural and religious sentiments.

2.4. Sacred Foundations of Nation

Besides ethnicity, religion and culture are major factors in understanding the nature and function of a nation, particularly nation as sacred communion. Ethnicity is considered as 'given' and natural by the primordialists, while the instrumentalists speak about the importance of ethnic interaction between groups for the formation and sustenance of group identity. Anthony Smith's ethno-symbolic approach to the study of nation and ethnic communities shows the importance of the subjective scope of ethnic symbols such as myths and memories in the formation and maintenance of *ethnie*.

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[203] Smith, 'Ethnic Election and National Destiny', p. 336.
[204] Smith, 'Why Ethnic Groups Survive', p. 445.
[205] Smith, 'Ethnic Election and National Destiny', p. 336.
[206] Smith, 'Why Ethnic Groups Survive', pp. 445-446.

The importance of the role of religion in the life and function of ethnic communities is paramount for the ethno-symbolic approach. Religion with its myth symbol complex, enables *ethnie* to articulate their uniqueness and centrality to their group members and thus helps maintain their differentiation from neighbouring communities. Smith rightly emphasises the importance of ethnic election myths in the maintenance of group identity, ethnic religious and cultural renewal, and particularly in the long-time survival of communities against threat and assimilation.

Smith follows Geertz in considering culture and religion as two important elements, which influence the formation and maintenance of nations and ethnic groups.[207] Although the term 'culture' has a multitude of meanings, Geertz follows Parsons, Weber and Shils in considering culture as a system of symbols. He defines culture as "an historically transmitted pattern of meanings embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which men communicate, perpetuate, and develop their knowledge about and attitudes toward life."[208]

Geertz also defines religion as a "system of symbols."[209] He sees religion as a set of symbols with meaning relating "an ontology and a cosmology to an aesthetics and a morality."[210] Geertz maintains, religion is not to be resigned to a mere metaphysics: religion is infused with morality, for he says, "the holy bears within it everywhere a sense of intrinsic obligation: it not only encourages devotion, it demands it; it not only induces intellectual assent, it enforces emotional commitment."[211] A symbol mean variety of things for Geertz: first, it "signifies something else to someone: dark clouds are the symbolic precursors of an on-coming rain" and secondly, "it is used for any object, act, event, quality, or relation which serves as a vehicle for a conception –the conception is the symbol's 'meaning.'"[212] Further, sacred symbols, explains Geertz, "function to synthesize a people's ethos –the tone, character, and quality of life, its moral and aesthetic style and mood –and their world view."[213] Thus, Geertz views culture and religion as systems of symbols.

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[207] Geertz, *The Interpretation of Cultures*, pp. 261-263. See Rex, *Ethnic Minorities in the Modern Nation State*, p. 202.

[208] Geertz, *The Interpretation of Cultures*, pp. 89, 250-251.

[209] Geertz defines religion as "a system of symbols which acts to establish powerful, pervasive, and long-lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such aura of factuality that the moods and motivations seem uniquely realistic." Geertz, *The Interpretation of Cultures*, p. 90.

[210] Geertz, *The Interpretation of Cultures*, p. 277.

[211] Geertz, *The Interpretation of Cultures*, p. 126.

[212] Geertz, *The Interpretation of Cultures*, p. 91.

The importance of symbols in the study of nations and nationalism is emphasised by many scholars.[214] For instance, according to Guibernau, "Symbols and rituals are decisive factors in the creation of national identity.... The consciousness of forming a community is created through the use of symbols and the repetition of rituals that give strength to the individual members of the nation."[215]

Guibernau agrees with Geertz that a symbol is an object, a sign, or a word used for mutual understanding; thus, it has value only for those who recognize it and, more importantly, provides a distinction between group members and 'outsiders.' The various functions of symbols in the context of nations are usefully outlined by Guibernau.

Firstly, symbol evokes particular memories or feelings among the people. He adds "people construct the community in a symbolic way and transform it as a referent of their identity."[216] Guibernau notes that through symbolism, "individuals are able to feel an emotion of unusual intensity that springs from their identification with an entity – the nation – which transcends them, and of which they actively feel a part... and are able to engage in heroic as well as barbaric actions in order to protect the interest of their nation."[217]

Secondly, symbols create a sense of group by masking differences and highlighting commonalities. By using particular symbols, a nation "masks the differentiation within itself, transforming the reality of difference into the appearance of similarity, thus allowing people to invest the 'community' with ideological integrity."[218]

Thirdly, symbol also plays a significant role in the maintenance of society in the long run by constantly readapting and reinterpreting within fresh contexts. Renan observed, "a nation's existence is … a daily plebiscite, just as an individual's existence is a perpetual affirmation of life."[219] Likewise, symbol needs to be re-created and infused with new meanings in the life of the community. The strength of symbol lies with its capacity to link with the past, particularly past traditions.

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[213] Geertz, *The Interpretation of Cultures*, p. 89.
[214] See Anthony P. Cohen, *The Symbolic Construction of Community, Key Ideas* (Chichester: Ellis Horwood, 1985). See also Guibernau, *Nationalisms*, p. 80ff.
[215] Guibernau, *Nationalisms*, p. 80.
[216] Guibernau, *Nationalisms*, p. 82.
[217] Guibernau, *Nationalisms*, p. 83.
[218] Guibernau, *Nationalisms*, p. 82.

According to Smith, religion with its "symbolism and collective ritual" played a crucial and significant part by inspiring a powerful sense of the sacred.[220] Apart from considering religion as a symbol system, Smith follows Durkheim in defining religion as "a system of beliefs and practices that distinguishes the sacred from the profane and unites its adherents in a single moral community of the faithful."[221]

The functional definition of religion "stresses the importance of the moral community, and of both sanctity and moral regulation for social cohesion."[222] Durkheim espoused the view that religious experiences, rites and ceremonies aimed at mobilizing and creating a social bond within a close-knit faith community:

> There is something eternal in religion which is destined to survive all the particular symbols in which religious thought has successively enveloped itself. There can be no society which does not feel the need of upholding and reaffirming at regular intervals the collective sentiments and the collective ideas which make its unity and its personality. Now this moral remaking cannot be achieved except by the means of reunions, assemblies and meetings where the individuals, being closely united to one another, reaffirm in common their common sentiments; hence come ceremonies which do not differ from regular religious ceremonies, either in their object, the results which they produce, or the processes employed to attain these results. What essential difference is there between an assembly of Christians celebrating the principal dates of the life of Christ, or of Jews remembering the exodus from Egypt or the promulgation of the Decalogue, and a reunion of citizens commemorating the promulgation of a new moral or legal system or some great event in the national life?[223]

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[219] See Renan, 'What Is a Nation?' p. 52.

[220] Smith, *Sacred Sources of National Identity*, p. vii.

[221] Durkheim defined religion as "a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden – beliefs and practices which unite into one single moral community called a Church, all those who adhere to them." By 'Church', Durkheim means a collectivity. See Durkheim, *The Elementary Forms of the Religious Life*, p. 47.

[222] The other approach to religion, notes Smith, is substantive, which he says is Weberian model, according to which religion is "a quest for individual and collective salvation in a supraempirical cosmos that guides and controls our everyday world." See Smith, *Sacred Sources of National Identity*, pp. 25-27. The substantive definition of religion, says Smith, equates religion with salvation from beyond or an otherworldly.

[223] Durkheim, *The Elementary Forms of the Religious Life*, p. 427.

Smith, following Geertz and Durkheim, claims that nationalism and national identity[224] have to do with social identity and solidarity and that religion provides the foundation or basis for this. Thus, he considers nationalism as a "form of culture and a type of belief system," which conceives nation as a sacred communion. Smith calls this belief system a new religion of the people and the object of this new religion is the people.[225]

2.4.1. Sacred Communion of the People

The people are the focal point of the sacred communion rather than the state or the elite. "In most analyses of nationalism 'the people' are generally treated as recipients of ideas, messages, and orders of often manipulative elites," says Smith.[226] The people's role is generally considered passive apart from periodic activity but this is largely because of the paucity of evidence. From the glimpses of traditions available, it is clear that the people were more active in the founding and sustenance of the nation. Examples of the active roles of people rather than leaders embody the true essence of nation. For instance, "the tradition of Joan of Arc, as a simple peasant girl, a defiant voice for the common people of France"[227] speaks of populist nationalism, where the real France is the common folk.[228]

The elevation of the people over the state is due to the religious belief system, which enables a view of the people as ordained directly by the divine. The people form the basis of the ethno-religious community and cult is the distinctive marker of the group. Thus, an ethno-religious community "sees itself as holy and prizes its uniqueness, its special bond of intimacy with the divine and its separation from surrounding communities."[229] At the heart of the ethno-religious community is the quest for true self, which Smith calls the cult of authenticity – that which is true, unique and personal. Smith equates the quest for authenticity with holiness, whereby in the religious cult some things are set apart and are venerated while others are forbidden.[230] This religious sanctity and exclusiveness is transmuted to the nation and its belief-system.[231] Further, the moral regulation of religion reinforces the cult of authenticity, where a community at least theoretically considers its members to be equal with common rights and duties – as, for instance, in the leagues of Greek city-states in antiquity.[232]

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[224] Smith defines national identity as "the maintenance and continual reinterpretation of the pattern of values, symbols, memories, myths, and traditions that form the distinctive heritage of the nation, and the identification of individuals with that heritage and its pattern." See Smith, *Sacred Sources of National Identity*, pp. 24-25.

[225] Smith, *Sacred Sources of National Identity*, p. 42. See also Smith, 'When Is a Nation?' p. 31.

[226] Smith, *Sacred Sources of National Identity*, p. 34.

[227] Smith, *Sacred Sources of National Identity*, p. 35.

[228] For the rise of populism in the nineteenth century see Smith, *Nationalism in the Twentieth Century*, pp. 10-12.

[229] Smith, *Sacred Sources of National Identity*, p. 32.

[230] Smith, *Sacred Sources of National Identity*, p. 38.

2.4.2. Sacred Mission and Destiny

The concepts of 'national mission' and 'national destiny' are central to Smith's thesis:

> the pursuit of a national mission, and the assumption of a national destiny, are fundamental to any nation's continued existence and recognition as a separate community. It becomes the task of successive generations of the community's members to preserve, renew and freely express that community's unique culture and ethno-history."[233]

National mission and destiny are intrinsic to national identity, authenticity and autonomy. It is the sacred mission or destiny, which re-animates the community, from time to time, whenever there is slackness or crisis. This is done by mass appeal, through religion, family teaching and in fact finds a part in all aspects of the community or nation's life.

2.4.3. Sacred Nation, Nationalism and Divine Election

The sacred nation is formed and maintained by nationalism. Nationalism, being considered by Smith as a belief system with sacred foundations, is closely connected to religion and religious belief in the divine election of the nation.

The relationship between nationalism and religion requires no demonstration, as the major problems faced by the world today are intertwined and connected with nationalism and religion. Both religion and nationalism provide identity and direction by giving a world-view. Both rely on the importance of symbols and provide shared meaning to their members. Both offer a belief system and are concerned with 'sacred' territory.[234] Barbara Rieffer calls the fusion between religion and nationalism 'religious nationalism'. She argues that religious nationalism is "a community of religious people or the political movement of a group of people heavily influenced by religious beliefs who aspire to be politically self-determining."[235] How is nationalism or religious nationalism connected to the religious concept of ethnic election?

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[231] Smith, *Sacred Sources of National Identity*, p. 40.
[232] Smith, *Sacred Sources of National Identity*, p. 33.
[233] Smith, 'Ethnic Election and National Destiny', p. 334.
[234] Rieffer, 'Religion and Nationalism', pp. 216-218.

Smith explains nationalism "as an ideological movement that seeks autonomy, unity and identity for a population deemed to be a nation, draws much of its passion, conviction and intensity from the belief in a national mission and destiny; and this belief in turn owes much to a powerful religious myth of ethnic election."[236] Equating nationalism with the myth of ethnic election, Smith argues, "Nationalism is the secular, modern equivalent of the pre-modern sacred myth of ethnic election."[237]

Nationalism, says Smith, "rode on the back" of myths of ethnic election particularly in Holland and England in late sixteenth and seventeenth centuries. There was an inseparable link between religious and national chosenness, that is nationalist ideas were based on belief in divine ethnic election. Similarly, strong links between divine election and nationalism existed among the Afrikaners, in Mexico, Ireland, Japan, Burma and in Sri Lanka.[238] Smith claims "the more intense and salient the ideals of a national mission and destiny in nationalist movements, the more likely are they to be preceded by analogous religious beliefs in ethnic election."[239]

Election myths are the strongest in the Judeo-Christian world, but are also present in other *ethnies*. This suggests that the myth of ethnic election is not related to a particular religious tradition but is a general phenomenon, which, according to Smith, "requires not only historical understanding but also comparative sociological analysis."[240]

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[235] Rieffer, 'Religion and Nationalism', pp. 225-226. She gives four reasons for the emergence of religious nationalism: first, it occurs when the territory is religiously homogenous as territory is an important aspect of religious nationalism. Second, when the territory is considered by the religious group as their ancestral land or sacred by some experience. Third, when there is threat to their religious culture by other religious groups. Fourth, as a liberation movement, when the group is ruled or oppressed by other religiously distinct groups. For many modern examples see Rieffer, 'Religion and Nationalism', pp. 227-233.

[236] Smith, 'Ethnic Election and National Destiny', p. 332. According to Smith, nationalism involves four elements: a vision, a culture, a solidarity and a polity. Smith, *Nationalism in the Twentieth Century*, p. 4.

[237] Anthony D. Smith, *National Identity* (London: Penguin, 1991), p. 84.

[238] Smith, 'Ethnic Election and National Destiny', p. 342.

[239] Smith, 'Ethnic Election and National Destiny', p. 343.

[240] Smith, 'Ethnic Election and National Destiny', p. 343.

Smith observes four aspects of ethnic election and its relationship with nationalism. Firstly, ethnic election confers a sense of superiority over outsiders. Religious myths of ethnic election heighten a "sense of centrality and rightness and underpin it with a belief in the inward superiority of the community, albeit superiority conditional upon adherence to the covenant and execution of the mission it entails."[241] Similarly, nationalism confers a sense of inner moral superiority over outsiders, even if the outsiders are powerful. National superiority may arise as a result of the belief in a national mission, which only that particular nation can perform.

Secondly, the belief in a community's election helps that community to await a radical reversal of their destiny and inspires passive or active resistance to oppression. Similarly, nationalism provides the marginal or suppressed nations with hopes of political and social liberation.[242]

Thirdly, the idea of election helps "to draw and reinforce a strict boundary against outsiders who are not part of the ethno-religious community and who therefore have no part in the sacred mission and its duties."[243] This boundary marking capacity enables the community to maintain segregation from the profane and alien practices of other communities.

Fourthly, the idea of election suggests a return to the community and its resources in order to mobilise the whole people in the sacred task and, by being obedient to divine will, to achieve the common destiny of the chosen people. Likewise, Smith notes, "nationalism is always populist in rhetoric, if not always in practice." The whole people is mobilised for a national cause or destiny. In both cases, disobedience is emphasised as failure to achieve that destiny.

Both the ethnic myth of election and nationalism entrust a collective task or mission to a given population. Both confer on group members a sense of their own moral superiority; both seek status reversal – a kind of political and spiritual liberation, both sharpen the cultural and social boundary and finally both mobilise the inner resources of the whole community for the common mission.[244] Smith argues that, although nationalism and the myth of ethnic election produce similar social and psychological effects, they different in content:

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[241] Smith, 'Ethnic Election and National Destiny', p. 336.

[242] For the relationship between nationalism and millennialism see Smith, *Nationalism in the Twentieth Century*, pp. 17-18.

[243] Smith, 'Ethnic Election and National Destiny', p. 336.

> The one is regarded as suprahuman in origin, being ordained by a specific deity, while the other is purely human in origin, a product of the character of the people and the laws of its history. The one is concerned with the fulfilment of moral and ritual obligations and leads to the sanctification of the community and ultimately its salvation; the other seeks the preservation and renewal of an authenticated cultural heritage through which inner and outer freedom may be obtained. In the one case, spiritual liberation brings social freedom; in the other case, cultural autonomy brings political liberty.[245]

The vision of a sacred communion of the people, the authenticity of a nation and the moral communion of the people characterize the myth of ethnic election, claims Smith. As Cauthen observes, the belief in ethnic election functions as a catalyst for social solidarity and political mobilization, stimulates ethnogenesis, demarcates ethnic identity and guarantees ethno-cultural preservation.[246]

Hastings observes that a nation's mythology of election was based on "seemingly extraordinary movements of history, whether deliverance from danger, the acquisition of exceptional power, the possession of great saints, intellectuals or artists ... it becomes the ground for claiming that the status accorded to Israel in the Old Testament is now transferred to here."[247]

Several examples of the close connection between divine election and national identity can be found among medieval and modern nations. The most notable ones involve the relationship between an election myth and the 'glories' and the 'defeat' of a nation.

In Elizabethan England, national sentiment was powered by religious resources, particularly, the resources of the Protestant faith. Smith notes that "the Marian persecution and the exile of Protestants" helped power feelings that God fought for English cause.[248] Hastings notes that the Reformation, the defeat of a superior power like Spain, and later the

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[244] Smith, 'Ethnic Election and National Destiny', pp. 337-338.
[245] Smith, 'Ethnic Election and National Destiny', p. 338.
[246] Bruce Cauthen, 'Covenant and Continuity: Ethno-Symbolism and the Myth of Divine Election', *Nations and Nationalism*, 10 no. 1/2 (2004), 19-33, (p. 19).
[247] Adrian Hastings, 'Special Peoples', *Nations and Nationalism*, 5 no. 3 (1999), 381-396, (p. 394).
[248] Smith, *Sacred Sources of National Identity*, p. 46.

Protestant colonies in America convinced the English that they were God's chosen people and that Queen Elizabeth was God's instrument.[249] In fact, Smith claims that the first use of the term 'nationalism,' in mid-nineteenth century Britain, signified the doctrine of the divine election of England.[250]

Similarly, "a mythology of succession from Charlemagne, who plays, for the West, the role played by Constantine in the East," explains Hastings, "provided a uniquely Christian character for the French king."[251] Thus, notes Joseph Strayer, Pope Clement V, a Frenchman (1311), declared, "the Kingdom of France, as a peculiar people chosen by the Lord to carry out the order of Heaven, is distinguished by marks of special honour and grace."[252]

Likewise, Hastings shows how the portrayal of Spain as the spiritual and ecclesiastical head of the newly discovered America in the sixteenth century by Pope Alexander VI, led to the belief, among Spanish Catholics, that Spain was indeed chosen by God to lead the world and preserve the Catholic faith.[253]

The Afrikaners' view of chosenness was linked with the Great Trek[254] 1838 and its commemoration and celebration in 1938. In 1838, the Afrikaner Boers trekked northward fleeing from the British authorities. As they moved northward and inland from the coast, they encountered the African tribes. Their victory over one of the African tribe at the battle of the 'Blood' River in Natal in 16th December 1838 gave them a sense that God was with them and they were indeed chosen by God. The celebration a century later commemorated both the Great Trek and the Blood River battle. They saw the British as

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[249] Hastings, 'Special Peoples', p. 393. In the words of John Milton Reformation and English chosenness was related: "Why else was this Nation chosen before any other, that out of her as out of Sion should be proclaim'd and sounded forth the first tidings and trumpet of Reformation?" Hastings, 'Special Peoples', p. 393, cites John Milton, *Areopagitica: Complete Prose Works of John Milton*, Vol. II, New Haven, CT: Yale University Press, 1959, 552. Also, see John Lyly, "So tender a care hath he always of that England, as of a new Israel, his chosen and peculiar people." II, 205

[250] Smith, *Sacred Sources of National Identity*, p. 48. Hastings argues England was the first proto nation based on the Old Testament model of a chosen people. See Hastings, *The Construction of Nationhood*, p. 2.

[251] Hastings, 'Special Peoples', p. 392.

[252] Joseph Reese Strayer and Gaines Post, *Medieval Statecraft and the Perspectives of History : Essays* (Princeton: Princeton University Press, 1971), p. 313.

[253] Hastings, 'Special Peoples', p. 393.

[254] Templin explains it as "the massive movement of people, goods, wagons, north from the eastern Cape Colony into what became the Orange Free State and the Transvaal." See also J. Alton Templin, 'The Ideology of a Chosen People: Afrikaner Nationalism and the Ossewa Trek, 1938', *Nations and Nationalism*, 5 no. 3 (1999), 397-417, (p. 397).

Pharaoh and the Africans as their enemy and equated themselves to the Hebrews marching towards the 'promised land.'[255]

Expressions of religious ideas of ethnic election and national mission are also found in many people like the Irish, the Basques, the Finns, the Serbs, the Sikhs and others. In these cases too, notes Smith, a history of suffering "has sharpened their sense of ethnic chosenness and helped to forge a sense of national destiny."[256] A history of trauma and suffering can also be seen in larger nations like the Poles, when their "romantic nationalism fed on the dissolution of their kingdom and the suppression of their many heroic revolts, to produce … an image of a suffering Poland, a crucified nation shortly to be resurrected."[257]

Similarly, the Dutch struggle clearly manifests the sacred character of the national community. The Dutch related their suffering under the Spanish governors to Israel's suffering under Egypt. During this time, rhetoric and paintings portrayed the Dutch as "a new chosen people fleeing a modern tyranny and fighting the Lord's battles against latter-day Egyptians, Amalekites, and Philistines."[258] The miraculous deliverance of the Dutch from the Spanish occupation was interpreted as a sign of God's favour. This favour or providence from God was considered conditional on obedience and loyalty to God echoing the Hebrew conditional covenant.[259] Defeat or national suffering was explained in terms of God's punishment for moral failures, which equated the defeated with the Israelites and thus credited the Dutch with sharing Israel's election status.

In the Serbian national history Hastings observes that the idea of election was reinforced by the collapse of the Serbian state, after which, the Serbian Orthodox Church became the custodian of national identity. The Church's notion of being the embodiment of the chosen people was transferred to the nation.[260] The interpretation of the death of Prince Lazar at the Battle of Kosovo stimulated a sense of national sanctification and election. Thus, in the case of Serbia, the symbol of chosenness was defeat not victory. The nationalists, by equating the myth of the defeat of their nation with the death of Christ, enhanced the national sense of ethnic election.[261] Hastings argues this is a powerful myth, which generates powerful emotions and sometimes revenge.

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[255] Templin, 'The Ideology of a Chosen People', pp. 398-402.
[256] Smith, 'Ethnic Election and National Destiny', p. 347.
[257] Smith, 'Ethnic Election and National Destiny', p. 348.
[258] Smith, *Sacred Sources of National Identity*, pp. 45-46. See also Hastings, *The Construction of Nationhood*, p. 190.
[259] Smith, *Sacred Sources of National Identity*, p. 64.
[260] Hastings, 'Special Peoples', pp. 386-387.

An important aspect of suffering and trauma from a psychoanalytic perspective on national identity formation is shown by Vamik Volkan. Volkan describes a 'chosen trauma' as "the mental recollection of a calamity that once befell a group's ancestors," where chosen refers to "the transgenerational transmission of injured selves infused with the memory of the ancestors' trauma."[262] The chosen trauma, claims Volkan, is often used to interpret new traumas. The opposite of chosen traumas is chosen glories but both are used to bolster a group's self-esteem.[263] Kinnvall observes that chosen traumas and chosen glories are intimately connected to the image of a nation and the religious and cultural rituals, which preserve these traumas, often serve to sacralize the nation.[264]

2.5. Summary

This chapter presents various debates and theories on the nation and the role of the concept of ethnic election in its formation and sustenance. Nation and nationalism are argued by the modernists to be of modern origin, influenced by modern rational thinking, industrialisation, scientific achievements, or imagined through mass media. Although the modern influence on the idea of the nation is accepted by most scholars, some argue that the nation's self understanding is also rooted in its cultural, religious and ethnic past.

Smith's ethno-symbolic approach to the nation takes into consideration the symbolic aspects of ethnic and cultural resources in the analysis of nation and national identity formation. The ethno-symbolic approach supports a generic view of the nation, which sees it as an ethnic community and a sacred communion, a conscious and self-determined people who nurture a shared sacred past and a sacred destiny. In this context, the debates on ethnicity, particularly the primordial and instrumental aspects of ethnicity, have helped us to understand the underlying primordial bonds and social organisation of a nation. Primordial bonds maintain inner coherence and loyalty whereas social organisation takes the form of self-ascription and boundary marking in order to spur and sustain the nation.

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[261] Hastings, 'Special Peoples', p. 388.

[262] Vamik D. Volkan, *Bloodlines: From Ethnic Pride to Ethnic Terrorism* (Boulder, Co.: Westview Press, 1998), p. 48, cited by Kinnvall, 'Nationalism, Religion and the Search for Chosen Traumas', p. 86.

[263] Volkan, *Bloodlines*, p. 81, cited by Kinnvall, 'Nationalism, Religion and the Search for Chosen Traumas', pp. 86-87.

[264] Kinnvall, 'Nationalism, Religion and the Search for Chosen Traumas', p. 87.

The extensive discussion on ethnicity in this chapter is not intended to distinguish between *ethnie* and nation as if they were competing concepts in relation to our discussion of Deuteronomy; rather, the research on *ethnie* is intended to serve our argument against the modernists that ancient peoples can be regarded as nations. The ethno-symbolic perspective regards ancient nations as ethnic. Therefore, the study on ethnicity contributes to our understanding of ethnic nations. However, an *ethnie* is a comparatively smaller group or groups of people than a nation. Indeed an *ethnie* may itself comprise several smaller *ethnies*. The nation, as a larger grouping, has a political ideology at its core, which serves to unify, sustain and power it. The nation is also maintained by a legal framework, a common code of practice which is applied to all the members. With respect to ancient Israel being a nation, the book of Deuteronomy envisages a nation with its appeal to all Israel by means of a common code of conduct, a political and religious ideology.[265]

Cultural and sacral resources like myths and memories of nation play a significant role in the making and preservation of a nation. Among the sacred resources, belief in ethnic election directly addresses the heart and soul of the nation - the people - by creating a unique and authentic sense of identity, belonging and solidarity. Ethnic election empowers people by elevating them over leaders and the state. Ethnic election enables a quest for true self, for authenticity among other nations, driven by the functional or moral processes of religion. The ethno-symbolic approach espoused by Smith sheds more light on the concept of divine election. By taking seriously the subjective scope of myths, symbols and memories, this approach views the concept of divine election as "a system of symbols" signifying and conceiving nation as a sacred communion. As a sacred symbol, election functions to endow the nation with sacred foundations deeply rooted in its cultural and ethnic resources. Such a function augments the socio-cultural survival of a nation.

Thus, ethnic election sees the nation, its people, territory, history and destiny as sacred, divinely endowed with privileges and responsibility towards the group and thereby also towards those outside. Ethnic election seen in relation to nationalism, or as ethnocentrism and ethnicism functions as a catalyst and guardian of the nation in times of victory and crisis by animating the sacred traditions of the people. Ethno-symbolic study has much to offer to an understanding of ancient Israel as an ethnic and sacred nation and to the concept of the election of Israel, which is closely connected to Israel's nationhood. The next chapter is an analysis of three scholars who have contributed to the understanding of the Hebrew Bible from the perspective of ethnicity and nationhood. This will be followed by a chapter on Deuteronomy and nationhood and finally a fifth chapter on the application of the theories on nationhood to selected texts in Deuteronomy.

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[265] See chapter four for further discussion on ancient Israel being a nation.

Chapter Three: Ethnicity and Nationality in Ancient Israel

Introduction

Since the last decade there has been a surge in the study of the Hebrew Bible from the perspective of ethnicity and nationhood. Mark Brett has edited a collection of work related to ethnic studies of the Hebrew Bible.[1] There has also been work on archaeology and the ethnicity of Israel. Of particular importance is the debate between William Dever and Israel Finkelstein, the former arguing for Israelite ethnic identity from archaeological materials of the late Bronze Age, while the latter dates the materials to the late monarchic period.[2] Both use arguments from modern theological scholarship to justify the archaeological records. Apart from these works, Mullen,[3] Sparks[4] and Grosby[5] have made significant contributions to the study of ethnicity and nationality in ancient Israel. These scholars use diverse theories of ethnicity and nationality to explain the various elements of nationality in ancient Israel.

Mullen applies the modernist instrumental perspective on ethnicity and nationality to ancient Israel. He sees the Pentateuch and Deuteronomistic History as an ethnomythography of Israel imagined by the post exilic scribes in order to create and preserve the ethnic identity of the post-exilic community. Sparks applies the core-periphery model of Immanuel Wallerstein in order to explain the origin of ethnic sentiments in Israel. According to the core-periphery model, ethnicity is created by the interaction and economic relationship between the imperial powers (core) and the vassal states (periphery). Sparks argues that Israel's ethnicity and nationhood developed during their peripheral status under the Assyrian imperial power in the seventh century BCE.

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[1] Mark G. Brett, ed., *Ethnicity and the Bible*, (Boston: Brill, 2002).

[2] William G. Dever, 'Ceramics, Ethnicity, and the Question of Israel's Origins', *BA*, 58 no. 4 (1995), 200-213., William G. Dever, 'The Identity of Early Israel', *JSOT*, 72 (1996), 3-24. and I. Finkelstein, 'The Emergence of Early Israel: Anthropology, Environment and Archaeology', *Journal of the American Oriental Society*, 110 (1991), 677-686. Israel Finkelstein, 'Ethnicity and Origin of the Iron I Settlers in the Highlands of Canaan: Can the Real Israel Stand Up?' *BA*, 59 no. 4 (1996), 198-212.

[3] E. Theodore Mullen, *Narrative History and Ethnic Boundaries: The Deuteronomistic Historian and the Creation of Israelite National Identity*, Semeia Studies (Atlanta, Ga.: Scholars Press, 1993). E. Theodore Mullen, *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch* (Atlanta, Ga.: Scholars Press, 1997).

[4] Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and Their Expression in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 1998).

[5] Steven Grosby, *Biblical Ideas of Nationality Ancient and Modern* (Winona Lake, Indiana: Eisenbrauns, 2002).

Grosby uses philosophical anthropology to explain the ethnicity and nationhood of ancient Israel. According to him, the homogenising and rationalising tendencies within Israel's religion, mainly spurred by prophetic preaching, enabled Israel to move towards nationhood after the seventh century BCE.

In this chapter we will focus on the contributions made by Mullen, Sparks and Grosby to the study of ethnicity and nationality in ancient Israel. We will briefly state their approach and contribution, and offer criticism based on the ethno-symbolic approach, which we discussed in chapter two.

Theodore Mullen

Theodore Mullen, has produced two major monographs, one on the Deuteronomistic History and the other on the Pentateuch.[6] In both these works he seeks to focus on the functional aspects of the narratives. The functional or interpretative model, according to Mullen, is a way out of the impasse created by historical critical and literary studies of the Pentateuch and the Deuteronomistic History. Mullen maintains that these studies focus on the various layers, processes, production and ideological positions of the Pentateuch and the Deuteronomistic History. They do not presuppose the functioning of these corpuses in relation to the formation of the community whose identity was in crisis.

Mullen presumes that both the Deuteronomistic History and Pentateuch address the identity crisis of exilic and post exilic Judah. Thus, he maintains that the author/s of these works created an imagined history of their past in order to articulate and maintain their communal identity.

On the application of the functional interpretative method to the Hebrew Bible Mullen comments:

> The recognition of the importance of narrative in the social construction of reality, especially as it applies to such ideas as national and ethnic self-consciousness, provides the basis for the application of this new approach to various materials

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[6] Theodore E. Mullen, *Narrative History and Ethnic Boundaries: The Deuteronomic Historian and the Creation of Israelite National Identity*, The SBL Semeia Studies, Ed. E. L. Greenstein, Atlanta, Georgia: Scholars Press, 1993. Theodore E. Mullen, *Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch*, The SBL Semeia Studies, Ed. E. L. Greenstein, Atlanta, Georgia: Scholars Press, 1997.

> within the Hebrew Bible. This method of interpretation concentrates on the functional and transformative natures of selected narratives as social dramas in narrative form that functioned so as to define and bound a particular people as a separate and identifiable ethnic group.[7]

The important point in Mullen's interpretative method is the argument that narratives in the Hebrew Bible are social dramas and that the best way to interpret them is to focus on the functional aspect of the narratives. Mullen's argument in applying this method is that "the archaic 'originals' from which communities claim descent are often reconstructed and imagined more along the lines of group needs than in accord with any known empirical or historical reality."[8] Thus, the key to interpretation of the deuteronomistic history and the Pentateuch is to reconstruct the nature and functional purpose of the corpus.[9] The very origin and maintenance of this corpus is attributed to this functional perspective.

The importance of narratives in the social construction of reality and ethnic and national consciousness is central to Mullen's thesis, but Mullen's proposal that narratives are inventions for the sole purpose of creating and maintaining identity is questionable. Nevertheless, since Mullen's focus is on the identity issues and nationality of the exilic and post-exilic community, it is related to our study of the nationhood of ancient Israel and the nature and the function of the election of Israel in Deuteronomy. In the following sections we will present and criticise his basic proposal.

3.1.1 Deuteronomistic History

According to Mullen the earlier approaches to the deuteronomistic history, which adopted source and historical critical methodology, focused on the reform efforts of Josiah or Hezekiah. Mullen thinks that they considered the deuteronomistic history as a type of political propaganda legitimising reform but did not address the function of the deuteronomistic history,

> with respect to the formation of the community whose identity as an ethnic group was threatened by the exile with complete assimilation and ethnic dissolution … additionally, none of the major studies of the deuteronomistic history attempts to address the essential religious character of the text or the mythological dimensions that permeate both its contents and its design.[10]

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[7] Mullen, *Narrative History and Ethnic Boundaries*, p. 15.

[8] Mullen, *Narrative History and Ethnic Boundaries*, p. 15.

[9] Mullen, *Narrative History and Ethnic Boundaries*, pp. 5-7.

[10] Mullen, *Narrative History and Ethnic Boundaries*, p. 5.

Mullen thinks that his new interpretative model will bring out the functional aspects of the narrative corpus emphasising particularly its final form. The 'narrative events' within the deuteronomistic history are arranged as "a series of 'social dramas' of ritual creation/reenactment, which produce or reinforce certain ethnic boundaries that define the people 'Israel.'"[11]

Mullen illustrates his point with the story of Athaliah. He uses a framework from social drama having "four distinct phases: breach, crisis, redress and either reintegration or recognition of schism."[12] Thus, Athaliah's rise to power is presented as a breach and a crisis, although she may have ruled Israel legitimately, since the deuteronomist is interested in narrating the restoration of Davidic lineage. Any threat to this lineage was conceived as a threat to post-exilic identity. In fact, Mullen thinks that the deuteronomist employs the Davidic dynasty as a major factor for defining Judaean ethnic identity.

Mullen reiterates that the deuteronomistic history provides an account of past events in such a way as to make them meaningful to the present generation in relation to their identity issues. Such a narration of the 'past' becomes 'real' when it is internalized and accepted as 'reality.' Thus, stories have the power to transform 'history' into the 'historical.' Mullen thinks such a transformation is critical to the understanding of the nature and functions of the deuteronomistic history.[13]

The whole of the deuteronomistic history, according to Mullen, is a "literary creation" of fifth century BCE. He doubts whether the deuteronomistic history or even its sections such as Joshua[14]and Judges[15] ever existed or circulated in oral form. Although he notes, that the author may have used some earlier traditions in oral and written form, Mullen thinks that the author invented and 'imagined' the form and contents to compose a past history of Israel from its entry into Canaan until the exile.[16]

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[11] Mullen, *Narrative History and Ethnic Boundaries*, p. 15.

[12] Mullen, *Narrative History and Ethnic Boundaries*, p. 39.

[13] Mullen, *Narrative History and Ethnic Boundaries*, pp. 90-91.

[14] The book of Joshua, says Mullen, is an "ethnogonic myth," (Mullen, *Narrative History and Ethnic Boundaries*, p. 118.) projecting the ideals of Deuteronomy. He notes, that, "since ethnic identity is defined and maintained through shared myths of origins, histories and cultures, by a sense of communal solidarity and an association with a specific territory, it is not surprising that the narratives of Joshua are concerned with the matter of the possession of the land through which Israel will identify itself" (Mullen, *Narrative History and Ethnic Boundaries*, p. 88.)

[15] The book of Judges, according to Mullen, "depicts the narrative dissolution of that community (depicted in Joshua) through a series of vignettes that illustrate the dangers of failing to appropriate and maintain the ethnic boundaries established by Deuteronomy" (Mullen, *Narrative History and Ethnic Boundaries*, p. 112.) Mullen maintains that the deuteronomist clearly portrays through Judges the failures of the northern tribes and conversely places the emphasis on the successes of Judah thus revealing a "patent Judean tendentiousness" (Mullen, *Narrative History and Ethnic Boundaries*, p. 126.)

Therefore, according to Mullen, one must attempt to look at the function of the deuteronomistic history in its final form utilized by the post-exilic communities and the possibility of its being created for that specific cultural situation, providing "a set of boundaries for the community."[17]

3.1.2 Pentateuch

The book of Deuteronomy, for Mullen, is an ideological definition of what Israel should be, a "social manifesto of Israelite ethnic identity" or a "ritual manifesto of ethnic boundary formation for ancient Israelite identity," which originally "formed the ideological base" and introduction to the deuteronomistic history.[18]

As depicted by Deuteronomy the uniqueness of Yahweh and the uniqueness of Israel are "symbolic expressions of the ethnic, social boundary formation rather than accurate ethnographic descriptions of ancient Israelite practices."[19] Deuteronomy, for Mullen, like the deuteronomistic history, is an ideal, symbolic or fictive presentation directed towards the later restoration group. The general theme of Deuteronomy which implies a definition of Israel, is "the exhortation to the service of one god by a divinely chosen people centered about one sanctuary, by way of obedience to the law in the land that Yahweh had given them."[20]

According to Mullen, the definition of Israel in the book of Deuteronomy includes three elements: firstly, the formulation of Israelite identity by the description of the special relationship between Israel and Yahweh; secondly, the creation of ethnic distinctiveness by the articulation of Israel's separateness from neighbouring communities by the identification of Israel as a special possession, chosen and holy people of Yahweh; and thirdly, the ritual reactualization of the community by the covenant ceremony whereby the people affirm their obedience to a set of laws governing a different lifestyle.[21]

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[16] Mullen, *Narrative History and Ethnic Boundaries*, p. 9.
[17] Mullen, *Narrative History and Ethnic Boundaries*, pp. 7-8, 14.
[18] Mullen, *Narrative History and Ethnic Boundaries*, pp. 55, 87.
[19] Mullen, *Narrative History and Ethnic Boundaries*, p. 60.
[20] Mullen, *Narrative History and Ethnic Boundaries*, p. 58.

The Tetrateuch for Mullen is a compilation of legal traditions at the behest of the Persian court for the regulation of the Jerusalem Temple community, which was then under Persian rule. It was also a political document intended to create a sense of ethnic identity among the community. The writers of the Tetrateuch were:

> charged with the production and promulgation of a law acceptable to their Persian overlords. While the 'law' instituted by these delegates of the Persian government may have received a 'religious' interpretation, at the most basic level it was a political document designed to provide ethnic and political boundaries to a particular province of the empire.[22]

Therefore Mullen interprets the Tetrateuch story by story, from the Creation in Genesis to the movements towards the Promised Land in Numbers, as ethnic descriptors for the post-exilic community. For example, the primeval history was compiled by the Yahwist and presented as a "separate and distinct concept of the origin of the cosmos."[23] Mullen notes that such unique ways of presenting the creation stories "provide a background for the development of 'Israel's' self identity as a social unit separate from all others."[24] Furthermore, the distinguishing of Israel from the broader variety of primeval groups also constitutes a major function of the primeval story.[25]

The stories of the patriarchs, Abraham, Isaac and Jacob provided a genealogical background to the ethnic identity of the restoration community. They also construct a 'golden age' and provide three motifs essential to the national or ethnic myth of origins. Firstly, they locate the "origins of community *temporally*, describing *when* 'Israel' was formed," secondly, they locate them "*spatially*, describing *where* the community was created and finally they provide a myth of *ancestry*.[26]

According to Mullen, Exodus is a 'myth' of national origin as the people of Yahweh. It is a recreation of the myth of legitimising liberation and restoration. The function of Exodus,

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[21] Mullen, *Narrative History and Ethnic Boundaries*, pp. 59-62.
[22] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 38.
[23] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 91.
[24] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 92.
[25] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 94.
[26] Mullen, *Ethnic Myths and Pentateuchal Foundations*, pp. 69, 156.

Mullen maintains, is to motivate the exiles to return and repossess the land: "as 'Israel' had originally acquired its promised land upon its escape from Egypt, so too would 'Judah' regain its land upon its return from Babylon."[27]

Leviticus "describes the rituals that created and defined the people 'Israel' at Mount Sinai, serving Yahweh in perfect obedience before the Tabernacle which represented his presence among his chosen people."[28] Further, Mullen states that Leviticus "reflected actual historical actions performed by the priest in some particular cultic sanctuary… they do not necessarily describe how things were; rather, they explain how things *ought* to be."[29] Leviticus thus provides the means of becoming a 'kingdom of priests' and a 'holy people' and constructs cultic boundaries for the exiles separating them from all other peoples.

The accounts in the Book of Numbers, says Mullen, "continue and reorient those cultic and ritual elements." The narratives in Numbers are connected by two themes: "the instructions for the community at Sinai and the movement of Israel toward its land."[30] The proper maintenance of the relationship between Israel and Yahweh depends upon Israel's complete faithfulness to Yahweh's revealed instructions, especially in relation to the sacrificial cultus and the ritual purity.[31]

In his penultimate chapter, Mullen presents the Sinai Covenant, which is an important element for the formation and maintenance of ethnic identity. He notes that the Tetrateuch shifts the identity of the community away from definition in terms of the Davidic monarchy to a community centred on the temple and cult under the leadership of the priests. It is also moves away from claims to the land based on conquest towards the right of those who claim genealogical descent from Abraham to land in fulfilment of the promise to their ancestor. What prompted such a shift in the postexilic community after the writing of the deuteronomistic history is not explained.

Thus, Mullen takes Deuteronomy and the Deuteronomistic History as a whole, and then the Tetrateuch as supplement to them, and interprets them to be imagined and constructed from earlier 'sources' as ethnomythography for the reconstruction of ethnic identity in the exile and post exilic period.[32]

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[27] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 167.
[28] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 218.
[29] Mullen, *Ethnic Myths and Pentateuchal Foundations*, pp. 218-219.
[30] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 248.
[31] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 250.

3.1.3 Critique

Mullen has initiated an in-depth study of the Hebrew narratives from an ethnic perspective. His work attempts to subject the entire corpus of Genesis-Kings to the analysis of ethnic studies. He recognises the importance of Deuteronomy for the understanding of the entire narrative section, that it plays a pivotal role in the creation and sustenance of ethnic identity and nationhood.[33]

However, Mullen's determination to see the entire Israelite history as 'imagined'[34] and post-exilic comes of the modernist version of nationhood and from the notion that ethnicity and nationality are merely 'instrumental,' that is, he sees them as a political tool created to regulate the exilic community. The conflation of 'primordial' and 'instrumental' characteristics of ethnicity in the Hebrew Bible suggests that we need, as Kaufmann maintains to take the historical influences on ethnic formation seriously. [35] That is, ethnicity is not always constructed but can also be 'given' and in times of crisis it is 'constructed' but within the given tradition. Secondly, ethnicity is not merely about boundary creation, but it is the very 'history' of the people, that is, the historical experiences of every society and nation.[36]

Although Mullen criticises the diachronic approach, he relies on its results for his analysis of the deuteronomistic history and the Pentateuch. For instance, he follows the diachronic approach in placing the deuteronomistic history in the exilic context and considers

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[32] Mullen, *Ethnic Myths and Pentateuchal Foundations*, pp. 10f, 88 and 126.

[33] See Peter Miscall for further positive contributions of Mullen Peter Miscall, 'Review of Narrative History and Ethnic Boundaries by Theodore Mullen', *CBQ*, 57 (1995), 351-352. See Dearman for critical comments Andrew Dearman, 'Review of Narrative History and Ethnic Boundaries by Theodore Mullen', *JBL*, 114 (1995), 301-302, (p. 302).

[34] For further criticism of Mullen's consideration of the deuteronomistic history as fabrication see Lawson Younger, 'Review of Narrative History and Ethnic Boundaries by Theodore Mullen', *JETS*, 41 no. 2 (1998), 336-337.

[35] Laurence Silberstein, 'Religion, Ethnicity, and Jewish History: The Contribution of Yehezkel Kaufmann', *JAAR*, 42 (1974), 516-531, (p. 526).

[36] Mullen, like the modernist analysis of nation formation, considers nation as imaginative and instrumental thus ahistorical. However, as we argued in chapter two, the formation of ethnic communities and nations, although symbolic expressions, are deeply rooted in their historical expressions. That is how they have conceptualised nationhood and articulated it, and it is their story. We may have problems with the universal application of the theology of election but should that lead us to discredit the very history and national experiences of the people articulated through such symbolic expressions?

Deuteronomy to be an introduction to it. Further, he explains the place of Deuteronomy between the Tetrateuch and the deuteronomistic history on the basis of the diachronic approach. The dating of this corpus is highly debated in scholarship and is subject to varied view points. His decision to take the deuteronomistic history as post exilic is also based on the notion that such writing can only come from literate people. In his view the deuteronomistic history and the Pentateuch must have been written only by "the members of the palace scribal and/or priestly guild, for they constituted the only known literary element of the population."[37] Further, his assumption that the corpus was written at the behest of the Persian government is difficult to maintain as the focus of the whole corpus is to incite the Israelites to obey only Yahweh as the sole ruler, giver of land and the giver of all things. Such material, which Mullen considers to be propaganda, would not have in the least pleased the Persian government.[38]

Mullen's use of the functional perspective to interpret the whole of the deuteronomistic history and Pentateuch may be helpful to understand the ethnic orientation of early Israel but his attribution of the narratives as imagined and created and not a reflection of the social conditions of early Israel is questionable.

Kenton Sparks[39]

Like Mullen, Sparks applies theories of ethnicity to ethnic identity issues relating to Egypt, Assyria, Greece and Israel.[40] Sparks particularly relies on Fredrik Barth's views on 'ethnic boundaries,' that competition intensifies ethnic boundaries, and Immanuel Wallerstein's[41] ideas on ethnic origin and sustenance. Wallerstein argues for the importance of "imperialist, colonial structures" in the creation of ethnic groups.[42] According to this theory the distinction between the core and peripheral colonial structures naturally creates ethnic sentiments among those in the periphery.[43] Such a view applied to Israel would suggest that the ethnic orientations were primarily instrumental. But Sparks, also following van den Berghe, takes into consideration the influence of primordial kinship structures in the shaping of Israelite ethnic sentiments. He says, "this contention that imperialism creates ethnicity... is closely tied ... to the question of primordial and instrumental theories of ethnicity ... but there is also little doubt that these kinship models are frequently manipulated or created for ulterior (instrumental) purposes."[44]

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[37] Mullen, *Ethnic Myths and Pentateuchal Foundations*, p. 7.

[38] See van Seters for his critique on this point: John van Seters, 'Review of Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch by Theodore Mullen', *JQR*, 89 no. 3-4 (1999), 466-469, (pp. 468-469). See also Dennis Pardee, 'Review of Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch by Theodore Mullen', *JNES*, 60 no. 1 (2001), 70-73, (p. 71).

[39] Sparks, *Ethnicity and Identity in Ancient Israel.*

[40] Sparks, *Ethnicity and Identity in Ancient Israel*, pp. 17, 329. He discusses in brief the theories relating to ethnicity and argues for selective and eclectic use of theories against one fundamental theory to explain diverse ethnic orientations and categories.

[41] I. Wallerstein, *The Capitalist World-Economy* (Cambridge: Cambridge University Press, 1979). Also K. Ekholm and J. Friedman, "Capital Imperialism and Exploitation in Ancient World System," in *Power and Propaganda: A Symposium on Ancient Empires*, ed., M. T. Larsen, Copenhagen: Akademisk, 1979, pp. 41-59; S. N. Eisenstat, "Observations and Queries about Sociological Aspects of Imperialism in the Ancient World," in *Power and Propaganda*, pp. 21-33.

[42] Sparks, *Ethnicity and Identity in Ancient Israel*, p. 19.

3.1.4 Early Israelite Ethnic Sentiments

Unlike Mullen, who takes an exilic view of the text, Sparks following the core-periphery model reads the biblical texts as a series of diachronically developing traditions. He locates the focal point of Israelite ethnicity in the historiography of Israel rather than seeing it as a purely imaginative and symbolic creation of the Babylonian and Persian period. Sparks sees Israelite ethnicity as diachronically developing from a simple form during the ninth century BCE to a complex form during the exilic and post-exilic period.

He acknowledges the antiquity of Israelite identity by analysing the Merneptah stele and the Song of Deborah.[45] Sparks considers the Merneptah stele and the Song of Deborah as important evidences for the understanding of ethnic sentiments among the Israelites during the thirteenth to ninth century BCE, although, he thinks that there are many unresolved questions relating to the interpretation of these texts and their dating. He maintains that the name 'Israel'[46] suggests that Israel was part of the population of Canaanites who worshipped the high god El. If so, Israelite identity probably consisted, during this period, of pronounced emphasis on the deity El. Sparks recognises that the Song of Deborah preserved the memory of the existence of tribes associated with geographical distinctiveness but the important integrating force in Israelite identity during this period was the common bond with Yahweh, which united the tribes. Thus, both the Merneptah Stele and the Song of Deborah suggest that Israel's identity was related to socio-cultural, and particularly to religious modalities as early as ninth century BCE.

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[43] Sparks, *Ethnicity and Identity in Ancient Israel*, p. 43.

[44] Sparks, *Ethnicity and Identity in Ancient Israel*, pp. 21, 43.

[45] Sparks, *Ethnicity and Identity in Ancient Israel*, pp. 94-124.

[46] Sparks sees the entity Israel in the Merneptah stele as an endonym rather than an exonym.

3.1.5 Ethnic Sentiments during the Assyrian Period

In the seventh century BCE when Assyria was a dominant 'world' empire, Judah and Israel were 'peripheral' communities under the 'core' Assyrian empire during which time, notes Sparks, ethnic sentiments were more pronounced.[47] According to him this is the most datable period of Israel's ethnicity and Sparks tends to date everything else, including the Pentateuch, after this period.

Sparks attributes the creation of ethnic identities to the prophets of the eighth century BCE, who by promoting the agenda of mono-Yahwism, created exclusive identities. Anything 'foreign' was considered to be against Yahwism. Hosea's unique perspective of an 'ethnoreligious' struggle was a result of Israel's peripheral experience during Assyrian domination. In the South, notes Sparks, Isaiah and Amos were concerned more with sociological, religious and political modes of identity, as they were frustrated with socio-economic divisions within the society. Nevertheless, Isaiah's interpretation of Yahweh as a universal deity was a result of the peripheral status of Judah under Assyrian domination.

According to Sparks, Deuteronomy and the Deuteronomistic History are important sources for the understanding of Israelite identity during the Judaean period.[48] He considers Deut 12 – 26 as of Northern origin not later than eighth century BCE reaching its final form during the Josianic reformation in the late seventh century BCE. Following Noth, Sparks regards chaps 5 – 11 as the original introduction to the law code and chaps 1 – 4 as a late deuteronomistic addition.[49] Thus chaps 5 – 11 and 12 – 12 are Northern in origin with a function in the seventh century Judean context.[50]

Therefore, in Sparks' view, the ethnic sentiments expressed in Deuteronomy are mainly of Northern origin. This is seen in Deuteronomy's emphasis on an exclusive covenant relationship between Yahweh and his people and on 'brother theology,' which stressed a common ethnohistorical heritage in the exodus event.[51] Sparks considers 'the fathers' of Deuteronomy to refer to the generation that came out of Egypt and not to the patriarchs.[52] He observes that in the parenesis Yahweh is presented to Israel as the 'God of your fathers' in distinction to any other deities, which "served an integral role in the Deuteronomic sense of identity."[53] The primary purpose of such ethnic expressions in Deuteronomy 'was to exploit the natural sentiment of kinship as a motivational factor in the effort to promote the Deuteronomic ideal of mono-Yahwistic fidelity.'[54]

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[47] Sparks, *Ethnicity and Identity in Ancient Israel*, pp. 42-43. Sparks argues that for the Assyrians and Egyptians the identity was political and cultural and not ethnic like the Greeks. The Assyrians and Egyptians linked ethnicity with kingship and the king's relationship to the deity and together their role in extending national boundaries; Sparks, *Ethnicity and Identity in Ancient Israel*, p. 91. The Greek identity in turn was primarily a social identity and 'civilized' behaviour. And their interest in their periphery was more ethnographic than imperialistic; Sparks, *Ethnicity and Identity in Ancient Israel*, pp. 92-93. Sparks notes that the Greeks related their ethnic identity to their ancestors like Dorus, Akahios, Ion and their descriptions of peripheral peoples were in terms of ethnic identity, rather than political, as nomadic and backward people; Sparks, *Ethnicity and Identity in Ancient Israel*, p. 93.

[48] Sparks, *Ethnicity and Identity in Ancient Israel*, pp. 125-283.

[49] Sparks, *Ethnicity and Identity in Ancient Israel*, p. 225.

[50] Sparks, *Ethnicity and Identity in Ancient Israel*, p. 226.

3.1.6 Ethnic Sentiments during the Exilic and the Post Exilic Period

The focus of struggle for the exilic community was twofold, observes Sparks: the Mesopotamian culture and the Judaean community back home. Thus, for Ezekiel and the Holiness Code, sabbath, circumcision and ritual cleanliness were important ethnic markers in the community. These efforts enabled them to distinguish themselves in the foreign context. Sparks sees Ezra and Nehemiah's program to record names and family holdings as a means of legitimising the exiles' claims on Judean land. He regards the Abraham traditions to have appeared in the context of the problems between the returnees and the remnant Judean community. Thus, following van Seters, he places the Pentateuch[55] in the Babylonian and Persian period, when identity issues were focused on the resistance towards assimilation into Babylon or Persia and on legitimising the claims of the returnees.[56]

3.1.7 Critique

Sparks' basic argument to situate Israel's ethnic orientation comes from Immanuel Wallerstein's core-periphery model of ethnicity. On the basis of this model Sparks assumes the creation of ethnic sentiments among the Assyrian peripheral groups like Israel and Judah. Wallerstein's core-periphery model is based on historical materialism.

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[51] Sparks observes that Deuteronomy's focus on the 'brother theology' to foster the Southern and Northern relationship, also supported the non-Israelites but was opposed to the foreignness in worship. Therefore, he considers the expression– the Canaanites, Hittites and others – as the rhetorical 'others' rather than actual inhabitants of that period.

[52] In support of his argument he refers to the understanding of the fathers in Hosea, Jeremiah and Ezekiel and takes Deut 9.27, 34.4 and Jer 33.26 as a late redactional layer. Sparks, *Ethnicity and Identity in Ancient Israel*, p. 227.

[53] Sparks, *Ethnicity and Identity in Ancient Israel*, p. 227.

[54] Sparks, *Ethnicity and Identity in Ancient Israel*, p. 228.

[55] He considers Holiness Code, Covenant Code and Priestly account as post Deuteronomy.

[56] Sparks, *Ethnicity and Identity in Ancient Israel*, p. 314.

The core-periphery model introduced by Wallerstein in the late 1970s is a useful concept to understand world-economy. According to this theory, a relationship of dominance and dependence is required to understand ethnicity. This may be useful for understanding ethnic sentiments during the period when Israel was a vassal state but not so helpful during other periods. For instance, although Sparks acknowledges the existence of ethnic sentiments during the ninth century BCE on the basis of Merneptah Stele and the Song of Deborah, he does not give importance to them as he cannot subject that period to his core-periphery model.

This is also the reason why Sparks dates Deuteronomy to the seventh century BCE. He assumes that the writer of Deuteronomy responded to his peripheral existence during the Assyrian dominance by creating a mono-Yahwistic fidelity. In fact, his attribution of mono-Yahwism to the eighth century BCE is dictated by his core-periphery model. He attributes all the ethnic sentiments in Deuteronomy to the mono-Yahwistic fidelity of the eighth century BCE.[57] Although the core-periphery model is useful in understanding ethnic sentiments during a crisis period, we need to use theoretical models which will not pre-judge the dating of the text under investigation and thus subject all the ethnic elements to one particular mode or one single explanation.

Further Sparks, in contrast to Mullen, tends to be over-preoccupied with historical critical explanation of the various deuteronomic and deuteronomistic layers. For instance, concerning the origin of land theology, he has little consideration of the land as an important element of ethnic identity and its function to enhance that identity. On the history of the people, although he recognises that the Exodus, Wilderness and Conquest are the primary events, he focuses on the reasons for the absence of the conquest tradition in Hosea, Amos and Isaiah.

Sparks' study is useful for the consideration that the foreign dominance of a community naturally creates ethnic sentiments, but it should be supplemented by other reasons for the emergence and sustenance of ethnic identity. His attempt to use diachronic methods, unlike Mullen, in ethnic studies is helpful. Interestingly he does not speak about the concept of the election of Israel as an important indicator of ethnic sentiment in Deuteronomy, perhaps, because he does not regard Deuteronomy as being concerned about nationhood.

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[57] Sparks, *Ethnicity and Identity in Ancient Israel*, pp. 228-235.

Steven Grosby

Steven Grosby's work[58] centres on the question of nationality, particularly nationality in antiquity. He speaks of two orientations that constituted nationality in antiquity: the 'primordial and homogeneous' orientation and the 'universal and heterogeneous' orientation.[59] The primordial orientation draws upon kinship relations and local territoriality leading to homogeneity of traditions, religion and law; the universal orientation is based upon rationalisation of religion and culture leading to heterogeneity of religion and society.[60] These two orientations form the central core of nations in antiquity, which not only helped in the formation of nations but also importantly enabled nations to survive through crisis times.

According to Grosby an investigation of the primordial and universal orientations in antiquity would inform our understanding of the formation and sustenance of nationalities.[61] In considering the above question, Grosby investigates the existence of boundaries, territoriality and nationality in the Ancient Near East, particularly ancient Israel.[62]

Following Weber,[63] and arguing against modernist exclusive ideas of nationhood,[64] Grosby considers ancient Israel as a nation. By 'Israel' he means the collectivity which is referred to in the Old Testament as 'all Israel' (Deut 13.11, 21.21; Josh 7.25; 1 Sam 3.20; 2 Sam 3.12, 17.11; 1 Kgs 1.20), both the land and the people. There are two important aspects of

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[58] Grosby, *Biblical Ideas of Nationality*. This book is a compilation of articles previously published by Grosby on the subject. It is a useful collection, which delineates the basic elements of nation formation and sustenance in antiquity.

[59] Universal orientation or rational orientation is similar to instrumental orientation noted by the scholars on ethnicity and nationality. See Grosby, *Biblical Ideas of Nationality*, p. 2.

[60] For instance, the unconditional and conditional covenants would be a good example of heterogeneity.

[61] Grosby's work is clearly a shift from Mullen's understanding of the ingredients of nationality. Mullen emphasises the instrumental orientation of ethnicity and nationality. See above.

[62] Grosby, *Biblical Ideas of Nationality*, pp. 13-15.

[63] He refers to M. Weber, *Ancient Judaism* (New York: The Free Press, 1967 (1921)), p. 11.

[64] For instance, Ernest Gellner thinks that nationality is a modern phenomenon shaped by modern scientific and industrial development; Ernest Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983). And according to A. Giddens there is no conception of a bounded territory in antiquity; A Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1985), pp. 50-51.

Grosby's understanding of Israel as a nation. One is the conditionality of nationhood and the other is the temporality of nationhood. Conditionality concerns the conditions or ingredients that make Israel a nation and temporality concerns when Israel became a nation or when the conditions of nationality were fulfilled.[65]

3.1.8 Primordial and Homogeneous Orientation of Nation

What constituted the nationhood of ancient Israel? Grosby maintains that the factors which contributed to a consciousness of 'all Israel' were: the notions or beliefs Israel held about the people, the land, the centrality of law, and the worship of Yahweh. According to Grosby religion combined and held the other factors together to make nationality. Grosby's understanding is quite similar to Yezekiel Kaufman's understanding of Israel's nationality, which stresses that religion functioned as a master symbol enveloping the other institutions of Israel such as land, people and law.[66]

3.1.8.1 The Conception of the Sacred

One of the main ingredients of nationhood is the conception of peoplehood. According to Grosby, "at some point in their history, the ancient Israelites evidently understood themselves to have been an *'am* and *gôy*."[67] Both these terms suggest that the Israelites understood themselves as a collectivity, which incorporated the smaller collectives of the tribe, clan and family. Grosby identifies this trans-clan, trans-tribal collective as a significant development for the understanding of Israel's nationality.[68]

Grosby notes that in the initial stages the conception of the land was in terms of the local or sacred place. The land was conceived in terms of sacred places, that is, the 'location of the sacred.'[69] The people had a 'vertical' relationship with the deity, that is, sacrality was considered to be concentrated in few places. For this reason the local cult differed from place to place; there was plurality of worship. For Grosby such a plurality of worship and local territories cannot lead to the conception of nationality.

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[65] Many of the scholars who adhere to the ethno-symbolic approach work from this framework, stressing more the conditional aspect than the temporal. This approach is useful when analysing the ethnic sentiments of ancient Israel.

[66] Yehezkel Kaufmann, *The Religion of Israel: From Its Beginnings to the Babylonian Exile*, trans. by Moshe Greenberg (New York: Schocken Books, 1972), pp. 535-527.

[67] Grosby, *Biblical Ideas of Nationality*, p. 15.

[68] Grosby, *Biblical Ideas of Nationality*, p. 15.

[69] Grosby, *Biblical Ideas of Nationality*, p. 74.

The development of the concepts of the people and the land in modern nations has been facilitated by the conception of citizenship, whereas in antiquity the corresponding element was the belief in the 'god of the land' relative to the deities of other peoples[70] and bounded territory. The boundaries were marked and considered sacred and belonging to the only God who was considered to inhabit the land.[71]

3.1.8.2 The Dispersion of the Sacred

The conception of a territory 'all Israel,' was crucial to the growth of Israel into a nation. Such a notion also enabled, says Grosby, the extension of the conception of the deity from a local deity to a trans-local deity. Using the spatial metaphor he holds that in such a case the sacred is "conceived as being dispersed 'horizontally'" throughout the bounded territory.[72] The conception of the dispersion of the sacred throughout the land changes two aspects of a society, namely the way people worship their God and the relationship between the people.

The dispersion of the sacred to the whole land means a homogeneous understanding of the deity. Firstly, the understanding of one deity as the supreme 'god of the land' is, according to Grosby, an important leap towards nationality. Secondly, the conception of a trans-local deity enables the application of the law of 'the god of the land' throughout the land, which again is an important development towards nationality.[73] Grosby observes that the application of the law of the land ensures some order of life; the law is "the promulgation of norms of right relations in the conduct of life."[74] The law also determines an ordered relationship between the periphery and the centre, thus stabilising its territorial jurisdiction, which is again an important element of the conceptual centre of a nation (refers to Deut 17. 8-13).[75]

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[70] Grosby's application of the 'god of the land' to understand nationality is important. But in his view, if a society had many gods worshipped in a territory then it is essentially primordial consisting of many peoples and under a patrimonial ruler, it cannot be considered a nation. Whereas if it is a primary deity (monolatry) whose law was obligatory for all who dwell in his land, that society, according to Grosby, can be called a nation; Grosby, *Biblical Ideas of Nationality*, p. 30. Such a phenomenon could be found in Moab, the land of Chemosh, and Edom, the land of Qaus, which according to Grosby would fall within the perview of nationality, whereas others, who had 'many gods' do not qualify. It is reasonable to consider that although some had 'many gods' they had one supreme God among the many gods, therefore, it is possible to consider them as nations as well as per Grosby's theory.

[71] Grosby, *Biblical Ideas of Nationality*, p. 37.

[72] Grosby, *Biblical Ideas of Nationality*, p. 77.

[73] Grosby, *Biblical Ideas of Nationality*, pp. 78-79.

[74] Grosby, *Biblical Ideas of Nationality*, p. 212.

The dispersion of the sacred also affects the conception of the people. The people are considered to be one in covenant relation with the deity, the land and each other. This is achieved by pooling each other's traditions into a homogeneous tradition. In the case of Israel, observes Grosby, the covenant enabled 'all Israel' to be in relationship with Yahweh, a legal bond between the people and the deity. Thus, the dispersal of the sacred not only affected the land but also affected the people who dwelt in the land. Just as the land was considered to belong to Yahweh, so too were the people who thus had an obligation towards Yahweh and to each other.[76] The unified understanding of the deity, land and the people further enabled order and variety in life. Such a common application of ordered law throughout the land meant there was less pronounced distinction and disparity between the centre and periphery.

The conceptualisation of 'all Israel' with one bounded territory, one God and 'one people' enabled the notion of Israel as a distinct people. Such a 'self-understanding' or 'collective self-consciousness', claims Grosby, constitutes "an assertion that legitimates an existence distinct from that of other nations. It is the symbolic vehicle of the individual nation's will to existence."[77]

Examples of such assertions are numerous, says Grosby, for instance, Egypt's assertion of the divinity of Pharaoh and the sacrality of Egypt and its capital Memphis, and the assertion of Babylon as the home of the gods in Mesopotamia. The uniqueness of Israel's assertion, notes Grosby, was based on its 'historical' tradition of deliverance from Egypt and the putative kinship relations with the tribal forefathers.[78] Each nation has its own way of validating its distinctiveness against other nations. The distinctiveness sometimes varies from period to period over the life of a nation.

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[75] Grosby, *Biblical Ideas of Nationality*, pp. 108, 212.

[76] Grosby, *Biblical Ideas of Nationality*, p. 81.

[77] Grosby, *Biblical Ideas of Nationality*, p. 101. Refers to Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Basil Blackwell, 1986), pp. 22-31. See also Anthony D Smith, 'Chosen Peoples: Why Ethnic Groups Survive', *Ethnic and Racial Studies*, 15 no. 3 (1992), 436-456.

[78] Grosby, *Biblical Ideas of Nationality*, p. 104.

Thus, a nation cannot exist, argues Grosby, without a conception of a 'people' and a belief in a specific territory, bounded and contiguous, which belongs only to that people.[79] The terminology of 'people' and 'land' is a "conjoining" of a people to a land and "this conjoining is a characteristic referent in shared beliefs constitutive of nationality, ancient and modern" (cf. Ezek 7.2-7, Lev 18.25-28).[80]

Grosby holds that the conception of a bounded and trans-local territory enables the formation of a people.[81] Grosby's understanding of primordiality (traditions of origin and putative kinship relations) and homogeneity (of land, deity and law) are helpful to explain the notion of the formation not only of the nation but also the people. He has succinctly brought out how the formation of the people is linked to the conception of the land and the deity and the covenant/law.

3.1.9 Universal and Heterogeneous Orientation of Nation

Grosby's other important framework,[82] for the understanding of the formation of nationhood in antiquity is the universal and heterogeneous orientation.[83] Grosby sees the development from the local, territorial and lineage religious orientation to a universal religious orientation as an important development in ancient society, and one of the crucial elements in the survival of the society.

For example, the concept of covenant has contributed to the development and rationalisation of Israelite religion.[84] Grosby points out the two conceptions of covenant in Israel. The "unconditional covenant (Gen 17.7, 19; 2 Sam 7.15-16) between Yahweh and

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[79] He refers to Num 34 as a case for Israel; Grosby, *Biblical Ideas of Nationality*, p. 23.

[80] Grosby, *Biblical Ideas of Nationality*, p. 24. Grosby notes, for Wellhausen, "the basis of the character of ancient Israel as a nation consisted in the unification of the tribes, albeit a religious unification." Grosby, *Biblical Ideas of Nationality*, p. 62. But he thinks that although phrases like "Jahve der Gott Israels, Israel das Volk Jahves," express the religious influence in the formation of Israel as a nation, they obscure the territorial element in the worship of Yahweh. So Grosby concludes that "Wellhausen, followed by Alt and Noth, did not consider that a constituent referent in the image of the 'people' is the image of a territory, the 'land'; Grosby, *Biblical Ideas of Nationality*, p. 62. In fact, Grosby recommends appending the phrase 'Israel das Land Jahves' to Wellhausen's.

[81] Grosby, *Biblical Ideas of Nationality*, p. 59.

[82] According to Grosby, two orientations were at work in the consolidation of nationality of ancient Israel: homogeneous and heterogeneous orientations, the homogeneous centre with primordial attachments to kinship and land and the heterogeneous with rationalization of both law and religion Grosby, *Biblical Ideas of Nationality*, p. 104.

[83] He notes that, "there has been an unnecessary tendency in the human sciences to view the core symbolic complex as uniform." Grosby, *Biblical Ideas of Nationality*, p. 100.

[84] Grosby, *Biblical Ideas of Nationality*, p. 98.

Israel, where the historical uniqueness of the relation between Yahweh and Israel is affirmed in an everlasting covenant with the descendants of Abraham (David) ... and a conditional covenant, where Yahweh's fidelity to the lineage is dependent upon the latter's obedience to his commandments."[85] Grosby notes that both the primordial notion of unconditional covenant and the rational or situational orientation of the conditional covenant are present here, in fact in many of the Old Testament texts.

Grosby rightly credits the Israelite prophets with having have played a significant role in establishing solidarity in their society in crucial times. For example: Amos' prophetic judgement of Israel's iniquity as "a reinterpreted self-understanding of Israel as God's chosen, but now properly disciplined, people" in the light of Israel's defeat, and a similar attempt "to reinforce the faltering symbolic center" in Jeremiah's new covenant in the light of Judah's defeat, provided meaning and rationalisation to society to revive in the midst of adverse situations.[86]

Such a drive towards rationalisation within the world of religions, claims Grosby, reaches its logical conclusion in monotheism, that is, the necessity to broaden the horizon of one's particularity to the universal yet maintain a sense of uniqueness and meaningfulness. Thus the broadening of the local or particular understanding of Yahweh to a universal understanding of Yahweh as the creator of cosmos and the nations leads to monotheism. The bearing of the universal perspective of the deity upon the numerous traditions is important, significantly on the self-understanding or self-consciousness of being distinct from the nations.[87] As stated earlier, the development of the universal conception of the deity enables a nation to examine itself and survive in times when the central structures of its institutions tend to collapse amidst defeat.

Grosby rightly thinks the two orientations, the primordial and the universal orientations, which constituted Israel's centre, are fundamental to human existence.[88] But why do particular conceptual centres persist and others disappear? According to Grosby, when a nation is defeated and its conceptual centre broken, it requires the 'animation' or 'activation' of its traditions, that is, the keeping alive or reaffirmation of the traditions which constitute its core institutions.[89] And Israel is one of the supreme examples of those who persistently 'activated' their traditions throughout their history.

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[85] Grosby, *Biblical Ideas of Nationality*, p. 104.
[86] Grosby, *Biblical Ideas of Nationality*, p. 237.
[87] Grosby, *Biblical Ideas of Nationality*, p. 101.
[88] Grosby, *Biblical Ideas of Nationality*, p. 105.

3.1.10 Critique

Contiguity of land, monotheism, and trans-tribal collectivity are important ingredients for the move towards nationhood for Israel. Grosby is right in articulating these three important elements in conceptualising nationhood. But his sole dependence on the Josianic period as the only period for the realisation of all the three ingredients is questionable.

3.1.10.1 Land

Grosby's idea that the contiguity of the land was possible only during the Josianic period is difficult to maintain, as Josiah did not regain all the former land of Israel. If ever Josiah recovered some portions of the northern territory it was quickly regained by the Egyptian forces led by Pharaoh Neco who defeated and killed him. Grosby also thinks that the Davidic period is unsuitable for nationhood because David occupied non-Israelite lands - therefore David's period is an empire and not a nation. Contiguity of land for Grosby is an important indicator of nationhood. In the case of Israel there were always other populations living side by side with Israel so the land was technically never contiguous.[90] Moreover, land is only secondary to the conception of nationhood; people are the essential element for nationality. For one can speak of a nation without the land, which is true of Israel before the settlement and while in exile.

3.1.10.2 Monotheism

Further, Grosby's premise that those with a monotheistic belief form nations and those with a polytheistic belief do not, seems difficult to maintain. Those with a polytheistic belief system also have a hierarchical understanding of gods, so that allegiance to one or two supreme national gods could be measured as allegiance to the nation. Secondly, one needs to rethink the premise that monotheism is the last stage in the development of religion. In reality, all stages exist simultaneously. For instance, even in the ancient Israelite faith, the prophets had to constantly contend with the Israelites to be loyal to

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[89] Grosby, *Biblical Ideas of Nationality*, p. 110.

[90] Admittedly, however, in Deuteronomy's conception of Israel, the land is contiguous.

Yahweh alone as it was common for people to worship other gods along with their national god.

3.1.10.3 People and Kinship

Smith-Christopher[91] criticises Grosby's use of primordial concepts such as territory and kinship in the explication of nationhood in ancient communities, contending that Grosby does not engage with modern scholarship on nation and nationalism. But Grosby's use of primordial concepts is well within the modern debates on these issues. The studies of the ethnic origins of nations by Anthony Smith, Hastings and other scholars which we discussed in chapter two support Grosby's arguments on ancient societies.

Summary

The above studies on the ethnicity and nationhood of ancient Israel have given us important insights into the network of theories on ethnicity and their application to the study of ancient nations. First, the above discussion has shown that it is appropriate to apply ethnic theories to ancient societies like Israel. Second, the 'primordial' and 'instrumental' views on ethnicity taken together against Mullen's view, give a comprehensive understanding of ancient society's conception and expression of their identity and nationhood. The 'primordial' view helps in the understanding of the role of belief systems in the formation of ethnic identity and the 'instrumental' view helps in the understanding of the use and function or application of ethnicity in crisis situations.

Mullen's functional perspective is useful in reading the text as a whole in the final form in spite of his reluctance to attribute any historical value to it. Mullen's functional perspective or interpretation should be employed without compromising the historical reliability of narratives and the contexts they depict. Pre-judging a non-negotiable context will only shut out the important voices of the narratives, thus defeating the very reason for using the functional perspective. Similarly, Sparks application of the core-periphery model sees everything from a crisis situation, which is helpful, but one should be open to the use of other models to understand ethnic sentiments on other occasions. Ethnicity and nationality do not develop only in the context of tension. As the primordial perspective on ethnicity and nationality has indicated, ethnicity and nationality are also organic and 'given'. They are a natural process of social development. Grosby's concepts of dispersal of the sacred and of the homogeneous and heterogeneous orientations, of religion is a useful way to measure the development of ethnicity and nationality. Such a framework should be combined with a flexible approach to the understanding of nationality since the formation and sustenance of one nation is different from another.

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[91] Daniel L. Smith-Christopher, 'Review of Biblical Ideas of Nationality Ancient and Modern by Steven Grosby', *Catholic Biblical Quarterly*, 66 no. 2 (2004), 288-289.

Although Mullen's characterisation of the deuteronomistic history and Pentateuch as imaginative creations of the post-exilic writers is partial and questionable, his aim to enquire into the nature and functions of the deuteronomistic history and Pentateuch has given us a useful framework for the delineation of ethnic sentiments and ideas of nationality in ancient texts. Sparks' use of the core-periphery model is useful particularly to analyse societies in crisis periods. Grosby's use of the homogeneous and heterogeneous orientation for the understanding of ethnicity and nationality is also a helpful framework. The next chapter will focus on Deuteronomy's conception of nationhood.

Chapter Four: Deuteronomy and the Concept of Nationhood

Introduction

Deuteronomy is one of the unique and profound books, whose influence can be seen in almost the whole of the Old Testament and modern scholarship. However, arguments on the date and composition of Deuteronomy are complex and circular.[1] The more widely held view is the 7th century BCE Hezekian-Josianic background of Deuteronomy.[2] Although there is much debate as to when to date Deuteronomy, there are many scholars who agree that Deuteronomy functioned either as a propaganda document or as a manifesto of Israelite identity or as a political constitution. We will briefly discuss some of their views and arguments to assess the importance of Deuteronomy for nationhood and the study of the concept of the election of Israel in relation to nationhood. The chapter is divided into three sections: the first discusses the understanding of the nature and composition of Deuteronomy by historical critical scholarship, the second, the possibility of Deuteronomy being a constitution, and the third, the constituent elements of Israel's nationhood in Deuteronomy. The concept of the election of Israel is argued to be closely connected to nationhood. That is, Deuteronomy's expression of the election is Israel is about the creation and maintenance of Israel's nationhood – national identity and polity. The chapter concludes with a suggestion that the particular use of the concept of the election of Israel in Deuteronomy may be explained in relation to nationhood, that is, in terms of primordial and instrumental aspects of the ethnic nation. The primordial aspect of Israel's nationhood is expressed in relation to the subjective and familial character of the election tradition. The instrumental aspect is expressed in terms of the creation and maintenance of Israel's identity in relation to neighbouring nations – the choosing of Israel from among the nations. We will fully explicate these two aspects in the fifth chapter, where selected texts from Deuteronomy will be studied from this perspective.

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[1] J. G. McConville, *Deuteronomy*, Apollos Old Testament Commentary 5 (Leicester: Apollos, 2002), pp. 39, 42.

[2] Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972). Ernest W. Nicholson, 'The Centralisation of the Cult of Deuteronomy', *VT*, 13 no. 4 (1963), 380-389. Baruch Halpern, 'The Centralization Formula in Deuteronomy', *VT*, 31 no. 1 (1981), 20-38. Yehezkel Kaufmann, *The Religion of Israel: From Its Beginnings to the Babylonian Exile*, trans. by Moshe Greenberg (New York: Schocken Books, 1972). Paul E. Dion, 'Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel During the Late Monarchical Era', in *Law and Ideology in Monarchic Israel*, ed. by Baruch Halpern and Deborah W. Hobson, JSOTSupp 124 (Sheffield, England: JSOT Press, 1991), 147-216. For an early date of Deuteronomy see McConville, *Deuteronomy;* Gordon Wenham, 'Deuteronomy and the Central Sanctuary', in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. by Duane L. Christensen (Winona Lake, Ind.: Eisenbrauns, 1993), 94-108, reprinted from *Tyndale Bulletin* 22 (1971), 103-18. Gerhard von Rad, *Deuteronomy: A Commentary*, trans. by Dorothea M. Barton, Old Testament Library (London: SCM, 1966). Naomi Steinberg, 'The Deuteronomic Law Code and the Politics of State Centralization', in *The Bible and the Politics of Exegesis : Essays in Honor of Norman K. Gottwald on His Sixty-Fifth Birthday*, ed. by Peggy Lynne Day, and others (Cleveland, Ohio: Pilgrim Press, 1991), 160-170. As for the late date see Martin Noth, *The Deuteronomistic History* (Sheffield: University of Sheffield, 1981). E. Theodore Mullen, *Narrative History and Ethnic Boundaries: The Deuteronomistic Historian and the Creation of Israelite National Identity*, Semeia Studies (Atlanta, Ga.: Scholars Press, 1993). John van Seters, 'Confessional Reformulation in the Exilic Period', *VT*, 22 (1972), 448-459.

4.1 Historical Critical Method

W.M.L. de Wette's dissertation of 1805 marked an important step in equating Deuteronomy with 2 Kgs 22 – 23, which narrates the discovery of the law book in the Temple during the eighteenth year of Josiah's reign (623/22 BCE). Thereafter, Josiah's reformation became a 'fixed point' in dating Deuteronomy. De Wette regarded Deuteronomy as a propaganda document for Josiah's reform movement.[3] R. E. Clements argued that relating Deuteronomy to Josiah's law book gave a 'firm date' to work on but thought that the book itself was a product rather than a presupposition of Josiah's reform.[4] Recently, Clements has argued forcefully for a post-exilic date. According to him, Deuteronomy is "the product of a situation of crisis."[5] It is "a manifesto designed to provide a charter for those erstwhile citizens of Israel and Judah who had suffered the political collapse of their homeland as a result of the Babylonian destruction of Judah and Jerusalem in 598 and 587 BCE."[6] Thus Deuteronomy's name theology is a post 587 BCE development, a conclusion which Clements claims is "so probable as to be a virtual certainty."[7]

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[3] See Thomas Römer, 'Deuteronomy in Search of Origins', in *Israel Constructs Its History: Deuteronomistic Historiography in Recent Research*, ed. by Thomas Römer and Albert de Pury, JSOTSupp 306 (Sheffield: Sheffield Academic Press, 2000), 112-138, (pp. 32-33).

[4] R. E. Clements, *Deuteronomy* (Sheffield, England: Sheffield Academic Press, 1989), p. 70. Many scholars agree that Hezekiah and Josiah initiated a reformation that was both religious and socio-political in nature, although there are many questions as to the nature, content and relationship of the book discovered in the Temple during Josiah's reign and Deuteronomy. Norbert Lohfink, 'The Cult Reform of Josiah of Judah', in *Ancient Israelite Religion : Essays in Honor of Frank Moore Cross*, ed. by Paul D. Hanson, and others (Philadelphia: Fortress Press, 1987), 459-475, (p. 459ff). See also McConville, *Deuteronomy*, pp. 30-31.

[5] Ronald E. Clements, and others, 'A Dialogue with Gordon McConville on Deuteronomy', *SJT*, 56 no. 4 (2003), 508-531, (p. 515).

[6] Clements, and others, 'A Dialogue on Deuteronomy', p. 511.

[7] Clements, and others, 'A Dialogue on Deuteronomy', p. 512.

4.1.1 Literary Critical Study

A. D. H. Mayes summarises the complex literary problems in Deuteronomy: duplication of material, mixture of historical and parenetic material, speech of and narrative about Moses and the interchange of second person singular and second person plural forms of address.[8] The literary-critical approach to Deuteronomy has been dominated in the past by the documentary hypothesis. Wellhausen following de Wette placed Deuteronomy after the great historical traditions of Israel, the Yahwistic and Elohistic works, in the seventh century BCE. He held Deut 12 – 26 to be the core document, which spurred the reform of Josiah.[9]

But modern debate connecting Deuteronomy with the Deuteronomistic History is marked by M. Noth's thesis.[10] Noth considers Deuteronomy as an introduction to the wider Deuteronomistic History (DH). He proposes Deut 4.44 – 28 to be a unity to which chapters 1 – 4 and chapters 29 – 34 were added by the Deuteronomistic Historian, whom he dated to after the fall of Jerusalem. F. M. Cross, following Noth, proposes two editions of DH: Josianic and exilic. The Göttingen School, led by Smend, Dietrich and Veijola, argues for a triple edition of the Deuteronomic History: DtrH, DtrP and DtrN respectively, which they date in the post-exilic period.[11]

The literary approach to Deuteronomy divides the text into so many fragments that there are hardly any agreements on the original and the later additions.[12] And the dating of the book is lost in its innumerable pieces and editions. However, literary analysis of the text can give important clues to discover the various strands of literary activity and ideology present in the book, thus helping to understand the purpose of the authors and editors. It can be deduced that Deuteronomy is composite, which defies one overarching framework. As Christensen notes, a purely literary-critical analysis of Deuteronomy has limitations because the material points to a steady growth of pre-literary traditions.[13] Therefore confining Deuteronomy to a single, period either in the pre-monarchic or in the Josianic or in the postexilic, does not do justice to its composite materials. Weinfeld clearly pictures the shift from literary analysis when he says that one must "look for the social circumstances which produced the pattern of a piece of literature rather than for the time of its composition."[14]

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[8] A. D. H. Mayes, *Deuteronomy*, New Century Bible Commentary (London: Marshall Morgan & Scott, 1981), p. 35.

[9] Julius Wellhausen, 'Israel' in *Prolegomena to the History of Israel* (Atlanta, Georgia: Scholars Press, 1994), pp. 33, 402-404.

[10] M. Noth, *Überlieferungsgeschichtliche Studien*, Tübingen, 1957.

[11] For a detailed account of the innumerable editions and layers of DH and Deuteronomy, see Thomas Römer and Albert de Pury, 'Deuteronomistic Historiography (DH): History of Research and Debated Issues', in *Israel Constructs Its History : Deuteronomistic Historiography in Recent Research*, ed. by Thomas Römer and Albert de Pury, JSOTSupp 306 (Sheffield: Sheffield Academic Press, 2000), 24-141, (pp. 24-139).

[12] Römer, 'Deuteronomy in Search of Origins', p. 116. For Mayes, the original Deuteronomy included: 4.45; 6.4-9, 20-24; 7.1-3, 6, 17-24; 8.7-11a, 12-14, 17-18a; 9.1-7a, 13-14, 26-29; 10.10-11; 12.13-15, 17-19 (20-28), 29-31; 13.1-18; 14.2f., 21 and 14.22-25:16 with some omissions. See Mayes, *Deuteronomy*, p. 48ff.

4.1.2 Form Critical Study

The form critical approach focuses on the form and *Sitz im Leben* of Deuteronomy. For instance, Gerhard von Rad divides Deuteronomy into four sections: a. hortatory speech 4.44 – 11, b. the recital of the laws 12:1 – 26:15, c. the formulation of the covenant 26:16-19 and d. the blessings and curses 27 – 30. He considers chapters 1 – 4.43 and 31 – 34 to be a deuteronomistic historical work. These sections are 'extraordinarily discontinuous' in their form and style consisting of varied traditional material fitted into the framework of a farewell speech by Moses.[15] The original material of Deuteronomy, according to von Rad, must have been taken from a festival of renewal of the covenant, which now appears "in the form of a homiletic instruction for the laity."[16] These observations, together with the account of the preaching of law in Neh 8.1ff, lead von Rad to conclude that Deuteronomy's preachers must be from the priestly and Levitical circles.[17]

Further, according to von Rad, although Deuteronomy is following the Covenant Code it is unique in its formulation of laws,[18] namely the laws concerning war.[19] Von Rad thinks that "the whole of the book is marked by a pronounced warlike spirit."[20] Such "militant piety" is "arising out of a particular political situation in Israel's history."[21] In the pre-monarchic era wars were waged by mercenaries; likewise during Josiah's time, because of political desperation he had to rely upon the old method of military organisation.[22] Thus old traditions concerning holy wars were revived during this time. Von Rad attributes the renewal of the war-like movement to the Levites.

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[13] Duane L. Christensen, *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (Winona Lake, Ind.: Eisenbrauns, 1993), p. 6.

[14] Moshe Weinfeld, 'Deuteronomy: The Present State of Inquiry', in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. by Duane L. Christensen (Winona Lake, Ind.: Eisenbrauns, 1993), 21-35, (p. 23), reprinted from *JBL* 86 (1967), 249-62.

[15] Von Rad, *Deuteronomy: A Commentary*, pp. 12, 22.

[16] Von Rad, *Deuteronomy: A Commentary*, p. 23.

[17] Von Rad, *Deuteronomy: A Commentary*, p. 24.

[18] Von Rad, *Deuteronomy: A Commentary*, pp. 13-14.

[19] Von Rad, *Deuteronomy: A Commentary*, pp. 20, 23.

[20] Von Rad, *Deuteronomy: A Commentary*, p. 24.

[21] Von Rad, *Deuteronomy: A Commentary*, p. 24.

According to von Rad, although Deuteronomy took effect during Josiah's time, it did not originate in Jerusalem; he traces its origin to the Northern Kingdom either in Shechem or Bethel. He thinks the centralisation aspect of Deuteronomy could have taken place in the North although he concedes that the sermon-like form could have come into place in Judah.[23] The form-critical approach is useful in identifying traditions and also to distinguishing early traditions from later ones. Von Rad's view of the holy war traditions in Deuteronomy suggests that we are dealing with a text that had national significance as early as the pre-monarchic period.

4.1.3 Treaty Model

Weinfeld's work, following G. E. Mendenhall's work on covenant and treaty,[24] is an extensive comparative study of the ANE treaties and the book of Deuteronomy. The main thesis is that Deuteronomy is a composition by scribal circles, who began their literary work prior to the reign of Josiah and were at work even after the fall of Judah (1972: 9).[25] He argues that Deuteronomy bears a close relationship to Hittite and Assyrian treaties in its form and content.

Against von Rad's Levitical origin of Deuteronomy, Weinfeld states that the composition of Deuteronomy did not take place in the real life situations of oral and cultic practices; rather it represents "programmatic compositions drafted by scribes,"[26] which were probably used later in cultic situations by priests and Levites but did not originate there, cf. Deut 17.18; 31.9, 26.[27] Defending the scribal authorship of Deuteronomy, he contends that the Levites could not have been the authors because they were deprived of their office through the centralisation of cult depicted in Deuteronomy, and were included in the *personae miserabiles*. Further he argues that Deuteronomy "combines material of cultic with national and political institutions," which may not have been accessible to the Levites.[28]

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[22] Von Rad, *Deuteronomy: A Commentary*, p. 25.

[23] Von Rad, *Deuteronomy: A Commentary*, pp. 26-27. For northern origin or dual authorship of Deuteronomy see Nicholson, 'The Centralisation of the Cult of Deuteronomy', and Wenham, 'Deuteronomy and the Central Sanctuary'.

[24] G. E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17, 1954, 50ff. Weinfeld notes that Mendenhall's pattern was with respect to the Sinai and Shechem covenants (Ex 19-24) not in relation to the Covenant at the Plains of Moab, which is D (Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 59.).

[25] Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 9.

[26] Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 8.

[27] See Weinfeld, *Deuteronomy and the Deuteronomic School*, pp. 53-54. Lohfink agrees with Weinfeld but thinks that priests should also be included in the circle which produced Deuteronomy (Norbert Lohfink, 'Culture Shock and Theology', *Biblical Theology Bulletin*, 7 (1977), 12-21, (p. 14).), similarly, C.

Weinfeld's main support for scribal authorship is the classic verse in Jer 8.8, which, according to him, connects the Torah with the 'wise men'.[29] Weinfeld more specifically points to Shaphan and his family as the scribal circle who would have composed Deuteronomy.[30] He contends that there was a close connection between the prominent prophetic circles, especially Jeremiah, and the royal scribes.[31] In further support of scribal authorship, he draws a parallel between Israelite wisdom and Deuteronomy, for instance, Deut 19.14 and Prov 22.28; Deut 23.16 and Prov 30.10 etc.[32] His assumption is that law and wisdom, hitherto separate disciplines, were amalgamated in Deuteronomy (Deut 4.6, 30.11-14).[33] Others think these verses are common wisdom phrases, which need not be the exclusive property of scribes.[34]

Since Weinfeld assumes the authors of Deuteronomy to be royal scribes, he thinks they would have naturally used the available Assyrian treaty forms to compose Deuteronomy. Thus, Deuteronomy preserves a mixed form of vassal and legislative types of covenants. However, he maintains there are differences: the covenant of law is "social and internal or

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Brekelmans, 'Wisdom Influence in Deuteronomy', in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. by Duane L. Christensen (Winona Lake, Ind.: Eisenbrauns, 1993), 123-136, (p. 127), reprinted from *La Sagesse de l'Ancien Testament* (ed. M. Gildbert; BETL 51; Louvain: Louvain University Press, 1978) pp. 28-38.

[28] Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 55f.

[29] Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 158.

[30] Weinfeld refers to A. Jepsen, who also subscribes to the view of Shaphan's scribal family's involvement in the deuteronomic writings. Cf. *Die Quellen des Königsbuches*, 1956, 94-5. (Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 159.) He also refers to S. Mowinckel, who considers the C source of Jeremiah to have been composed by scribes, who worked on deuteronomic literature in *Prophecy and Tradition*, p. 63 (Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 159 n155.). Cf. Lohfink, 'Culture Shock and Theology', p. 14.

[31] For instance, Weinfeld points out that Ahikam, the son of Shaphan, helped Jeremiah escape from near death (Jer 26.24). And Ahikam's son Gedaliah was considered by Jeremiah to be the future hope of Judah. Further, Gemariah, son of Shaphan, was selected to read the prophecies of Jeremiah and also pleaded with the king not to burn Jeremiah's scroll (Jer 36.10, 25). And also Gemariah's son Micaiah informed the royal ministers of the nature of the prophetic scroll vv 11-13, which prevented Jeremiah and Baruch from being arrested (Weinfeld, *Deuteronomy and the Deuteronomic School*, pp. 159-160.).

[32] For more examples, see Weinfeld, *Deuteronomy and the Deuteronomic School*, pp. 260-274.

[33] Weinfeld, *Deuteronomy and the Deuteronomic School*, pp. 255-256.

[34] See Brekelmans, 'Wisdom Influence in Deuteronomy', p. 130. And also Alexander Rofé, *Deuteronomy: Issues and Interpretation*, Old Testament Studies (London: T & T Clark, 2002), p. 224.

national," whereas the covenant of vassalship is "political and external or international."[35] The vassalship covenant like the covenant of law contained injunctions, but these injunctions were more like the treaty-stipulations oriented towards loyalty, for example warnings against serving foreign gods.[36]

Further, Weinfield notes that patriarchal covenant-grants such as the oath to the Patriarchs, the land and its borders have also been incorporated into Deuteronomy. Although these covenant grants were unconditional in their original setting they are made conditional in Deuteronomy on the observance of the Law (cf. Deut 4.1, 25-6, 40; 5.33; 6.17-18; 7.12, etc.).[37] Although there are similarities between grant and treaty, there are basic differences: "the grant is mainly a promise by donor to the recipient, it presupposes the loyalty of the latter," whereas "the treaty, whose principal concern is with the obligation of the vassal, presupposes the sovereign's promise to protect his vassal's country and dynasty." According to Weinfeld, the treaty and grant forms come close to the covenant of Deuteronomy, which combines "the gift of the land to the Patriarchs with the covenant between God and the people."[38]

The differences between a grant and a vassal treaty, which Weinfeld thinks Deuteronomy is, are:

> the 'grant' constitutes an obligation of the master to the servant, whereas the 'vassal' constitutes an obligation of the vassal to the suzerain. In the 'grant,' the curse is directed towards the one who violates the rights of the king's *servant*, while in the treaty the curse is directed towards the vassal, who violates the rights of his *king*. In other words, the 'grant' serves mainly to protect the rights of the *servant*, the 'vassal' to protect the rights of the *master*. While the grant is a reward for loyalty and good deeds *already performed*, the vassal treaty is an inducement to *future loyalty*.[39]

Thus, Weinfeld argues that Deuteronomy's overall framework is the vassal type treaty, an obligation on the vassal to be loyal to Yahweh the Suzerain. Therefore the materials in Deuteronomy could be understood as the author's call to be loyal to Yahweh their

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[35] Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 151.

[36] See Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 156. Weinfeld holds that in Sinaitic tradition there is a clear emphasis on laws as opposed to loyalty, which is emphasised in Exod 19.4-6 and in P Exod 6.7; Lev 26.12 & 45 etc and in D 26.17-19; 27.9; 29.12 (Weinfeld, *Deuteronomy and the Deuteronomic School*, pp. 151-152.).

[37] Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 81.

[38] Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 74.

[39] Weinfeld, *Deuteronomy and the Deuteronomic School*, pp. 74-75.

Suzerain. The vassalship model, perhaps, is helpful to understand the treaty framework but we need to ask whether such a vassalship model best represents the material in Deuteronomy? For instance, the very structure of vassalship may have resonated hatred among the people, as would the likening of Yahweh to an Assyrian suzerain. In fact, as Brekelmans points out, the covenant oath in Deut 26 is bilateral, which is almost impossible in a vassal treaty. Further, Brekelmans notes that the historical prologue is missing in almost all the treaties of the first millennium BCE. Could this suggest then, that Deuteronomy was from second millennium BCE, which preserves all the features of Weinfeld's Deuteronomy?[40] However, the Hittite treaties place the curses before the blessings - the Assyrians left the blessings out altogether – whereas, in Deuteronomy the blessings precede the curses.[41]

4.1.4 Critique

There is hardly any dispute as to Deuteronomy's overall structure. Scholars think that it closely resembles is a covenant/treaty structure. What is disputed is the date, the *Sitz im Leben*, which produced Deuteronomy. If we attribute Deuteronomy's compilation to the Hezekian-Josianic period, then a major part of the material on election could also have come from this time. We must recognise that there are earlier materials in Deuteronomy, for instance, the Gilgal covenantal material in Deut 7, which could have been used by the Hezekiah's group for their reformation, which perhaps included reclaiming territories. The material following that, particularly the emphasis on love of God, could be interpreted as Josianic, as the focus during this period was on loyalty to Yahweh and his laws. The same applies to the wisdom related passages on election in Deut 10. The covenant ceremony of Deut 26ff. could be a later adaptation for the book's covenantal framework.

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[40] For Weinfeld all the features of the treaty are found in Deuteronomy: 1 preamble, 2 the historical prologue, 3 the stipulation of undivided allegiance, 4 the clause so the treaty, 5 the invocation of witnesses, 6 the blessings and curses, 7 oath-imprecation, 8 the deposit of the treaty and 9 the periodic reading (Weinfeld, *Deuteronomy and the Deuteronomic School*, p. 61.). Cf. Wenham, 'Deuteronomy and the Central Sanctuary'.

[41] See Brekelmans, 'Wisdom Influence in Deuteronomy', p. 128f. Cf. D. J. McCarthy, *OT Covenant, A Survey of Current Opinions*, 1972. Several of the Hittite treaties come from 2nd millennium BC. MG Kline, *Treaty of the Great King, The Covenant Structure of Deuteronomy*, 1963 concludes D to be from 2nd millennium BC. See also Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon Press, 1986). for a survey of study on covenant.

What is important is the framework that explains the nature and function of the election of Israel, which predominantly appears in the parenesis.[42] How do we understand the parenesis from a literary, form and comparative analysis? Which theory best explains its nature and function in Deuteronomy?

A literary and redaction analysis leads us to an atomistic view of Deuteronomy, which does not give justice to the election tradition. Equally placing it in the postexilic period would render it utopian and imaginative rather than real. The cultic explanation is helpful but ritualises the probably real life situation. The comparative analysis from the ANE treaties is helpful in identifying the form but we need to think in terms of the general influence of a treaty/covenantal framework rather than a fixed reliance on Assyrian treaty forms.

Despite problems with the treaty model, it usefully brings out the central purpose of Deuteronomy, which is loyalty to Yahweh and the following of Yahweh's Torah. The treaty model also sets the book in a political framework or as a political document of national importance. Nevertheless, a different framework, which highlights the political insights of Deuteronomy, is proposed by McBride and others: a constitutional framework for the study of ethnicity and nationality of Israel in Deuteronomy. We will assess the importance of Deuteronomy as ancient Israelite constitution in the following section.

4.2 Deuteronomy and Constitutionalism

A constitutional framework is looked upon with suspicion because it is a 'modern' concept. But many scholars accept the influence of deuteronomic ideals on the conception of modern nation-building[43] thus corroborating the argument that Deuteronomy is closely connected to the concept of nationhood. Therefore, it is reasonable to ask whether modern constitutionalism can throw light on our understanding of Deuteronomy. This is not to equate Deuteronomy with a modern constitution or vice versa. Rather, since every society is bound to have some kind of governance, it is worthwhile to enquire whether some form of constitutionalism existed in Israelite society.

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[42] The texts related to election of Israel can be divided into: Parenesis (4.20, 34, 37; 7.6, 7; 9.26, 29; 10.15; (14.2, 21)), Covenant Ceremony 26.18-19; 27.9; 28.9; 29.12 and Poems of Moses 32.8-9 & 33.29. See Rendtorff for an important exegetical and theological analysis of election in the OT (1998).

[43] Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion and Nationalism* (Cambridge: Cambridge University Press, 1997). Anthony D. Smith, 'The Problem of National Identity: Ancient, Medieval and Modern?' *Ethnic and Racial Studies*, 17 no. 3 (1994), 375-399.

Since we have learnt from the previous chapter that studies on ethnicity and nationality have contributed valuable insights to our understanding of the Hebrew Bible, it is not difficult to argue that the book of Deuteronomy plays a pivotal role in the conception of nationhood in ancient Israel. Many scholars have recently emphasised the importance of viewing Deuteronomy or the law code in Deuteronomy as a constitution. Foremost among them is McBride, who argues that the whole book of Deuteronomy is structured around a constitutional framework. Furthermore, some argue that Deuteronomy preserves ancient democratic ideals of social organisation. The democratic ideal in Deuteronomy is not a single one-off democratic 'adventure' in ancient society, rather it is clear from recent works on Mesopotamia, Syria and archaic Greece that democratic ideals were rooted in other ancient societies. Therefore in this section we will start by defining modern constitutionalism and then critically analyse whether we can support the argument that the book of Deuteronomy can be regarded as preserving an ancient constitution or democratic ideals.

4.2.1 Defining Constitutionalism

Constitutionalism is a political system or a form of government, which is based on a constitution.[44] A constitution is a written or unwritten framework, which describes or articulates the fundamental legal and political structures of a nation. The constitution is not just a purely legal text of government functions. It rather represents most importantly, as Edward Shils observed, a society's core or centre.[45]

Thus, constitutionalism is a political orientation or an ideology, which advocates a system of government based on constitutional principles or laws. It advocates a government in which power is distributed and limited by laws. Thus, the most important aspects of constitutionalism are: rule of law, sovereignty of the people, and the separation of powers.[46]

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[44] The modern term constitution derives from the imperial Latin *constitutio*, meaning "establishment", or ordinance, of the emperor. Its first characteristic is the establishment of law and order, and then the control of government power within that order. The exercise of power is as much a guarantee of freedom as is its control. See Lindsay Rowlands, 'Constitutionalism', 1995, <http://www.une.edu.au/arts/Politics/constit.htm> [accessed 21st February 2005]. Constitutional monarchy is a system where a king or a queen rules through a constitution.

[45] Edward Shils, *The Constitution of Society* (Chicago and London: The University of Chicago Press, 1972), pp. 93-94.

4.2.1.1 Constitutionalism as Rule of Law and Sovereignty of the People

A constitution according to Bryce is "a frame of political society organized by and through law; that is to say, one in which law has established permanent institutions with recognized functions and definite rights."[47] However, Fellman notes that there are differences between a constitution and a statute law. "The statute law is based on or created by the constitution and thus subordinate to it. The constitution unlike statutes emanates directly from the whole body of citizens in the form of an organic document written and ratified in some special way which stresses that the people are the ultimate repository of political power, and their enduring will must be obeyed by government officials."[48]

A constitution is also considered in terms of higher law, observes Fellman, which "is an expression of the will of the people ... (where) the people are the ultimate source of all political power."[49] The constitution as a higher law, according to Fellman, is found in ancient societies. He notes that during the early Greek classical period Heraclitus taught, "all human laws are sustained by the one divine law, which is infinitely strong, and suffices, and more than suffices, for them all."[50] Fellman notes that medieval scholars regarded the origin of natural law as divine and appealed to both God and reason, which limited the power of rulers.[51]

Implied in the rule of law or divine law is the sovereignty of the people. And part of the sovereignty of the people is the rights of the people.[52] But individual rights are not above the rights of the community as a whole. Thus, even the monarch comes under regulation.

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[46] Carl J. Friedrich and R. G. McCloskey, ed., *From the Declaration of Independence to the Constitution: The Roots of American Constitutionalism*, (New York: The Liberal Arts Press, 1954), pp. xi-xxii.

[47] James Bryce, *Studies in History and Jurisprudence*, (Oxford, 1901), Vol. 1, Ch. III, pp. 145-254 (p. 159), cited by David Fellman, 'Constitutionalism', in *Dictionary of the History of Ideas*, 1 (Charlottesville, VA: Electronic Text Center, Univ. of Virginia Library, 2003), 486-492, (p. 485).

[48] Fellman, 'Constitutionalism', p. 486.

[49] Fellman, 'Constitutionalism', p. 486.

[50] Cited by Fellman, 'Constitutionalism', p. 486.

[51] Fellman, 'Constitutionalism', p. 487.

[52] The American constitution was not held until the addition of a Bill of Rights was pledged. The idea goes back to the English Revolution of the seventeenth century and the idea of a natural law of classical antiquity. Friedrich observes that "the key idea was that of the sacred sphere of human right which no government invades but at its peril." Friedrich and McCloskey, ed., *From the Declaration of Independence to the Constitution*, p. xix.

Such a rule where the monarch is subject to the laws is called constitutional monarchy. Deuteronomy required the king to be under the law and moreover required him to be a brother among the brothers, giving a clear indication that all were equal under the law of the land.

The American constitution was drafted and ratified by a convention of delegates selected for this purpose. Thus the preamble reads, "We the People of the United States of America." Officials are required to take an oath or affirmation to follow the constitution.[53]

4.2.1.2 Constitutionalism as Distribution of Power

Carl Friedrich defines constitutionalism as "a refinement of ordinary government."[54] By refinement he means limiting the authority of those in power in favour of people's right to security of person and property. According to him, it legitimates authority even as it restricts the powers of that authority, be it executive or legislative. Charles H. McIlwain states that the essential quality of constitutionalism is that "it is a legal limitation on government; it is the antithesis of arbitrary rule..."[55]

Fellman argues that constitutionalism as a concept is "deeply imbedded in historical experience, which subjects the officials who exercise governmental powers to the limitations of a higher law. Constitutionalism proclaims the desirability of the rule of law as opposed to rule by the arbitrary judgment or mere fiat of public officials."[56]

Fellman is right in observing that the "touchstone of constitutionalism is the concept of limited government under a higher law."[57] The higher law or the sovereignty of God is an important conception, particularly in ancient societies, within which lies the conception of the limitation of power. That is, the power of those in authority is limited or restricted by the conception of a higher or sacred authority. It is instructive to note that the American Declaration of Independence and the constitution recognize and invoke the principle of a higher authority.[58] Bound within the sovereignty of God is the sovereignty of the people for such a conception, in the American constitution, as "all men are created equal", comes from the conception of a higher law above men. They made no mistake, wrote Jefferson, that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights," that fundamental human rights originate from a higher authority, and they set a limit to the authority of those in power.

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[53] Fellman, 'Constitutionalism', p. 489.

[54] C. J. Friedrich, *Constitutional Government and Democracy*, 4th edn (Waltham, MA.: Blaisdell Publishing Company, 1968), p. 9.

[55] Charles H. McIlwain, *Constitutionalism: Ancient and Modern*, (Ithaca, 1947), p. 21, cited by Fellman, 'Constitutionalism', p. 485.

[56] Fellman, 'Constitutionalism', p. 485. Similarly, Friedrich observes that the process of refining ordinary government is an evolutionary and a historical process. Cf. Friedrich, *Constitutional Government and Democracy*, p. 9.

[57] Fellman, 'Constitutionalism', p. 486.

4.2.1.3 Constitutionalism as National Experience and Aspiration

Apart from the rule of law, sovereignty of the people and the separation of the powers, a constitution is also a record of national experience and a symbol of the nation's aspirations.[59] It serves the important functions of articulating the ideals of the community, of stating its social and economic aims. It exerts a tremendous educational influence as a convenient, easy-to-read compendium of the nation's basic purposes and principles."[60] Friedrich observes that a constitution is an evolutionary and a historical process.[61] Likewise, Howard Jay Graham speaks of constitutionalism as a process; he says it "is the art and the process of assimilating and converting statute and precedent, ideals and aspirations, into the forms and the Rule of Law – into a Fundamental and Supreme Law."[62]

Daniel Elazar usefully summarises modern constitutions into five basic models: constitution as a frame of government, as a code, as a revolutionary manifesto, as a political ideal and as an adaptation of ancient traditions.[63] Although we cannot categorise a country by a model, nations do adopt a particular model or models according to their historical situation and aspirations. For instance, Elazar notes that newly formed countries adopt a constitution which is largely a frame of government rather than a strict code (US,

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[58] Friedrich and McCloskey believe that crucial notions such as that "men are created equal" and that a good government is "a government of law and not of men" are from antiquity. Friedrich and McCloskey, ed., *From the Declaration of Independence to the Constitution*, p. vii.

[59] We noted earlier Fellman's notion that a constitution is "imbedded in historical experience." Fellman, 'Constitutionalism', p. 485.

[60] Fellman, 'Constitutionalism', p. 491.

[61] Cf. Friedrich, *Constitutional Government and Democracy*, p. 9.

[62] Howard Jay Graham, *Everyman's Constitution*, (Madison, 1968), p. 6, cited by Fellman, 'Constitutionalism', p. 485.

[63] Daniel J. Elazar, 'Constitution-Making: The Pre-Eminently Political Act', in *Constitutionalism: The Israeli and American Experiences*, ed. by Daniel J. Elazar (Lanham, Md.: University Press of America, 1990), 3-30, (pp. 4-8).

Australia, New Zealand), whereas the constitutions of some nations like Israel and the UK reflect their historical traditions.[64]

What does the above discussion on the definition of constitution mean for our study of Deuteronomy? Can the modern notion and principles of constitution be meaningfully applied to an ancient society like Israel? These questions are justifiably difficult to conclusively argue one way or another. It is important that we look for related notions or a 'primitive' sense of ideas in the ancient societies. In the next section we will discuss ancient societies in Greece and Mesopotamia and their framework of governance before we assess the significance of a modern constitutional framework for the book of Deuteronomy.

4.2.2 Constitutionalism and Democracy in Ancient Societies

Fellman argues that the idea of a written constitution is by no means a modern idea; it is at least as old as Western civilization.[65] Although Fellman does not specify he thinks that constitutional frameworks and democratic ideals originated from the Greek city-states. Usually, autocracy is attributed to Eastern civilization; however, as we will see below, there are several pockets of primitive democratic enclaves in the Ancient Near East (ANE).

4.2.2.1 Ancient Greek City-States

Several of the ancient Greek city-states had a form of society that was run by the assembly of the people rather than a king. Oswyn Murray, writing on early Greece, notes that although the criteria for membership and the power apportioned to various political institutions varied in different periods, the basic forms of Greek political organisation remained the same. It consisted of an assembly (the *agora* or gathering) of all adult male members and a council (*boulē*) of elders, which consisted of nobles (*basilēes*), and magistrates. Decisions were made on the basis of debate within the council, which suggests some form of democratic principle in action.[66]

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[64] Elazar, 'Constitution-Making: The Pre-Eminently Political Act', pp. 4-8.

[65] Fellman, 'Constitutionalism', p. 492.

[66] Oswyn Murray, *Early Greece*, Stanford University Press, 1983, p. 58.

A. Hagedorn discusses the Athenian assembly, which was responsible for the selection of judges for the people's court, where the judges acted on behalf of the people of the city in accordance with the law of the land without fear or favour.[67]

Similarly, Homer's *Iliad* and *Odyssey* portray a society that is run by the assembly of the people rather than a king. Hagedorn shows from the study of two Greek kingdoms, Mycenae and Cyrene, that these city-states had kings who did not have military power, rather the power rested with the people and particularly in the law or constitution of the society.[68] He notes that, "... in Homeric society the kings do not consistently make political or even military decisions on behalf of the people. Decisions which involve the whole group are reached in the assembly, which is described as the mark of civilised man..."[69] Similarly, in Cyrene, Hagedorn refers to Herodotus' report of a reform when the authority of the king was given to the common people. He quotes, "... moreover he set apart certain domains and priesthoods for their king Battus but gave all the rest which had belonged to the kings, to be now held by the people in common."[70]

However, Hagedorn argues that such notions of a king having no legal or judicial authority are not found in the Ancient Near East. He claims that in the Homeric kingship, "we encounter a king who has no legal or judicial authority, a concept completely foreign to the royal ideology of the Near East."[71]

Scholarship has always asserted the top-down, pyramidal style of political authority in the ANE, which is largely true but there are pockets of evidence suggesting the opposite democratic character, as seen in the Greek city-states, and in some of the ancient civilizations of Mesopotamia and Mari (Northern Syria). Such democratic power or political leadership rested in the assembly of the elders or the town assembly. Daniel Fleming and others refer to an "alternative configuration of power."[72] For instance,

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[67] Anselm C. Hagedorn, *Between Moses and Plato: Individual and Society in Deuteronomy and Ancient Greek Law*, Vandenhoeck & Ruprecht, 2004, pp. 117-118.
[68] Hagedorn, *Between Moses and Plato*, pp. 146-54.
[69] Hagedorn, *Between Moses and Plato*, p. 149.
[70] Hagedorn, *Between Moses and Plato*, p. 152, quotes Herodutus 4.161 (translation from Greek by A. Hagedorn.)
[71] Hagedorn, *Between Moses and Plato*, p. 151.
[72] Daniel E. Fleming, *Democracy's Ancient Ancestors: Mari and Early Collective Governance* (Cambridge: Cambridge University Press, 2004), p. 15.

Thorkild Jacobsen writes about popular assemblies, which developed in ancient Mesopotamia before the emergence of kings.[73] Richard Blanton working on early Mesoamerican archaeology has categorised two patterns of political action: exclusionary, which is individual-centred, and corporate.[74] Further, Susan McIntosh's anthropological study of Africa provides a strong counterpoint to the common view of locating power centrally in individuals.[75]

Jacobsen sees early Mesopotamian societies developing from simple societies functioning with democratic principles to complex societies adopting autocratic forms of government usually ruled by monarchs. Jacobsen calls these early societies 'primitive' democracies.[76] He uses the term democracy in the classical sense as denoting

> A form of government in which internal sovereignty resides in a large proportion of the governed, namely in all free, adult, male citizens without distinction of fortune or class.[77]

According to Jacobsen popular sovereignty in an ancient society implied that major decisions such as going to war and appointment of judicial authorities derived from the people. Democracy in ancient Mesopotamia differed from the classical one in its primitive character with little specialization in government functions, loose power structure and imperfect machinery for social co-ordination.[78] Jacobsen discusses two ancient Mesopotamian societies: Assyrian merchant colonies and the Old Babylonian kingdom.

4.2.2.2 Assyrian Merchant Colonies

Decision-making in the Assyrian merchant colonies in Asia Minor, observes Jacobsen, was vested in the assembly of elders.

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[73] Thorkild Jacobsen, 'Primitive Democracy in Ancient Mesopotamia', *JNES*, 2 (1943), 159-172, (p. 161). Jacobsen refers to Sumero-Akkadian civilization, which is the Old Babylonian Kingdom.

[74] Richard E. Blanton, 'Beyond Centralization: Steps toward a Theory of Egalitarian Behaviour in Archaic States', in *Archaic States*, ed. by Gary M. Feinman and Joyce Marcus (Santa Fe: School of American Research, 1998), 135-172, (p. 138), cited by Fleming, *Democracy's Ancient Ancestors*, p. 15. Blanton speaks about forms of assembly government, which developed in the Uruk period in Mesopotamia. Blanton, 'Beyond Centralization', p. 155.

[75] Susan K. McIntosh, 'Pathways to Complexity: An African Perspective', in *Beyond Chiefdoms: Pathways to Complexity in Africa*, ed. by Susan McIntosh (Cambridge: Cambridge University Press, 1999), 1-30, (p. 4), cited by Fleming, *Democracy's Ancient Ancestors*, p. 15.

[76] However, Fleming considers the term 'democracy' may not be well suited for ancient 'popular assemblies'. Fleming associates such 'democratic' developments with ancient Athens, where the power to make decisions and execute them was vested in the citizens. See Fleming, *Democracy's Ancient Ancestors*, p. 16.

[77] Jacobsen, 'Primitive Democracy', p. 159.

[78] Jacobsen, 'Primitive Democracy', p. 159.

> Here in early post-Imperial times (Isin-Larsa period) the highest judicial authority was not vested in any one individual but resided in a general assembly of all colonists: 'the colony, young and old,' as it is called.[79]

This general assembly was usually called into session by a clerk at the bidding of a majority of senior members. One member was not entitled to call for the assembly especially when they were dealing with a difficult case. He quotes from an Assyrian text to highlight this,

> [if] they (i.e., the seniors) do not solve their case, they will in their assembly give orders to the clerk concerning assembling young and old, and the clerk will assemble young and old. One single man may not without (the consent of) a majority of the seniors give orders to the clerk concerning settling of accounts, and the latter may not assemble young and old. If the clerk without (the consent of) the seniors at the bidding of a single (man) has assembled young and old, the clerk shall pay 10 shekels (of) silver.[80]

4.2.2.3 Old Babylonian Kingdom

The old Babylonian kingdom, in contrast to the Assyrian merchant colonies, was regulated by a king, who was the supreme authority. Nevertheless, Jacobsen observes that local towns and cities had their own assembly to settle disputes. He also notes that such assemblies may have included women[81] as they were an open assembly (*puhrum*) of the citizens of the town.[82] This indicates a precursor associated with democratic principles.[83] The assembly in Babylon had two functions. Firstly, the assembly functioned as a court of law, in which a plaintiff could request a case or a king delegate a case to be heard. If a judge had committed fraud he was barred from sitting with other judges forever.[84] Thus the judiciary in the Babylonian assembly outlined democratic principles. Secondly, the assembly had the vital government function of appointing a king. Jacobsen refers to an old Babylonian tradition

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[79] Jacobsen, 'Primitive Democracy', p. 161.

[80] Jacobsen, 'Primitive Democracy', p. 161., cites Driver and Miles *The Assyrian Laws*, p. 378.

[81] E.g. the *a-yi-il-tum mārat I-da-ma-ra-aṣ,* "lady, citizen of Idamaraṣ" mentioned in VAS, XVI, 80, cited by Jacobsen, 'Primitive Democracy', p. 163., n.21.

[82] See also Fleming, *Democracy's Ancient Ancestors*, pp. 205-206. However, Fleming cautions that this participation may be limited and may not be similar to "the Greek idea of including all citizens" see Fleming, *Democracy's Ancient Ancestors*, p. 206.

[83] Jacobsen, 'Primitive Democracy', pp. 162-163.

[84] Jacobsen, 'Primitive Democracy', p. 164. refers to the Code of Hammurabi, paragraph 202.

> In the 'Common of Enlil,' a field
> belonging to Esabad, the temple of Gula,
> Kish assembled
> and Iphurkish, a man of Kish,
> ....
> they raised to kingship.[85]

The assembly of the elders and the town was also consulted by the king in case of war; Jacobsen presents the interesting case of the Gilgamesh, king of Kullab who sought consent first from the assembly of elders and then the assembly of the town before preparing for war.[86] Thus, in the ancient towns and kingdoms the assembly of the elders and towns played significant roles in the judiciary and governance. This did not last long. Jacobsen points out that as the kingdoms turned into empires acquiring neighbouring states, the kings became more and more powerful, and slowly dismantled the assembly of the elders and the towns.[87]

4.2.2.4 Mari

Fleming's work, following Jacobsen, is focused on the upper Mesopotamian region of Mari. It is common in scholarship to regard Greece and Mesopotamia as political opposites, the former leading to democracy and the latter to autocracy. He states,

> there is another face of power, however, whereby political leadership takes refuge in the identity of the group. This group can be the state, the town, or the tribe, and the language of this collective identity may simply name the group or may specify some plurality that we translate as 'elders' or an 'assembly.'[88]

Fleming's work challenges the common perspective by demonstrating that ancient Mesopotamia also contained individual and group based power structures:

> Viewed historically, however, the ideology of collective decision making is based on a social geometry that is different from pyramid of the royal patriarch ... The idea of the collective decision depends instead on the idea that a community may be made up of household or family clusters that see themselves as peers, not necessarily

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[85] Jacobsen, 'Primitive Democracy', p. 165. cites Boissier in *RA*, XVI (1919), 163 11:25-30.

[86] Jacobsen, 'Primitive Democracy', pp. 165-166.

[87] Jacobsen, 'Primitive Democracy', pp. 164-167.

[88] Fleming, *Democracy's Ancient Ancestors*, p. 14.

> gathered under one father's authority. In many settings the individual and the collective ideologies would have coexisted.[89]

Fleming is interested in the investigation of the phenomenon of group decision-making in the ancient world from the point of view of Mari and its available literature. Mari's 3000 letters give a glimpse into the Syria-Mesopotamian region and their political activities. Fleming's study is about the last Mari king Zimri-Lim and his association with many tribal groups and small polities in the north of the region.[90]

Fleming notes that the earliest cuneiform texts from Uruk, in the fourth millennium, mention both "assembly" (*ukkin*) and a "leader of the assembly" (*gal:ukkin*).[91] He writes about three towns, Imar, Tuttul and Urgiš, which were empowered by collective assemblies in their administration. For instance, he refers to correspondence between the Mari king Zimri-Lim and the king of Urgiš, Terru, who complains about the threat to his life from Urgiš's council of elders. This suggests that there was a strong corporate policy at Urgiš.[92] Furthermore, in the mid-to-late third millennium there are examples of towns choosing or elevating their own kings, including Enmetena and Irikagina of Lagaš.[93]

Fleming concludes that the Mari archives give sufficient evidence of individual and collective political powers coexisting and competing side by side:

> they are not relegated to the small scale or the peripheral, as might be said of county villages or nomadic clans. Their responsibilities are not limited to local affairs such as legal judgments, and if anything, they appear most prominently in decisions of war and peace, as perhaps suits the interest of this diplomatic correspondence. And yet the collective mode of operation functions in constant tension with individual authority.[94]

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[89] Fleming, *Democracy's Ancient Ancestors*, p. 228.

[90] Fleming, *Democracy's Ancient Ancestors*, p. xiii. For more information on Mari during the Old Babylonian period, see Abraham Malamat, *Mari and the Early Israelite Experience* (Oxford: Oxford University Press, 1989). Malamat has also compared the prophetic role in the political realm of Mari and the Bible in Abraham Malamat, *Mari and the Bible*, Studies in the History and Culture of the Ancient near East (Leiden: Brill, 1998).

[91] Fleming, *Democracy's Ancient Ancestors*, p. 204., cites Glassner, Jean-Jacques, "Les petits États mésopotamiens à la fin du 4^e et au cours du 3^e millénaire." Pp. 35-53 in Mogens Herman Hansen (ed), *A Comparative Study of Thirty City-State Cultures*. Copenhagen: C. A Reitzels. 2000. (pp. 45-47).

[92] Fleming, *Democracy's Ancient Ancestors*, pp. 197-199, 210-211.

[93] Fleming, *Democracy's Ancient Ancestors*, pp. 204-205, citing Glassner, pp. 43-44.

[94] Fleming, *Democracy's Ancient Ancestors*, p. 222.

What implications does the functioning of the merchant colonies, local assemblies and assemblies of elders have for our study of Deuteronomy? The above analysis of democratic functions in the ancient towns and cities, both in western Greek city-states and eastern Mesopotamian and Syrian colonies, have indicated that corporate governance through a town assembly was not an uncommon way of organising and administrating ancient societies as early as third millennium. This suggests that the seeds of 'democratic' ideals were laid in these ancient societies, well before Israel's existence. Deuteronomy's regulation of the distribution of power is one good example of corporate governance, where the entire state is subject to the rule of law and reason. In the next section, we will discuss and assess the connection between Deuteronomy and the idea of a constitution, and ask whether the book of Deuteronomy could be considered as a constitution of Israel, or at least has the seeds of democratic ideals as seen in these ancient societies.

4.2.3 Deuteronomy as a Constitution of Israel

Josephus refers to the whole book of Deuteronomy as the constitution of the Hebrew nation given by Moses, which contained laws to govern the political state of Israel. He uses the Greek term *politeia* instead of *nomos* in reference to the legal matters of Deuteronomy. *Politeias* occurs 82 times in Josephus.[95] McBride following Josephus presents the whole book of Deuteronomy as an ancient Israelite *politeia*, a constitutional theocracy of Israel.[96] He comments that, "whatever earlier or independent function the book's outer frame may once have had, it now serves admirably to highlight the character of the central document as a constitution"; it is not "an anthology of covenantal preaching; it is something else and genuinely new, the charter for a constitutional theocracy."[97] McBride contends that the whole of Deuteronomy is constructed around the polity or constitution of ancient Israel, although the specific constitutional matters are set forth in chapters 12:2 – 26:15.[98] He thus, argues that the book of *torah* or Deuteronomy should not be merely considered as teaching or sermon or instruction; rather it has the force of a political constitution. He says,

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[95] *Antiquities* 4.184, 193, 198, 302, 310, 312. See http://www.ccel.org/j/josephus/works/ant-4.htm [accessed on 13.02.2005]. For the Greek version see http://www.perseus.tufts.edu/cgi-bin/ptext?doc=Perseus%3Atext%3A1999.01.0145&layout=&loc=4.184 [accessed on 13.02.2005].
[96] Dean McBride, 'Polity of the Covenant People: The Book of Deuteronomy', *Interpretation*, 3 (1987), 229-244, (p. 229).
[97] McBride, 'Polity of the Covenant People', pp. pp. 234, 238.
[98] McBride, 'Polity of the Covenant People', pp. 234-235.

> The 'words' or stipulations of 'this Torah' are not simply admonitions and sage advice offered in the name of Moses to guide the faithful along a divinely charted path of life; they are set forth as sanctioned political policies, to be 'diligently observed' by Israelite king and common citizen alike (17:19; 31:12; 32:45), and on their strict observance hangs the fate of the entire nation (e.g., 28:58-68).[99]

Many scholars, apart from McBride, have considered Deuteronomy as a constitution. For instance, Ronald Clements proposes that Deuteronomy "is a manifesto designed to provide a charter for those erstwhile citizens of Israel and Judah who had suffered the political collapse of their homeland as a result of the Babylonian destruction of Judah and Jerusalem in 598 and 587 BCE."[100] He describes Deuteronomy as

> a written book of polity for a state, that may or may not have a native king, which describes its contents as *torah* and that insists that all its citizens, from their earliest years, should learn, respect and adhere to its ruling. These rules and admonitions embrace all aspects of domestic, family, religious and political life.[101]

Clements argues that Deuteronomy represents "a significant development in devising a new form of juridical administration."[102] But he thinks that the inclusion of administrative technique implies that "Deuteronomy originated after Israel had experienced the administrative techniques and constraints of Assyrian imperial control."[103]

Similarly, Norbert Lohfink thinks, based on Montesquieu's *De l'Esprit des Loi*, that the separation of the functions of power is one of the basic principles of most democratic constitutions. The three functions are legislature, executive and the judiciary.[104] Thus, with respect to Deuteronomy, Lohfink considers that Deut 12.2 – 16.17, which he calls the first part of the law book, is concerned with regulations of the cult, whereas the second part, Deut 16.18 – 18.22, deals with constitutional matters, especially, the distribution of the functions of power.[105] He argues that these laws were arranged by association of ideas.[106] The law has many strata, the last being the law of the king, because the editor required the king to possess a copy of "this Law."

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[99] McBride, 'Polity of the Covenant People', p. 233.
[100] Clements, and others, 'A Dialogue on Deuteronomy', p. 511.
[101] Clements, and others, 'A Dialogue on Deuteronomy', p. 511.
[102] Clements, and others, 'A Dialogue on Deuteronomy', p. 509.
[103] Clements, and others, 'A Dialogue on Deuteronomy', p. 510.
[104] Norbert Lohfink, "Distribution of the Functions of Power: The Laws Concerning Public Offices in Deuteronomy 16:18 – 18:22" in *Song of Power and the Power of Song*, p. 336, reprinted from "Die Sicherung der Wirksamkeit des Gotteswortes durch das Prinzip der Schriftlichkeit der Tora und durch das Prinzip der Gewaltenteilung nach den Ämtergesetzen des Buches Deuteronomium (Dt 16,18 – 18,22)," in *Great Themes from the Old Testament* (trans. Ronald Walls; Chcago: Fransciscan Herald, 1981) 55-75.
[105] Lohfink, "Distribution of the Functions of Power," p. 339.

> The list of laws concerning the most important offices in Israel is complete, and so we have good reason to assume that the chief redaction of this section of the Deuternomic law was intended to be a comprehensive piece of legislation concerning the principal functions of power in Israel.[107]

Thus, Lohfink sets the chief redaction of the laws at the beginning of the exile, that is, the later part of the sixth century BCE. He gives three reasons for this: the Torah is written on a scroll and kept safe by the Levitical priests (cf. 2 Kgs 23.9, where such a right was not granted to the Levites by the reform of Josiah in 621 BCE.) He also points out that Deuteronomy does not refer to the compromise between the Zadokites and the Levites, thus suggesting that the laws were redacted before the end of the exilic period.

Thus he argues that the redaction of the group of laws concerning offices, the revision of the historical traditions of Israel, and the draft constitution which developed as a result, do not reflect the existing reality but a utopian theory. These laws would have been asserted after the exile but since one of the elements of the constitution, namely, the law about kingship, was abandoned was severed because the monarchy was never restored after exile "the constitutional theory in Deuteronomy was never concretely realized. It remained a utopian theory."[108]

Likewise, Georg Braulik on the basis of Kaufmann's ideas argues for a post-exilic redactional layer which added Deut 19 – 25 to Deut 12 – 18. Following Lohfink, he argues that Deut 16.18 – 18.22 in their final form should be regarded as a constitution for an Israel after the exile. He proposes three clusters of texts: Deut 12.2 – 16.17 are of pre-exilic character, Deut 16.18 – 18.22 are dated during the time of the exile and Deut 19 – 25 consists of text from the post-exilic period in a decalogic structure.[109] R. Nelson likewise regards Deut 16.18 – 18.22 as a constitutional proposal because, although the concerns are practical, it nevertheless gives the impression of being a utopian, theroretical construct, "Israel as it ought to be." Thus, Deuteronomy 16.18 – 18.22

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[106] Lohfink, "Distribution of the Functions of Power," pp. 343-44.

[107] Lohfink, "Distribution of the Functions of Power," p. 345.

[108] Lohfink, "Distribution of the Functions of Power," p. 346.

[109] Georg Braulik, "The Sequence of the Laws in Deuteronomy 12-26 and in the Decalogue", *A Song of Power*, 333-334, reprinted from "Die Abfolge der Gesetze in Deuteronomium 12-26 und der Dekalog," in *Das Deuteronomium: Entstehung, Gestalt und Botschaft*, translation by Linda M. Maloney (ed. Norbert Lohfink; BETL 68; Louvain: Louvain University Press, 1985) 252-72.

> offer a sort of constitutional proposal with definite concepts about the judge, king, priest and prophet. Interest focuses on how these officeholders are to be selected, their functions, the obedience owed to them, and mechanisms of succession...This 'constitution' conceives Israel as a unitary realm with centralized institutions and state power to enforce obedience. It explores the effects of centralization (on jurisprudence and priests) and the interaction between local leaders and national ones (local and central court, local priests and the central sanctuary).[110]

However, following Lohfink's insights, U. Rüterswörden argues for a pre-exilic constitution based on his study of Greek city-states. Hagedorn, following Rüterswörden in his recently published work, compares Greek city-states with Deuteronomy. He shows by comparing Deuteronomy 16.18 – 18.22 with of two Greek kingdoms, Mycenae and Cyrene, as noted earlier, that individuals in Israelite society organised political and judicial authority in Deuteronomy on the basis of law. He shows that, like the Greek city-states, Israel in Deuteronomy has a king, who did not have military power, the power resting with the people and particularly in the law or constitution of the society. He says,

> The features of deuteronomic kingship as displayed in Deut 17:14-20 are not as unique in the world of the eastern Mediterranean as often proposed by scholars. A king with no military power might look surprising at first sight, but the evidence from Mycene and Cyrene has shown that there have been monarchies in the Mediterranean where kingship was not based on military power. The Homeric Epics displayed that it is indeed possible to have kings and an assembly acting together, and this might be the case in the Israel of Deuteronomy too, where the king never makes any important decisions. Kingship in Greece and Israel has to be according to the law, and Aristotle goes to great pains to show that heroic kingship and the Spartan one are indeed according to the law as does the author of Deut 17:14-20, when he emphasises that the king should meditate on Torah day and night as long as he rules.[111]

Therefore, there is a move from the rule of an individual to the rule of law. Although Hagedorn does not discuss the dating of the Deuteronomic idea of a constitution, he argues that these laws were never put to practise in Israel, they were extraordinary and utopian.[112]

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[110] R. Nelson, *Deuteronomy* Westminster: John Knox Press, p. 213.

[111] Hagedorn, *Between Moses and Plato*, pp. 154-55.

[112] Hagedorn, *Between Moses and Plato*, p. 155.

However there are several scholars who rightly present Deuteronomy as relevant to the community. Patrick D. Miller sees Deuteronomy as uniquely combining instruction and polity to form a concrete community with policies to live by for real life situations.[113] Frank Crüsemann situates Deuteronomy during the period of Assyrian collapse, when the Judean people seized control of the country and applied new political ideas.[114] In his view Deuteronomy presents us with a model of theocratic rule as democracy, a model constitution,[115] where the power of the king is limited and, in contrast, the power of the common people is elevated and society is regulated by the rule of law. Similarly, Gordon McConville, following Carrière, traces the idea of a political theology in Genesis to Kings, and firmly presents Deuteronomy as uniquely combining the idea of a political nation in terms of its organisational framework and an ethos based on the character of the God of Israel – righteous and liberator.[116]

There is a scholarly tendency to regard Deuteronomy as a constitution of Israel, or at the least regarding Deut 16.18 – 18.22 as a constitutional core. However, there is no consensus with regard to dating the deuteronomic constitution, basically because of the various approaches and methods scholars apply to Deuteronomy. The book itself is complex and cannot be dated to one period in its entirety as it has undergone various additions over a period of several centuries. Therefore, many scholars read it synchronically and interpret its meaning in its final form.

However, the existence of early 'primitive' societies, which followed democratic norms in the organisation of their society, suggests that the democratic ideas in Deuteronomy could be dated earlier than the Assyrian period.[117] As we discussed above, several of the Greek city-states and several towns in Mari and Mesopotamian colonies have shown that third and second millennium towns were organised on the basis of 'primitive' democratic principles in terms of decision making by majority consensus and distribution of power. Early Israelite society during the pre-monarchic period could have had such a system of functioning, which is perhaps reflected in the book of Deuteronomy. In agreement with several of the scholars we can argue that Deuteronomy functioned like a constitution. It contains a central code of conduct, Deut 12 – 26, followed by layers of narratives, which assimilate and record Israel's past experiences as a nation, and call on Israel to follow the law to ensure future continuity and prosperity.[118]

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[113] Patrick D. Miller, *The Way of the Lord: Essays in Old Testament Theology*, Tübingen: Mohr Siebeck, 2004, p. 267.

[114] Frank Crüsemann, *The Torah:Theology and Social History of the Old Testament Law*, Translated by Allan W. Mahnke, Edinburg, T&T Clark, 1996, p. 215.

[115] Crüsemann, *The Torah*, p. 246.

[116] J. Gordon McConville, *God and Earthly Power: An Old Testament Political Theology*, London: T&T Clark, 2006, pp. 87, 97-98.

[117] Fleming, *Democracy's Ancient Ancestors*.

Considering Deuteronomy as a constitution sheds new light on our understanding of Deuteronomy. If a constitution can be defined as a fundamental orientation of a society, which advocates a system of organising and maintaining it then we need to ask what are the basic constitutive elements of Deuteronomy that drive the deuteronomic society? Deuteronomy's main constitutive elements are worship and allegiance to Yahweh alone, sovereignty of the people, and the rule of the Torah.[119]

Worship and allegiance to Yahweh is central to the constitution of Deuteronomy. Yahweh is to be the only God of Israel for it is Yahweh who inherited Israel in time immemorial (Deut 32), it is Yahweh who delivered Israel from Egypt and gave them the land of Israel (Deut 4.20). In a sense, the God of a nation is co-terminus with the nation, for every nation has its independent God. In the case of Israel, Yahweh is portrayed as one of the divine beings, to whom Israel is apportioned as his 'inheritance' (Deut 32); or he keeps Israel for himself and distributes other nations to other 'gods' (Deut 4).[120] Further, a constitution is a representation of the people and their history, without which it is a mere regulation without much meaning. A nation's history gives it a purpose and direction. In Deuteronomy, Israel's history is closely connected with Yahweh its God and therefore the worship of and allegiance to Yahweh and remembrance of Israel's history are important parts of Deuteronomy's constitution. It includes articulation of important national experiences and events, where history becomes part of the identity and constitution of the people. It is the reason and motivation for Israel to follow the Torah.

The sovereignty of the people is emphasised in several ways: the election of the people directly by Yahweh makes them directly accountable to Yahweh, the God of Israel, and the appointment of leaders by the people suggests that power was vested in the people.

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[118] McBride, 'Polity of the Covenant People', pp. 234-235.

[119] See McConville on the constituent elements of Deuteronomy. He identifies: land, people, law and justice, and institutions and citizenship, as four main constituents of deuteronomic political theology. McConville, *God and Earthly Power*, pp. 88-96.

[120] In both references the idea is to show that Israel's allegiance should be to Israel's God, Yahweh. We will discuss this further in the next chapter.

Deuteronomy is the only book in the Hebrew Bible that clearly articulates the distribution of responsibilities among the people.[121] Like a constitution, Deuteronomy requires the people to choose and appoint the judiciary and administrative officers for the proper functioning of the nation.[122] Furthermore, sovereignty of the people is conceived in terms of the election of the people. The concept of election is a central theme that runs through Deuteronomy. Although the priest and the temple are said to be chosen by Yahweh, the election of officers by the people is central to Deuteronomy.

Likewise, the Torah is made central to the aspiration of the nation. The people are constantly and persistently admonished to follow the laws of the land, that is, the Torah of Yahweh, without which their existence as a nation is threatened. Every single person in Deuteronomy is subject to the Torah, the people, the king, the priest, and the prophets, including Moses, the 'giver' of the Torah.[123] The entire book is in the form of an address from Moses to the people, as a constitution, spoken and written down for the functioning of the society. Thus, it is appropriate to argue that Deuteronomy is a constitution of Israel.

4.3 Elements Constituting Nationhood in Deuteronomy

What is a nation? A nation is a spiritual principle, connected to the past with a legacy of memories and connected to the present and future by perpetuating the values of the received heritage, said Ernest Renan.[124] How does Deuteronomy articulate Israel's nationhood? What constitutes Israel's nationhood? Deuteronomy's presentation of Israel as a nation as anchored in the past, and oriented towards the present and future, echoes Renan's view of nation. Israel is 'formed' in time immemorial, at the beginning of the division of nations (Deut 32.8), which reflects the primordial aspect of nationhood. It presents Israel as 'given' – that is, existing from birth, or born into a family (Deut 32.6).[125] Yet Deuteronomy also presents Israel as becoming a nation in Egypt (Deut 26.5), reflecting the subjective and relational aspect of nationhood. Weber pointed out that ethnicity is a subjective category created by the memory and reflection of past events, thus both subjective and relational.[126] Deuteronomy's presentation of Israel as 'created' and formed at the beginning of time as well as situated in history points to the subjective character of nationhood in Deuteronomy. The relational and familial aspect of Deuteronomy's portrayal of Israel is linked to the concept of the election of Israel. Thus, the application of the theories of nationhood and ethnicity to the study of the concept of the election of Israel is appropriate. The concept of the election of Israel is central to Deuteronomy's articulation of Israel's national identity. In the next chapter, we will interpret in detail selected passages from Deuteronomy with respect to the concept of the election of Israel and its relationship to Israel's nationhood. In the rest of the chapter we will briefly summarise what constitutes Israel's nationhood in Deuteronomy.

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[121] Norbert Lohfink, 'Distribution of the Functions of Power: The Laws Concerning Public Offices in Deuteronomy 16:18-18:22', in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. by Duane L. Christensen (Winona Lake, Ind.: Eisenbrauns, 1993), 336-352, (pp. 339-342). Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law*, trans. by Allan W. Mahnke (Edinburgh: T. & T. Clark, 1996), pp. 238-239.

[122] Crüsemann, *The Torah: Theology and Social History of Old Testament Law*, pp. 234-238.

[123] Gordon McConville, 'King and Messiah in Deuteronomy and the Deuteronomistic History', in *King and Messiah in Israel and the Ancient near East: Proceedings of the Oxford Old Testament Seminar*, ed. by John Day, JSOTSupp 270 (Sheffield: Sheffield Academic Press, 1998), 271-295, (pp. 278-280).

[124] See Chapter Two section 2.2.2.

[125] Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (London: Fontana Press, 1993), pp. 259-260.

In Deuteronomy, as Smith and Grosby have indicated, the conceptions of the deity, people, law and land are the most important elements in the concept of nationhood. The conception of Yahweh and Israel and their relationship is the constant and focal point. The conception of the Torah and the land are variables and dependant on Israel's obedience to the Torah. Therefore, Deuteronomy develops the two most important elements: the people and the Torah, the people form the nation and the Torah forms the regulation by which the people can preserve their nation from destruction. We will analyse below some of the important elements of Israel's nationhood.

4.3.1 Collective Name

According to Anthony D. Smith, a collective name is an "identifying mark" and "emblem" which the community uses to identify and distinguish itself from others.[127] The most common name found in Deuteronomy is Israel. The collective name of the people as Israel goes back to ancient times. We have extra-biblical evidence from the Merneptah Stele for the collective name of Israel as a people as early as the twelfth or thirteenth centuries BCE. The name Israel appears in the Merneptah Stele along with other cities and peoples reportedly defeated by Merneptah.

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[126] Max Weber, 'What Is an Ethnic Group?' in *The Ethnicity Reader: Nationalism, Multiculturalism, and Migration*, ed. by M. Montserrat Guibernau i Berdâun and John Rex (Cambridge: Polity Press, 1997), 15-26, (p. 18).

[127] See Chapter Two section 2.3.3.

In Deuteronomy the collective name Israel appears 62 times out of the total 2267 times in the whole of Old Testament. In contrast to this there is no reference to the collective name of the people as Judah in Deuteronomy. The two references to Judah in Deut 33.7 and 34.2 are references to Judah the son of Jacob and the regional place name Judah.

The term Israel has two derivatives in Deuteronomy. One is the distinctive deuteronomic 'all Israel' and the other perhaps deuteronomistic 'children of Israel.' The term 'all Israel' in Deuteronomy is important for our consideration, as it is one of the prominent constituting elements of ethnicity and nationality. A collective name, either-self ascribed or given by others, is an important symbol towards ethnic group and nation formation.[128]

It is also important to consider the audience for the term 'all Israel'. Did it refer to all the Israelites? Or did it exclude some group of people? Did it refer to the group before the monarchy? Or did it refer to Josianic Judahites and the dispersed Israelites in an effort to foster a cord of unity and reclaim the lost nation of Israel? On the other hand, did it refer to the post exilic Judahite returnees? James Flanagan has studied the usage of the term כל ישׂראל, 'all Israel,' in the Deuteronomistic history and its occurrence in the various stages of the social and political context of ancient Israel. He takes the Josianic editing of the deuteronomic history as his starting point.

He observes that the term 'all Israel' is "used distinctively in the deuteronomic history".[129] It is deuteronomic, he argues, because the term does not occur in the Tetrateuch. It appears fourteen times in Deuteronomy and is considered by Flanagan as an abrupt introduction and thus deuteronomic.[130] However, it is quite reasonable to attribute the 'abrupt' occurrences of 'all Israel' in Deuteronomy to the strategic time of Deuteronomy's composition.[131] In its connotations of extensiveness and unity, it suggests that Deuteronomy is a document about Israel's polity – or nationhood.

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[128] See McConville, *Deuteronomy*, p. 56 on 'children of Israel' in Deut 1.3, this is "in harmony with Deuteronomy's theological emphasis on the unity of the people."

[129] James W. Flanagan, 'The Deuteronomic Meaning of the Phrase 'Kol Yisra'el'', *Studies in Religion/Sciences Religieuses*, 6 no. 2 (1976), 159-168, (p. 162).

[130] But he is in difficult position to explain the occurrences of the term 'all Israel' in Judges (see Judg 8.27 and 20.33). He regards them as deuteronomic insertions. See his comments on pre-deuteronomic usage of the term in Samuel. Flanagan, 'Kol Yisra'el', p. 163. He argues that the term 'all Israel' in 2 Sam 3. 12-21 and 8.15 are pre-deuterenomic. But Israel during Davidic Kingdom, from ethnic and nationalist perspective, is considered as an empire and not as a nation. This is clearly evident from the references to the 'many nations' David had subjugated (2 Sam 8; Cf. Sparks).

In contrast to כל ישראל, the term בני ישראל is commonly translated 'sons of Israel,'[132] 'children of Israel'[133] and 'people of Israel'[134] or simply as 'Israelites.'[135] It occurs fourteen times in Deuteronomy.[136] With its connotation of familial descent, it points to the primordial aspect of Israel's nationhood.

4.3.2 Collective Conception of the Land

Like the nation of Israel, the land of Israel[137] belonged to Yahweh primordially. Thus Yahweh is presented as the owner of the land of Israel and gives it to Israel as a gift, as an inheritance. Norman C. Habel usefully observes that there are three stages involved in the transaction between Yahweh and Israel: The first stage in Israel's acceptance of this land grant is taking possession of the land, expressed by the verbs בוא and ירש (Deut 1.8; 4.1; 6.18; 7.1; 8.1; 10.11; 11.8, 29). The second stage involves clearing out (נשל) and dispossessing (ירש) the existing inhabitants (Deut 7.1, 2, 20, 22, 24; 4.38; 9.1, 3, 4; 11.23). The third stage involves settling (ישב) in the land (Deut 11.31; 12.10; 17.14; 26.1; 30.20).[138]

The conception of the land as belonging to Israel is an important step in Israel's nationhood. Although nationhood strictly does not depend on the possession of land, the ultimate aim of a nation is to have a land of their own – a land full of milk and honey. The Israelites became a nation while they were in Egypt (Deut 26.5) but Egypt was a foreign land. Land is one of the centres of the life of a nation. A nomadic tribe does not require a land, their survival is in fact in finding new land and new pasture every season. An ethnic community could exist within a nation but a nation's ultimate goal is to have a land of its own. The central role given to land in Deuteronomy indicates that Deuteronomy is dealing with nationhood.

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[131] Eriksen, *Ethnicity and Nationalism*, p. 3.
[132] Jerusalem Bible and New American Standard Bible.
[133] Authorised Version.
[134] Revised Standard Version.
[135] New International Version and New English Bible. See Daniel I. Block, "Israel'-'Sons of Israel': A Study in Hebrew Eponymic Usage', *Studies in Religion/Sciences Religieuses*, 13 no. 3 (1984), 301-326, (p. 302).
[136] The fourteen references in Deuteronomy are: Deut. 1:3, Deut. 3:18; Deut. 4:44, Deut. 4:45, Deut. 28:69, Deut. 31:19, Deut. 31:22, Deut. 31:23, Deut. 32:8, Deut. 32:51 *2, Deut. 33:1, Deut. 34:8 and Deut. 34:9.
[137] However, the land is also said to be 'their land' (Deut. 2.5, 9; 4.38; 9.5; 12.29; 29.8, 28; 31.3 and 4).
[138] Norman C. Habel, *The Land Is Mine: Six Biblical Land Ideologies*, Overtures to Biblical Theology (Minneapolis: Fortress Press, 1995), pp. 40-41.

4.3.3 Conception of the People

What is the status of the people in Deuteronomy? If Deuteronomy is considered a political constitution of ancient Israel, then what is the place given to the people in relation to God and the polity? There are two important points for consideration here. The first is Deuteronomy's conception of the people expressed in terms of election or choosing. The second is the setting of the people at the highest level of power in relation to the Torah. We will highlight these two points in the following section. An exegetical study will be carried out in the next chapter where the focus will be on the nature and the function of the concept of election of Israel.

4.3.3.1 Relationship between Yahweh and the People

The relationship between Yahweh and the people in Deuteronomy can be viewed from an ethno-symbolic perspective as both primordial and instrumental. By primordial we mean that which is natural, organic and ancient, and by instrumental we mean that which is related to purpose or motive. There are two expressions used in Deuteronomy in reference to people: נחלה and בחר. נחלה is a primordial concept with familial ties attached to it and בחר is both primordial and instrumental.

4.3.3.1.1 People as Yahweh's Inheritance

Yahweh's relationship with the people in Deuteronomy is expressed in primordial language as Yahweh's inheritance נחלה from the beginning of time[139] in Deut 32.8-9:

8 בְּהַנְחֵל עֶלְיוֹן גּוֹיִם בְּהַפְרִידוֹ בְּנֵי אָדָם יַצֵּב גְּבֻלֹת עַמִּים לְמִסְפַּר בְּנֵי יִשְׂרָאֵל׃
9 כִּי חֵלֶק יְהוָה עַמּוֹ יַעֲקֹב חֶבֶל נַחֲלָתוֹ׃

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[139] McConville, *Deuteronomy*, pp. 453-454. Frank Crüsemann, 'Human Solidarity and Ethnic Identity: Israel's Self-Definition in the Genealogical System of Genesis', in *Ethnicity and the Bible*, ed. by Mark G. Brett (Boston: Brill, 2002), 57-76, (p. 68). Driver argues the time refers to the formation of the nation, that is, the Mosaic period; see S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, Third edn (Edinburgh, T. & T. Clark: 1996), p. 355.

Another parallel word used to express the relationship between Yahweh and Israel is חלק. חלק means 'portion' or 'allotment.' Both these words נחלה and חלק refer to the inheritances divided and distributed among family members; therefore they are family metaphors used to express Israel's close relationship and belongingness to Yahweh. The nation of Israel and the land of Israel both belong to Yahweh primordially. The relationship between a group and its God is primordial, that is, natural and as old as the group.

4.3.3.1.2 People as Chosen by Yahweh

Israel was not only allotted (חלק) to Yahweh from primordial times, but Yahweh has deliberately made a choice (בחר) of Israel. Yahweh's act of choosing is not seen as contradicting the earlier primordial relationship between Yahweh and Israel but as complementary to it. The use of the expression בחר also signifies a primordial perspective as the choice is based on Yahweh's love for Israel (אהב) (Deut 7.8). However, more importantly the aspect of choosing indicates comparison or choosing in relation to others. Identity is created deliberately by comparison with other nations, which implies difference.[140] Deut 4 clearly indicates Yahweh's choosing of Israel among the nations, which Barth calls ascriptive, a claim, and thus subjective and organisational.[141] It is relational and symbolic, which is indicated in Deut 7, where Israel portrays the Canaanite nations as enemies of Israel, who should be wiped out. Further in Deut 7, the language of Israel's election or choice is covenantal. The concept of choice or election is expressed in terms of the covenantal relationship (ברית) (cf. Deut 7.9). Rendtorff's exegetical analysis of the covenant formula is useful in understanding the particular use of the covenant formula in Deuteronomy. According to Rendtorff the covenant formula in Deuteronomy appears in the form 'You shall be a people for me.'[142] This shows clearly that the covenant formula along with election is used to express Yahweh's relationship with Israel, which highlights the functional aspect of the election of Israel. The functional aspect requires Israel's following of the Torah in return for the privilege of Yahweh's choosing of Israel.

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[140] Anthony P. Cohen, 'Culture, Identity and the Concept of Boundary', *Rivista de anthopologia social*, 3 (1994), 49-61, (p. 50).

[141] Fredrik Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (Prospect Heights, Ill.: Waveland, 1998), pp. 5, 9.

[142] Rendtorff divides the covenant formula "I will be God for you and you shall be a people for me" into three formulas: Formula A 'I will be God for you,' Formula B 'You shall be a people for me,' and Formula C, which combines both. Rendtorff argues that formula A exclusively appears in the Tetrateuch and there is no formula B in the Tetrateuch, whereas in Deuteronomy formula B occurs several times and formula A never occurs. Formula C occurs twice in the Tetrateuch and once in Deuteronomy. See Rolf Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, trans. by Margaret Kohl (Edinburgh: T. & T. Clark, 1998), p. 13. For a useful chart covering the occurrences of these formulas see Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, pp. 93-94.

4.3.3.2 Relationship between the Chosen People and Yahweh's Torah

We observed that בחר is used specifically to express Yahweh's choice of Israel, so also Israel is encouraged to choose to follow Yahweh's Torah. The functional aspect of the concept of choosing in Deuteronomy is thus also instrumental. Yahweh's persistent admonition to Israel to follow the Torah is significantly linked to nationhood. This becomes clear when we consider the overall importance given to the concept of choosing in Deuteronomy. The concept of election or choosing is pervasive and involves all spheres of Israel's national life. All the basic institutions of Israel are expressed directly or indirectly as being 'chosen.'[143]

First, the people are the focal point of the Torah, for if the people follow the Torah they will be the wisest among the nations. Second, within the polity they are given authority to appoint the king and the judiciary. As to the priests, although they are as a tribe chosen by Yahweh, their existence is meaningful only in relation to the people in rendering service to the people of the polity. In return the priests and Levites will share in the offerings given by the people to Yahweh, which is their inheritance. Likewise, prophets will be raised by Yahweh from time to time, but the people will judge who is from Yahweh and who is not and in case of false prophets they will be 'judged' (put to death) by the people as laid down in the instruction of the Torah. Thus, the people are held in the highest esteem within the polity. In fact, even the Torah is at people's service to form them into a nation. Thus the concept of choosing or election aims to establish the polity of Israel.

4.4 Summary

We have discussed in this chapter the composition and structure of Deuteronomy. The historical critical analysis is helpful to understand the literary and historical problems posed by the book. It has also enabled us to see Deuteronomy's complex development over a long period of Israel's history; particularly Deuteronomy's growth during Israel's crisis period in addressing Israel's identity issues and national aspirations. However, the comparative analysis of early Mesopotamian and Greek societies has helped us to draw parallel insights into the nature and functioning of ancient societies like Israel. This has enabled us to recognise the preservation of an early constitutional code in Deuteronomy. It is important to see Deuteronomy as a 'constitution', even though constitution is a modern term. We have argued that it is possible to use a modern terminology to unlock adequately the various dimensions of the text.

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[143] The king is appointed should be one chosen by Yahweh, the Priests and the Levites are chosen by Yahweh (18.5; 21.5). The prophet is raised (קום) by Yahweh (18.15).

Further, the concept of 'chosen people' or the election of Israel is both primordial and instrumental. One without the other would lose its special meaning in Deuteronomy. And this subtle nuance is not very apparent. It can only be understood in the whole context of the book of Deuteronomy. Although the book has gone through various periods of growth, there are clear indications to suggest that the idea of election in Deuteronomy is both primordial and instrumental. The primordial aspect is explained in the primordial, familial and kinship ideas of נחלה, and evident in terms such as בני ישראל, whereas the instrumental concept is expressed in relation to nation building, which is evident in the appeal to the election concept to destroy enemies, and to create a distinctive culture and religion. The functional aspect of the concept of the election of Israel is the organisation of the nation of Israel, which is expressed in a covenantal framework.

Election terminology can be said to involve the willing acceptance of covenant status; see for instance Deut 26.17-19.

> 17 You have declared this day that the LORD is your God and that you will walk in his ways, that you will keep his decrees, commands and laws, and that you will obey him. 18 And the LORD has declared this day that you are his people, his treasured possession as he promised, and that you are to keep all his commands. 19 He has declared that he will set you in praise, fame and honor high above all the nations he has made and that you will be a people holy to the LORD your God, as he promised. NIV

Deut 26.17-19, along with Josh 24.15, 22, Judg 5.8, 10.14, suggests that election is indeed related to willingly choosing one's God and his Torah and to God choosing a people.[144] This role of the people might even be called 'democratic,' since it is a function of the whole people, not a king. Therefore, the concept of election involves a democratic process, a covenant of oath and a promise that binds the people and their chosen God, where the people, not king, are the focus or the subject of attention.[145]

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[144] Horst Dietrich Preuss, *Old Testament Theology*, trans. by Leo G. Perdue 2 (Edinburgh: T&T Clark, 1996), p. 186.

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[145] Frank Crüsemann, *The Torah*, p. 215.

Chapter Five: The Nature and Function of the concept of the election of Israel in Deuteronomy

Introduction

The aim of this thesis is to study the concept of the election of Israel in relation to nationhood. The hypothesis is that the concept is intrinsically linked to nationhood, so that the study of the concept in relation to nationhood would give a fresh impetus to its historical and theological understanding.

The historical critical analysis in chapter one dates the concept and traces its evolution from a natural religious concept to a moral covenantal bond. The theological quest is an attempt to solve the dilemma between grace and law, whether the concept of election was God's grace upon Israel based on love for Israel's forefathers or was conditional upon obedience to the law. The selection of Deuteronomy for the study is appropriate because, it is the the *locus classicus* of the election tradition in the Old Testament. Also as discussed in chapter four, Deuteronomy is widely acknowledged in recent scholarship as a constitution. Therefore Deuteronomy is a natural text to study the concept of the election of Israel from the perspective of nationhood.

Anthony Smith's ethno-symbolic model of the study of nationhood takes seriously ethnic and symbolic (cultural and religious) aspects in the formation and sustenance of nations. Such an approach enables one to study ancient societies like Israel, thus this approach will give a fresh view of the concept of election.

In this chapter we will study selected texts from Deuteronomy, namely Deut 32, 4 and 7, exploring the form, meaning and function of the concept of the election of Israel in its immediate context. The selection of the above texts and their order of treatment is a reflection of their importance in relation to the study of nationhood. Deut 32 is an ancient text, which espouses the national identity in a primordial way so will be studied first. Deut 4 appears to be a reinterpretation or reflection of the primordial identity in Deut 32 with reference to other nations. Its emphasis on the 'superiority' of Yahweh and Israel in relation to other nations betrays the features of what Smith[1] calls ethnocentrism and what Barth[2] terms self-ascription in relation to nationhood. Deut 7 encapsulates a programme to maintain the identity and boundary of the nation in the context of threat. The creation and maintenance of national identity not only involves similarity between members of the nation but also difference between the nation and other nations. Deut 7 is an example of the creation and maintenance of national identity in relation to the Canaanite nations. Emphasising difference in national identity, Anna Triandafyllidou explores national identity as a Janus-faced process. She comments that:

> National identity is conceived as a double-edged relationship. On the one hand, it is inward looking, it involves a certain degree of commonality within the group. It is thus based on a set of common features that bind the members of the nation together. These features include belief in common descent, a shared public culture, common historical memories and links to a homeland and also a common legal and economic system. On the other hand, national identity implies difference. It involves both self-awareness of the group but also awareness of Others from whom the nation seeks to differentiate itself. National consciousness renders both similarity and difference meaningful.[3]

Thus, interpreting Deut 7 from the perspective of nationhood enables one to understand the important symbolic relationship between the concept of the election of Israel and the concept of ban against the Canaanite nations. The overall significance of chapter five is in the reinterpretation of the select texts from the perspective of nationhood.

5.1 Primordial Nation (Deut 32): Identity and Belonging

5.1.1 Introduction

Deut 32, which is called the Song of Moses, is one of the most studied texts in Deuteronomy. Its uniqueness can be adduced from the importance given to it by the Talmud. It is one of the two songs in the Pentateuch, which are required by the Talmud to be written distinctively (*b. Meg.* 16b), the other being Exod 15.[4] There is a general consensus that the Song had an independent existence[5] and is a very ancient text; however, some scholars do claim it is post exilic or even closer to the apocalyptic era in date.[6]

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[1] Smith explicates the relational aspects of national identity in terms of ethnocentrism and ethnicism. Ethnocentrism characterises belief in the centrality of the group whereas ethnicism characterises collective activity in defence of the group. Smith considers ethnocentrism as a cultural or even a religious sentiment. Smith, *Nationalism in the Twentieth Century*, p. 91.

[2] Fredrik Barth's study of ethnicity as a social organisation of cultural difference is useful. According to Barth, ethnicity is a matter of self-ascription and ascription by others. That is not a sum of objective differences but those that the actors themselves regard as significant. Fredrik Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (Prospect Heights, Ill.: Waveland, 1998), p. 11.

[3] Anna Triandafyllidou, *Negotiating Nationhood in a Changing Europe : Views from the Press*, Studies in Social and Political Theory ; V. 28 (Lewiston, N.Y. ; Lampeter: Edwin Mellen Press, 2002), pp. 26-27.

The Song's title in Deut 31.30 regards the entire Song as recited by Moses[7] to the whole assembly of Israel (כָּל־קְהַל יִשְׂרָאֵל) to form part of its message or instruction to the nation of Israel.[8] The Song is included in the book of Deuteronomy by the Deuteronomic writers as a witness (עד) to Israel's future breaking of the covenant (31.19f). Thus, the commonly held view on the genre of the Song is that it is a covenant lawsuit or a covenant *rîb*.[9] However, there is difficulty in considering the entire song as a lawsuit because the Song goes beyond judgement and punishment to the salvation of Israel and vengeance against

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[4] Duane L. Christensen, *Deuteronomy 1-11* (Dallas, Tex.: Word Books, 1991), p. 785.

[5] Gerhard von Rad, *Deuteronomy: A Commentary*, trans. by Dorothea M. Barton, Old Testament Library (London: SCM, 1966), p. 195. Walter Brueggemann, *Deuteronomy* (Nashville, TN: Abingdon Press, 2001), pp. 273-274. Brevard S. Childs, *Introduction to the Old Testament as Scripture* (London: SCM, 1979), p. 220.The argument about the Song's independent existence is based on archaic words and concepts. The Song is regarded as a witness to what Yahweh would do to them if they were not loyal (Deut 31.19). Further, the Song functions as a motivation for obedience in the land (Deut 32.46). Cf. Paul Sanders, *The Provenance of Deuteronomy 32*, Oudtestamentische Studiën 37 (Leiden: Brill, 1996).

[6] S. R. Driver dated the Song during the period of Jehoash or the early years of Jerob'am II (c 780 BCE), when Israel was harassed by the Syrians (I Kgs 20) and threatened by Jehoahaz (2 Kgs 13). S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, third edn (Edinburgh, T. & T. Clark: 1996), p. 346. Many scholars tend to date the Song after eighth century BCE because of their assumption that the Song reflected prophetic theology. Others pushed it to a later period because of its sapiential character. A. D. H. Mayes, *Deuteronomy*, New Century Bible Commentary (London: Marshall Morgan & Scott, 1981), p. 382. For a detailed discussion on the historical dating of the Song of Moses refer to Paul Sanders' monograph on Deut 32. Sanders argues for a pre-exilic date. Sanders, *The Provenance of Deuteronomy 32*. J. Luyten considers most of the Song to be post exilic. J. Luyten, 'Primeval and Eschatological Overtones in the Song of Moses (Dt 32.1-43)', in *Das Deuteronomium*, ed. by N. Lohfink (Leuven: University Press, 1985), 341-347.

[7] The Song itself does not give any clue to Mosaic authorship. G. E. Mendenhall claims that the probable author of the Song was the prophet Samuel. G. E. Mendenhall, 'Samuel's "Broken *Rîb*": Deuteronomy 32', in *No Famine in the Land: Studies in Honor of John L. Mckenzie*, ed. by J. W. Flanagan and A. W. Robinson (Missoula, MT: Scholar Press, 1975), 63-74, (p. 68).

[8] In the ancient world, unlike the modern age, the dissemination of information was channelled through the social and religious assemblies throughout the land.

[9] Mayes, *Deuteronomy*, p. 380.

Israel's enemies.[10] Some scholars taking a different view consider the Song as a psalm or hymn,[11] a prophetic oracle,[12] or a didactic poem.[13]

The Song could be divided into 5 sections: Introduction to the Song (1-6), Yahweh's benefactions to Israel (7-14),[14] Israel's ingratitude and allegiance to the gods of other nations (15-18), Israel's punishment (19-26), deliberation on the cause of Israel's defeat (27-33), and finally, Yahweh's promise to give victory over Israel's foes (34-43). The theme of the entire Song is encapsulated in the introduction to the Song, in verses 1-6. Verse 2 reminds the readers that the Song is an instruction. Verses 3 and 4 portray Yahweh as a faithful God, who is just and worthy of praise. Verse 5 is a contrast to Yahweh's faithfulness, that is, Israel's rebellion and unfaithfulness. Verse 6 is a rhetorical question on the relationship between Israel and Yahweh, which chides Israel's unfaithfulness but essentially speaks about Yahweh's providence despite Israel's disloyalty.

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[10] Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, 1st edn, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), p. 506. J. G. McConville, *Deuteronomy*, Apollos Old Testament Commentary 5 (Leicester: Apollos, 2002), p. 437. Von Rad, *Deuteronomy: A Commentary*, p. 190. John Wiebe defines it as a "deliberative *rîb*." It is a lawsuit where the judge deliberates over the expression of repentance by the defendant and announces mercy and salvation. John M. Wiebe, 'The Form, Setting and Meaning of the Song of Moses', *Studia Biblica et Theologica*, 17 no. 2 (1989), 119-163, (pp. 126-128). However, there is no expression of repentance by the defendant in the Song.

[11] J. Luyten considers the entire Song as a psalm of praise to Yahweh. Luyten, 'Primeval and Eschatological Overtones in the Song of Moses'.

[12] Mendenhall takes a highly critical view of the covenant lawsuit form, saying that there is no indication in the Song of any covenant or lawsuit. He thinks that the Song is "a prophetic oracle essentially concerned with the interpretation of history past, and appealing for public opinion that would make the future more palatable." Mendenhall, 'Samuel's "Broken *Rîb*"', p. 72.

[13] Driver notes that the Song being a didactic poem takes the form of a retrospective survey of Israel's religious history and develops lessons from it. It resembles Ps 78, 105 and 106. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, p. 345.

[14] Driver, *A Critical and Exegetical Commentary on Deuteronomy*, p. 344. Tigay calls the unit 'the history of God's benefactions to Israel.' Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, p. 302.

The Song's purpose is to explain national defeat[15] as a punishment[16] by Yahweh for Israel's unfaithfulness.[17] However, Yahweh, being faithful and bound to Israel in an exclusive relationship, is their only refuge.[18] He will restore them and defeat their enemies. The purpose of the Song, as interpreted in its deuteronomic context in verses 44-47, is that Israel should heed the words of the Song, obey the laws of the Book and teach them to their children in order that they may live long in the allotted land.[19] Survival in the land thus depended upon allegiance to Yahweh and obedience to his laws.[20]

Our primary concern in the study of Deut 32 is its interpretation from the perspective of nationhood. What aspects and issues of nationhood can be identified in the Song? What symbols are present and how are they used in relation to nationhood? Is there a concept of the election of Israel and if so, what is its nature and function in relation to nationhood?

We aim to show that the concept of the election of Israel is expressed in the Song in terms of a primordial relationship between Yahweh and Israel. Primordial means 'given,' natural from time immemorial. The Song also uses kinship symbols in relation to the election tradition. The primordial relationship between Yahweh and Israel functions to create and maintain the national identity of Israel in the context of defeat.

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[15] One of the central questions that drives the Song is that the national destruction or defeat, if interpreted as executed by other nations or their god/s, will mean that Yahweh will be humiliated and considered powerless, hence the teaching that the national destruction is wrought by Yahweh himself. It has to do with national honour and Yahweh's honour. Cf. Von Rad, *Deuteronomy: A Commentary*, p. 199. Reference to defeat in the Song could mean any defeat faced by the people during the course of their history, not necessarily the exile. The importance of defeat or trauma in bolstering national identity is brought out by Volkan. Cf. Chapter two, section 2.4.3. Vamik D. Volkan, *Bloodlines: From Ethnic Pride to Ethnic Terrorism* (Boulder, Co.: Westview Press, 1998), p. 48, cited by Kinnvall, 'Nationalism, Religion and the Search for Chosen Traumas', p. 86.

[16] Cf. Deut 32. 21-26.

[17] We have shown in chapter two the

[18] One of the dominant imageries in the Song is that of Yahweh as the Rock, who could be trusted and relied upon. The use of the Rock epithet or metaphor emphasises the stability and permanence of the God of Israel. So Peter C. Craigie, *The Book of Deuteronomy* (Grand Rapids, Mich.: W. B. Eerdmans, 1976), p. 378. According to Mendenhall the Song is about Yahweh as a reliable refuge in times of trouble. Cf. Mendenhall, 'Samuel's "Broken *Rîb*"', p. 70. צור "rock" as an epithet is used to present Yahweh as a refuge and a deliverer. It is used seven times in Deut 32 (vv. 4, 15, 18, 30, 31 x2 and 37). Also Cf. 2 Sam 22.3, 31b-32; Ps 62.7-8; 94.22; 144.1-2. Richard D. Nelson, *Deuteronomy: A Commentary*, OTL (London: Westminster John Knox Press, 2002), p. 370. For detailed exposition of the imagery rock, see Michael P. Knowles, '"The Rock, His Work Is Perfect": Unusual Imagery for God in Deuteronomy 32', *VT*, 39 no. 3 (1989), 307-322.

[19] J. G. McConville, *Deuteronomy*, Apollos Old Testament Commentary 5 (Leicester: Apollos, 2002), p. 460.

[20] It is important to note that the Song itself does not contain any law or that Israel was found to have breached any law. The contrast between loyal Yahweh and disloyal Israel is not presented in the Song as a breach of law but of relationship. The imperatives of the Song are to hear (v.1), praise (v.3, 43), remember (v.7) and see (v.39). In this respect the Song diverges from one of the major thrusts of the book of Deuteronomy.

5.1.2 National Defeat and the Avenging of the Enemy

A nation's defeat shakes the very foundation of national identity – the conception of the God of a nation. The defeat of a nation, in people's mind, naturally casts doubt on the relationship between the deity and the nation, and the power of the deity to defend and rescue the nation from her enemy. The Song is an endeavour to address these two recurring questions: Who and/or what is the ultimate cause of a nation's disaster or defeat? Is the nation's God powerful enough to rescue the people and give them victory over their enemies?

5.1.2.1 Defeat or Punishment of Israel

The central question of the Song, who is the ultimate cause of Israel's defeat, is clear from Deut 32.27b and 30:

v. 27b פֶּן־יֹאמְרוּ יָדֵינוּ רָמָה וְלֹא יְהוָה פָּעַל כָּל־זֹאת׃

"Lest they say, our hand[21] has triumphed and Yahweh did not do all this."

v. 30 אֵיכָה יִרְדֹּף אֶחָד אֶלֶף וּשְׁנַיִם יָנִיסוּ רְבָבָה אִם־לֹא כִּי־צוּרָם מְכָרָם וַיהוָה
הִסְגִּירָם׃

"how can one pursue a thousand and two chase many unless their Rock has sold them and Yahweh has given them up?"

Driver agrees that the Song is concerned about the question of national disaster or defeat. He says,

> Israel's disasters are due only to Jehovah's alienation, occasioned by Israel's sin: the heathen gods have not the power to produce them (v. 31); the heathen nations are too corrupt to do so (v. 32f.)... How could a mere handful of the foe have routed whole battalions of Israelites, unless Jehovah had deliberately abandoned them? The verse points to military disasters actually experienced by Israel's troops, and argues that, as they cannot be reasonably attributed to Jehovah's inability to defend His people, they must be taken as proof that He has, for some sufficient cause, designedly cast them off.[22]

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[21] Many manuscripts, and also Samaritan Pentateuch, Septuagint, Syriac and Vulgate, read wndy "our hand".

[22] Driver, *A Critical and Exegetical Commentary on Deuteronomy*, p. 371.

According to Mendenhall the purpose or the occasion of the Song is the "gathering of the survivors to consider what was the cause of the calamity, and what should be the future policy."[23]

A similar notion is attested in the Mesha Stele (930 BCE), where King Mesha of Moab records that King Omri of Israel oppressed them because Chemosh, the God of Moab, was angry with his land. However, later during King Mesha's rule Chemosh restored the land of Moab. He defeated Israel and devoted the people and the altar of Yahweh to Chemosh.[24]

As Driver and Mendenhall point out, the Song portrays Yahweh to have been provoked (כעס v. 27) to anger by the enemy's claim of victory over Israel. The god(s) of the enemy nation do not have any power over Israel (v. 31) nor has the enemy any moral status above Israel (v. 32f) to claim victory over Israel. It is Yahweh who gave Israel over to its enemies as a punishment (vv. 22-26). Yahweh had temporarily abandoned Israel because of its disloyalty. Yahweh was provoked (כעס v. 16) to anger by Israel's allegiance to the gods of other nations. Yahweh's anger and jealousy towards Israel is firmly based on Yahweh's care (vv. 10-14) and primordial relationship (vv. 6-9) with Israel.

The Song thus turns Israel's sense of fear, doubt and hopelessness from defeat into one of national guilt, repentance and assurance by contrasting Yahweh's love and care with Israel's disloyalty in the first section. In the second section the Song contrasts the supposed taunts of the enemy with Yahweh's power over Israel's enemies and their gods.

5.1.2.2 The Power of Yahweh and the Avenging of Israel

The possible questioning and doubt over the power of Yahweh in defeat is countered by portrayal of Yahweh as powerful over the enemy nation. The judgement on the enemy is set in the future, when their foot will slip (v. 35).[25] In the light of the future judgement, not only the enemy, but also, the god(s) of the enemy is/are ridiculed and considered powerless and are entitled 'no-god'. In contrast to this Yahweh is glorified as the only God, who is powerful over Israel and their enemies. He is presented as the one who puts to death and brings to life, the one who wounds and heals (v. 39).[26]

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[23] Mendenhall, 'Samuel's "Broken *Rîb*"', p. 69.

[24] George A. Barton, *Archaeology and the Bible*, seventh edn (Philadelphia: American Sunday-School Union, 1937), pp. 460-461. Cf. Num 21.29 'Woe to you, O Moab! You are destroyed, O people of Chemosh! He has given up his sons as fugitives and his daughters as captives to Sihon king of the Amorites.'

[25] The question may arise if Yahweh has punished Israel for their disloyalty, even if it was through the enemy nation, why should they being just an instrument in the hands of Yahweh be in turn punished?

Verse 39 is usually understood to be monotheistic, which may be correct. However, it could be interpreted as particularistic, that is, particular to Israel: Yahweh is the one who wounded and he will bring the healing. As he brought 'death' so he will bring life to Israel, for bringing life to the enemy nation is unthinkable. MacDonald agrees saying,

> YHWH is the one who kills and brings to life; he wounds and heals. In the context of the Song of Moses it is clear that these are not general statements about YHWH's dominion over life and death, instead they describe his particular actions towards his elect people. He is the one who kills, bring his people to destruction, but he is also the one who intervenes giving life.[27]

Portrayal of Yahweh as the all powerful one is not an easy proposition to sustain in the context of defeat. Therefore, the past achievements of the deity are recalled and present strengths diligently expounded. A general ethos of divine retribution and hope is created and disseminated across the nation. The next section, about the relationship between Israel and Yahweh, contributes to the sustenance of the national identity and survival in the context of defeat by showing Yahweh's benefactions to Israel.

5.1.3 The Relationship between Yahweh and Israel – the 'Election'[28] of Israel

The technical term בחר does not occur in Deut 32; however the Song is rich in expressing the relationship between Yahweh and Israel. The relationship between Yahweh and Israel or the 'election' of Israel has an important role to play in the creation and maintenance of national identity in the context of national defeat as studied in the previous section. In this section we will study the important ways in which the Song portrays the relationship between Yahweh and Israel.

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[26] Fredrik Barth has shown that ethnicity is a matter of social organisation of cultural difference. That is, the differences that are ascribed to oneself or others are not 'objective' differences but they are social differences, which are espoused to maintain the social distinctions and the maintenance and continuation of the group. We will discuss this later, particularly, when we are studying Deut 4. See Barth, *Ethnic Groups and Boundaries*, p. 14.

[27] Nathan MacDonald, *Deuteronomy and the Meaning of 'Monotheism'* (Tübingen: Mohr Seibeck, 2003), p. 178. Steven Grosby sees a problem between monotheistic understanding of God and the distinctiveness of the nation. He says, "The relation between the nation and religion becomes complicated when that religion is monotheistic. This is because the belief in one, universal god asserts the unity of humanity, and not the distinctiveness of the nation." Steven Elliott Grosby, *Nationalism: A Very Short Introduction*, Very Short Introductions (Oxford: Oxford University Press, 2005), p. 83.

[28] The term election in the single quote is to recognise that the traditional sense of choosing or election of Israel *out of many nations* is not present in the Song.

Deut 32.6b summarises the different portrayals of the relationship between Yahweh and Israel in a rhetorical question.

v. 6b הֲלוֹא־הוּא אָבִיךָ קָּנֶךָ הוּא עָשְׂךָ וַיְכֹנְנֶךָ׃

"Is he not your father, who created you, who made and established you?"

The four expressions in v. 6b (אָבִיךָ 'your father' קָּנֶךָ 'who has created you'[29] עָשְׂךָ 'who has made you'[30] כֹנְנֶךָ 'who has established you'[31]) establish a particularistic[32] relationship between Yahweh and Israel. The poet, contemptuous of Israel's 'rebellious' behaviour, calls Israel to consider who Yahweh is and the relationship between Yahweh and Israel. The concept of the 'election' of Israel in Deut 32 is expressed in terms of relationships - primordial, historical and familial relationships. The primordial relationship between Yahweh and Israel is set in time immemorial. The Song quotes an ancient mythical tradition of the distribution of nations as inheritance, when Yahweh inherited Jacob. The historical tradition is set in the wilderness, where Yahweh 'found' Israel, tended, cared for and established his people. The third set of expressions draws from family metaphors emphasising the kinship and familial ties between Yahweh and Israel.

5.1.3.1 Primordial Relationship: Deut 32.8-9

A primordial relationship relates to either that which is 'given' or that which is ancient.

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[29] The verb קנה usually means, "to acquire" but it could also mean "to create or procreate." Cf. Gen 14.19, 22.

[30] The election of Israel is pictured as creation. McConville, *Deuteronomy*, p. 453.

[31] McConville rightly observes that both election and establishing of Israel are in view in this verse. McConville, *Deuteronomy*, p. 453. עשׂה and כון occur together in Jer 10.12; 51.15; Ps 8.4 etc. The verbs קנה and כון stand for bringing into existence, thus translated in the Ugaritic and Hebrew texts as birth or creation. The close connection between the Song and the Ugaritic text suggest that the description of God as a nation's creator is very ancient. Sanders, *The Provenance of Deuteronomy 32*, p. 361.

[32] It is important to note the Song is interested in the particular relationship between Yahweh and Israel as the father of Israel or creator of Israel rather than the concept of Yahweh as the Father of nations or Creator of the world. See N. MacDonald's comments on Deut 32. MacDonald, *Deuteronomy and the Meaning of 'Monotheism'*.

A primordial bond is understood, according to Edward Shils, as an elemental or ineffable bond.[33] Clifford Geertz explains it as the 'givens' of social existence.[34] Both Shils and Geertz consider the primordial bond as natural, innate, given, belonging to or born into. John Rex calls it an 'infantile ethnic trap,' that is, an ethnic bond one is born into.[35] The portrayal of the relationship between God and a nation in a primordial way is crucial for the creation and maintenance of national identity.

Deut 32. 8-9 is one of the most important texts in Deuteronomy, which expresses a primordial conception of 'election' or the relationship between God and a nation expressed in terms of inheritance from the beginning of history of nations. The text is very important because the conception of 'election' and nationhood it espouses is, perhaps, older than the Song itself. We are dealing with a concept of 'election' and nationhood that is very ancient and perhaps comes from a pool of ancient myths.[36]

Deut 32:8 בְּהַנְחֵל עֶלְיוֹן גּוֹיִם בְּהַפְרִידוֹ בְּנֵי אָדָם יַצֵּב גְּבֻלֹת עַמִּים לְמִסְפַּר בְּנֵי יִשְׂרָאֵל׃
9 כִּי חֵלֶק יְהוָה עַמּוֹ יַעֲקֹב חֶבֶל נַחֲלָתוֹ׃

v. 8 When the Most High gave nations their inheritance,[37] when he divided humankind; he established the borders of the peoples according to the number of the sons of gods.[38] v. 9 For the portion of Yahweh (is) his people, Jacob the allotment[39] of his inheritance.

Verses 8 and 9 preserve ancient myths of the division of nations, distribution of land to the nations and the relationship between nations and their gods.[40] The MT reading בְּנֵי יִשְׂרָאֵל

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[33] Edward Shils, 'Primordial, Personal, Sacred, and Civil Ties', *British Journal of Sociology*, 8 no. 2 (1957), 130-145, (p. 142).
[34] Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (London: Fontana Press, 1993), pp. 259-260.
[35] John Rex, *Ethnic Minorities in the Modern Nation State: Working Papers in the Theory of Multiculturalism and Political Integration*, Migration, Minorities, and Citizenship (Basingstoke: Macmillan in association with Centre for Research in Ethnic Relations University of Warwick, 1996), p. 201.
[36] Sanders, *The Provenance of Deuteronomy 32*, p. 363. Cf. Nelson, *Deuteronomy: A Commentary*, p. 371.
[37] G. R. Driver argues that the verb הַנְחֵל should be rendered "he strewed the nations (as) through a sieve," that is, he "disposed of them as units about the world" from the root נחל, "to sift, pass through a sieve." G. R. Driver, 'Three Notes', *VT*, 2 (1952), 356-357, (p. 357). But the word is hiphil infinitive construct of נחל "to make or cause to inherit." See Sanders, who translates "gave nations as possessions." Sanders, *The Provenance of Deuteronomy 32*, p. 154. Note the difference from the translation adopted here. Both these readings are possible.
[38] The MT reading 'sons of Israel' could be a later editorial work. Many scholars emend the text in line with the LXX reading "sons of gods." See further comments below.
[39] Cf. Deut 4.18-20 where Yahweh apportions the created things or 'gods' to the nations, while in Deut 32.8-9 Israel is Yahweh's allotment.

‘sons of Israel’ could be a later editorial work.[41] The LXX reads “angels of God” which in LXX’s Hebrew *Vorlage* could be בני אלהים “sons of gods.” The Hebrew *Vorlage* “sons of gods” of the LXX is supported by the Qumran manuscript 4QDeut^{j}, which reads אלוהים בני “sons of gods.” The MT reading “sons of Israel” and the Septuagint reading “angels of gods” both appear to be emendations on the theological grounds from a later editor. Therefore, several scholars go along with LXX and Qumran manuscript evidence and amend the text and translate “sons of gods”.[42] However, some commentators prefer to retain the MT reading. Tigay referring to Genesis 10 lists of nations argues that the phrase ‘according to the sons of Israel’ in verse 8 refers to the creation of seventy nations equal to the seventy members of Jacob’s family who migrated to Egypt (Deut 10.22; Exod 1.1-5).[43] Driver gives an alternate interpretation of the text: ‘When Jehovah allowed the various nations of the earth gradually to settle themselves in separate localities, He so determined their boundaries as to reserve among them a home for Israel, adequate to its numbers.’[44] For the thesis of nationhood, it would have been easier to retain the phrase ‘sons of Israel’ as it is more nationalistic but given the context of the Song’s emphasis on division and inheritance of nations, the translation ‘sons of gods’ or “angels of gods” is more appropriate.

Further, the division of the nations between the sons of gods establishes the relationship between the people and their god/s. Each people had a particular god to whom they belonged.[45] Thus, verse 8 espouses the idea that sons of gods were intrinsically connected to the nations. The national life depended upon the nation’s deity as everything, success or defeat, was interpreted as an act of this national deity (v.27). Therefore the understanding of religion becomes paramount in the understanding of nationhood in ancient times.

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[40] Cf. For a list of traditions see Luyten, 'Primeval and Eschatological Overtones in the Song of Moses', p. 342.

[41] Sanders, *The Provenance of Deuteronomy 32*, p. 366.

[42] Nathan McDonald, *Deuteronomy and the Meaning of "Monotheism"* (Tübingen: Mohr Seibeck, 2003), p. 90.

[43] Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, p. 302.

[44] Driver, *A Critical and Exegetical Commentary on Deuteronomy*, p. 355. See also David Stevens, who studies this topic in detail and favours MT reading. David E. Stevens, 'Does Deuteronomy 32:8 Refer to "Sons of God" or "Sons of Israel"', *Bibliotheca Sacra*, 154 (1997), 131-141.

[45] Cf. 1 Sam 26.19-20, where David equates his banishment to other land to the worship of other gods. According to Clements this recognises that other lands had other gods or that Yahweh had power only in Israel. Ronald E. Clements, *The Old Testament Theology: A Fresh Approach* (England: Marshall, Morgan and Scott, 1978), p. 73.

Verse 9 portrays Jacob as part of the ancient idea of relationship between people and gods, that is, Jacob was Yahweh's portion of inheritance, just as other nations were allotted to other gods.[46] The author of the Song applies the general understanding of the relationship between nation and gods to Israel in v.9. The focus is not on the subordination of one god to another but on the relationship between gods and nations, and particularly between Yahweh and Israel as in verse 9.[47] The Song reminds Israel that Yahweh has exclusive rights over them thus they are obliged to show loyalty to Yahweh alone. This affirms the exclusive and particularistic tendency of nationhood.

The Song not only presents the distribution of nations to their gods, but singles out Israel for a special treatment by connecting Elyon to Yahweh.[48] Deut 4.18-20 lends strong support to such a view, where Yahweh allots (חלק) the created things to other peoples but keeps Israel as his personal inheritance (נחלה).[49] Seen from this perspective, one could argue that this verse (32.9) preserves the traditional understanding of the election of Israel, that is, Israel was distinguished or chosen from among the nations as a special possession by the Most High God, Yahweh. However, the Song in verses 8 and 9 is stressing the inalienable bond between a nation and its god rather than the contrast between Yahweh and other gods as in Deut 4.

The importance of verse 9 for nationhood is in the particular use of the terminology about Israel and the description of the relationship between Yahweh and Israel. Two important metaphors are used to refer to the relationship between Yahweh and the nation of Israel.

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[46] Cf. Driver, who reckons 'Israel fell to Jehovah, and became His allotted portion.' Driver, *A Critical and Exegetical Commentary on Deuteronomy*, p. 356.

[47] According to von Rad, verses 8-9 is an aetiology of the direct relationship between Yahweh, the God of the whole world and Israel a particular nation. It explains the reason why Israel was not subordinated like other nations. Von Rad, *Deuteronomy: A Commentary*, p. 197.

[48] Christopher Wright, *Deuteronomy*, New International Biblical Commentary (Peabody, MS: Hendrickson Publishers, 2004), pp. 299-300. See also Nelson, *Deuteronomy: A Commentary*, p. 371. 'Israel relates directly to the universal God, while other nations do so only through intermediate divinities to whom they were apportioned. Israel is equivalent to Yahweh's personal real estate, "his allotment surveyed by rope."' See Von Rad, *Deuteronomy: A Commentary*, pp. 196-197. See also P. D. Miller, who says v. 9 is a poetic recollection of the Lord's election of Israel from among the nations. Millar, *Deuteronomy* (Louisville: 1990), p. 228. The idea of a universal God is a problem for nationhood as a nation would not like to share its god with all the nations; they usually claim superiority of their god/s over the god/s of other nations, which is not equivalent to universalism.

[49] Inter-textuality has great value in interpreting texts and synthesising concepts within Old Testament, however, it is important to recognise that the Old Testament texts come from varied periods and religious understanding.

One is חֵלֶק 'portion' and the other is חֶבֶל נַחֲלָתוֹ 'the lot of his inheritance.'[50] Both these words חֵלֶק and נַחֲלָה refer to an inheritance divided and distributed among family members,[51] in this case the people being distributed among the family of gods. Therefore they are metaphors used to express Israel's close relationship and belonging to Yahweh. The nation of Israel belongs to or is inherited by Yahweh primordially, that is, from the time when the nations were divided among gods.[52] The relationship between a group and its god is primordial, that is, natural and as old as the group.

What contribution does the primordial aspect of the relationship between Yahweh and Israel make to the concept of the election of Israel? Verses 8 and 9 underscore the point that Israel belongs to Yahweh by way of inheritance from the beginning of time. It seeks to foster a strong inalienable bond between Israel and Yahweh. Israel is Yahweh's property, his personal נחלה. This symbolizes Israel's 'election' or 'chosenness'. Israel is 'given' *to belong* to Yahweh. This is a unique and unchangeable relationship unless Yahweh abandons his right of inheritance.

Thus, the concept of 'election' in verses 8 and 9 emphasizes the aspect of belonging; Israel is expected to be loyal to Yahweh who has a sole claim by virtue of his inheritance. In the context of the Song, the inalienable relationship between Yahweh and Israel established through the allotment of Israel to Yahweh reinforces the appeal to the people that they owe their faithfulness and loyalty to Yahweh alone not to the gods of any other nation. Thus the Song shows that the way to avoid national defeat or punishment from Yahweh is by being loyal to their God, Yahweh. However, Israel being Yahweh's property, he will redeem Israel from its enemies.

5.1.3.2 Historical Relationship: Deut 32.10-14

The history of a people is an important factor in the creation and maintenance of nationhood. The modernists regard a nation's history as a construct of the present, a fabrication of 'historians.' Anthony Smith, arguing against the modernist, views history as one of the defining characteristics of a nation: "if nations exist in space, they are equally anchored in time."[53]

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[50] Cf. 1 Chr 16.18 and Ps 105.11 חֶבֶל נַחֲלַתְכֶם 'the lot of your inheritance.'

[51] Other occurrences in Deuteronomy are Deut. 4.19; 10.9; 12.12; 14.27, 29; 18.1, 8; 29.25.

[52] Sanders, *The Provenance of Deuteronomy 32*, p. 364.

The Song of Moses in vv 8-9 having described the relationship between Yahweh and Israel in a primordial way, moves on to expound the historical relationship of love and care shown by Yahweh to Israel. In both the relationships, the Song attempts to evoke the loyalty of Israel by pointing out the primordial and historical bonds between Yahweh and Israel.

Deut 32.10-14 is generally considered the story of the election of Israel in the wilderness.[54] It is part of Yahweh's extraordinary care for Israel (vv. 10-14), which expresses Yahweh's relationship with Israel in relation to Israel's historical tradition. Unlike Deut 32.8-9, where Israel is Yahweh's primordial inheritance, in Deut 32.10-12 Israel is 'found' by Yahweh in the wilderness.[55] Unlike the primordial context[56] of Deut 32.8-9, here the Song writer chooses to appeal to the historical act of Yahweh's benevolence to bring home the assertion that the historical relationship with Yahweh began in the wilderness at the point of Israel's vulnerability and danger.[57] Yahweh's tender and loving care made Israel strong and vibrant.

The root word מצא "to find" in v.10 is commonly interpreted to signify the election of Israel,[58] an interpretation attested by the prophetic books of the Old Testament. For instance, Hos 9.10 compares finding Israel to finding grapes in the desert, thus alluding to Deut 32.10 and the concept of the election of Israel. Hos 13.5 does not use the word "found" but uses a word more closely related to the concept of the election of Israel, which is ידע "to know."[59] Yahweh knew Israel in the wilderness, in the land of great drought. Furthermore, Jer 2.2 alludes to the young love relationship in the wilderness between Yahweh and Israel.[60]

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[53] Anthony D Smith, *Chosen Peoples: Sacred Sources of National Identity* (Oxford: Oxford University Press, 2004), p. 166. Smith calls the history of a nation ethno-history, that is, it is not a professional history but that which includes genealogies, epics and shared memories of a people – a sacred past of the community.

[54] R. Bach calls this tradition the "Fundtradition." R. Bach, *Die Erwählung Israels in der Wüste*, unpublished dissertation Bonn 1952, cited by Sanders, *The Provenance of Deuteronomy 32*, p. 374. There is no mention of the Exodus or Egypt, one can safely say the Exodus tradition is absent from the Song. Von Rad thinks that the wilderness tradition was pushed aside by the more powerful Exodus and Patriarchal traditions. Von Rad, *Deuteronomy: A Commentary*. Cf. the discussion in Sanders about the beginning of Israel's relationship in the wilderness, instead of Egypt. Sanders, *The Provenance of Deuteronomy 32*, pp. 34-35.

[55] Vv.8-9 and vv. 10-12 contradict each other in terms of the relationship between Yahweh and Israel. The former started at the beginning of the division of nations and is 'given', whereas the latter is situated at a later time in history, when Israel was at the lowest ebb of life, found in the wilderness without any help and without any God. These two conceptions of relationship between Yahweh and Israel, although different, are meant to cement the bond between Yahweh and Israel in different ways and urge loyalty to Yahweh.

[56] However, the 'finding' of Israel in the wilderness by Yahweh could be equated with primordiality. It is closer to the 'givenness' of primordiality, if the wilderness encounter between Yahweh and Israel could be interpreted as a chance meeting without the Egypt episode.

[57] However, both the primordial and historical relationships between Yahweh and Israel could be seen as continuous. Since Israel belonged to Yahweh primordially through the allotment of nations as inheritance, when Yahweh found Israel in the wilderness naked and distraught he came forward to help.

[58] Cf. Sanders, *The Provenance of Deuteronomy 32*, p. 381. See also McConville, *Deuteronomy*, p. 455.

However, strictly speaking, election, the idea of choosing one nation from many, is not to be found in Deut 32.10. The reference to the 'finding' of Israel in Deut 32.10 signifies Yahweh's interest in Israel's well being. The harshness of the wilderness is juxtaposed to metaphors of care in terms of guarding, instructing and preserving Israel (vv.10-11). This adds to the concept of 'election' a sense of Yahweh's extraordinary care for Israel.[61] The Song evokes a strong sense of national identity and belonging by using imageries of wilderness, care and providence. It symbolises Yahweh as benevolent and caring.

In v. 12 the Song emphasises that it was Yahweh alone (יְהוָה בָּדָד יַנְחֶנּוּ) who came forward to help Israel and no other god was with him. This statement is normally interpreted to support a monotheistic argument against the existence of other gods. But the emphasis of v. 12 is on Yahweh, the only god who helped and cared for Israel at the time of Israel's weakness. The text is not about the worship of one god or many, but about showing allegiance to one's god, who has invested in the care and upkeep of the nation. Therefore, the contrast is between Yahweh and any foreign god, that is, the god of another nation. It is about nationhood, since allegiance to the god/s of other nations is unacceptable and seen as incurring the wrath of the national deity. No nation, particularly in the ancient world, would willingly permit the worship of the god/s of another nation, as social, economic and national politics were combined with religion. It is about national identity, which is, belonging to Yahweh and Yahweh alone. 'Election' as finding and caring creates a strong emotional bond between Yahweh and Israel. 'Election' as interpreted in this passage means Yahweh's willingness or 'choice' to help a desperate

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[59] Hos 13.5 LXX probably reads רעיתיך "I shepherded you" instead of ידעתיך "I knew you."

[60] Jer 2.2 speaks about Israel youthful love in the desert but M. V. Fox interprets as Yahweh's love for Israel. See M. V. Fox, 'Jeremiah 2.2 and the "Desert Ideal"', *CBQ*, 35 (1973), 441-550.

[61] The Samaritan Pentateuch reads יאמצהו "he strengthened him," which strongly supports the emphasis on care.

Israel. Thus, Deut 32.10-12 reaffirms the importance of an exclusive historical relationship between Israel and its God, an important factor in nationhood.

5.1.3.3 Familial Relationship: Deut 32.15-19

In the Hebrew Bible the relationship between Yahweh and Israel is commonly portrayed as one between a father and his son or children.[62] This is a common way of expressing a nation's relationship with its god. For instance, the people of Moab were called the sons and daughters of Chemosh, the god of Moab. (Num 21.29). Ascription of the title father to the deity is found also in Ugaritic texts, which refers to the Canaanite deity Ilu/El as *`ab `adm* "the father of mankind."[63]

The Song in v. 6 portrays Yahweh as the creator of Israel, one who begot Israel. Similarly, v. 15 portrays Yahweh as the God who made (עשה) and delivered (ישע) Israel. Yahweh is described in a cosmic and mythical sense in these verses. The concept that God is the creator of a nation is attested in many ancient texts. For instance, God is portrayed as the creator of a nation in the ancient Ugaritic literature:

> kī qāniyunu ʻôlam (Indeed our creator is eternal)
> kī dārdā<r> dū yakāninunu (Indeed ageless he who formed us).[64]

Characterisation of God as father is a repeated theme in the Song since it also occurs in Deut 32.18, which uses two verbs relating to birth (יְלָדְךָ 'who gave you birth' מְחֹלְלֶךָ 'who travailed with you') to describe Yahweh as the one who gave birth to Israel. Further, Israelites are called sons or sons and daughters of Yahweh in vv. 5a, 19b, 20c and 43. Familial relationship between a nation and its God is a primordial aspect of nationhood.

The familial expressions in the Song occur within the "countertheme of faithlessness,"[65] or in the context of covenant[66] *rîb* over Israel's unfaithfulness in her relationship with Yahweh. The main charge brought by Yahweh is that of Israel's disloyalty. Israel forsook

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[62] Cf. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, p. 352.

[63] Sanders, *The Provenance of Deuteronomy 32*, p. 361. cf. Mark S. Smith, *The Early History of God: Yahweh and the Other Deities in Ancient Israel* (San Francisco, CA: Harper & Row, 1990), pp. 10-11.

[64] Frank Moore Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973), pp. 15, 69.

[65] Nelson, *Deuteronomy: A Commentary*, p. 373.

[66] The technical term for covenant ברית does not occur in the Song.

(נטשׁ), ignored (נשה) and forgot (שׁכח) Yahweh and further, made him jealous (קנא) and angry (כעס) with strange (זור), unknown (לא ידע) and new (חדש) gods (vv.15-18). In response, Yahweh threatens to make Israel envious and angry by elevating their enemies: a 'no-people' (לא עם) and a foolish nation (גוי נבל). He threatens to bring calamity upon Israel and scatter them so that there will be no longer any memory of them being a nation (vv. 22-26).

The Song presents Yahweh's charges and threats against Israel in the context of familial relationship. They are attributed to Yahweh as the natural emotional outburst of an aggrieved father, who cared for, nursed and loved Israel. Israelites are Yahweh's children, whereas other peoples or nations are 'no-people' and 'foolish' and their gods 'strange,' 'new,' or considered 'no gods' (v.21). Such particularistic expressions and understanding of a nation in relation to other nations are natural and common. They do not mean that absolutely the people of other nations are 'no people' and the gods of other nations are 'no gods.' MacDonald rightly observes,

> The significance of the terms is relative, not absolute. That is, the existence of other nations and other gods is not denied, but rather these "gods" and "people" are not worthy of the titles in comparison with YHWH and Israel. The concern of the Song is the loyalty of Israel to YHWH, and YHWH's faithfulness to Israel.[67]

The nations and their gods are negatively portrayed as part of a rhetorical strategy to present Yahweh to Israel. Yahweh is the only God and Israel is Yahweh's 'chosen' people. The creation of such positive and negative portrayals enables a nation to create boundaries that secure and protect their identity and belonging. Such portrayals are essential to the maintenance and survival of a nation, particularly in the context where a nation's tendency to show allegiance to other nations and their gods threatens its delicate unity.

Fredrik Barth's study of ethnicity as social organisation of cultural difference is useful in the explaining the negative portrayal of other nations and other gods. Self-ascription and ascription by others, for Barth, is the classification of "a person in terms of his basic, most general identity, presumptively determined by his origin and background ... for the purpose of interaction."[68] The idea tends to side with the constructed or what Barth calls ascriptive nature of ethnic identity rather than the 'natural' or 'given' identity. Barth agrees with Weber that this ascription is "not the sum of 'objective' differences, but only those which the actors themselves regard as significant."[69]

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[67] MacDonald, *Deuteronomy and the Meaning of 'Monotheism'*, p. 92.

Thus according to Barth the negative portrayal of other people and gods is a matter of ascription for the purpose of maintaining or sustaining one's identity. It is relational and not absolute. We will refer to Barth's idea of ascription and boundary maintenance in our later discussion of Deut 4 and 7, where the concept of the election of Israel is expressed predominantly in relation to other nations.

The Song overall is a testimony to Yahweh's love, punishment and hope for Israel. Yahweh is portrayed as a rock throughout the Song, a refuge, who does not abandon Israel, but promises to restore Israel on the basis of His exclusive love – a basis for the praise of Yahweh.

5.1.4 Summary

Deuteronomy 32 is an ancient independent song, which captures the national struggles of early Israelites. The central concern of the Song is the defeat of the nation by the enemy. Thus, the Song is a didactic poem, which creates a sense of national identity and solidarity among the beleaguered people. The Song addresses national defeat by drawing people's attention to Yahweh, the God of the nation. It presents defeat as a punishment by Yahweh for their unfaithfulness and disloyalty to their God. The defeat of a nation disorientates the national consciousness and identity of the people calling into question the power of the God of the nation to protect.

The national identity in Deuteronomy 32 is expressed in terms of birth, formation and choosing. These expressions clearly portray religion as a master symbol in the conceptualisation of nationhood in ancient Israel. They are powerful images of nationhood. Such images, which evoke a closer tie between Israel and Yahweh, foster a strong bond among the people themselves by creating national identity and belonging.

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[68] Barth, *Ethnic Groups and Boundaries*, pp. 10-11.

[69] Barth, *Ethnic Groups and Boundaries*, p. 11.

The focus of the three passages discussed (Deut 32.8-9, 10-12 and 18-19) concerns the relationship between Yahweh and Israel. This relationship is directly related to the welfare of the nation. It is measured in terms of loyalty to Yahweh, where allegiance to gods of other nations is considered as treason, bringing Yahweh's wrath upon Israel's everyday life and national existence. The explication of the relationship between Yahweh and Israel sets out other theological concepts. The idea of Yahweh being the only God of Israel leads to the attribution of national success and defeat directly to Yahweh. Both Israel's victory over other nations and Israel's defeat by other nations are explained as acts of Yahweh leading to the belief that Yahweh is the only real God, who controls the affairs of Israel and has the power over other nations and their gods.

The expression of the primordial relationship between Yahweh and Israel and the presentation of Yahweh as the commanding power over Israel and the enemy nation are important formulations in the context of the war and defeat. The Song reorders the way of thinking by recasting defeat as punishment for disloyalty. Thus a sense of shared responsibility for the defeat or calamity is created. The rest of Deuteronomy closely follows the Song in maintaining a sense of identity and responsibility.

The outcome of the Song is a re-generation of hope and the restoration of Israel. The Song draws from its valuable religious resources to create a shared feeling of national identity and belonging. The primordial, historical and familial relationship reinforces the ethnic roots, and bonds the nation as one in the midst of adversity. Anthony Smith points out the relationship between Yahweh and Israel or the 'election' of Israel functions as a catalyst and guardian of the nation in times of crisis by animating the sacred traditions of the people. It provides identity, direction and a world-view by relying on the importance of images, which provide shared meaning to their members.

5.2 Covenanted Nation (Deut 4 and 7): Ascription and Boundary Marking

In Deut 32 national identity is created by invoking national traditions and myths and emphasising the bond between Israel and its God, Yahweh, whereas in Deut 4 and 7 national identity is created by emphasising the difference between Israel and other nations and their gods. They are about the maintenance of Israel's nationhood by creating a sense of solidarity and belongingness among all sections of society and to counter the threat posed by enemy nations.

5.2.1 Deut 4 – Identity, Self-ascription and Nationhood

5.2.1.1 Introduction

As we have shown in the previous section, the Song explicates the relationship between Yahweh and Israel as a primordial bond: Israel as Yahweh's personal property (32.8-9), Israel as loved and cared for by Yahweh from its childhood (32.10-12), and the people of Israel as Yahweh's children, as sons and daughters (32.15-19). Deut 4 expounds the concept of the election of Israel in terms of Yahweh's power in comparison to the gods of other nations.

> Has any god ever tried to take for himself one nation out of another nation, by testings, by miraculous signs and wonders, by war, by a mighty hand and an outstretched arm, or by great and awesome deeds, like all the things the LORD your God did for you in Egypt before your very eyes? Deut 4.34 NIV

The central focus of Deut 4 is the superiority of Yahweh, which functions to motivate Israel to follow Yahweh and his Torah. The concept of the election of Israel is based on two of Israel's traditions – deliverance from Egypt and an oath to Patriarchs. However, both the traditions are made subservient to the central theme of Deut 4, the supremacy of Yahweh, Israel and the Torah. This supremacy is the hallmark of Israel's identity and nationhood.

Deut 4 is connected both to the preceding historical narrative and the legal sections of the book of Deuteronomy. Deut 4 is a parenesis, whereas chapters 1 to 3 are a historical narrative. The phrase "And now" ועתה in v. 1 suggests that 4.1-40 is connected to the previous chapters.[70] Apart from this connecting phrase, there are other themes in common between chapter 4 and chapters 1-3: the oath to the Fathers about the land (1.8 and 4.31), the allusion to deliverance from Egypt (1.29 and 4.20), Beth Peor (3.29 and 4.3) and restriction on Moses entering the Promised Land (3.23-28 and 4.21-22). Deut 4, more importantly, serves as an introduction to the legal section of the book of Deuteronomy.

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[70] McConville rightly points out that the connection emphasises that the past and present or history and paranesis in Deuteronomy cannot be separated. McConville, *Deuteronomy*, p. 100. See also A. D. H. Mayes, 'Deuteronomy 4 and the Literary Criticism of Deuteronomy', *JBL*, 100 (1981), 23-51, (p. 30).

The legal section is a charter for successful living in the given land,[71] a vision of Israel as a nation par excellence.

Thus, A. Rofé regards Deut 4 as a bridge between the historical narrative of Deut 1 to 3 and the proper deuteronomic laws 4.44 – 26.19, presenting the essence of the book of Deuteronomy.[72] McConville considers Deut 4 as strategically placed between history and law. Deut 4 is

> placed between the historical retrospect (1 – 3) and the proclamation of the Decalogue (ch. 5), which in turn stands at the head of the long section of laws and commandments (ch. 5-26)… that a clean distinction between history and law is impossible in Deuteronomy.[73]

In the context of nationhood, that is the creation and maintenance of national identity, history is paramount. A common history gives the nation a sense of identity and shared feeling. And the law gives the nation a sense of character, direction and purpose – the essence of the nation.

There is a question about the unity of Deut 4. The *Numeruswechsel*, the changes between singular and plural second person addresses, is an apparent anomaly. Although mostly in the plural its form of address is sometimes in the singular (4.9-10, 19, 29-40), and the change between two forms of addresses has often been taken as an indication of literary stratification.[74] However, this does not necessarily mean the chapter is not a unity. Several scholars regard it as a unity on the basis of language, form and content.[75]

Deut 4.1 and 4.40 form an inclusio. The elements forming the inclusio are

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[71] The entire Deuteronomy is presented as Israel awaiting their entry into the Promised Land. Scholars generally take this to be a new attempt at regaining or establishing in the land during the crisis periods of seventh century BCE and sixth century BCE. As N. Gottwald has observed Deuteronomy can be seen from all the three periods: the early settlement period, the Josianic and postexilic period. See N. K. Gottwald, *The Politics of Ancient Israel*, Library of Ancient Israel (Louisville, Kentucky: Westminster John Knox Press, 2001).

[72] Alexander Rofé, *Deuteronomy: Issues and Interpretation*, Old Testament Studies (London: T & T Clark, 2002), p. 21. Cf. Nelson, *Deuteronomy: A Commentary*, p. 61. Also cf. A.D.H. Mayes, who considers chapter 4 as a secondary addition to the historical prologue in chapters 1-3. Mayes, *Deuteronomy*, p. 148.

[73] McConville, *Deuteronomy*, p. 100.

[74] Cf. Minette de Tillesse, G. 'Sections, "tu" et sections "vous" dans le Deutéronome', *VT*, 12 (1975), 29-87.

[75] See Mayes, *Deuteronomy*, pp. 197-99. Mayes follows closely the exhaustive work of G. Braulik and gives a detailed argument on the basis of language, form and content that Deut 4.1-10 is a unity. See Georg Braulik, *Die Mittel deuteronomischer Rhetorik: Erhoben aus Deuteronomium 4, 1-40*, Rome: Biblical Institute Press, 1978, pp. 146-150. See McConville, *Deuteronomy*, pp. 100-101.

4.1a שְׁמַע אֶל־הַחֻקִּים וְאֶל־הַמִּשְׁפָּטִים ‘keep the statues and ordinances’,

4.40a וְשָׁמַרְתָּ אֶת־חֻקָּיו וְאֶת־מִצְוֹתָיו ‘you shall keep his statues and his commandments’ and the last phrase “living in the land Yahweh has given” (4.1b and 40b).

4.1b לְמַעַן תִּחְיוּ וּבָאתֶם וִירִשְׁתֶּם אֶת־הָאָרֶץ אֲשֶׁר יְהוָה אֱלֹהֵי אֲבֹתֵיכֶם נֹתֵן לָכֶם׃
4.40b וּלְמַעַן תַּאֲרִיךְ יָמִים עַל־הָאֲדָמָה אֲשֶׁר יְהוָה אֱלֹהֶיךָ נֹתֵן לְךָ כָּל־הַיָּמִים׃

The inclusio suggests the importance of successful living as a nation in the land, which Yahweh has given to Israel. For successful living, the author conspicuously does not give a list of regulations, rather he draws the attention of Israel to the most important aspect of Israel’s successful living, that is, acknowledgement of the supremacy of Yahweh (v. 39) and following the laws of the nation (v. 40).[76] Thus, the entire chapter is an admonition to show allegiance to Yahweh and to carefully follow the laws of the nation.

Two aspects of the covenant are presented in Deut 4. One is the covenant as a commandment, that is referring to the law or the commandments given at Horeb, and the other, the relationship between Yahweh and Israel expressed in terms of Yahweh’s particular choice of Israel as his people.

The covenant as a commandment is expressed in vv. 13 and 23. In verse 13 the covenant is directly equated with the Ten Commandments.

v.13a בְּרִיתוֹ אֲשֶׁר צִוָּה אֶתְכֶם לַעֲשׂוֹת עֲשֶׂרֶת הַדְּבָרִים

“his covenant, which he commanded to you to do, the ten words (commandments).”

This is emphasised by Yahweh’s declaration (נגד) of the commandments. And in verse 23 Israel is admonished not to forget the covenant, which Yahweh made with Israel (בְּרִית יְהוָה אֱלֹהֵיכֶם אֲשֶׁר כָּרַת עִמָּכֶם), and not to make a representation of Yahweh in the form of images. In both the instances covenant means the law.

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[76] In other words, the chapter is a motivation to obey the laws of the nation. See J. G. Millar’s comment, “the law includes the motivation to obey” in J. G. McConville and J. G. Millar, *Time and Place in Deuteronomy* (Sheffield: Sheffield Academic Press, 1994), p. 40.

Yahweh's choice or election of Israel is emphasised in vv. 20, 31, 34 and 37. In these four verses the author brings out the unique relationship between Yahweh and Israel. In verses 19-20 and 34, Israel is contrasted with the nations who were apportioned the heavenly bodies for worship, whereas Israel has Yahweh because Yahweh delivered Israel out of Egypt and made her 'to be a people of his inheritance'. In these verses the author expounds the uniqueness of Israel in terms of Yahweh's exclusive being.[77] That is, Israel is unique because Yahweh, who is the supreme God in heaven and earth, chose Israel to be his possession. Verses 31 and 37 present Israel's relationship with Yahweh in terms of the covenant with the fathers. The fathers here refer to the Patriarchs whom the author introduced in 1.8 and 4.31. The oath to the fathers is reminiscent of the promise to the Patriarchs. Thus, the author explicates the concept of the election of Israel on the basis of the supremacy of Yahweh in comparison to the gods of other nations and Yahweh's love and oath to Israel's patriarchs.

Deut 4.1-9 glorifies Yahweh's laws as the supreme and highly esteemed possession of Israel. It supports the emphasis on the law by re-interpreting the covenant episode at Horeb (vv. 10-14). The rest of the chapter is an exhortation to follow the laws of Yahweh. The motivation is developed by drawing on the relationship between Yahweh and Israel (vv. 15-20 and vv. 32-40) and also by presenting Yahweh as a consuming fire or a merciful God depending on the people's obedience.

5.2.1.2 The Law: Covenant of Yahweh

5.2.1.2.1 Uniqueness of the Law of Israel (40.1-14)

The themes, the concept of the election of Israel and Yahweh's uniqueness, function to support the overall concern of Deut 4 and Deuteronomy as a whole. We will study the importance of law in the first section and then show how other sections, particularly the relationship between Yahweh and Israel, relate to the central theme of law. As with the previous unit, we will study this chapter from the point of view of nationhood.

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[77] The reference to the gods of nations as inanimate objects could mean that the gods of the nations are no gods at all, meaning Yahweh is the only God in the universe and there is none beside him. However, the very aspect of comparison betrays a general recognition that other nations have their own gods although powerless in comparison to Yahweh. See MacDonald, *Deuteronomy and the Meaning of 'Monotheism'*, pp. 78-85.

The sections vv. 1-4 and vv. 5-8 are hortatory formulae,[78] which present deuteronomic law as the basis for life in Israel. “Obey the statues and ordinances in order that you may live and go in and possess the land…” (v. 1). In verse 2 the law is presented as an authoritative body of regulations that cannot be changed. No one should add or subtract from it. It is Yahweh’s laws, מִצְוֹת יְהוָה אֱלֹהֵיכֶם “commandments of Yahweh, your God” (v. 2). The authority of Yahweh is invested in the law.[79] However, the law, interestingly, is presented both as given by Moses and as the commandment of Yahweh, the God of Israel.

v.2a הַדָּבָר אֲשֶׁר אָנֹכִי מְצַוֶּה אֶתְכֶם
v.2b מִצְוֹת יְהוָה אֱלֹהֵיכֶם אֲשֶׁר אָנֹכִי מְצַוֶּה אֶתְכֶם

Moses is presented in the narrative as the one who mediated the law on behalf of Yahweh. It is a way of re-interpretation of earlier commandments.[80] Such reinterpretations of the earlier laws enable a nation to face the changing situations of the nation in its life.

Further, the laws are presented as the commandments of Yahweh, *the God of Israel*, which emphasises the particularity of the law of Israel. That is, the laws are not intended to have universal application, other nations are not expected to follow the laws of Yahweh (Deut 14.21) but for Israel it is mandatory. Although the law is particular and relevant only to Israel, it is presented in the context of the nations. V.6 suggests that the practice of the law will show other nations the great wisdom of Israel.[81]

v. 6a כִּי הִוא חָכְמַתְכֶם וּבִינַתְכֶם לְעֵינֵי הָעַמִּים

“For it is your wisdom and understanding in the eyes of the peoples”

v. 6b רַק עַם־חָכָם וְנָבוֹן הַגּוֹי הַגָּדוֹל הַזֶּה

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[78] Von Rad, *Deuteronomy: A Commentary*, p. 49.

[79] “The force of the law depends on the authority of its promulgator. Self characterizations by lawgivers play a vital role in persuading hearers and readers to accept law and in motivating them to obey it.” James W. Watts, 'The Legal Characterization of Moses in the Rhetoric of the Pentateuch', *JBL*, 117 no. 3 (1998), 415-426, (p. 415).

[80] The statutes and judgements comprised of the individual commandments, the Decalogue and the body of laws presented in the book of Deuteronomy and the interpretation of it in the paranesis. McConville, *Deuteronomy*, pp. 102-103.

[81] Moshe Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, 1st edn, The Anchor Bible 5 (New York: Doubleday, 1991), p. 199.

"surely this great nation is a wise and understanding people"

The central question of verses 7 and 8 is a rhetorical question on the greatness of Israel as a nation.[82]

v.7 כִּי מִי־גוֹי גָּדוֹל אֲשֶׁר־לוֹ אֱלֹהִים קְרֹבִים אֵלָיו כַּיהוָה אֱלֹהֵינוּ בְּכָל־קָרְאֵנוּ אֵלָיו׃
"For what (other) great nation has gods (a god) so near to it like Yahweh our God when we pray to him?"

v.8 וּמִי גּוֹי גָּדוֹל אֲשֶׁר־לוֹ חֻקִּים וּמִשְׁפָּטִים צַדִּיקִם כְּכֹל הַתּוֹרָה הַזֹּאת אֲשֶׁר אָנֹכִי נֹתֵן
לִפְנֵיכֶם הַיּוֹם׃
"and what (other) great nation has commandments and judgements as righteous as all this law, which I am giving you today?"

The nation of Israel is compared with other nations in relation to god and the national law. Israel is presented as greater than other nations in terms of the nearness of their god to them and the righteousness of their laws. What is the significance of glorification of Israel's nationhood? Is it a superiority complex, a matter of national pride? Barth's study of ethnicity has shown us that self-ascription and ascription by others is a way of formulating and maintaining one's identity and ethnicity. Smith has shown that ethnocentrism, a collective uniqueness and centrality, is an important factor in the sustenance of a nation. It is a referent of Israel's national identity. Further, the comparison with the nations is rhetorical, a device to motivate the practice of the national law.

The glorification of the law is not to turn the focus of the people away from Yahweh to the law; rather the focus of the law is Yahweh, for the first commandment is to show allegiance only to Yahweh. However, the law is not just showing allegiance to Yahweh, it is also a charter for living in the land – the regulations for organising the mundane functions of the nation. Israel, in Deuteronomy, is a rule of law. However, in ancient society, unlike modern civil law, the law gained authority in the name of the god of the nation. Therefore, allegiance to the nation's law and its god are like two sides of a coin.

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[82] Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, p. 202.

The law as a charter or constitution for living is an important element of nationhood as we have shown in the fourth chapter. In the context of Deut 32, which does not make any reference to laws, Deut 4 is important. The entire chapter and the rest of Deuteronomy, particularly the parenesis, are about keeping the laws of the nation. The law is valued high above all in Israelite society, including the king, priests and prophets. The relationship between Yahweh and Israel and the supremacy of Yahweh are incorporated as motivation to obey the law. Weinfeld aptly captures the essence of verses 5-8,

> This pericope serves as a kind of motivation for observing the law by showing the superiority of the law of Israel. The unique laws are intertwined with the uniqueness of the God of Israel and the uniqueness of Israel: a great nation that has an extraordinary God (close to his nation) and extraordinary laws.[83]

Deut 4.9-14 reinterprets the Horeb covenant tradition found in Exod 19, where the focus is on the presence and holiness of Yahweh. The episode focuses on the restrictions on the people because of the holy presence of Yahweh (Exod 19.10-24). Yahweh spoke to Moses as the people were not allowed to approach the mountain and they were afraid of Yahweh (v. 19). In Deut 4 attention is drawn to the voice of Yahweh giving his covenant, the Ten Commandments, directly to the people (Deut 4.12).

4. 12b קוֹל דְבָרִים אַתֶּם שֹׁמְעִים וּתְמוּנָה אֵינְכֶם רֹאִים זוּלָתִי קוֹל׃

"The sound of words you heard but you saw no image; (there was) only a voice."

On the one hand, Deut 4, by contrasting the voice (קוֹל) over image (תְּמוּנָה), stresses the importance of the law in the life of Israel, on the other hand, it prevents allegiance to the gods of other nations by forbidding the representation of the divine with images. The uniqueness of the law of Israel is intrinsically linked to the uniqueness of Yahweh.

5.2.1.2.2 Uniqueness of Yahweh, the God of Israel (Deut 4.15-20)

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[83] Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, p. 201.

The uniqueness of Yahweh is presented in unmistakable terms in Deut 4. In fact the entire law or covenant is summed up in terms of the uniqueness of Yahweh. The uniqueness of Yahweh is presented in several ways: in statements of incomparability, and in treatment of his form and deeds.

With respect to his incomparability, Yahweh is the supreme God in heaven and earth, כִּי יְהוָה הוּא הָאֱלֹהִים אֵין עוֹד מִלְּבַדּוֹ 'for Yahweh is God, there is no other beside him' (vv. 35, 39). Other nations have gods, but they are inanimate material objects apportioned to them by Yahweh (v. 19). The author draws a clear contrast between Israel and other nations in order to emphasise that Israel's God is the supreme God. Although the text appears to present Yahweh as the supreme God in heaven and earth, the focus is still on comparison between the gods of the nations and Yahweh. The contrast is between "their" god and "our" god. The other nations worship inanimate objects whereas Yahweh speaks and acts on Israel's behalf. In a sense the uniqueness in Deut 4 means superiority.

Deut 4.19 is clearer if we see it as a reinterpretation of the primordial allotment of nations to the gods in Deut 32.8-9. The Song recalls the ancient myth of the allotment of nations to the sons of gods, whereas Deut 4.15-20 in the context of idolatry recasts the 'sons of gods' myth as allotment of inanimate objects to the nations by Yahweh, the God of Israel (אֲשֶׁר חָלַק יְהוָה אֱלֹהֶיךָ אֹתָם). Like the Torah, which is portrayed to be supreme among the nations, so Yahweh the God of Israel, is portrayed as supreme over the gods of the nations. The portrayal of Yahweh is in relation to the nation of Israel as supreme over other nations because Yahweh is supreme over the gods of the nations.[84] Therefore, seen from the perspective of nationhood, the uniqueness of law and Yahweh are particularistic and relational. It is a matter of self-ascription and organisation as set out in Fredrik Barth's analysis of ethnicity.

Regarding his form, Yahweh cannot be represented by any form, וּתְמוּנָה אֵינְכֶם רֹאִים 'you saw no image or form', only voice קוֹל or speech קוֹל דְּבָרִים (12, 15). Representation of God in terms of speech and voice is significant for Deuteronomy as it is directly linked to the emphasis on the commandments of Yahweh, which Israel should heed in order to live successfully in the land given by Yahweh. Therefore, the Horeb encounter is repeatedly stressed, in which the people are said to have directly heard the voice of Yahweh and heard his commandments. In this sense Yahweh's voice or commandments are brought to greater prominence rather than his form, which is unique to Deuteronomy and Israelite faith.[85] The centrality of law is essential and strategic in the context of nationhood in Deuteronomy.

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[84] The conception of Yahweh as the only God of the universe is clearly represented in 1 Kgs 8.60 and Isa 45.4-7, 18, 21-22.

Yahweh's uniqueness is confirmed by his deeds, that is, Yahweh's act of deliverance of Israel from Egypt (vv. 20, 34), his giving Israel their Promised Land (vv. 1, 21, 38, 40) his mercifulness and his remembrance of the covenant (v. 31). Yahweh is unique to Israel because he is the one who delivered Israel from Egypt; here the God who acts is emphasised, balancing the notion of the God who speaks. God's grace in terms of his acts and God's commandments in terms of his speech are brought together in a delicate balance. We will discuss below Yahweh's deeds in relation to Israel's election.

5.2.1.3 The Election of Israel: Covenant with Yahweh

Yahweh's choice or the election of Israel in Deut 4 is addressed in vv. 15-20 and 32-40. The concept of election is formulated in relation to two prominent traditions: the deliverance from Egypt and the oath to the fathers. In both these units, like the law, the concept of the election of Israel is contrasted with the experience of other nations.

5.2.1.3.1 Deut 4.15-20

4.20 וְאֶתְכֶם לָקַח יְהוָה וַיּוֹצִא אֶתְכֶם מִכּוּר הַבַּרְזֶל מִמִּצְרָיִם לִהְיוֹת לוֹ לְעַם נַחֲלָה
כַּיּוֹם הַזֶּה׃

"But Yahweh took you and he brought you out from the iron (furnace), from Egypt, to be a people of his inheritance, as this day."

Deut 4.15-20 is related to the previous sections, vv. 1-8 and 9-14, where the uniqueness of law and the importance of the voice of Yahweh are stressed against the depiction of any form of the image of a deity. Like the uniqueness of Israelite law, Yahweh, the God of Israel is depicted as supreme over the gods of other nations; unlike other gods, Yahweh retains his freedom by refusing to be imaged (v. 19).

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[85] Weinfeld observes Deuteronomy has shifted the "centre of gravity from the visual to the aural plane." Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon Press, 1972), p. 207. Von Rad regards it as "the victory of the word over the image." Von Rad, *OT Theology*, trans. by D.M.G. Stalker 1 (Edinburgh: Oliver and Boyd, 1963), p. 216.

Verse 20 is commonly regarded as a reference to the election of Israel.[86] What is the nature and function of verse 20 in relation to its immediate context of Deut 4? Although the technical term בחר 'to choose' does not occur in this verse, the deliverance of Israel from Egypt is a common symbol of Yahweh's election of Israel. The terms לָקַח 'took' and וַיּוֹצִא 'brought out' have in effect the same sense as בחר 'to choose' in the context of 4.15-20. Israel is contrasted with the nations (v. 19b), to whom Yahweh 'allotted' חָלַק the heavenly objects, whereas Yahweh 'took' לָקַח and 'brought' וַיּוֹצִא Israel out of Egypt and made her 'to be a people of his inheritance' לִהְיוֹת לוֹ לְעַם נַחֲלָה (v. 20).

Deut 4.20 presents Yahweh's election action in terms of power over another nation by taking Israel out of Egypt.[87] In contrast to Deut 32, where Israel belonged to Yahweh primordially from the division and allotment of the nations (Deut 32.9), Yahweh has decisively chosen in Deut 4.20 to intervene in favour of Israel and delivered her from servitude in Egypt. Thus, the act of deliverance from Egypt heightens the contrast between the 'inanimate gods' of the nations and the power of Yahweh, it also symbolises the creation of Israel as a nation. By the electing act of Yahweh even Israel is shown to be unique among the nations - Israel is Yahweh's נַחֲלָה. Both Yahweh's power over other nations and Yahweh's initiative in the formation of Israel as a nation demand a sense of loyalty and responsibility towards Yahweh and his laws. Therefore, the concept of the election of Israel in Deut 4.20 functions as a motivation to worship Yahweh alone and keep all his laws. The uniqueness of the law, the uniqueness of Yahweh and the uniqueness of Israel go hand in hand.[88]

5.2.1.3.2 Deut 4.32-40

Deut 4.32-40 has two clear formulations of the concept of the election of Israel in vv 34 and 37. One is Yahweh's deliverance of Israel from Egypt (v. 34) and the other is God's love for and oath to the fathers (v. 31 and 37). This section is of particular importance to our study because the two traditions, deliverance from Egypt and oath to the fathers, are used repeatedly in the book of Deuteronomy in relation to the concept of the election of Israel. Their existence here suggests that the basis of the concept of the election of Israel in Deut 4.32-40 is different from Deut 32. The concept there is based on primordial relationships such as God as creator, father, inheritor and carer of Israel, whereas Deut 4.32-40 is based on the deliverance from Egypt and love for and oath to Israel's fathers. What is the significance of these two formulations to the concept of the election of Israel in relation to nationhood? Are they in any way connected to the creation or sustenance of the nation of Israel? In the previous section (Deut 4.20) we noted that the deliverance from servitude in Egypt was used to insist on Israel's loyal following of Yahweh, the God of Israel. We will enquire now whether the use of the two traditions of Israel's deliverance from Egypt and the oath to the fathers in vv. 34, 37-38 point to nationhood as well.

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[86] Rightly so because this verse connects Yahweh's deliverance from Egypt with making Israel as Yahweh's inheritance, a term for Israel's election.

[87] The aspect of taking by overpowering or defeating the enemy by signs, wonders and war is found in v. 34.

[88] Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, p. 225.

Deut 4.32-34

Verse 32 is an echo of Deut 32.7, which points to beginning of time. Verses 33-34 raise two rhetorical questions for their audience, one concerning Israel's hearing the voice of God (v. 33) and the another concerning Yahweh's mighty act of delivering Israel from Egypt (v. 34).

v. 33 הֲשָׁמַע עָם קוֹל אֱלֹהִים מְדַבֵּר מִתּוֹךְ־הָאֵשׁ כַּאֲשֶׁר־שָׁמַעְתָּ אַתָּה וַיֶּחִי׃

"Has any people heard the voice of a god speaking from the midst of fire like you have and lived?"

v. 34 אוֹ הֲנִסָּה אֱלֹהִים לָבוֹא לָקַחַת לוֹ גוֹי מִקֶּרֶב גּוֹי

"Has any god tried to go and take for himself a nation from the midst of a nation..."

Verses 33 and 34 articulate the concept of the election of Israel and the power of Yahweh to deliver Israel. The author heightens Israel's sense of uniqueness in verse 33 by Israel hearing the voice of God from the fire. Israel is compared with other nations and regarded as privileged or unique on the basis of having heard the voice of God and lived. The intention of the author is to lift the status of Israel's law and to draw the people to the practice and obedience of the law. V. 33 is also connected to v. 34 in relating the uniqueness or greatness of Israel to the uniqueness or greatness of Yahweh, the God of Israel. Both verses have the internal function of mutually qualifying and heightening the sense of the uniqueness of both Israel and Yahweh.

Verse 34 compares Yahweh with other gods and glorifies Yahweh as the God who has taken a nation out of another nation, with signs, wonders, power and war. This verse has the clearest expression of the connection between election and the deliverance of Israel. It recalls the picture of El Elyon distributing the nations as inheritance but in v. 34 Yahweh is pictured as taking a nation for himself as his inheritance from another nation by war. As stated earlier in v. 20, the inception of Israel as a nation is depicted as having begun in Egypt, when Yahweh delivered Israel from servitude. The deliverance leads to the belief and the notion that Yahweh is mighty and great, incomparable with any other gods (v. 35). The sense of Yahweh's claim over Israel is clearly portrayed by Yahweh taking Israel by war. Israel is Yahweh's property by war. The concept of the election of Israel in v. 34 is directly connected to the depiction of the uniqueness of the law through v. 33. Thus, in Deut 4.33-34 the concept of the election of Israel functions to heighten the place of law in Israel.

Deut 4.35-38

4.37 וְתַחַת כִּי אָהַב אֶת־אֲבֹתֶיךָ וַיִּבְחַר בְּזַרְעוֹ אַחֲרָיו וַיּוֹצִאֲךָ בְּפָנָיו בְּכֹחוֹ הַגָּדֹל
מִמִּצְרָיִם׃

"And because he loved your fathers and chose their descendants, he brought you by his presence and his great strength from Egypt."

Deut 4.35-38 explains the reason for the revelation of the voice of God to Israel at Horeb (v. 36) and the deliverance of Israel from Egypt (v. 37-38). The reason for the giving of the commandment of Yahweh to Israel is for Israel to know that Yahweh is God alone and there is no other besides him. Deut 4.35 echoes Deut 32.39 "There is no God with him." However, the Song portrays Yahweh as the one, who kills and brings to life in the context of the punishment of Israel. The argument presented by Deut 4.35-36 for Yahweh's supremacy is the theophany at Horeb, and the reason for the deliverance of Israel from

Egypt is given as love אהב of Israel's fathers and choosing בחר of their descendants. The expression of Yahweh's love for Israel's fathers and choosing their descendants after them is reminiscent of the promise to the Patriarchs to make them and their descendants into a great nation. This could be compared with Deut 4.31.

v. 31 בְּרִית אֲבֹתֶיךָ אֲשֶׁר נִשְׁבַּע לָהֶם

"the covenant of your fathers which he swore to them"

Like the love of Yahweh, the covenant with the fathers in terms of oath in v. 31 is reminiscent of the promise to the Patriarchs to make them a great nation. In the context of vv. 21-31 the oath to the fathers functions as Yahweh's benevolence to Israel or Yahweh's commitment to keeping his promises. It is interesting to note that Yahweh is not portrayed both as the one who loved Israel and thus delivered her, but also as keeping his promise to Israel's fathers. The use of the tradition of oath and love of the fathers seems to have a purpose in motivating Israel to show loyalty and commitment in following only Yahweh and his Torah. Thus, the use of this tradition could be judged as instrumental rather than primordial. The author explicates the concept of the election of Israel on the basis of Yahweh's love, choosing and oath to the Patriarchs and connects it to the deliverance of Israel from Egypt. Thus he creates a sense of pride and responsibility in worshipping the God of the nation and keeping the law of the nation.

5.2.1.4 Summary

Unlike Deut 32, where the relationship between Yahweh and Israel is thought of in primordial, historical and familial terms, Deut 4 expounds the concept of the election of Israel in terms of the supremacy of Yahweh, Israel and the Torah over other nations. Supremacy or uniqueness is central to Deut 4. The concept of the election of Israel is repeatedly based on Yahweh's powerful and mighty deliverance of Israel from Egypt.

Anthony Smith's idea of ethnocentrism[89] and Fredrik Barth's idea of self-ascription[90] are helpful in understanding the central theme of supremacy of Yahweh in Deut 4 and its relevance to nationhood. Smith defines ethnocentrism as "the belief in the centrality, virtue and rightness of the ethnic community."[91] The rightness of one's history and experience as superior to others' is 'natural' and 'inherent' to any group.[92] Thus, he categorises such expressions as primordial as it is a positive sense of pride in oneself, one's group and the interpretation of one's traditions, which are an essential and integral part of creation and maintenance of national identity.

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[89] See Chapter Two section 2.3.5.1
[90] See Chapter Two section 2.3.2.2.1

However, Barth, although he affirms that ethnic groups constitute shared identity, common history and traditional cultural heritage, argues that the creation of identity involves self-ascription and ascription by others. That is, ascription is "not the sum of 'objective' differences, but only those which the actors themselves regard as significant."[93] The expression of superiority or the concept of the election of Israel could be considered as self-ascription for the purpose of the creation and maintenance of one's own identity rather than the expression of objective difference between one's group and the other. On the one hand as per Smith's view, national identity involves similarity and shared feelings and on the other hand, as per Barth's views, national identity implies difference. It involves both self-awareness of the group and also awareness of Others from whom the nation seeks to differentiate itself.

In the context of Deut 4, the concepts of ethnocentrism and self-ascription shed light on the nature and function of the expressions of the supremacy of Yahweh, Israel and Torah. A sense of superiority or uniqueness is essential for a nation to cultivate a sense of pride for the purpose of national unity. The concept of the election of Israel expressed in terms of a unique act of God could be equated with ethnocentrism. It appeals to the familial bond between Yahweh and Israel's forefathers to demand the loyalty of Israel in following the Torah. In Deut 4 the main purpose of cultivating a sense of supremacy is to motivate the people to follow the Torah.

Moreover, the concept of the election of Israel in Deut 4 is, as we noted, a re-interpretation of the ancient myth on the division of nations in Deut 32. Such re-interpretations point out that the concept of the election of Israel, as Barth has shown, is part of self-ascription, which functions to glorify and give a sense of identity and pride to a nation. It is presented in contrast to other nations, whose gods are weak. Yahweh's power over other nations is repeatedly emphasised to give a sense of pride and identity thereby motivating Israel to follow its Torah.

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[91] Smith, 'Ethnic Election and National Destiny', p. 336.
[92] Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Basil Blackwell, 1986), p. 48.
[93] Barth, *Ethnic Groups and Boundaries*, p. 11.

Further, the concept of the election of Israel in Deut 4 being based on the two main traditions of Israel, the deliverance of Israel from Egypt and the promise or oath to Israel's forefathers creates a sense of connection between the past and the present – a shared history. A sense of shared history, as shown by ethno-symbolic study, unites successive generations as they 'participate,' by adopting the memories and contributing their own history to them. Thus, the historical sequence provides a 'form' for the community's later experiences. The role of such history is not objective historicizing but to serve poetic, didactic and integrative purposes.

5.2.2 Deut 7 – Identity, Boundary Marking and Nationhood

5.2.2.1 Introduction

Deuteronomy 7 is commonly considered the *locus classicus* of the concept of the election of Israel in the Old Testament. The main reasons are, firstly, the technical term בחר is applied directly to Israel in Deuteronomy (vv. 6-7).[94] This has led to the view that the concept of the election of Israel was a particular deuteronomic coinage. Secondly, there are other terms such as עם קדוש, סגלה, חשק and אהב, which are closely connected to the concept of the election of Israel. These special terms led to the belief that Israel was the most favoured nation among the nations and thus had a special purpose in the world.[95]

The context of Deut 7 is the threat to Israel's existence.[96] Israel is threatened by the presence of the Canaanites,[97] who are a constant threat to their land and their existence (v.

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[94] Although the term בחר appears in Deut 4.37, it is applied to the forefathers, an indirect reference to Israel – 'their seed'.

[95] See Chapter One for the theological analysis on the subject.

[96] Richard D. Nelson, *Deuteronomy: A Commentary*, OTL (London: Westminster John Knox Press, 2002), p. 96. Nathan MacDonald, *Deuteronomy and the Meaning of 'Monotheism'* (Tübingen: Mohr Siebeck, 2003), p. 153.

[97] The term Canaanites is used in this chapter to refer to the seven nations the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites and Jebusites. The reference to Canaanites in Deut 7 is not to historical pre-conquest nations; rather it refers to those inhabitants of the land who are not legitimately part of the nation of Israel. They could be people who remained in the land of Israel from the time of the conquest or people who came in later and settled during the Assyrian invasion of Israel. The reference to this group of non-Israelites as the pre-conquest nations is significant in the context of the appeal for their destruction or separation. See

1, 17, 21). The entire chapter is centred on countering the Canaanites and the resultant social, cultural and religious threat. The chapter could be divided into three sections based on the theme of threat and response: vv.1-5, 6-16 and 17-26. Two sections (vv. 1-5 and 17-26) deal with the threat posed by the Canaanite nations and the middle section 6 -16 deals with Israel and motivating Israel to resist and counter the threat. It is in this context that we need to interpret the nature and function of the concept of the election of Israel.

The concept of the election of Israel in Deut 7 is closely linked to the threat from the Canaanites. The Canaanites are set apart for destruction (חרם) and Israel is set apart and chosen (בחר) for obedience and devotion to Yahweh. Traditionally the focus has been to disassociate the חרם from the election of Israel, contrasting one with another. However, from the perspective of nationhood, we need to ask different questions. What is the role of חרם in chapter 7? What is the signification of the application of חרם to the Canaanite nations alone? And how is the חרם law related to the concept of the election of Israel?

The perspective from nationhood would enable us to see the two concepts as intrinsically connected to each other leading to an understanding of the concept of the election of Israel as a boundary mechanism creating a sense of national identity in opposition to the social, cultural and religious threat posed by the Canaanite nations. We will study both the concepts in relation to the creation of Israel's national identity and boundary marking. National identity is generally created and maintained by reference to an out-group or groups. According to Barth social boundaries are created in order to regulate membership, to organise social life and thus to maintain the distinctiveness of a nation.[98] Smith speaks of ethnicism as a collective movement of resistance. When a community perceives a threat to its way of life there is an urge to resist, which re-creates and renews ties within the community.[99] Anna Triandafyllidou speaks of the out-groups as Significant Others from whom the nation tries to differentiate itself in order to maintain its uniqueness; thus national identity implies difference.[100]

N. P. Lemche, *The Canaanites and Their Land*, p.14. Lemche points to the struggle in Israel between the Israelite and alien cultural phenomena; the alien culture is usually categorised as Canaanite.

[98] See chapter two section 2.3.2.2.2

[99] See chapter two section 2.3.5.2

[100] Anna Triandafyllidou, *Negotiating Nationhood in a Changing Europe : Views from the Press*, Studies in Social and Political Theory ; V. 28 (Lewiston, N.Y. ; Lampeter: Edwin Mellen Press, 2002), pp. 26-27.

5.2.2.2 Context of Threat to Israel's Identity and Existence

7.1 כִּי יְבִיאֲךָ יְהוָה אֱלֹהֶיךָ אֶל־הָאָרֶץ אֲשֶׁר־אַתָּה בָא־שָׁמָּה לְרִשְׁתָּהּ וְנָשַׁל
גּוֹיִם־רַבִּים מִפָּנֶיךָ הַחִתִּי וְהַגִּרְגָּשִׁי וְהָאֱמֹרִי וְהַכְּנַעֲנִי וְהַפְּרִזִּי וְהַחִוִּי וְהַיְבוּסִי
שִׁבְעָה גוֹיִם רַבִּים וַעֲצוּמִים מִמֶּךָּ׃ 7.2 וּנְתָנָם יְהוָה אֱלֹהֶיךָ לְפָנֶיךָ וְהִכִּיתָם
הַחֲרֵם תַּחֲרִים אֹתָם לֹא־תִכְרֹת לָהֶם בְּרִית וְלֹא תְחָנֵּם׃

7.1 "When the Lord your God shall bring you to the land, which you are going into in order to possess (it) and he drives away many nations before you – the Hittites, the Girgashites, and the Amorites, and the Canaanites, and the Perrizites, and the Hivites, and the Jebusites, seven nations bigger and stronger than you, (7.2) and when the Lord your God shall deliver them before you, and you defeat them, utterly destroy them, and do not make a covenant with them or show them mercy."

The relative clause with the preposition כִּי leaves the text open with respect to the precise dating of the events. It suggests a time, when Israel would occupy the land[101] and when Yahweh would give victory over the Canaanites. The general view is that the text originates in the Josianic period, when the nations occupied the land of Israel and that Deut 7 reflects Josiah's attempt to regain it. However, the relative clause suggests that what is important is in the narrative is not the exact time but what Israel must do in order to avoid social, cultural and political intrusion into its nation.

5.2.2.2.1 The Canaanite nations as powerful and numerous

Verse 1 opens with a subordinate clause, which refers to specific people groups, the seven nations, against whom the entire chapter is directed. Which are these seven nations? What function they have in Deut 7 and particularly what relationship do they have with the two important concepts: the חרם and the choosing of Israel? The seven names represent the inhabitants or natives[102] of the land. They appear in the Hebrew Bible in various combinations in different instances. The most common version lists the six nations excluding the Girgashites.[103]

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[101] It is important to note that chapter 7 is about living in the land, which was believed to have been given by Yahweh as an inheritance to Israel. In fact, this can be said about the entire book of Deuteronomy that Deuteronomy is about living in the land. Thus, the land is central to the study and understanding of the concepts of חרם and chosenness in Deuteronomy.

[102] MacDonald calls them autochthonous nations. MacDonald, *Deuteronomy and the Meaning of 'Monotheism'*, p. 112.

There is a general consensus in biblical scholarship that the list of seven nations in verse 1 is largely symbolic. However, scholars have taken symbolic to mean there was no real threat to Israel or that the passage was included as a means to soften the harsh חרם laws of Deuteronomy 7 or to reinterpret the חרם laws as merely religious.[104] For instance, Brueggemann considers these nations as no threat to Israel, "the seven peoples named in verse 1 have long since disappeared, and so constitute no threat for Israel. Thus, the list of seven nations is an archaic slogan that represents, in context, any alien culture with its religious temptations for Israel."[105] For Driver, the list is rhetorical, "The intention of these enumerations is obviously rhetorical, rather than geographical or historical; they are designed for the purpose of presenting an impressive picture of the number and variety of the nations dispossessed by the Israelites."[106]

Deut 7 presents these seven nations as a serious threat to Israel's life and existence. מִמֶּךָ שִׁבְעָה גוֹיִם רַבִּים וַעֲצוּמִים "seven nations larger and stronger than you" v. 1b. This statement is repeated in v.17a "these nations are more numerous than I, how can I dispossess them?" רַבִּים הַגּוֹיִם הָאֵלֶּה מִמֶּנִּי אֵיכָה אוּכַל לְהוֹרִישָׁם Israel is encouraged to remain strong for Yahweh will drive the enemy out as he delivered Israel from Egypt with a mighty hand. What is presented here is a power struggle between Israel and the Canaanite nations occupying the same land. The concept of the election of Israel is thus closely linked to this conflict over the land and to the dispossession of the Canaanites from the land of Israel.

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[103] Gen 10.15-18 records a list of 11 nations as children of Canaan, the son of Ham, calling them Canaanites. It occurs again in Gen 15.18-21, where it is part of the covenant promise to give the land of these nations to Abram. Similarly in Exod 3.8 it occurs in relation to God promising to rescue the Hebrews from Egypt and take them to the home of these nations. For detailed historical information on the seven nations, cf. S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, Third edn (Edinburgh, T. & T. Clark: 1996), pp. 97-98. Also see Moshe Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, 1st edn, The Anchor Bible 5 (New York: Doubleday, 1991), pp. 362-364. See also Lemche, who argues for a late date of the use of the term Canaanites; Niels Peter Lemche, *The Canaanites and Their Land: The Tradition of the Canaanites*, JSOT 110 (Sheffield: Sheffield Academic Press, 1999).

[104] (Exod 23.33) Cf. Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, p. 384.

[105] Walter Brueggemann, *Deuteronomy* (Nashville, TN: Abingdon Press, 2001), p. 94. See also Norbert Lohfink's consideration of the seven nations as remembered past on the basis of mimetic theory. N. Lohfink, 'The Destruction of the Seven Nations in Deuteronomy and the Mimetic Theory', *Contagion: Journal of Violence, Mimesis, and Culture*, 2 (1995), 103-117.

[106] Driver, *A Critical and Exegetical Commentary on Deuteronomy*, p. 97.

Israel is not just concerned about losing the land, it is also concerned about social and cultural invasion by the Canaanite nations. Intermingling of the people is feared to erode the religious loyalty to Yahweh. כִּי־יָסִיר אֶת־בִּנְךָ מֵאַחֲרַי וְעָבְדוּ אֱלֹהִים אֲחֵרִים "For that would turn your sons from following me so that they would serve other gods" (v.4). Following their gods is regarded a snare in v. 16 כִּי־מוֹקֵשׁ הוּא לָךְ "For that would be a snare to you."

Deut 7 proposes a series of measures to counter this political, social and cultural threat from the Canaanite nations. The most controversial has been the חרם law in v. 2b, which is usually interpreted as symbolic. Thus, the חרם law is contrasted with the command to refrain from intermarriage in order to argue that the חרם law is symbolic. We will discuss this in detail in the following section.

5.2.2.2.2 Maintaining social, cultural and religious distinction

חרם is one of the most controversial concepts in Deuteronomy.[107] However, for the present research it is an important concept as it is closely linked to the concept of the election of Israel. Generally, scholars have argued that the חרם and the three negative stipulations in verses 2-3 are incongruent on the basis of literary, redaction and source critical analysis.[108]

חרם as a late deuteronomic redaction

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[107] Judging from a moral-normative perspective, Yair Hoffman views the חרם as one of the most notorious concepts in the Hebrew Bible. 196. However, he argues that the חרם laws are limited to two units of verses (7.1-5 and 20.16-18) in the entire Deuteronomy. They are inconsistent with laws that prohibit marriage or treaty, and incongruous with the overall humanitarian spirit of Deuteronomy. Yair Hoffman, 'The Deuteronomic Concept of the Herem', *ZAW*, 111 no. 2 (1999), 197-210, (p. 199).

[108] According to F. G. López the law of חרם in v. 2ba is incompatible with the other laws of v.2bb and 3 and that it indicates multiple authorship. This is a common view among the literary critics and the tradition historians. Félix Garcia López, '"Un Peuple Consacré" Analyse Critique De Deutéronome VII', *VT*, 32 no. 4 (1982), 439-463, (p. 439).

The classic presentation is Martin Rose's[109] literary critical exegesis in which he identifies three layers: *dtn Schule*, *ältere dtr Schicht* and *jüngere dtr Schicht*[110] in Deut 7.1-11. Comparing Deut 7 with the war regulations in Deut 20, Rose points out that the *dtn Schule* text shows that the *dtn Schule* knew of the war order and the *Ausschliesslichkeitsanspruch Jahwes*. But the war order is not explicitly related to exclusive claims. It stresses the characteristics and the consequences of the relation between Yahweh and Israel along with the motivation of being chosen by Yahweh. Therefore, according to Rose the special character of Israel is emphasised in order to keep the Israelites from assimilating. It is not a polemical statement but an expression of loyalty to Yahweh.

Rose notes that the older *dtr* layer stresses that the Israelites are Yahweh's special people. Although it speaks about the election of Israel based on Yahweh's love, it does not portray any offence to the non-Israelites. But it clearly expects a response from the people in terms of obedience to Yahweh's commands, if not, they may be consumed by Yahweh's fury. Thus the focus of older *dtr* layer is upon Israel and torah.

The younger or later *dtr* layer's focus, suggests Rose, seems to be the enemy, therefore it revises the war requirements of Deut 20. This layer proceeds in a militant way against the worship of the non-Israelites. So it adopts the war requirement from its original context and relates it militantly to Israel's exclusive worship of Yahweh.

The *Sitz im Leben* of the older layer, suggests Rose, could be from the time of Josiah's military expansion. When the military reality faded away the text became meaningless and was therefore reused by the later *dtn* layer to serve theology and the protection of the Israelites from foreign infiltration. If this is correct then the later *dtr* layer could be dated to the time of the exile or post exile. Rose identifies three different practical purposes corresponding to his three layers: *vordtn*: mere war regulations and loyalty to Yahweh; *ältere dtr*: obedience to torah; *jüngere dtr*: protection from foreign infiltration. He also identifies probably three motives: the election motive for the first, the holiness motive for the second and the חרם motive for the third.

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[109] Martin Rose, *Der Ausschliesslichkeitsanspruch Jahwes*, BWANT 106, Stuttgart: Kohlhammer.

[110] *dtn Schule* is 'deuteronomic school' and *ältere dtr Schicht* is older deuteronomistic layer'.

חרם as a Metaphor or an Ideal

Nathan MacDonald explains חרם as an expression of devoted love for Yahweh. He says,

> Deuteronomy's most striking and disturbing articulation of the nature of loving YHWH is found in the *ḥērem* legislation of Deuteronomy 7. That the chapter is to be understood as another expression of what fulfilling the *Shema* might mean…[111]

He finds the חרם similar structurally to the *Shema*. So he argues that one needs to interpret the חרם metaphorically as a devoted love for Yahweh in line with the *Shema*, which is about loving Yahweh with one's entire being. However understanding the חרם metaphorically does not remove the severity of the law:

> Understanding the execution of the ban as an expression of love for YHWH and, thus, the complement of the confession of his oneness hardly makes the chapter more palatable.[112]

Yoshihide Suzuki contends that the חרם originated as part of a reform policy of Josiah, which sought to unify the divided nation, centralise the administration and assimilate the northerners into Yahwistic faith and cult. Those who opposed this were to be annihilated. However, Suzuki holds that such a reform policy remained idealised as the Promised Land was soon controlled by the Babylonians. He says, "The חרם became an abstract concept without presupposing the promised land possessed, and in consequence, the ideal unification of the holy people became the idea of Israel to be confessed by each person who was aware of her/his identity as Israel (Deut 26:5-9, 29:13-14)."[113] Suzuki suggests that the חרם was not about physical annihilation but about purging the Canaanite identity from Israelite history and in order to "qualify the people of Israel as holy and eligible to live in the promised land."[114]

Yair Hoffman explains the חרם as a Machiavellian tactic used by the deuteronomist to counter the nationalistic-xenophobic ideology of the 5th century BCE.[115] Dating

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[111] MacDonald, *Deuteronomy and the Meaning of 'Monotheism'*, p. 108.
[112] MacDonald, *Deuteronomy and the Meaning of 'Monotheism'*, p. 109.
[113] A. D. H. Mayes, *Deuteronomy*, New Century Bible Commentary (London: Marshall Morgan & Scott, 1981), p. 183.
[114] Yoshihide Suzuki, 'A New Aspect of Herem in Deteuteronomy in View of an Assimilation Policy of King Josiah', *AJBI*, 21 (1995), 3-27, (p. 26).
[115] Hoffman, 'The Deuteronomic Concept of the Herem', pp. 205-208.

Deuteronomy and Joshua to the post-Ezra period, he argues that the חרם concept was "intended to combat contemporary separatist-nationalistic politics."[116]

Hoffman argues that the חרם in Deuteronomy essentially communicated to the audience that strict nationalistic regulations, including the חרם, were not valid for the present: the Canaanites had been annihilated by the implementation of חרם during the period of occupation.[117] The Deuteronomistic circle were countering Ezra's xenophobic programme by their polemical response, "there are no Canaanites any more, and therefore your call to avoid intermarriage is anachronistic, groundless and null."[118]

Hoffman's argument, like others, rests upon the view that the חרם law is incongruent with the other social and religious laws of separation (vv 2-4). The relationship between חרם and other laws could be explained as part of the nation's attempt to maintain a distinction between the out-group and the in-group.

The חרם law could be interpreted as a special law in Israel applicable particularly to the Canaanite nations, who were a threat to the land and the people of Israel. Who is referred to in reality is a matter of debate. The Canaanites could stand for non-Yahwists alongside Israel,[119] who are to be destroyed. However, the impossibility of such a task is well illustrated in Deut 7. 22 "you will not be allowed to eliminate them all at once." Thus the focus of the chapter is to create a boundary between the 'Canaanite nations' and Israel, and the חרם serves to dramatically highlight the need to maintain a separation. The details of the separation are listed in vv. 2b and 3, where Israel is discouraged from making a covenant with the Canaanite nations, intermarry, and more importantly worship Canaanite gods. Deut 14 presents a similar case with a list of food that is prohibited. The prohibition of food is again associated with the creation and maintenance of separation from the Canaanite nations. It is symbolic, and meant to regulate social boundaries as Barth, has shown.

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[116] Hoffman, 'The Deuteronomic Concept of the Herem', p. 208.
[117] Hoffman, 'The Deuteronomic Concept of the Herem', p. 205.
[118] Hoffman, 'The Deuteronomic Concept of the Herem', p. 207.
[119] Cf. G. Mitchell, *Together in the Land*, (JSOTSupp 134, Sheffield, 1993). See also McConville, *Deuteronomy*, p. 161.

5.2.2.2.3 Threat of punishment

v.4b וְחָרָה אַף־יְהוָה בָּכֶם וְהִשְׁמִידְךָ מַהֵר׃

"And the anger of Yahweh will be kindled against you and he will destroy you quickly."

The threat to Israel is not only from the Canaanite nations. It is also interpreted as arising from the people's relationship with Yahweh, their God, and their behaviour as Yahweh's people. As v. 4b above, if Israel does not clearly maintain a boundary between the Canaanite nations and their practices, then it is Yahweh himself, who will destroy them. This is an equally an important reason why Israel must maintain its separation and also destroy Canaanite religious institutions, in fact, the Canaanite nations themselves. The kindling of the anger of Yahweh is important to our interpretation of the concepts of election and ban. It is important to note that the idea of Yahweh destroying Israel is found right through Deuteronomy and is a dominant theme.

In the ancient world religion was closely linked to nationhood. The god of a nation was in reality the ruler of the nation, the king was a physical representation of the God. Likewise in Israel, religion played a very significant role in the dynamics of the national affairs. Therefore, Yahweh's threat towards Israel although presented as religious is connected to nationhood. This could be clearly seen in Deut 13, where the prophet or dreamer who preached rebellion against Yahweh is to be put to death (v. 5). In fact, one's own family members are to be put to death, if they lead others away from Yahweh. They are not to be shown pity but must be put to death (v. 8-9). This apparently cruel punishment is to be a witness to other dissidents. A similar fate is to be meted out to the entire town, if a town is involved in a rebellion against Yahweh (v.12ff). Deut 13 clearly shows that strict rules were in place to protect the nation from any dissent and inculcate loyalty to the nation.[120] Such regulations maintain a strict boundary between the nation and the other nations, thus enabling them to maintain identity and survive during difficult periods.

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[120] See Paul E. Dion, 'Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel During the Late Monarchical Era', in *Law and Ideology in Monarchic Israel*, ed. by Baruch Halpern and Deborah W. Hobson, JSOTSupp 124 (Sheffield, England: JSOT Press, 1991), 147-216.

5.2.2.3 Boundary Marking and Ethnicism

From the perspective of nationhood Deut 7 will enable us to interpret the חרם and the election of Israel as closely linked concepts. A nation creates and maintains identity in relation to others, thus the concept of the election of Israel in Deut 7 is a result of the perceived threat from the Canaanite nations.

5.2.2.3.1 Significant Others

From the point of view of nationhood, the identity of the Canaanite nations as seven nations of the land of Canaan or the land of possession is significant. As we have seen, they are to be interpreted symbolically. However, they are not mere "archaic slogans" or just "rhetorical" figures. They are Significant Others from whom the nation of Israel is striving to differentiate and survive.[121] They are other claimants to the land, who Israel thinks will be a threat to its existence as a nation and thus in the logic of חרם wants to eliminate in order to possess, retain or reclaim the land. This becomes clearer in the next verse, where Israel is commanded to have no relationship with them. They are to make no covenant with them (v.2b), they are not to be merciful to them (v.2c, 16) or enter into any marital relationship (3). Israel is required to break down their cultic institutions (v.5, 25)

The 'Canaanite nations' are contrasted with nations outside the promised land, to whom Israel is required to offer peace in the first instance.[122] Further, they are contrasted with nearby nations like Edom and Moab in terms of familial links.[123] They are also contrasted with aliens and strangers because aliens are to be accepted into Israelite society and treated mercifully.[124] In contrast the Canaanites are categorised as people with whom there should be no social, political or religious contact whatsoever. Their religious institutions are stereotypically presented as abominable, their social practices as deplorable.[125] Thus regulations of Deut 7 are particularistic and do not apply to all the nations. Therefore the key to interpret Deut 7 is nationhood.

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[121] Significant Others is a term used by Triandafyllou to refer to the people against whom one's own identity is created and made relevant. She says, "The notion of a Significant Other refers to another nation or ethnic group that is usually territorially close to, or indeed within, the national community. Significant Others are characterised by their peculiar relationship to the ingroup's identity: *they represent what the ingroup is not.*" Cf. Triandafyllidou, *Negotiating Nationhood in a Changing Europe : Views from the Press*, p. 33.

[122] See Deut 20.10-15.

[123] Deut 2.

[124] Deut 10.19; 29.11; 31.12 etc.

[125] See Deut 14.

The concept of חרם seen from the ethno-symbolic perspective would mean a deliberate categorisation of the Significant Others in relation to one's own identity. Triandafyllidou speaks of two kinds of Significant Others, one an *inspiring* Significant Other and the other a *threatening* Significant Other. A nation is influenced by the first whereas in relation to the *threatening* Significant Other, the nation sees the Other as a threat, that is to be destroyed. In 7.1 we read that the non-Israelite or non-Yahwist inhabitants of the land are categorised as the Canaanite nations and thus they are portrayed as people 'devoted for destruction.' Then we find a series of regulations to maintain the separation between the out-group and the in-group. Thus a negative identity is created and חרם, to eliminate others, is part of that rhetoric of negative identity, for as Triandafyllidou notes, "national identity has no meaning *per se*. It becomes meaningful in contrast to other nations."[126] In the light of the above statement, we need to view the concept of the election of Israel as a part of the creation of the nation's identity in relation to the out-group.

5.2.2.3.2 Election as Covenant of Love

The use of the expression בחר is based on Yahweh's love for Israel אהב (Deut 7.8). Further the language of Israel's election or choice is covenantal, which requires a response from the people. The concept of choice or election is expressed in terms of the covenantal relationship ברית (cf. Deut 7.9). The language of covenant is also bound up with two other related traditions: the tradition of deliverance of Israel from Egypt and the promise to the forefathers.

Holy People

כִּי עַם קָדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ 'For you are a holy people to Yahweh your God.'

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[126] Triandafyllidou, *Negotiating Nationhood in a Changing Europe : Views from the Press*, p. 27.

The concept of holiness in Deuteronomy, like in Exodus or Leviticus, is not moral purity, but belonging to or dedicated to Yahweh.[127] In a sense חרם and קדוש are related in meaning. חרם means to be "devoted to destruction," whereas קדוש means to be "dedicated to." קדוש is like being 'betrothed' which expresses the idea that when a man is betrothed to a woman she becomes 'forbidden to others like something consecrated.' (Kid. 2b). Likewise, חרם is quasi-contagious so that Israel was commanded to keep away from it.[128] Brueggemann agrees,

> "holiness" is the positive counterpoint to *herem*, the latter undertaken in order to assure the former. The term "holy," moreover, is a relational term; Israel has no intrinsic religious specialness, but is holy to (reserved for) YHWH and must be singularly devoted to YHWH.[129]

The phrase לַיהוָה אֱלֹהֶיךָ makes it clear that Israel is set apart exclusively to Yahweh, the God of Israel. Israel's identity is in Yahweh. In order to maintain this identity, Israel should maintain the boundary between the Canaanites and Israel. Why should Israel belong to Yahweh? Why is there a strong emphasis on this aspect in Deut 7? It is because, as mentioned, Deut 7 is about the creation of outer and inner groups. Nationhood is formed and maintained on this principle. Further Israel's nationhood is based on their God, Yahweh. Their interpretation of local and regional history was based on their being loyal to Yahweh. Thus, it is paramount to create a sense of identity based on their God, Yahweh. The affirmation of Israel as holy to Yahweh, their God, is followed by the concept of the election of Israel by Yahweh.

Special People

4. 6b בְּךָ בָּחַר יְהוָה אֱלֹהֶיךָ לִהְיוֹת לוֹ לְעַם סְגֻלָּה מִכֹּל הָעַמִּים אֲשֶׁר עַל־פְּנֵי הָאֲדָמָה׃

"Yahweh your God has chosen you to be his special[130] people from all the peoples who are on the face of the earth."

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[127] In Leviticus it means a quality to which individuals must aspire. Cf. Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, 1st edn, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), p. 86. See also Brueggemann, *Deuteronomy*, p. 95. Cf. Weinfeld, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, p. 367.

[128] Cf. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, pp. 86, 91.

[129] Brueggemann, *Deuteronomy*, p. 96.

[130] It means a treasure or wealth. Cf. 1 Chr 20.3

The act of Yahweh choosing Israel to be his special people should be interpreted in relation to the previous ascription that Israel is holy to Yahweh or is set apart exclusively to Yahweh.

The election concept in Deut 7 is different from Deut 32 and 4 in the sense that the root word בחר is applied directly to Israel. However, as in Deut 4, Israel is compared with all the nations of the earth and portrayed as pre-eminent among the nations – עַם סְגֻלָּה "a special people."

Love of Yahweh

The love of Yahweh is directed to Israel in Deut 7.8, whereas in Deut 4.37 Yahweh is said to have loved Israel's forefathers. Aspects of love, like care or familial relationship, are a primordial characteristic, and are used to evoke strong loyalty from the nation of Israel. In fact, the terms בחר, סגלה and אהב are primordial in reference. This is clearly seen in the equation of the concept of the election of Israel with the covenant of Yahweh. The entire passage 7.9-16 refers to a covenant relationship, where Israel is expected to obey Yahweh for the choosing of Israel as his holy and special people. If the covenant is not maintained then the ultimate threat is destruction (7.26). Love of Yahweh is in a sense contrasted with חרם.

5.2.2.4 Summary

The concept of the election of Israel in Deut 7 seen in the context of nationhood is part of social organisation as Barth has shown; a symbolic creation of identity to maintain a separation from the threatening Canaanite nations as Smith argues. Smith calls it ethnicism, a collective movement of resistance to counter the threat of socio-political and cultural invasion.

The חרם laws also could be viewed in relation to the concept of the election of Israel as a symbolic creation to maintain the boundary between Israel and the Canaanite nations. The 'incongruent' laws of separation and חרם could be argued to be part of the system of symbol evoked to prevent or restrict the movement of people between boundaries.

Maintenance of boundaries becomes an important matter in the regulation of a nation and Deut 7 presents us with two core concepts - בחר and חרם - juxtaposed to each other.

The occurrence of specialist terminology for the concept of the election of Israel – בחר, סגלה, אהב and קדש - suggests the seriousness of the threat and the equivalent need to create a sense of belonging and loyalty. These terms function like symbols creating in the people a deep sense of solidarity and purpose. Religion is able to create such a sense of solidarity and loyalty to a nation through allegiance to its God. The invocation of the nation's traditions, in this case, the traditions of the deliverance from Egypt and the oath to the forefathers, serve to create a connection between the past and the future. By stressing the favours done by God in the past and Israel's faithfulness in keeping past promises, the people are equally urged to make a covenant with God to follow the national laws. The national laws create a sense of equality and bond; they give direction and create a sense of culture distinct from the out-groups.

5.3 Summary

The nature and function of the concept of the election of Israel, seen from the perspective of nationhood, present us with a different set of questions from the historical or theological analysis. The historical analysis was focused on the question of the origin of the concept, whether it originated early in Israel's history or later during the post-exilic period. The theological analysis focused on whether Israel's election was based on God's unmerited grace or Israel's obedience to the Torah of Yahweh. The perspective from nationhood posed a different set of questions: the relationship between the concept and the maintenance of the identity of a nation. In other words, the historical analysis sought to answer the origin of the concept, while the theological analysis was interested in the question of the nature of the concept. The perspective from nationhood studied its function within a society and thus shed more light on the nature and the origin of the concept. We studied three selected texts, Deut 32, Deut 4 and Deut 7.

Deut 32 being the oldest text was studied first. The context of Deut 32 being defeat of the nation of Israel, the concept of the election of Israel functions to affirm the relationship between Yahweh and Israel. In fact, Deut 32 does not employ the technical term בחר in the portrayal of the relationship between Israel and Yahweh. It uses primordial concepts to express the relationship. Israel is portrayed as being allotted to Yahweh at the beginning of the division of nations. Israel is also portrayed as a child of Yahweh, whom Yahweh tends and cares for from childhood like a parent. Both the primordial and familial concepts are used as symbols to emphasise belongingness and evoke the loyalty of Israel towards Yahweh. They are powerful symbols that cut across the nation in times of defeat and pain. National defeat is presented as brought upon Israel by Yahweh for Israel's disloyalty. But Israel being Yahweh's child, Yahweh will relent and deliver it, in fact take revenge on Israel's enemies.

The concept of the election of Israel is different in Deut 4. Here, Yahweh is presented as supreme over the gods of the nations. Israel is likewise presented as supreme over other nations. Usually this chapter is used to point to the monotheistic doctrine of Israel. But a close study in relation to nationhood suggests that the chapter is concerned with creating and sustaining the national identity of Israel. It reinterprets earlier traditions to present the supremacy of Yahweh and Israel. It reinterprets the Horeb covenant tradition (Exod 19) of the holy presence of Yahweh to emphasise the voice of Yahweh over the presence of Yahweh, thus making the Torah more important in the functioning of the nation. Likewise, the primordial concept of the close relationship between Yahweh and Israel in Deut 32 is re-interpreted to make Yahweh the supreme God above all gods. These re-interpretations affect the conception of the relationship between Yahweh and Israel. If Yahweh is supreme then so is the nation; the people of Israel, whom Yahweh has chosen, are equally held above the nations. Smith calls this ethnocentrism. He equates this with the primordial concept because he argues that such sentiments and notions are intrinsic to any community. Barth argues in contrast that they are part of the social organisation, which functions to create a sense of boundary between a nation and others.

Deut 7 is different from Deut 32 and Deut 4. Deut 7 deals with the context of direct threat to Israel's land, culture and existence, whereas Deut 32 is a Song of encouragement to Israel to be loyal, using the primordial concepts of love and care for Israel and promising punishment on the enemy. Deut 4 is an expression of the glories of Israel and her God, Yahweh, so that the concept of the election of Israel is present in comparison to other nations and their gods. There is no threat from anyone in Deut 4 in contrast to Deut 7. Deut 7 presents the concept of the election of Israel in relation to other nations, particularly those with whom its nationhood is contested. Israel's conflict in Deut 7 is not with far away nations (Deut 20), rather with the Canaanite nation symbolizing non-Yahwist populations close at hand. The concept of the election of Israel in Deut 7 could be understood in relation to the description and treatment of these populations. The ban on the Canaanite nations and insistence on separation relate to the creation and maintenance of Israel's social boundaries in the context of social threat. The symbolic expression in Deut 7 helps explain the dynamic nature of the sustenance of nationhood. The concept of the election of Israel thus is presented as a contract, a covenant of love. All three chapters use primordial and instrumental aspects of ethnicity to encourage and invoke loyalty.

The concept of the election of Israel functions as a symbol creating a primordial and familial bond in Deut 32. It functions as a symbol of supremacy creating a sense of pride in the nation in Deut 4 and in Deut 7 the concept creates a sense of responsibility and mission to counter the socio-political and cultural threat posed by the invaders.

Conclusion of the Thesis

The concept of a chosen people is central to the teaching and faith of Jews and Christians. The importance of the concept of the election of Israel can be estimated by its influence in ancient and modern theology and society. By its nature it gives purpose and direction to faith as well as to nation.

The concept of the election of Israel has been the subject of several monographs which have all been largely theological studies. The main focus of the theological study of the concept of the election of Israel has been the debate about the origin, dating and nature of the concept.

The study of the concept of the election of Israel in relation to nationhood was lacking in theological research and thus the present study is an important supplement to the theological analysis of the concept. The objective of the thesis is to assess the nature and function of the concept of the election of Israel or chosen people from the perspective of nationhood. That is, to study the concept of the election of Israel by assessing its contribution to the origin and sustenance of the nation of Israel. Such an approach has contributed to our understanding of the nature and function of the concept of the election of Israel.

To achieve our goal we used the theoretical framework of Anthony D. Smith's ethno-symbolic perspective on nationhood. The ethno-symbolic perspective, unlike the modernist theories, gave scope to study ancient nations like Israel. Smith's idea of ethnic nation combines the study on ethnicity and religion to inform the study of nation. Particularly, the debate of ethnicity as primordial and instrumental has helped us to understand the characteristics of an ethnic nation.

Smith's view that ethnicity and religion are two major influences of nationhood, has enabled us to study the book of Deuteronomy and the concept of the election of Israel from that perspective. Such a view has shown the concept in a new light bringing out the features hitherto hidden in theological study.

In the following pages we explicate our findings concerning the nature and function of the concept of the election of Israel from the perspective of nationhood.

Smith's study has shown that a belief in ethnic election was an important factor in the creation and sustenance of an ethnic nation. If the belief in ethnic election was important for nationhood, then the perspective of nationhood should shed light on the nature and function of the concept of the election of Israel. In this respect the elaborate study of chapter two outlining the different features of nationhood and the influence of ethnic election on nationhood was important and necessary. The application of an ethno-symbolic approach to the selected texts of Deuteronomy has shown different features of the concept.

Election as symbol of belongingness and loyalty

The concept of the election of Israel symbolises belongingness, status, power and identity. By symbolic we do not mean unreal, but representational. Election as a symbol is a powerful representation of Israel's belongingness to Yahweh. The exegetical study of Deut 32, 4 and 7 from the perspective of nationhood showed that the concept is primarily a symbol of a bond between Israel and Yahweh.

In Deut 32 although the word בחר is not employed, the sense of belongingness is powerfully prevalent throughout the Song. The exegetical study of Deut 32 showed that the context of Deut 32 is national defeat, when a nation begins to doubt the power of its national God to deliver them from other nations. The Song is an epitome of the struggle or trauma to sustain the meaning of the nation and its trust in God. The author uses various traditions and myths to communicate that Yahweh is indeed in control of their nation and that they are loved and cared for by Yahweh. The author uses primordial, historical and familial symbols to emphasise the point that Yahweh loved Israel. The Song interprets the national defeat as directly brought by Yahweh in response to Israel's disloyalty. However, the Song strongly emphasises that Yahweh remains loyal to Israel because of the primordial and strong bond between Yahweh and Israel. It is in these three relationships that the meaning and function of the concept of the election of Israel is explained. Deut 32.7-9 uses an origin myth to symbolise the primordial relationship between Yahweh and

Israel, where Yahweh inherited Israel, whereas other nations were allotted to other gods. Deut 32.10-12 points to the historical relationship established between Yahweh and Israel, which symbolises Yahweh's care and love for Israel from its inception as a foster carer. Deut 32. 6, 18-19 present Yahweh as Israel's creator, father and the one who gave birth, which symbolises Yahweh's familial relationship with Israel. These symbols of relationships powerfully remind the nation that Israel is loved by Yahweh despite their disloyalty to him.

Although in the same Song, three different symbols of relationships are presented, the point is not historical accuracy as to whether Israel originated in the primordial time of the division of nations or in history after the Exodus from Egypt. The multiple renderings of the bond between Yahweh and Israel are to show that Yahweh still loved them and is able to restore them to full glory. From an ethno-symbolic perspective, multiple renderings of the story reinforce one's identity and encourage continued loyalty in the midst of adversity. Once such an interpretation is accepted then other theological ideas in the Song, such as, Yahweh being the one who gives life and brings death could be interpreted in relation to the context of the Song, which is a nation's re-interpretation of the role of its God in the light of national defeat. The study has shown the importance of symbols in cultivating the sense of belongingness. The change of symbols shows that the nation is constantly re-interpreting its identity and place in the world to sustain itself.

Election as symbol of power and pride

The Torah is central to the book of Deuteronomy. Being the constitution of Israel, which brings equality and orders national life and function, the employment of the symbol of election and the re-interpretation of tradition is important. Therefore, Deut 4 uses the election tradition to symbolise status and power. Deut 4.20, 34 and 37 use the election tradition but they are symbols of the power and pride of Yahweh and Israel in relation to other nations. The context of Deut 4 is the importance of Israel's laws in the life of the nation. In order to highlight Israel's law as the national constitution and motivate Israel to follow it, Deut 4 re-interprets the earlier traditions to emphasise the voice of Yahweh over the presence of Yahweh. In relation to this it is important to note that the gods of other nations are portrayed as inanimate objects, having no life or power to help unlike Yahweh. In contrast Yahweh is strong and powerful in delivering Israel from Egypt. Yahweh's power directly reflects the pride and power of Israel as a nation. This aspect of pride and power, which Smith calls ethnocentrism and Barth describes as self-ascription, is a common way to ensure the loyalty of the nation in its vision and mission. Although Smith views ethnocentrism as inherent and 'given', thus a primordial aspect of ethnicity, the context of Deut 4 suggests that this sense of pride and superiority is created in contrast to other nations, thus sides with the instrumental aspect of ethnicity.[1] Thus, Deut 4 is closer to the concept of self-ascription espoused by Barth, which is 'constructed' rather than inherent or 'given'. The sense of superiority is not a sum of objective difference as Barth would define self-ascription as rather it is which the actors themselves regard as significant.[2]

The central focus of Deut 4 is to motivate the nation to follow the law of the land, which is the constitution of Israel. In this respect, we see the role of the concept of the election of Israel in nation building. In order to achieve a sense of superiority and pride, the identity of the nation is created in relation to other nations; it is primarily a call to the nation to follow the Torah.

Election as boundary marking

The concept of the election of Israel is shown to be primarily a boundary marker in Deut 7. We have shown the context of Deut 7 to be a constant threat to the survival of Israel. Only the Canaanite nations, that is, the non-Israelite, non-Yahwist local populations, are perceived to be a direct threat; because they were in the land of Israel, they posed a threat to Israel's social, religious, cultural boundaries.

The concept of the election of Israel in Deut 7 could be interpreted as a boundary marker. The Canaanite nations are the 'significant others' against to whom Israel's identity is created and sustained. This explains the strong distinctions between Israel and the Canaanite nations. They are portrayed as people who are to be placed under a ban and Israel is portrayed as a most favoured nation. A series of social, religious and cultural regulations are admonished in Deut 7 and 14 to maintain the social boundary between Israel and the Canaanite nations.

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[1] Cf. Chapter two section 2.3.2.1
[2] Cf. Chapter two section 2.3.2.2.1

The symbolic expression of belonging to Yahweh and being loved by Yahweh gives the nation a sense of solidarity and it plays a significant role in mustering support and courage to fight against the enemy or at least resist the influence to one's social and religious culture. It functions as a boundary marker to distinguish the members of the nation from others who threaten their existence. It demands that the nation maintain a strict social, religious and cultural boundary between the nation and the others, without which the long-term survival of the nation is threatened.

The concept of the election of Israel not only functions to maintain the existence of the nation, but also ensures the maintenance and survival of the religion of the nation, within which the identity of the nation is closely bound. The entire national affair is presented in religious terms and concepts. Therefore, the understanding and interpretation of the relationship between God and a nation is paramount to the creation and existence of a nation. Religion ensures the continuance of a nation, even when there is no land or the people are scattered, the fact that the nation is conceived in relation to its God means that it will survive. As long as there is some form of interpretation and re-interpretation or animation of the relationship between the nation and its God, the existence of the nation is ensured. Thus the study of the concept of the election of Israel has shown the importance of it in the creation and maintenance of the nation of Israel.

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