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Chapter 10

War in Deuteronomy

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Abstract: This article examines war in Deuteronomy. After listing passages that refer or allude to war in Deuteronomy, it outlines developments of the war motif in the history of interpretation, including in the light of de Wette's linking of Deuternomy with the reform of Josiah and von Rad's seminal work on war in the Old Testament. This is followed by a digest of representative works in current discussion. The article then introduces recent sociological approaches to the study of war and violence and concepts of colonialism and settler colonialism with reference to how they also relate to studies of migration and genocide studies. The article demonstrates how war in Deuteronomy can be understood in the context of Deuteronomy being a programmatic settler colonial document as part of the wider literary work of Genesis-Joshua.

Keywords: War, violence, genocide, colonialism, settler colonialism, migration, social scientific approaches.

Who Began the Conversation?

War is a pervasive motif in Deuteronomy, with some 36 passages referring to or alluding to war:

Dt 1:4	Recap of defeat of Sihon
Dt 1:6-8	Exhortation to take the land of Canaan (note the extent of territory described RE: Euphrates and Transjordan)
Dt 1:19-43	Recap of the spies episode at Kadesh-Barnea and resultant defeat by the Amorites
Dt 2:1-23, 37	Recap of events after departure from Kadesh-Barnea towards the plains of Moab: Refraining from war against the Edomites, Moabites and Ammonites; historical notes in relation to the Edomites, Moabites, Ammonites and Philistines as background to their hold of the land in addition to divine legitimation with the Edomites, Moabites and Ammonites
Dt 2:24-3:11; 4:46-49; 29:7	Recap of events after departure from Kadesh-Barnea

	towards the plains of Moab: Defeat of the kings of Sihon and Og
3:12-17; 29:8	Recap of division of conquered land to Reuben, Gad and Manasseh, with some description of conquest by Manasseh
3:18-20	Recap of order to Transjordanians to participate in the conquest of Cisjordan
3:21-22	Moses's exhortation to Joshua in relation to the conquest of Cisjordan
4:25-27	Potential conquest of the Israelites by others if the Israelites do not stay faithful to Yahweh (allusion to war)
6:18-19	Exhortation to faithfulness so that Israel would expel (הדפ) nations (allusion to war)
7	Exhortation to destroy nations of the land (חרם *herem*; clear allusion to war at the minimum)
8:19-20	Warning that Israel would be destroyed (אבד) if it does not follow Yahweh (allusion to war)
9:1-6	Yahweh's faithfulness in wars against the indigenous peoples (reference to war)
11:4	Yahweh's destruction of the Egyptians at the Sea of Reeds (allusion to war)
11:22-25	Exhortation to faithfulness so that Israel would prevail over nations (allusion to war)
12:2-3	Destruction of the religious infrastructure of the indigenous peoples (allusion to war)
12:29-31	Exhortation to follow Yahweh with a reference to nations that Yahweh will have cut off (כרת) (allusion to war)
13:12-18	War against and destruction of an apostate Israelite town
19:1	Reference to nations being destroyed as an introduction to legislation on the towns of refuge (allusion/reference to war)
20:1-9	Exemptions from war
20:10-18	Treatment of towns in war depending on where they are located
20:19-20	Felling of trees when besieging of city
23:9-14	Purity in a war camp
25:17-19	Injunction against Amalekites (allusion to war and genocide [see below on genocide])
28:7	Victory over enemies as a blessing for following Yahweh
28:25, 48	Defeat by enemies as a curse for not following Yahweh
28:32, 41	Fall of descendants under the power of foreigners as a curse for not following Yahweh (potential/likely allusion to war)
28:33, 49-57	Exploitation by foreigners as a curse for not following Yahweh (allusions to war)
28:36-37, 63-64; 29:28	Removal from land as a curse for not following Yahweh (likely allusion to war)
28:68	Removal to Egypt as slaves (possible allusion to war)
29:22-23	Afflictions on the land (likely allusion to war)

30:18; 31:3-8, 13; 32:47	Soon-to-be taking of the land (involves war)
32:21-35	Yahweh's wrath on Israel in the Song of Moses (allusions to war)
32:40-43	Yahweh's revenge on enemies in the Song of Moses (likely allusions to war)
33:7, 11, 17, 20, 22	Yahweh's help of Judah, Levi, Joseph, Gad and Dan in the Song of Moses (allusions to war)
33:27, 29	Yahweh's help of Israel in the Song of Moses (allusions to war)

The literary setting of Deuteronomy is the plains of Moab after an exodus from Egypt and travel through the wilderness of Sinai and Southern Transjordan by the ancient Israelites under the leadership of Moses. Moses charges the Israelites to cross the river Jordan and wage war on the peoples in the land, with faithfulness to Yahweh and his commandments (3:21-22; 6:18-19; 7; 9:1-6, 11:22-25; 31:3-8). Deuteronomy reminds its audience how Yahweh waged war on the Egyptians during the crossing of the Sea of Reeds (11:4) and how the inhabitants of the land defeated the Israelites at Kadesh-Barnea due to their lack of faith (1:19-43). The description of the journey from Kadesh Barnea to the Plains of Moab describes wars with the kings Sihon and Og (2-3:11). The Israelites are forbidden to make war against the Edomites, Ammonites and Moabites, because Yahweh granted them their lands. Like the Israelites, they took possession of these lands by waging war on its indigenous peoples (2:1-22).

According to the legal code of Deuteronomy, the Israelites are to destroy the religious infrastructure of the indigenous peoples (12:2-3) and even destroy their towns, even when towns outside the territory of Israel may be spared if they surrender peacefully when the Israelites wish to wage war against them (20:10-18). Israelite towns who worship "other gods" must be destroyed (13:12-18). Specific laws describe how to wage war: who is exempt from going to war (20:1-9); purity while in camp; (23:9-14) and the use of the trees of a city under siege (20:1-9).

In addition, Deuteronomy portrays war in a more distant future, where the Israelites may even be conquered by their enemies and lose their land if they are not faithful to Yahweh (4:25-27; 8:19-20; 12:29-31; 28:7, 25, 32-33, 36-37, 41, 48-57, 63-64, 68, 29:22-23, 28; 32:21-35).

After the Assyrian and Babylonian exiles that ended the ancient Israelite and Judahite states, the Israelites and Jews lacked independence and the ability to wage war, save for the century-long interlude with the Maccabean revolt and the Hasmoneans. The wars between Judea and Rome (66-73; 132-135) resulted in the destruction of the second temple and further dispersions of the Jews. Jewish Christians did not participate in these wars.

The early Christianity that was essentially of non-violent nature became associated with the Roman state at the time of Constantine (272-337) and then the official and only legitimate religion at the time of Theodosius (347-395). Christianity was accordingly linked with secular power and its coercive aspects, including in terms of war. Augustine (354-430) developed a theory of a just war in the context of the newly Christian state of Rome. The Church could identify outsiders who were a threat, and the state might wage war against them.

The Spanish efforts towards a Reconquista of Moorish Spain related to a defense and expansion of European Christian states against Islamic caliphates. In the 11th century calls for a reconquest of the Holy Land started to emerge (see Diarmaid MacCulloch, *A History of Christianity*, 2009:381-382). Urban II (1042-1099) who initiated the first crusade does not seem to have cited Deuteronomy directly in his famous sermon, even though he may have referred to the Exodus and Conquest as a prefiguration to the crusade (George Strack, 'The Sermon of Urban II in Clermont and the Tradition of Papal Oratory', *Medieval Sermon Studies*, 2012:30-45). In the next 300 years, except for fighting against Muslims, medieval Christianity could also turn against those deemed as heretics and deviants, with Jews included

in groups that could be persecuted, and the crusaders sacked Constatinople, the centre of Eastern Christianity, in 1204 in the fourth crusade.

Reformation Christian interpreters, while breaking away from Rome, did keep a link with civil authorities. John Calvin (1509-1564) elaborated the duties of the kings and states in regard to earthly war (see esp. *Institutes* IV.20.11-12). In a historical sense, he saw the destruction of the Canaanites attested in Deuteronomy to be in accordance to god's sovereignty (e.g. Commentary on Deuteronomy 7:2, 16). The Wars of Religion in the 16th, 17th and 18th century Europe mixed religion and politics.

Christians in the North American colonies could look to the Exodus narrative as liberation from persecution in Europe and then also see their wars against Native Americans as inspired by the war motif in Deuteronomy and Joshua. While it is true that there were also efforts towards the natives that could be seen as positive and periods of at least relatively peaceful coexistence, ultimately hostility prevailed and the continent was taken over by the European colonisers, with native peoples largely destroyed.

The understanding of the biblical war motif evolved during the Enlightenment when scholars began to question the Mosaic authorship of Deuteronomy. W.M.L. de Wette (1780-1849) pioneered research on Deuteronomy. Linking what he understood as Deuteronomy's call to centralize the worship of Yahweh (12:2-28) with the annals of Josiah (2 Kgs 22-23), he re-dated Deuteronomy from the time of Moses (late second millennium BCE) to the reign of Josiah (640-609 BCE). Julius Wellhausen (1844-1918) then proposed that Deuteronomy was a midpoint in a trajectory of four originally independent traditions (JEDP) included in the Pentateuch today. Wellhausen dated the P Source to the postexilic period (after 539 BCE). While for Wellhausen the sources more or less directly reflected the time of their composition, Hermann Gunkel (1862-1932) suggested oral traditions behind sources, allowing for the possibility of earlier traditions even when the final forms of the books might be late.

In contrast to earlier views that Deuteronomy was part of a Hexateuch (Genesis-Joshua), Martin Noth (1902-1968) proposed a Deuteronomistic History (Deuteronomy-2 Kings) composed during the exile and later connected to Genesis-Numbers. While Noth agreed with the overall dating of Deuteronomy in the time of Josiah, he considered the book to reflect earlier traditions, including those relating to war (*Überlieferungsgeschichtliche Studien* I, 1943:27-40; *Geschichte Israels*, 6th edn, 1966:249). Noth's idea of a Deuteronomistic History became a consensus that however has been challenged recently, with a number of scholars at present again preferring the concept of a Hexateuch.

The rediscovery of the ancient Near East by the West in the 19th century brought with it the development of archaeology. At first, archaeology in the "Holy Land" was very much driven by the concerns of those interested in understanding the bible and demonstrating that it was historically reliable. Eventually, it became its own separate discipline, largely independent from biblical studies, and this was reflected by a preference to label the discipline as "Syro-Palestinian Archaeology" rather than "Biblical Archaeology". And yet, there is still very much interaction between archaeology and biblical studies. Many biblical scholars wish to understand the Bible based on relevant archaeological discoveries, and many archaeologists also explicitly attempt to bring out how their discipline can contribute to understanding the world of the Bible, and the Bible itself. Once archaeological data from the world of the Bible started to accumulate from the late 19th century on, problems about how it might relate to the Bible started to arise. While events from the period of the judges on (ca. 1200BCE) were generally seen as reflecting actual history, events earlier than that became suspect. The role that war played in the origins of early Israel became a matter of debate. Scholars proposed three major paradigms. Two involved war, one did not. William F. Albright (1891-1971) and John Bright (1908-1995) proposed a "Conquest Paradigm" which assumed that the Israelites waged war on the peoples of Canaan beginning in ca. 1250 BCE,

not 1400 BCE as previously calculations had concluded. This paradigm was accompanied by a serious conversation about the war motif in Deuteronomy. Eventually, the paradigm was abandoned due to the lack of positive archaeological evidence for an Israelite conquest at sites such as Ai (Josh 7–8), Jericho (Josh 2, 6), Gibeon (Josh 9) and Arad (Josh 12:14; Num 21:1–3).

Subsequently, Albrecht Alt (1883-1956) and Martin Noth proposed an "Immigration Paradigm" which assumed the Israelites were nomads who immigrated into unoccupied areas of Canaan. This paradigm did not involve war.

George E. Mendenhall (1916-2016) and Norman K. Gottwald proposed a "Peasant Revolt Paradigm" that suggested that the Israelites were Canaanites who revolted against the existing socioeconomic structure and withdrew to the highlands to form a new society. While the Peasant Revolt Paradigm was eventually rejected due to lack of supporting evidence, the idea of an indigenous origin of the early Israelites was generally retained. In other words, scholarship today tends to think that Israel was a development indigenous to Canaan (cf. Hawkins 2013:29-48).

A seminal work on war in the Hebrew Bible is *Holy War in Ancient Israel* by Gerhard von Rad (1901-1971; von Rad 1991/1958). For von Rad, the institution of holy war, used by an amphictyony or coalition of tribes to defend their villages and sanctuary, evolved in the premonarchical period. He noted how warriors were mustered and commissioned and how sacrifices were offered before battles and how Yahweh was with the Israelites in war and could strike terror in the midst of the enemy. Von Rad did not, however, consider the conquest traditions in Joshua as historical. He went on to trace the evolution of holy war in the time of the monarchy and in the prophets.

For von Rad, Deuteronomy "conceives of the holy wars as predominantly wars of religion, in which Israel turns offensively against the Canaanite cult which is irreconcilable

with the faith of Yahweh" (p. 118). The concept of *herem* (חרם) that is notable in relation to war in Deuteronomy also experiences a shift in meaning where instead of simply devoting booty to Yahweh it is now linked with exterminating the Canaanites to prevent them from leading the Israelites into idolatry. The offensive nature of Deuteronomy that includes strong rhetoric against "the nations", in contrast to the defensive nature of war in the amphictyonic period, can be linked with the new rise of the militia in Judah after the Assyrian conquests in the late eighth century BCE (pp. 126-127).

What is the Status of the Conversation?

While later scholarship has challenged most aspects of what von Rad wrote, such issues as holy war, the cultic nature of war, the nature of *herem* and reading Deuteronomy against its setting in the history of Israel, have been continuously discussed (see Ben C. Ollenburger, 'Introduction', and Judith Sanderson, 'Bibliography', to Von Rad's *Holy War in Ancient Israel*, 1991/1958 and Charles Trimm, 'Recent Research on Warfare in the Old Testament', *Currents in Biblical Research*, 2011). How to understand Deuteronomy's call for the Israelites to massacre men, women, and children in war in terms of reading the biblical texts today also remains an ethical challenge for many scholars, even if some have expressly sought to analyse war from the perspective of the ancient world only, without making moral judgements of the ancients (e.g. Crouch, *War and Ethics in the ancient Near East*, 2009). It should moreover be noted that scholarship has highlighted that war in Deuteronomy and the texts of the Old Testament/Hebrew Bible more widely is comparable to war elsewhere in the ancient Near East. As a case in point, the concept of *herem* has parallels with other Near Eastern societies, with the Mesha stele providing the closest similarity (e.g. Stern 1991).

Against this backdrop, a seminal work in analysing *herem* and other theological aspects of war in ancient Israel is Susan Niditch (Niditch 1993). For Niditch, there is a

diversity of war ideologies in the Hebrew Bible. *Herem* can be seen as God's portion and as a sacrifice and then at a later stage in Deuteronomy as God's justice in "rooting out what they believe to be impure, sinful forces damaging to the solid and pure relationship between Israel and God" (Niditch 1993:56). Niditch in addition examines issues that relate to bardic traditions of war, tricksterism, expediency and Yahweh's role in war, most of which fall outside the scope of Deuteronomy.

T.M. Lemos has studied the Rwanda genocide of 1994 to better understand why such passages as Deuteronomy (20:16-18) might call for the Israelites to wage *herem* war against the Canaanites (Lemos, 'Dispossessing Nations: Population Growth, Scarcity, and Genocide in Ancient Israel and Twentieth-Century Rwanda', in Saul M. Olyan, ed., *Ritual Violence in the Hebrew Bible: New Perspectives*, 2016). For Lemos, scarcity linked to population growth can provide an underlying reason for genocide, a concept that Lemos draws in based on a wider interaction with genocide studies. In ancient Israel, there was population growth since the beginning of Iron Age I, with population peaking in the eighth century BCE (p. 37). The trends in demographics in the late eighth and in the seventh centuries correlate with the time of writing of Deuteronomy. Coupled with a time of Assyrian oppression, the increase in population led to lessening of available resources, also creating social stratification and a variety of tensions and intergroup competition (p. 39). Deuteronomy then projected competition for resources into an idealized Mosaic past, including with the utilization of the concept of *herem* that is otherwise attested in the Mesha Inscription. Lemos leaves open the question of whether any of the imagined violence was actually carried out at the time when Deuteronomy was produced (p. 46).

In *Ancient Israel at War 853-586 B.C.* (2007), Brad E. Kelle presents a digest of the major military conflicts that Israel and Judah had in the period of neo-Assyrian and then Babylonian dominance over the Levant. Kelle notes how before the battle of Qarqar in 853

BCE no clear Assyrian, Babylonian, or Egyptian texts exist that would give detailed evidence on Israel and Judah in relation to their presumed existence. After 853 a large amount of textual and archeological sources exists, including some from ancient Israel itself, but nevertheless even they require careful consideration as only a small amount of "straightforward, particularly first-hand material" that pertains to Israel and Judah exists (p. 8). Kelle also points out how the usefulness of the biblical materials is disputed. All this said, a reasonable chronology for the period covered in the book can be constructed, in line with many other treatises on the period. For Kelle, while the wars of the 9th to the 6th centuries were marked by a co-optation of aspects of Israelite and Judean religion by the royal establishment or influence by foreign elements, there were other groups within the kingdoms, that were often outside the centers of power that could use religious traditions for challenging social and political developments that took place. For example, it may be that some of the social legislation in the "Torah" section of the HB/OT (Genesis-Deuteronomy) was generated in response to consolidation of land by the monarchy, cash cropping and exploitation of peasantry. Such legislation, presented as coming directly from Yahweh, would command that the poor, defenseless, and those vulnerable in society be treated fairly and would picture Yahweh as being tied to those groups most closely (p. 68). Kelle's work otherwise includes a study of postwar rituals of return and reintegration that utilises psychological theory ('Postwar Rituals of Return and Reintegration', in Kelle, Ames and Wright, eds, *Warfare, Ritual, and Symbol in Biblical and Modern Contexts*, 2014), with some connection to the book of Deuteronomy as well.

The treatments highlighted here as examples of recent scholarship indicate how the continuing discussions have built on previous endeavours, with some new considerations also drawn in such as those arising from genocide studies and psychology.

What is Trending in the Conversation?

In order to help resolve a number of the dilemmas that relate to war in Deuteronomy, one can draw in recent social scientific approaches that relate to war. A particularly promising new avenue is provided by the recent development of settler colonial studies of which my own research has made use of in the context of ancient Israel. Against past studies that relate to the formation of ancient Israel, in some ways it expands on the "Immigration Paradigm" proposed by Alt and Noth, but also takes more seriously the role of war like the "Conquest Paradigm" of Albright and the "Peasant Revolt Paradigm" of Mendenhall and Gottwald. In addition, it considers assimilation as part of identity formation in ancient Israel, tying with considerations of indigenous origins of the Israelites.

I want to make three preliminary clarifications. First, settler colonial studies that I am using to better understand the war motif in Deuteronomy have also been used to analyse and critique the policies of the modern state of Israel toward Palestinians (e.g. Francesco Amoruso, Ilan Pappe and Sophie Richter-Devroe, 'Introduction: Knowledge, Power, and the "Settler Colonial Turn" in Palestine Studies', *Interventions: International Journal of Postcolonial Studies*, 2019). My study here is not part of that conversation. Second, some Near Eastern scholars limit their parallels to cultures that are chronologically or geographically adjacent to ancient Israel like Assyria, Syria or Egypt. Those who employ social scientific criticism, however, use paradigms drawn from a wider range of cultures regardless of their chronological or geographical relationship to ancient Israel (e.g. Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism*, 1990, 87-102). Therefore, although the settler colonial approach was developed to assess developments in Western European cultures during the 19th and 20th centuries, it can also be useful in developing a better understanding and appreciation of the war motif in

Deuteronomy. Third, I consider Deuteronomy to be part of a Hexateuch, not part of a Deuteronomistic History.

From a social scientific perspective, war can be seen in the context of group violence. While there is little agreement in the social sciences as to what violence is, it can be defined as " a process through which one, intentionally or unintentionally, inflicts by coercion some behavioural change or through which physical, mental, or emotional damage, injury, or death results" (Siniša Malešević, 'Violence', in B.S. Turner, ed., *Wiley Blackwell Encyclopedia of Social Theory*, 2017). As groups are constituted of individuals, violence between groups also involves individual actions, and for example a duel on a battlefield would as such directly involve actions between individuals (1 Sam 17). However, the interest and focus here is the bigger context of human groups and their violent interactions. Not all violent interactions between groups, however, should be defined as war. Clearly an armed conflict like World War II (1939-1945) is a war. In contrast, that may not be the case with skirmishes between two hunter-gathering societies 12,000 BP, or a fight between two rival street gangs. While there is no full agreement on the issue, for Malešević and C. Olsson war "could be defined as a simultaneously institutionalized, collective, organized and political form of violent conflict". War "is organized in the sense that it pits more or less complex and bureaucratized organizations against each other, but also in the sense that it involves practices that have been organized and hence ordered for particular ends" ('War', in W. Outhwaite and S. Turner, eds, *Sage Handbook of Political Sociology*, 2018).

Recent scholars have pointed out how violence is essential for the constitution and operation of societies. Siniša Malešević also points out how the development of increasing societal complexity has brought with it an increase in organised violence (Malešević 2010). Two vital concepts that relate to the constitution and operation of societies are "centrifugal ideologization" and "cumulative bureaucratisation of coercion" (ibid.). The former relates to

the ideological power that those who control societies can exert on their respective populations and the latter to the ability of societies to administratively control their members. An important accompaniment to ideological control can be drawn based on the concept of “hegemony” that dates to the early 20th century. For Antonio Gramsci (1891-1937), the idea of hegemony is based on cultural continuity and dominance that operates with the consent of the masses. Bruce Routledge finds that such hegemonies dominate the ancient world (*Archaeology and State Theory: Subjects and Objects of Power*, 2014). According to Routledge, elites who hold power in societies, need to operate based on common culture so as to make their actions palatable to the masses. Centrifugal ideologisation in convincing a population, for example, that war is an essential aspect of national life, whether that in reality is the case or not, must find a way to utilise existing cultural resources for hegemonic purposes.

Altogether, organised violence that included centrifugal ideologisation was already an essential component of agrarian societies that dominated the Near East at the time of ancient Israel (e.g. Benjamin Foster, *The Age of Agade: Inventing Empire in Ancient Mesopotamia*, 2016). Accordingly, war can be expected to have been part of the experience of ancient Israel as well.

Divine warfare can naturally be seen from the perspective of “centrifugal ideologisation” and “hegemony”. Considering the pervasiveness of belief in the divine in the Near Eastern world, it would seem natural if those in power would use the divine as legitimation for war. In this respect, the idea of centrifugal ideologization is well in line with the specific forms of rhetoric that are typical of Near East warfare, suggesting that the texts can be taken as propagandistic and yet not necessarily completely fictional (cf. K. Lawson Younger, *Ancient Conquest Accounts: A Study in Ancient Near Eastern and Biblical History Writing*, 1990). Similarly, again considering the predominance of the cult in the Near East,

integrating cultic aspects in warfare was useful for achieving the consent of the masses and through that also troops in the field, together with coercive measures used for controlling such troops (cf. Malešević 2010).

An issue with ancient Israel in general and Deuteronomy is to detect how cult and the divine are integrated in the rhetoric that accompanies war. In Deuteronomy, clearly the parenesis in the context of the implied audience emphasises Yahweh's role as the source and condition of Israel's wellbeing. Yahweh led the Israelites out of Egypt and helped them to conquer peoples opposing them. Accordingly, the Israelites can also trust that Yahweh will lead them into the new land. Similarly, in the new land, the Israelites are equally to be faithful to Yahweh to ensure continued success. If the Israelites, however, do not follow Yahweh, great calamities will ensue, just as was already the case in the wilderness, highlighted in the spies episode (1:22-46).

While Deuteronomy mostly seeks to persuade, there are some coercive aspects included. Above all, the threat of divine punishment that is inextricably tied with the rhetoric of persuasion can be linked with coercion, by means of persuasion by fear.

There is also provision in Deuteronomy for actual coercive methods. In the context of war these are mostly limited to the law of the apostate city (13:12-18). At an individual level, however, such issues as penalties for idolatry (13:1-11; 17:1-5), the appointment of judges (16:18; 17:6-12; 19:15-21), legislation about the towns of refuge (19:1-13) and the treatment of a recalcitrant son (21:18-21) can be seen from the perspective of coercion, even when one needs to keep in mind the question of to what extent the laws in Deuteronomy, as with legal materials in the Near East more widely, should be seen as practical or merely theoretical. Altogether, that Deuteronomy mostly seems to persuade, combined with a description of only rudimentary bureaucratic institutions, could in itself be seen in a context where much appeal is made to persuasion due to a lack of such institutions. And, in such a context, even if the

laws were meant to be followed, one may ask to what extent they could be implemented in practice, including when conducting warfare.

The Settler Colonial Paradigm offers a strategy for interpreting its description of the birth of the ancient Israelite society in the context of migration and colonialism in the Near East during 1300-900 BCE. The importance of migration in human history has recently been acknowledged (see e.g. Patrick Manning, *Migration in World History*, 2005). Current migration studies incorporate considerations of historical sources, archaeology, linguistics and genetics, cutting across the whole of human history across time and space, including prehistoric times. These studies suggest that human migration was extensive and a vital component in the spread of humankind and in the formation of the foundations of today's world, in contrast to a number of approaches in the second part of the 20th century that tended to minimise the role of migration in human history (e.g. Peter Bellwood, *First Migrants: Ancient Migration in Global Perspective*, 2013).

Migration and colonialism are closely related. According to Jürgen Osterhammel, a "colony" is a new political organization built on pre-colonial conditions, created by invasion, conquest, or settlement colonization. The invading rulers are dependent on a geographically remote imperial centre or "mother country", which claims exclusive rights of possession of the colony. Colonialism, for Osterhammel, is a relationship of domination between an indigenous majority and a minority of foreign invaders. The fundamental decisions affecting the lives of the colonized people are made and implemented by the colonial rulers in pursuit of interests that are often defined by the mother country. Rejecting cultural compromises with the population that is colonized, the colonizers are convinced of their own superiority and of their ordained mandate to rule (Osterhammel, *Colonialism: A Theoretical Overview*, 2005:10, 16-17).

Michael Dietler, however, defines "colonization" as an expansionary act of imposing political sovereignty over foreign territory and people - the projects and practices of control marshalled in interactions between societies linked in asymmetrical relations of power and the processes of social and cultural transformation resulting from those practices. It is the "interactions between societies linked in asymmetrical relations of power and the processes of social and cultural transformation resulting from those practices" that would fit with the context of colonising migration. The idea of "of imposing political sovereignty over foreign territory and people" also fits (Dietler, *Archaeologies of Colonialism: Consumption, Entanglement, and Violence in Ancient Mediterranean France*, 2010:18).

One can also note that war and colonialism are interlinked. If one society wins over another in war, this will often result in the former ruling over the latter. Conversely, a war to liberate a society from the rule of another can result in a colonial relationship being discontinued. It is of course possible that a war will result in a draw in which case a status quo (or equivalent) will prevail. Guerrilla attacks that may not be classifiable as full-scale war may for example also end a colonial relationship. The occurrences of Yahweh in Judges delivering the Israelites to the power of the surrounding nations are examples of the Israelites falling under an alien colonial regime from which a judge liberates them, with the events narrated in terms of overall cycles of apostasy, oppression, repentance and deliverance.

For Lorenzo Veracini, settler colonialism is essentially a phenomenon that accompanies "autonomous collectives that claim both a special sovereign charge and a regenerative capacity" (Veracini 2012:3). Settlers consist of people who remove into a new land and establish a new society of their own liking there. The Hexateuch indicates that Abraham, Israel's forefather, migrated into the land of Canaan from Mesopotamia, and that his descendants subsequently migrated to Egypt to protect themselves from a famine. The Israelites became a nation in Egypt but were enslaved. They were later liberated and left

Egypt under the leadership of Moses. They then traversed a wilderness and arrived at the edge of Canaan where Moses died, and it was left to his successor Joshua to lead the Israelites into the land of Canaan in order to conquer it and settle it. In express settler colonial terms, the Israelites, especially towards the end of the Hexateuch, become an autonomous collective that claims both a special sovereign charge and a regenerative capacity. Also, they vie for land to claim for themselves under their sovereign charge where they are to establish a new society. Deuteronomy presents itself as a document at the edge of the so-called promised land and focuses on its conquest and life in the new land, and the Holiness Code (Lev 17-26) also focuses on life in the land. The indigenous peoples or "indigenous others" can be either killed (7:1-26); driven away (9:1-4; cf. Ex 23:20-30) or assimilated (Josh 2: 1-24; 6:22-25). Overall the idea is that the settler body polity is "cleansed" of its indigenous and exogenous others (cf. Veracini, 26-52). A "structural genocide" occurs where an existing indigenous society is destroyed, and a new society takes its place (Patrick Wolfe, 'Structure and Event: Settler Colonialism, Time and the Question of Genocide', in A.D. Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History*, 2008:401, 403).

In 1948, the United Nations defined "genocide" as: "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group."

However, for Raphael Lemkin (1900-1959) whose work during the Second World War in relation to the Nazi occupation of Europe was foundational for developing an

understanding of the notion and who coined the word genocide as meaning "the destruction of a nation or an ethnic group" (Lemkin, *Axis Rule In Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, 2nd edn, 2008/1944:79),

> genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group. (ibid.)

In addition,

> Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population, which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's own nationals. (ibid.)

The definition by Lemkin has clear links with settler colonialism, especially in hindsight of the recent development of settler colonial studies (cf. Damien Short, *Redefining Genocide: Settler Colonialism, Social Death and Ecocide*, 2016). The more restrictive UN definition is more directly focused on physical and perhaps mental harm caused to individuals as part of a specific group, without really considering the wider context of the group. On the whole, genocide and colonialism relate to group violence, with varying levels and intensity to that violence. In terms of intensity, again, modern technologies enable more effective killing, probably culminating to date in the gas chambers of the Nazi regime, and one may ask to what extent genocide could have occurred in the ancient world. In this, one may however keep in mind that even chimpanzees have been shown to employ genocidal means against other chimpanzee groups (see e.g. John Docker, *The Origins of Violence:*

Religion, History and Genocide, 2008), therefore, the possibility of genocide or at least genocidal action in the ancient world should not be excluded *prima facie*. Also, importantly, genocide can be seen as a conflict (Martin Shaw, *What is Genocide?*, 2nd edn, 2015), and few genocides if any can be seen as one-sided.

Returning to considerations of settler colonialism directly, one may note that indigenous others are normally considered as a threat to the settler collective as their continuing existence constitutes a threat and challenge to the very existence and legitimacy of the settler collective (cf. Deut. 7:1-26), whereas exogenous others are generally seen as people who can collaborate with the settler collective (Veracini, 26-28). In the ancient Israelite case, exogenous others include, at least at a literary level, the mixed multitude (ערב רב) that went out of Egypt in the Exodus (Exod 12:38) and Caleb the Kenizzite (Josh 14:6). And, the Israelites legislate for a foreigner (גר) in several places in the Pentateuchal legal materials (14; 16). Thus, people from outside the main settler collective would then have been taken into the settler collective, whether initially as indigenous or exogenous others. There can also be abject others, those permanently excluded from the settler polity, having lost their indigenous or exogenous status. In the ancient Israelite society these include people who have been subject to the כרת punishment of being cut off from the people (Lev 7:20-27; 17:4-14; 18:29) and the Ammonites and Moabites who according to Deuteronomy (23:1-7) cannot be uplifted into the Israelite community, even when an Edomite and Egyptian can be included in the third generation. These processes in a basic tripartite setting of a settler society consisting of the settler collective and indigenous and exogenous others would go on for centuries in the Israelite society after the initial invasion reflected in Joshua and would result in transforming the Late Bronze societies as e.g. attested in the Amarna letters into the later Iron Age Israelite societies. In this, it is important to consider that, in general, settler colonialism is a structure rather than an event where an initial invasion gives rise to a

prolonged process of eliminating the indigenous population (Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research*, 2006:402). One may also note that the legal materials in The Hexateuch can be seen as providing a blueprint for the new Israelite society, even when it is not certain how much this was a theoretical rather than a practical construct. As Patrick Wolfe has pointed out, "settler colonialism has, as observed, two principal aspects – not only the removal of native society, but also its concomitant replacement with settler institutions. This latter, positive aspect involves the establishment and legitimation of civil hegemony" (Wolfe, 'Structure and Event', 130n71). And, "eliminatory strategies all reflect the centrality of the land, which is not merely the component of settler society but its basic precondition" (Wolfe, 'Structure and Event', 103), and the centrality of the land surely also applies to the positive aspect(s).

If one then thinks of Deuteronomy's rhetoric, it is preparing for life in a new land in its message to its implied audience. An important function of warfare is to clear the land from its indigenous inhabitants, and, in modern conceptualised terms, these can be labelled as colonial wars. A strong legitimation for the conquest and the accompanying colonialism is made based on the Yahweh Alone motif. The Israelites commitment to Yahweh alone is also a strong unifying principle in holding the Israelite society together, especially in a setting that lacks a centralized administration that could offer bureaucratic structures to the same effect.

The early colonial context is implied in the war law (20:10-18). According to the material, the Israelites are to offer peace to towns they fight against, and if the town capitulates peacefully it is to serve the Israelites and pay tax, and if not, the Israelites are to kill its menfolk after a successful conquest and take the rest, including women, as booty. However, this is to apply only to towns outside the co-called promised land. In the land itself, the Israelites are to kill all the indigenes without any qualification. Clearly here the inhabitants of the land are to be treated according to the overall settler colonial framework of

the Hexateuch as a whole, whereas those outside the land can fall under franchise colonial approaches where it is not necessary for the indigenes to be made to vanish but the focus can be on exploiting them for gain. The lands of the Edomites, Ammonites and Moabites are not seen as belonging to Israel, based on their familial relationship with the Israelites and accompanying divine promise, and the Israelites are accordingly not to wage war against them (2:1-9, 19), with the Israelites seeing the land they themselves claim for themselves as having been granted to their ancestors the patriarchs based on divine promises. Further keeping in mind the concepts of centrifugal ideologization and hegemony, the issue here is not whether the posited familial relationship and the related patriarchal narratives more widely are factually true but whether the Israelites believed in them and their implications. In this sense, for example, it is also not necessary to take everything in Deuteronomy as it pertains to past history literally, the main issue is whether the rhetorical strategy of the book was convincing and believable to its audiences.

From a historical perspective, the Late Bronze Age was an era of empires accompanied with international trade and diplomacy which collapsed around 1200 BCE. It is generally acknowledged that the collapse of the Mycenaean palatial system caused a migration of Aegean and Anatolian peoples towards the south along the Levantine seacoast. Their migration then contributed to the collapse of Ugarit and the Hittite empire. In the process, a new Philistine entity in the southwestern coast of the Levant was formed (see e.g. Assaf Yasur-Landau, *The Philistines and Aegean Migration at the End of the Late Bronze Age*, 2010). In the east, an Aramean ethnogenesis and subsequent expansion caused the retreat of the Middle Assyrian empire in the Jazira area in northern Mesopotamia (cf. e.g. K. Lawson Younger, *A Political History of the Arameans: From Their Origins to the End of Their Polities*, 2016). Meanwhile, Semitic migrants from Egypt some time after the expulsion of the Hyksos moved into areas in the southern Levantine highlands where Egypt's control

was limited. In addition to migration, all of these processes involved colonial interactions, and the birth and initial development of Israel can be seen in the context of ancient settler colonialism in a continuum that ranges from franchise colonialism to settler colonialism. While there is nothing in the Late Bronze-Early Iron Age I material remains that can at least conclusively be read as indicating an entry of an external group of people into Canaan, interestingly, the presence of Egypt in Canaan in the early New Kingdom period is poorly attested in the material culture, with only the presence of Egyptian-style pottery implying an Egyptian character of the site. By and large, the Egyptians utilised local buildings, and information about their doings has to be based on textual records. Architecturally there are no differences except in some southern coastal sites (see E.F. Morris, *Ancient Egyptian Imperialism*, 2018:149-154). Also, more widely, Benedikt S. J. Isserlin (1916-2005) has pointed out that the Norman conquest of England in the 11th century and the Muslim conquest of the Levant are not easy to attest archaeologically ('The Israelite Conquest of Canaan: A Comparative Review of the Arguments Applicable', *Palestine Exploration Quarterly*, 1983). Deuteronomy itself suggests that the Israelites utilised local structures (6:10–11), and Joshua speaks of burning and other destruction only in connection with Jericho, Hazor and Ai (Josh 6:20–24; 8:28; 11:13), with Judges adding Laish (Judg 18:27). In this, Josh 11:13 even explicitly states that towns that existed on tells (על-תלם) were not burnt. Altogether, the biblical text is consistent with the initial invasion of the Israelites being undetectable archaeologically. In regard to the four sites of Jericho, Hazor, Laish and Ai, evidence of destruction has been found at Hazor and Laish at the end of the Late Bronze Age. Jericho is badly eroded, and the evidence there is equivocal. It seems that Joshua 6:26 was added when the books from Genesis-Kings were connected into a single whole. This leaves Ai, which remains a difficult problem, and the issue must be left open. Altogether, one may highlight here that part of the problem with a conquest model that traces back to Albright is

that it reads the biblical materials in a simplistic manner (cf. Hawkins 2013). An idea of a quick and complete conquest of the land in Joshua is seen to be in contradiction to Judges that indicates a more gradual process of settlement. However, Joshua, in addition to some exaggerated rhetoric of quick conquests, itself also indicates a long process of conquest that moreover was an incomplete one (Joshua 13:1-7).That much of the settlement was into new previously unsettled areas in the highlands is compatible with the idea of settler colonial migration where not every event relating to settlement needs to be directly violent. The colonial setbacks by surrounding nations as described in Judges on their part also show that the process was not always unilinear. The Merneptah stele on its part does support the existence of Israel in the highlands in 1207 BCE.

As to why the early Israelite society was able to expand overall, as the Hexateuch as settler colonial documents indicate, the priestly elite considered that the land was given to them by Yahweh. It would not have been difficult to foster such feeling amongst ordinary people as well. But a decisive advantage was offered by the ability of the Israelites to act in concert as against individual city states. Together with a population explosion in the highlands in Iron Age I, this would have given them an overall military advantage that proved to be decisive. The cumulative effect of even small skirmishes would have been enough to cover a large territory in the course of a long enough time frame, such as a century or two. Joshua, even when stripped off from some of its rhetorical embellishments, also indicates that the Israelites were even able to hold their own against indigenous coalitions (Josh 10–11). The same ultimately went with surrounding entities that at times encroached into areas that Israel claimed for itself, as attested in Judges. In addition, Judges 1 directly speaks about settler colonialism.

All in all, then, one can see how settler colonialism provides a completely consistent and overarching theme for understanding early Israel that correlates with the message of the

Hexateuch and also tallies with the book of Judges. In this, Deuteronomy provides an important ideological component for the settler colonial project, and war in Deuteronomy is predominantly part of a colonial enterprise of claiming a land for a new society in the ancient southern Levantine highlands.

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