

**RELIGIOUS CONCEPTS IN THE THEOLOGY OF  
DEUTERONOMY:**

**A RE-APPRAISAL OF DEUTERONOMIC THEOLOGY AND  
THE SIGNIFICANCE OF *TORAH***

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## ABSTRACT

This thesis investigates the theology of Deuteronomy, and argues that at the heart of Deuteronomic theology is the supremacy of Yahweh, which is to be expressed by all generations of Israelites through adherence to *Torah*. This study maintains that the ideas of centralization, secularization, and demythologization as commonly understood fail to account adequately for the data of the text. In this view, the book of Deuteronomy is radical in its demands and vision, but not in the ways that it is usually understood. In its deliberate rejection of ANE models of kingship and institutional permanence, its emphasis on the holiness of all life lived out before Yahweh, and its elevation of the supremacy of Yahweh and his *Torah*, Deuteronomy reveals itself to be a truly revolutionary and counter-cultural text.

In the introductory chapter, the structure and ideology of the book are examined. The present study is set into the context of Deuteronomic study, and it is argued that the book of Deuteronomy reflects an ideology that seeks to highlight the supremacy of Yahweh and the centrality of *Torah*. Chapter One then examines some of the ways in which the theology of Deuteronomy has been understood, namely in terms of centralization, secularization, and demythologization. I argue that centralization, secularization, and demythologization as usually understood fail to adequately account for the data of the text, and that an alternative conception should be sought.

Chapters Two through Five evaluate key texts that are used to support the idea that centralization, secularization, and demythologization are at the heart of the theology of Deuteronomy. An alternative reading of the texts is presented that highlights the supremacy of Yahweh and *Torah*.

The final chapter investigates the theological and ideological implications of this alternative reading of key texts. Deuteronomy is seen to be radical, and even revolutionary, but in a much different way from the way it is usually understood.

## **AUTHOR'S DECLARATION**

I hereby declare that this thesis is my own work, and was carried out in accordance with the regulations of the University of Gloucestershire. It is not being submitted for any comparable academic award at any educational institution in the United Kingdom or elsewhere. The views expressed in this work are my own, and do not represent those of the University.

Peter T. Vogt

15 August 2003

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## ABBREVIATIONS

AB	Anchor Bible
ABD	<i>Anchor Bible Dictionary</i> , ed. D.N. FREEDMAN, 6 vols. New York: Doubleday, 1992.
AnBib	Analecta biblica
ANE	Ancient Near East (or ancient Near Eastern)
ANET	<i>Ancient Near Eastern Texts Relating to the Old Testament</i> , ed. J.B. PRITCHARD. Princeton: Princeton University Press, 1969.
AOAT	Alter Orient und Altes Testament
AOTC	Apollos Old Testament Commentary
AbOTC	Abingdon Old Testament Commentaries
ASTI	<i>Annual of the Swedish Theological Institute</i>
BBB	Bonner Biblische Beiträge
BDB	F. BROWN, S.R. DRIVER, AND C.A. BRIGGS, <i>Hebrew and English Lexicon of the Old Testament</i> . Peabody: Hendrickson, 1979.
BETL	Bibliotheca ephemeridum theologiarum lovaniensium
BI	<i>Biblical Interpretation</i>
BLH	Biblical Languages: Hebrew
BN	<i>Biblische Notizen</i>
BO	<i>Berit Olam: Studies in Hebrew Narrative and Poetry</i>
BR	<i>Bible Review</i>
BSac	<i>Bibliotheca Sacra</i>
BST	The Bible Speaks Today
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CBQ	<i>Catholic Biblical Quarterly</i>
CRBS	<i>Currents in Research: Biblical Studies</i>
CUP	Cambridge University Press
DATD	Das Alte Testament Deutsch

DtH	Deuteronomistic History
EA	El-Amarna letters
EC	Epworth Commentaries
<i>EncJud</i>	<i>Encyclopaedia Judaica</i> , ed. C. ROTH, 21 vols. Jerusalem: Keter, 1971.
ET	English translation
<i>ETL</i>	<i>Ephemerides theologicae lovanienses</i>
<i>ExpTim</i>	<i>Expository Times</i>
FAT	Forschungen zum Alten Testament
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
FS	Festschrift
HAT	Handbuch zum Alten Testament
HBS	Herders Biblische Studien
HSM	Harvard Semitic Monographs
<i>HUCA</i>	Hebrew Union College Annual
HUP	Harvard University Press
ICC	International Critical Commentary
<i>Int</i>	<i>Interpretation</i>
Interp	Interpretation: A Bible Commentary for Teaching and Preaching
IOSOT	International Organization for the Study of the Old Testament
ITC	International Theological Commentary
<i>IEJ</i>	<i>Israel Exploration Journal</i>
IUP	Indiana University Press
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
<i>JCBRF</i>	<i>Journal of the Christian Brethren Research Fellowship</i>
<i>JETS</i>	<i>Journal of the Evangelical Theological Society</i>
<i>JNSL</i>	<i>Journal of Northwest Semitic Languages</i>
JPS	Jewish Publication Society
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTS	Journal for the Study of the Old Testament Supplement Series
LBI	Library of Biblical Interpretation
LUP	Leuven University Press
NAC	New American Commentary
NASB	New American Standard Bible

- NCB New Century Bible Commentary
- NIB *The New Interpreter's Bible: General Articles & Introduction, Commentary, and Reflections for Each Book of the Bible Including the Apochryphal/Deuterocanonical Books in Twelve Volumes*, ed. L. E. KECK, et al. Nashville: Abingdon, 1998.
- NIBC New International Biblical Commentary
- NICOT New International Commentary on the Old Testament
- NIDOTTE *New International Dictionary of Old Testament Theology & Exegesis*, ed. W.A. VANGEMEREN, 5 vols. Grand Rapids: Zondervan, 1997.
- NIV New International Version
- NS New Series
- NSBT New Studies in Biblical Theology
- OBO *Orbis biblicus et orientalis*
- OBT Overtures to Biblical Theology
- OTL Old Testament Library
- OTG Old Testament Guides
- OTS Old Testament Studies
- OUP Oxford University Press
- SAP Sheffield Academic Press
- SBL Society of Biblical Literature
- SBLDS Society of Biblical Literature Dissertation Series
- SBLMS Society of Biblical Literature Monograph Series
- SBT Studies in Biblical Theology
- SBTS Sources for Biblical and Theological Study
- SOTBT Studies in Old Testament Biblical Theology
- TB *Tyndale Bulletin*
- TDOT *Theological Dictionary of the Old Testament*, ed. G.J. BOTTERWECK and H. RINGGREN, trans. D.E. Green, 12 vols. Grand Rapids: Eerdmans, 1974-2003. ET of *Theologisches Wörterbuch zum Alten Testament*, ed. G.J. BOTTERWECK and H. RINGGREN. Stuttgart: Kohlhammer, 1975-77.
- TLOT *Theological Lexicon of the Old Testament*, ed. E. JENNI and C. WESTERMANN, trans. M.E. Biddle, 3 vols. Peabody: Hendrickson, 1997. ET of *Theologisches Handwörterbuch zum Alten Testament*, ed. E. JENNI and C. WESTERMANN, 2 vols. Munich: Chr. Kaiser, 1971, 1976.
- TWOT *Theological Wordbook of the Old Testament*, ed. R.L. HARRIS, G.L. ARCHER, JR., and B.K. WALTKE, 2 vols. Chicago: Moody, 1980.



<i>VT</i>	<i>Vetus Testamentum</i>
VTSup	<i>Vetus Testamentum</i> Supplements
VTE	Vassal Treaties of Esarhaddon
WBC	Word Biblical Commentary
YUP	Yale University Press
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

## PREFACE

It is with great delight that I take this opportunity to thank some of the people who have been so generous in providing assistance to me as I have worked on this project. I simply could not have completed this work without the assistance I received. While the shortcomings of this study that remain are my own, I am indebted to many people for helping me eliminate others.

I want to thank, first, Professor J. Gordon McConville for his encouragement, assistance, and supervision. His expertise was invaluable, and his passion for Deuteronomy was infectious. I would also like to thank my second supervisor, Professor Ronald E. Clements, whose wisdom and experience were also of tremendous help.

Having lived on two continents while completing this project, there are people on both sides of the Atlantic who must be thanked. I am grateful to my colleagues and friends in the Biblical Studies Seminar and the International Centre for Biblical Studies in Cheltenham, who provided useful stimulation, encouragement, and criticism along the way. In particular, Dr Karl Möller has been a tremendous blessing to me and has helped me develop ideas related to this project, as well as stimulate thinking in other areas besides biblical studies (a welcome diversion in those times when reflecting on Deuteronomy was overwhelming!). In addition, the financial assistance of the School of Theology and Religious Studies was generous and quite helpful. The faculty of Bethel Theological Seminary in St. Paul, Minnesota, also provided much-needed encouragement, support, and wisdom, both as instructors when I was pursuing my Master of Divinity and now as teaching colleagues. I am grateful to the entire Bethel community for all the encouragement I have received. I wish especially to thank Alicia Petersen for her assistance and the students who participated in the course on Deuteronomy. The stimulation of students has contributed immeasurably to this thesis.

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## INTRODUCTION

One of the few areas of consensus in modern Deuteronomy scholarship is the contention that within the Book of Deuteronomy is a programme of reform that is nothing short of revolutionary.<sup>1</sup> Although there are divergent views as to the specific details of this revolutionary programme, there remains agreement that in fundamental and profound ways, Deuteronomy is radical in its vision.

The Deuteronomic revolution is seen as broad-sweeping in its scale. Theology, worship, politics, and even social and moral values are seen as being dramatically altered in Deuteronomy.<sup>2</sup> The essential aspects of this revolution are usually described as demythologization, centralization, and secularization. While the details of the various views are presented in subsequent chapters, it will be useful at this point to present a general description of the broad contours of scholarly consensus on the nature of the Deuteronomic revolution.

Deuteronomy, according to the influential perspective of Moshe Weinfeld, and others, alters the conception of God found in earlier sources. There, God is presented in a rather crude, anthropomorphic fashion. He has need of a dwelling place, and so orders the construction of the tabernacle in which he will dwell (Exod 25.8).<sup>3</sup> In the theophany at Sinai, Yahweh is described as actually having come down upon the mountain (Exod 19.18, 20). In addition, there is great concern in the earlier material

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<sup>1</sup> See, for example, M. WEINFELD, *Deuteronomy and the Deuteronomic School* (Oxford: OUP, 1972; reprint Winona Lake: Eisenbrauns, 1992), 191-243; idem, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, AB 5 (New York: Doubleday, 1991), 37-44; J.H. TIGAY, *Deuteronomy דברים: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: JPS, 1996), xvii-xviii; R.E. CLEMENTS, "The Book of Deuteronomy: Introduction, Commentary, and Reflections," *NIB*, vol. 2, 271-87, esp. 285; idem, *Deuteronomy*, OTG (Sheffield: SAP, 1989), 60-63; A.D.H. MAYES, *Deuteronomy*, NCB (Grand Rapids: Eerdmans; London: Marshall, Morgan & Scott, 1979), 57-60.

<sup>2</sup> M. WEINFELD, "Deuteronomy's Theological Revolution," *BR* 12, 1 (1996): 38.

<sup>3</sup> Exodus 25.8 is normally seen as belonging to P, which is held to be later than Deuteronomy. Weinfeld, however, sees P as prior to, or contemporaneous with, D. See WEINFELD, *Deuteronomic School*, 179-83.

about the danger of seeing God. Thus, Exod 33.20 warns that “you cannot see my face, for no one may see me and live.”

Worship is seen in the earlier sources as being, in part, a means of providing for the deity. In this view, the provision of bread and vessels for wine in the tabernacle is to provide food and drink for Yahweh. In addition, fragrant offerings and lamps are seen as being for the (actually) present deity. Finally, the cherubim serve as a throne for a God who is seated on them, while the ark functions as his footstool.<sup>4</sup>

All this is dramatically altered in Deuteronomy as a result of a deliberate effort at reinterpretation, and a repudiation of the anthropomorphic view of the earlier sources. Disparate elements of the faith are gathered, harmonized, and “purified” theologically.<sup>5</sup> The earlier conceptions of God were “demythologised and rationalised.”<sup>6</sup> So, it is argued, the portrayal of God in Deuteronomy is radically altered, in an attempt to repudiate the earlier views. One example frequently cited as evidence for this shift is seen in the fact that in the theophany at Horeb/Sinai, the presence of Yahweh is seen as exclusively aural rather than visual, and Yahweh is said in Deut 4.36 to have spoken “from heaven.”<sup>7</sup> Noting the differences between the theophany as presented in Exodus and Deuteronomy, Hurowitz concludes that

[t]he accounts of the theophany in Exodus and Deuteronomy thus differ significantly from one another both in specific details and in underlying theological outlook. Exodus portrays Mt. Sinai as if it were a temple precinct where God and man come into immediate and intimate contact. Deuteronomy, in keeping with its own innovative conception of the Temple and the transcendent deity, confines God to the highest heaven even when he is revealing himself to his people at Horeb.<sup>8</sup>

The author(s) of Deuteronomy, then, are deliberately reinterpreting the presence of Yahweh in light of the more abstract theological thinking of the time. Other examples of demythologization are discussed in detail in Chapter One; it is sufficient for the present to simply note that demythologization is seen as central to the Deuteronomic programme.

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<sup>4</sup> Ibid., 191-92.

<sup>5</sup> G. VON RAD, *Studies in Deuteronomy*, trans. D.M.G. Stalker (Chicago: Henry Regnery; London: SCM, 1953), 37.

<sup>6</sup> Ibid., 40.

<sup>7</sup> WEINFELD, “Theological Revolution,” 39. See also V. HUROWITZ, “From Storm God to Abstract Being: How the Deity Became More Abstract From Exodus to Deuteronomy,” *BR* 14 (1998): 40-47.

<sup>8</sup> HUROWITZ, “Storm God,” 47.

A second element of the revolutionary programme is centralization. Major social and political upheaval is seen to have occurred as a result of the law of centralization in Deuteronomy 12. In the earlier sources, it is maintained, worship of Yahweh was carried out at a variety of locations, including local altars. Exod 20.24-25 is understood as calling for the erection of altars in multiple locations, albeit only at those locations at which Yahweh “caused his name to be remembered.”<sup>9</sup>

In Deuteronomy 12, however, a different conception is seen to emerge. There, worship is limited to a single sanctuary. Since de Wette, this has commonly been understood to be a result of the reforms undertaken by Josiah in the 7<sup>th</sup> century BC, and the impact on the life of the nation cannot be overstated.<sup>10</sup> By eliminating all local shrines and sanctuaries, the political and religious life of the nation is transformed. Prior to the reformation, priests in the local shrines would be consulted when elders, serving as judges in the city gates, could not reach a verdict due to a lack of witnesses or evidence.<sup>11</sup> The removal of the local sanctuaries also meant that the local priests were no longer available to serve in this capacity, so Deuteronomy calls for the appointment of judges in every town, and provides for the consultation of the priests or judges in the central sanctuary in difficult cases (Deut 17.8-9).

Worship was also dramatically affected, as might be expected. The elimination of local altars meant that sacrifice could not be carried out as before. So, the “law of profane slaughter” (Deut 12.15-25) allows for the non-sacrificial slaughter of animals in the locations now deprived of a local altar. In addition, pilgrimages to the central

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<sup>9</sup> See, e.g., M. NOTH, *Exodus*, OTL (London: SCM, 1962), 176; ET of *Das zweite Buch Mose, Exodus*, DATD 5 (Göttingen: Vandenhoeck & Ruprecht, 1959). See also F. CRÜSEMANN, *The Torah: Theology and Social History of Old Testament Law* (Minneapolis: Fortress, 1996), 173, who argues, from a very different perspective, that the law in Exod 20.24 is dealing with a number of sites. Where Noth presents the widely held view that the Book of the Covenant is earlier than Deuteronomy, and that Deuteronomy is a revision of the earlier view, Crüsemann argues that the Book of the Covenant is later than Deuteronomy, and represents a reaction *against* centralization.

<sup>10</sup> de Wette argued for the connection between Deuteronomy and the Josianic reforms of the 7<sup>th</sup> century BC in a lengthy footnote in his doctoral dissertation (*Dissertatio critica qua a prioribus Deuteronomium Pentateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur*, pro venia legendi publice defensa Ienae a. 1805, in W.M.L. DE WETTE, *Opuscula Theologica* [Berlin: G. Reimerum, 1830], 149-68), completed at the University of Jena in 1804. He argued that the altar law of Deuteronomy 12 could only come from a later period than the rest of the Pentateuch due to the fact that centralization is neither assumed nor especially valued there. This idea was further developed in his two volume work, *Beiträge zur Einleitung in das Alte Testament* (Halle: Schimmelpfennig und Compagnia, 1806-07). For an analysis of de Wette and his contributions to the study of the Old Testament, see J.W. ROGERSON, *W.M.L. de Wette, Founder of Modern Biblical Criticism: An Intellectual Biography*, JSOTS 126 (Sheffield: SAP, 1992).

<sup>11</sup> WEINFELD, *Deuteronomistic School*, 233. See also the discussion in B.M. LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: OUP, 1997), 98-143.

sanctuary became necessary, and are therefore required by Deuteronomy (e.g. Deut 12.26; 14.25).

An additional effect of centralization was what is often called secularization. While this term is understood differently by various critics, “secularization” generally refers to a tendency in Deuteronomy to downplay the sacred, and the removal of certain institutions from the realm of the sacred. Thus Weinfeld describes Deuteronomy as having a

distinctly secular foundation. Not only do we encounter institutions of a manifestly secular character such as the judiciary (16:18-20; 17:8-13), the monarchy (17:14-20), the military (20) and civil and criminal laws which treat of the family and inheritance (21:10-21; 22:13-29; 24:1-4; 25:5-10), loans and debts (15:1-11; 24:10-13), litigations and quarrels (25:1-3 and 10-12), trespassing (19:14) and false testimony (19:15-21) and the like; but...even institutions and practices which were originally sacral in character have here been recast in secularized forms.<sup>12</sup>

In short, the effects of centralization were so far-reaching that they had a dramatic impact on nearly every facet of life.

As noted, the idea of a Deuteronomic revolution marked by centralization, secularization, and demythologization has achieved widespread acceptance, though there are, of course, differences among the various points of view. Indeed, on the surface the case for this view appears strong, if not irrefutable. In recent years, however, some of the data adduced in favour of centralization and demythologization in support of the Jerusalem temple have been shown to be capable of very different interpretation. For example, recent research on Deuteronomy 12 has raised questions as to whether the prevailing view represents the best explanation for the data of the text. Recent studies have argued that this chapter may be read plausibly as stressing the sovereignty of Yahweh in determining where he will be worshipped, rather than restricting the number of permitted worship sites.<sup>13</sup> Similarly, the nature of

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<sup>12</sup> WEINFELD, *Deuteronomic School*, 188.

<sup>13</sup> See, e.g., J.G. MCCONVILLE, *Law and Theology in Deuteronomy*, JSOTS 33 (Sheffield: JSOT Press, 1984); J.G. MCCONVILLE and J.G. MILLAR, *Time and Place in Deuteronomy*, JSOTS 179 (Sheffield: SAP, 1994); J.J. NIEHAUS, “The Central Sanctuary: Where and When?” *TB* 43, 1 (1992): 3-30; G.J. WENHAM, “Deuteronomy and the Central Sanctuary,” *TB* 22 (1971): 103-18. Two of the most recent studies on the issue of centralization in Deuteronomy are P.M.A. PITKÄNEN, *Central Sanctuary and the Centralization of Worship in Ancient Israel: From the Settlement to the Building of Solomon’s Temple*, Gorgias Dissertations Near Eastern Studies 5 (Piscataway, NJ: Gorgias, 2003), and S. RICHTER, “The Deuteronomistic History and the Place of the Name” (PhD thesis, Harvard University, 2001).

The prevailing view was challenged already by A.C. WELCH, *The Code of Deuteronomy* (London: James Clarke, 1924), who maintained that only Deut 12.1-7 need be taken as referring to one central “chosen place.” Another early case against the centralization view is G.T. MANLEY, *The Book of the Law: Studies in the Date of Deuteronomy* (London: Tyndale, 1957). Extensive analysis and references

Deuteronomy's theology of the presence of God has been shown to be far more subtle and complex than usually thought. Rather than repudiating the idea of Yahweh's actual presence, Deuteronomy may be seen as describing Yahweh's presence as being both in heaven *and* with his people in battle, on Horeb, and at the chosen place.<sup>14</sup>

In addition, although there is broad consensus as to the fact of centralization and secularization, there is no consensus on other key related questions. Thus, among those who see in Deuteronomy a programme of centralization and demythologization, there is disagreement as to the fundamental nature of the programme. Some maintain that this programme should be understood as a utopian ideal,<sup>15</sup> while others see it as a realistic programme of reform.<sup>16</sup> Similarly disputed is the question as to whether or not the reform should be seen as favouring or opposing the Judean monarchy.<sup>17</sup> In addition, the issues of setting and audience are disputed even among those who see centralization and demythologization as at the core of the Deuteronomic programme. This lack of consensus on these issues and on the basic meaning of centralization and demythologization in the interpretation of the book calls into question whether or not centralization and demythologization as usually understood should be viewed as the central tenets of the theology of the book.

This suggests that perhaps the time has come to re-evaluate the theology of Deuteronomy, and to explore the possibility that what lies at the heart of the theology of Deuteronomy is not centralization and demythologization, but something else. The present study will attempt to articulate an alternative to the prevailing view of the theology of Deuteronomy, and will argue that at the core of Deuteronomy is a theology of the supremacy of Yahweh, expressed in the life of Israel through adherence to *Torah*. In this understanding, Deuteronomy *does* in fact represent a revolutionary programme, but not in the way that programme is usually understood. In its deliberate

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are found in Chapter 4 of the present work.

<sup>14</sup> See I. WILSON, *Out of the Midst of the Fire: Divine Presence in Deuteronomy*, SBLDS 151 (Atlanta: Scholars, 1995), and Chapter 3 of this thesis.

<sup>15</sup> E.g., N. 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*, SBTS 3, ed. D.L. CHRISTENSEN (Winona Lake: Eisenbrauns, 1993), 336-52. See also idem, "The Laws of Deuteronomy: A Utopian Project for a World Without Any Poor?" Lattey Lecture 1995 (Cambridge: St. Edmund's College, 1995) and "Das deuteronomische Gesetz in der Endgestalt: Entwurf einer Gesellschaft ohne marginale Gruppen," *Biblische Notizen* 51 (1990): 25-40.

<sup>16</sup> One of the most recent examples is B.M. LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997).

<sup>17</sup> Weinfeld, for example, sees the Deuteronomic reform as supporting the Judean monarchy, whereas Levinson sees the programme as opposing the monarchy. See WEINFELD, *Deuteronomic School*, 168-71, and LEVINSON, *Legal Innovation*, 138-43.



rejection of ANE models of kingship and institutional permanence, its emphasis on the holiness of all life lived out before Yahweh, and its elevation of the supremacy of Yahweh and his *Torah*, Deuteronomy reveals itself to be a truly revolutionary text, but in a much different way from understood by the prevailing consensus.

### I. Historical Background

It may be useful at this point to survey briefly the history of research on Deuteronomy, in an effort to discern the way in which the prevailing consensus, described above, emerged. An exhaustive study of the history of interpretation of Deuteronomy would be a full-length study in itself. Therefore, I will limit myself to a brief description in order to highlight those works that have been most influential on Deuteronomic studies.<sup>18</sup>

Modern study of Deuteronomy is associated with the work of de Wette, who, as noted above, argued that Deuteronomy was to be associated with the reform of Josiah. Although Jerome had speculated that the law book found in the temple was Deuteronomy,<sup>19</sup> de Wette is credited with the idea that Deuteronomy was not simply a blueprint for the Josianic reforms, but was, rather, a product of the period in which it was used. As noted above, de Wette based this conclusion on the fact that Deuteronomy 12 stands out from the rest of the Pentateuch in its demand for centralization. The rest of the Pentateuch, he argues, does not presuppose centralization, and it does not seem to value the idea. Hence, Deuteronomy 12 must have been written by a different author. He further argues from the style of presentation that Deuteronomy is the work of a different author from Genesis–Numbers (which he sees as a unity, as he also sees Deuteronomy); neither Genesis–Numbers nor Deuteronomy are to be seen as having been written by Moses.<sup>20</sup>

Modern study of Deuteronomy saw significant advance through the work of Julius Wellhausen, who argued for the existence of three sources in the Pentateuch, JE, D,

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<sup>18</sup> For a succinct description of the present state of research into Deuteronomy, see M.A. O'BRIEN, "The Book of Deuteronomy," *CRBS* 3 (1995): 95-128.

<sup>19</sup> Noted in M. WEINFELD, "Deuteronomy: The Present State of the Inquiry," *JBL* 86 (1967): 249. Reprinted in D.L. CHRISTENSEN, ed., *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, SBTS 3 (Winona Lake: Eisenbrauns, 1993), 21-35.

<sup>20</sup> See the helpful presentation of de Wette and his contribution to Deuteronomic studies in G.J. WENHAM, "The Structure and Date of Deuteronomy: A Consideration of Aspects of the History of Deuteronomy Criticism and a Re-Examination of the Question of Structure and Date in Light of that History and the Near Eastern Treaties" (PhD thesis, University of London, 1970), 16-43. See also ROGERSON, *de Wette*.

and P.<sup>21</sup> Wellhausen himself acknowledged that this idea was not unique to him.<sup>22</sup> However, he may be credited with popularizing the now famous “Documentary Hypothesis,” and articulating the significance of this view for the understanding of the history of Israel and the development of the literature of the Pentateuch. Furthermore, it was Wellhausen who saw centralization in Deuteronomy as being a key to understanding the nature of the reforms in support of which the book was composed.

For Wellhausen and those who followed him, Deuteronomy emerged as an important starting point for the study of the Old Testament. Wellhausen saw Deuteronomy as being a midpoint between JE and P. That is, JE was earlier than Deuteronomy, originating in the period of the monarchy but prior to the destruction of the northern kingdom by Assyria in the eighth century BC.<sup>23</sup> Deuteronomy was “composed in the same age as that in which it was discovered,” namely during the reign of Josiah.<sup>24</sup> P was written at a later time, and assumes many of the innovations presented in Deuteronomy.

Wellhausen further argued that the development of the religion in Israel can be traced through the source documents of the Pentateuch. He saw in the sources an evolution (or, more accurately for Wellhausen, a devolution) from a free, spontaneous, and natural religion to a more formalized, artificial expression of faith. This transition may be seen through a comparison of worship as presented in the sources. For example, Wellhausen argues that JE assumes that many altars will be built for the worship of Yahweh, based on Exod 20.24f.<sup>25</sup> Deuteronomy, however, changes this law and insists on one central sanctuary and de-legitimizes all other sanctuaries in chapter 12. This, again, firmly fixes the date of Deuteronomy in the 7<sup>th</sup> century BC and associates it with the reforms of Josiah, according to Wellhausen.<sup>26</sup> In P, however, the centralization of worship to the one “chosen place” is assumed and never argued.<sup>27</sup> Wellhausen concludes that this can only mean that the transformation of religion

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<sup>21</sup> J. WELLHAUSEN, *Prolegomena to the History of Israel* (Edinburgh: A&C Black, 1885; repr. Atlanta: Scholars, 1994). While Wellhausen does acknowledge that E once existed as an independent source, he notes that we know of it only as “extracts embodied in the Jehovist narrative” (Ibid., 8).

<sup>22</sup> Ibid., 4. Some of his conclusions were anticipated by Eduard Reuss and his student Karl H. Graf. However, neither of these scholars had published widely, as noted by R.E. CLEMENTS, “Wellhausen, Julius (1844-1918),” in *Historical Handbook of Major Biblical Interpreters*, ed. D.K. MCKIM (Downers Grove, Leicester: Intervarsity, 1998), 380-85.

<sup>23</sup> WELLHAUSEN, *Prolegomena*, 9.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., 29.

<sup>26</sup> Ibid., 33.

<sup>27</sup> Ibid., 34-35.

envisioned by Deuteronomy has become a reality by the time P was composed. Thus, the different sources, which represent different stages in the history of religion in Israel, each present a different view of the religion. Moreover, a progression from greater freedom to more restriction can be discerned. Using largely the same method, Wellhausen seeks to demonstrate this same tendency in his examination of sacrifice, sacred feasts, the priesthood and the relationship of Levites to it, firstlings, and Levitical cities.

The Documentary Hypothesis emerged as the dominant method in Pentateuchal criticism, and remained so until about 1970. There were, to be sure, modifications of the theory as posited by Wellhausen. But the development of the traditio-historical approach by the Alt school, which argued for the essential continuity between the events and their description in the Pentateuchal sources, as well as archaeological discoveries by the Albright school together helped secure the position of the documentary hypothesis in modern biblical interpretation.<sup>28</sup> Most notable is the fact that these newer approaches (exemplified by the Alt and Albright schools) sought to harmonize their findings with the traditional sources and dates postulated in the 19<sup>th</sup> century.<sup>29</sup>

While consensus emerged as to the composition of the Pentateuch as a whole, questions remained as to the composition of Deuteronomy in particular. Some followed earlier scholars (such as Steuernagel and Staerk) who sought to understand the growth of Deuteronomy in terms of sources, not unlike the approach to the Pentateuch as a whole. They based their conclusions on the presence of the *Numeruswechsel*, the change in form of address between second person singular and

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<sup>28</sup> For a discussion of the modern development of the Documentary Hypothesis, see G.J. WENHAM, "Pondering the Pentateuch: The Search for a New Paradigm," in *The Face of Old Testament Studies: A Survey of Contemporary Approaches*, ed. D.W. BAKER and B.T. ARNOLD (Leicester: Apollos; Grand Rapids: Baker, 1999), 116-44.

<sup>29</sup> Beginning in the 1970s, serious concerns began to be expressed about the Documentary Hypothesis. Some questioned the basic methodology of source analysis, particularly in light of ANE texts held to be unitary on other grounds but which nevertheless exhibit some of the same characteristics of the biblical texts. Others questioned the archaeological parallels that were thought to support the analysis of source critics. In the 1980s, the consensus began to break down further as some argued that the J source was in fact the latest source, and was actually post-exilic and post-Deuteronomic. One of the most significant critiques of the Documentary Hypothesis emerged in this time. R.N. Whybray, *The Making of the Pentateuch: A Methodological Study*, JSOTS 53 (Sheffield: JSOT, 1987), presents a powerful argument against the Documentary Hypothesis. Whybray sees the entire Pentateuch as a comprehensive work composed by a single author (*Pentateuch*, 232-33). As Wenham notes, "the academic community is looking for a fresh and convincing paradigm for the study of the Pentateuch, but so far none of the new proposals seems to have captured the scholarly imagination" (WENHAM, "Pondering the Pentateuch," 119).

plural.<sup>30</sup> The oldest version of Deuteronomy, it is argued, used the singular pronoun, while a later one used the plural. This analysis of literary strata was combined with analysis of the development of the legal section of Deuteronomy to develop a hypothesis as to the origin of the book. In this view, Deuteronomy is the product of a redaction of earlier sources. Recent proponents of this view include Minette de Tillesse and Veijola.<sup>31</sup>

This view has been challenged, however. Some, such as Lohfink, see the variation in number as a deliberate stylistic device used to capture the attention of the “listener.”<sup>32</sup> Moreover, Mayes has noted that number change cannot be relied upon as a criterion to identify underlying sources in at least some cases in Deuteronomy (such as 4.1-40) which are seen on other grounds as being a unity, despite the use of singular and plural address.<sup>33</sup> In addition, it has been noted that a similar phenomenon is found in extrabiblical texts such as the Hittite and Sefire treaties.<sup>34</sup>

More recently, the phenomenon of *Numeruswechsel* has been explained on rhetorical grounds as well.<sup>35</sup> Lenchak notes that

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<sup>30</sup> C. STEUERNAGEL, *Der Rahmen des Deuteronomiums: Literarcritische Untersuchungen über seine Zusammensetzung und Entstehung* (Halle a.S.: J. Krause, 1894) and W. STAERK, *Das Deuteronomium—Sein Inhalt und seine literarische Form: Eine kritische Studie* (Leipzig: Hinrichs, 1894). See the description and analysis of this approach in A.D.H. MAYES, *Deuteronomy*, NCB (Grand Rapids: Eerdmans; London: Marshall, Morgan & Scott, 1979), 34-38; D.L. CHRISTENSEN, “Deuteronomy in Modern Research: Approaches and Issues,” in *A Song of Power*, 3-5; and, more recently, C.T. BEGG, “1994: A Significant Anniversary in the History of Deuteronomy Research,” in *Studies in Deuteronomy: In Honour of C.J. Labuschagne on the Occasion of His 65<sup>th</sup> Birthday*, VTSup 53, ed. F. GARCÍA MARTÍNEZ, A. HILHORST, J.T.A.G.M. VAN RUITEN, and A.S. VAN DER WOUDE (Leiden: Brill, 1994), 1-11.

<sup>31</sup> G. MINETTE DE TILLESSE, “Sections ‘tu’ et sections ‘vous’ dans le Deutéronome,” *VT* 12 (1962): 29-87, and T. VEIJOLA, “Principal Observations on the Basic Story in Deuteronomy 1-3,” in *A Song of Power and the Power of Song*, 137-46. A very different perspective is advocated by D.L. CHRISTENSEN, *Deuteronomy 1:1-21:9*, 2<sup>nd</sup> ed. WBC 6a (Nashville: Thomas Nelson, 2001), ci, who sees the *Numeruswechsel* as “structural markers, particularly of boundaries between rhythmic units of the text, and sometimes the center, or turning point within specific structures.”

<sup>32</sup> N. LOHFINK, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5-11*, AnBib 20 (Rome: Pontifical Biblical Institute, 1963).

<sup>33</sup> MAYES, *Deuteronomy*, 36.

<sup>34</sup> K. BALTZER, *The Covenant Formulary In Old Testament, Jewish, and Early Christian Writings* (Philadelphia: Fortress, 1971), 33 n. 71, and MAYES, *Deuteronomy*, 35-36.

<sup>35</sup> Since Muilenburg’s programmatic essay (J. MUILENBURG, “Form Criticism and Beyond,” *JBL* 88 [1969]: 1-18), Old Testament rhetorical criticism has tended to emphasize style, and has been, in many ways, a form of literary criticism. In recent years, however, there has emerged an emphasis on the persuasive, as opposed to stylistic, aspects of rhetoric. It is in this latter sense that I use the word “rhetorical” here. For a helpful discussion of the two “schools” in OT rhetorical criticism, see D.M. HOWARD, JR., “Rhetorical Criticism in Old Testament Studies,” *Bulletin for Biblical Research* 4 (1994): 87-104. See also C.C. BLACK, JR., “Rhetorical Criticism and Biblical Interpretation,” *ExpTim* 100 (1988-89): 252-58 and W. WUELLNER, “Where is Rhetorical Criticism Taking Us?” *CBQ* 49 (1987): 448-63. For a detailed discussion of contemporary rhetorical criticism, see K. MÖLLER, *A Prophet in Debate: The Rhetoric of Persuasion in the Book of Amos*, JSOTS 372 (Sheffield: SAP, 2003), 2-46.

[e]very change of number is an assault on the listener. The singular is considered to have been the standard form by which the cult community was addressed: Israel was viewed as one person before Yahweh in worship. In the plural then the community is no longer addressed as an entity but as a collection of individuals. Thus in the plural form the individual Israelite is emphasized and the approach is more personal.<sup>36</sup>

So rather than being understood as a mark of different sources, number change may be a deliberate attempt on the part of the author to persuade his audience. More than being a matter of style, the change in address is part of the author's attempt to convince his audience that all Israel—as individuals and as a collective—must live lives that are radically devoted to Yahweh.<sup>37</sup>

It was Martin Noth who made the most significant contribution to Deuteronomy studies since Wellhausen. In his landmark work *Überlieferungsgeschichtliche Studien*,<sup>38</sup> Noth argued that Deuteronomy was best seen not as a work of the so-called Hexateuch, but rather as the first part of a Deuteronomistic History (DtH), which consists of the books Deuteronomy–Kings. This work, he argued, is the product of an author, not an editor, who “brought together material from highly varied traditions and arranged it according to a carefully conceived plan.”<sup>39</sup> According to Noth, the book of Deuteronomy was compiled in such a way as to serve as the introduction to the larger work. Thus, chapters 1-3 of Deuteronomy are seen not simply as an introduction to the book of Deuteronomy, but primarily as an introduction to DtH.<sup>40</sup> This introduction was placed into an older version of the Deuteronomic law that is essentially the same as that found in Deut 4.44-30.20.<sup>41</sup> Noth further postulated a purpose for this entire composition: to explain the fall of Jerusalem in 586 BC as being a result of failure to keep the covenant. As the introduction to DtH, Deuteronomy helps explain the nature and terms of that covenant.

Noth's approach was a significant departure from that of his predecessors. Since Wellhausen and prior to Noth, study of Deuteronomy was focused largely on identifying the various sources thought to lie behind the final form of the text. In

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<sup>36</sup> T.A. LENCHAK, “Choose Life!”: *A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20*, AnBib 129 (Rome: Pontifical Biblical Institute, 1993), 13.

<sup>37</sup> Ibid., 16.

<sup>38</sup> 2<sup>nd</sup> Edition (Tübingen: Niemeyer, 1957). References here are to the ET of the first 110 pages, which appears in M. NOTH, *The Deuteronomistic History*, 2<sup>nd</sup> ed., JSOTS 15 (Sheffield: JSOT Press, 1991). The remainder of the work appears in ET in idem, *The Chronicler's History*, JSOTS 50 (Sheffield: JSOT Press, 1987).

<sup>39</sup> NOTH, *Deuteronomistic History*, 26.

<sup>40</sup> Ibid., 27-33.

<sup>41</sup> Ibid., 31.

particular, effort was made to identify the earliest form of Deuteronomy (sometimes called UrDt) and to identify other sources that were combined with it in order to form the present version of the text. Noth, however, argued for a basic UrDt that was modified by a single author whose purpose, as noted above, was to explain the fall of Jerusalem and the catastrophe of the exile. Noth's analysis, then, consisted to a great degree of identifying that which was Deuteronomistic and that which was earlier.

In many respects, Noth's approach was adopted by subsequent critics. Some have suggested that there were in fact two (or more) versions of DtH which have been woven together in the final form of the text. F.M. Cross, for example, argues for two versions of DtH. The first, Dtr<sup>1</sup> was composed in the time of Josiah and in support of Josianic reforms. It is marked by an emphasis on the themes of judgement and hope. The second version, Dtr<sup>2</sup>, was composed during the exile, about 550 BC. It is seen as being far less hopeful in its outlook than Dtr<sup>1</sup>. Cross notes, however, that he follows Noth in seeing the author of Dtr<sup>1</sup> as a truly creative author, and does not challenge the general implications of Noth's theory for the book of Deuteronomy.<sup>42</sup>

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<sup>42</sup> F.M. CROSS, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge, MA: HUP, 1973), 274-89. See also A.D.H. Mayes, *The Story of Israel Between Settlement and Exile: A Redactional Study of the Deuteronomistic History* (London: SCM, 1983). A more recent work by N. LOHFINK, "The Cult Reform of Josiah of Judah: 2 Kings 22-23 as a Source for the History of Israelite Religion," in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. P.D. MILLER, JR., P.D. HANSON, and S.D. MCBRIDE (Philadelphia: Fortress, 1987), 459-75, comes to similar conclusions, seeing a Josianic Dtr<sup>1</sup> and an exilic Dtr<sup>2</sup>.

Subsequent scholars have modified Cross's views substantially. R.D. NELSON, *The Double Redaction of the Deuteronomistic History*, JSOTS 18 (Sheffield: JSOT Press, 1981), argues for two redactions of DtH, but articulated different redactional methods between Dtr<sup>1</sup> and Dtr<sup>2</sup>. G.N. KNOPPERS, *Two Nations Under God: The Deuteronomistic History of Solomon and the Dual Monarchies*, HSM 52 (Atlanta: Scholars, 1993), sees two redactions, but sees the Josianic Dtr<sup>1</sup> as having incorporated some pre-exilic traditions that were critical of the monarchy.

Other critics moved in the direction of seeing even more redactions. This approach was first advocated in R. SMEND, "Das Gesetz und die Völker: Ein Beitrag zur deuteronomischen Redaktionsgeschichte," in *Probleme biblischer Theologie*, ed. H.W. WOLFF (Munich: Kaiser, 1971). Smend argued for an initial redaction, DtrG, that was roughly equivalent to Noth's Dtr. Interest in legal matters in certain texts in Joshua and Judges (Josh 1.7-9; 13.1bB-6; 23 and Judg 1.1-2.9; 17; 20-21; 23) were the result of a second redaction, DtrN (nomistic). Smend's approach was later modified by W. DIETRICH, *Prophezie und Geschichte*, FRLANT 108 (Göttingen: Vandenhoeck & Ruprecht, 1972), who saw an additional, intermediate redaction (DtrP) associated with prophetic interests. More recent proponents of this view include R. KLEIN, *1 Samuel*, WBC 10 (Waco: Word, 1983). This view has been criticized based on the fact that the possibility of a pre-exilic edition is largely ignored, as well as the fact that the putative sources are not clearly differentiated from one another.

Finally, there is the perspective of a single, late Deuteronomist, advanced by J. VAN SETERS, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven: YUP, 1983). Van Seters follows Noth in seeing DtH as being the product of a creative author, but maintains that the exilic author was the original author, and was not editing earlier material (though sometimes the editor used preformed traditions). In Van Seters' view, those instances in which earlier critics saw different literary strata are the result of the writing of Dtr. As a result, Van Seters sees great unity in DtH, as it is the product of a single, creative author writing at a single time. This view has been criticized for its insistence on the priority of DtH over the Pentateuch, which stems, at least in part, from

The significance of Noth's approach for the study of Deuteronomy is that he brought the idea that different voices could be heard in Deuteronomy into general acceptance.<sup>43</sup> In addition, Noth postulated that the exilic redactor of Deuteronomy and DtH had a purpose in view (viz. to explain the exile in terms of failure to keep the terms of the covenant). This, too, became a criterion for identifying layers in the hands of subsequent critics. That is, perceived changes in perspective or purpose were used to separate out layers of the text. Each perceived layer of the text was consequently seen to represent a particular ideology. As O'Brien notes, "since Noth, the trend has been to concentrate on separating the deuteronomistic (dtr) redaction from the earlier material."<sup>44</sup>

While Noth thought primarily in terms of two sources in the present form of Deuteronomy (UrDt and Dtr), subsequent scholars such as Cross, Smend, and Dietrich<sup>45</sup> began to discover many more such layers in Deuteronomy and DtH. In principle, the number of layers could be unlimited. It appears, however, that efforts to identify pre-Deuteronomic, Deuteronomic, and Deuteronomistic layers in Deuteronomy (and DtH) are at an impasse.<sup>46</sup> Despite broad agreement as to the fact of later redaction of an UrDt, conclusions about the identification and number of literary strata are diverse and, at times, contradictory.<sup>47</sup> To cite just one example, Cross

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an assumption that any text demonstrating any literary or theological sophistication must necessarily be late. For helpful overviews of these various positions, see S.L. MCKENZIE, "Deuteronomistic History," *ABD*, J.G. MCCONVILLE, "The Old Testament Historical Books in Modern Scholarship," *Themelios* 22, 3 (1997): 3-13, and T. RÖMER, "The Book of Deuteronomy," in *The History of Israel's Traditions: The Heritage of Martin Noth*, JSOTS 182, ed. S.L. MCKENZIE and M.P. GRAHAM (Sheffield: SAP, 1994), 178-212. A more extensive treatment of the issues is found in M.A. O'BRIEN, *The Deuteronomistic History Hypothesis: A Reassessment*, OBO 92 (Freiburg, Schweiz: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1989), and A.F. CAMPBELL and M.A. O'BRIEN, *Unfolding the Deuteronomistic History: Origins, Upgrades, Present Text* (Minneapolis: Fortress, 2000).

<sup>43</sup> J.G. MCCONVILLE, *Grace in the End: A Study in Deuteronomic Theology*, SOTBT (Grand Rapids: Zondervan, 1993), 34.

<sup>44</sup> O'BRIEN, "Deuteronomy," 97.

<sup>45</sup> See n. 42, above.

<sup>46</sup> See, e.g., C. CONROY, "Reflections on the Exegetical Task: Apropos of Recent Studies on 2 Kings 22-23," in *Pentateuchal and Deuteronomistic Studies: Papers Read at the XIIIth IOSOT Congress, Leuven 1989*, BETL, ed. C. BREKELMANS and J. LUST (Leuven: LUP, 1990), 256-57. H. SEEBASS, "Vorschlag zur Vereinfachung literarischer Analysen im dtn Gesetz," *BN* 58 (1991): 83-98, maintains that literary-critical analysis of the Deuteronomic law code has become too complex due to multiplication of the criteria. He identifies three criteria for the identification of literary strata in the Deuteronomic code: (1) a contradiction or the presence of a doublet; (2) marked differences in style; and (3) the juridical sense of a passage.

<sup>47</sup> The fact of a later redaction of DtH has also been called into question recently. A.G. AULD, "The Deuteronomists and the Former Prophets, or What Makes the Former Prophets Deuteronomistic," in *Those Elusive Deuteronomists: The Phenomenon of Pan-Deuteronomism*, JSOTS 268, ed. L.S. SCHEARING and S.L. MCKENZIE (Sheffield: SAP, 1999), 116-26, argues that the influence should be seen as going in the opposite direction, i.e., that Kings has influenced Deuteronomy.

maintained that 1 Kg 2.4; 8.25b; 9.4-5 should be assigned to Dtr<sup>2</sup>, since they make the promise to David conditional.<sup>48</sup> Others, however, maintain that these same passages should be assigned to Dtr<sup>1</sup> instead.<sup>49</sup> Similar disagreement may be seen when considering the ideology underlying the redactions. Consequently, some have sought to move in a different direction, with positive results.<sup>50</sup>

Beginning with the important work of Polzin, synchronic readings of Deuteronomy have become more common.<sup>51</sup> According to Polzin, Deuteronomy shows a careful and deliberate interplay between the voice of Moses and that of the narrator of the book, such that the “separate voices of Moses and the narrator gradually fuse as the book progresses toward its conclusion.”<sup>52</sup> Apparent contradictions, so often used to identify disparate sources or layers in the book, are, in Polzin’s view, the result of a deliberate effort to preserve a “plurality of viewpoints, all working together to achieve a truly multidimensional effect.”<sup>53</sup> Polzin’s work was significant in that it presented a plausible synchronic reading of the text.<sup>54</sup>

Since Polzin, there has been an increasing tendency to read Deuteronomy as an organized whole, as more and more scholars are recognizing the subtleties of argument and the skill of the author(s) or editor(s) of the book. Lohfink has posited that the book can in fact be read as a whole, in which the various parts are seen to be interconnected and support a coherent argument.<sup>55</sup> Also, Olson’s work presents a theological reading of the book that seeks to take seriously the development of thought

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<sup>48</sup> CROSS, *Canaanite Myth*, 287.

<sup>49</sup> Cf. R.E. FRIEDMAN, *The Exile and Biblical Narrative*, HSM 22 (Chico: Scholars, 1981), 12-13 and NELSON, *Double Redaction*, 118.

<sup>50</sup> According to O’BRIEN, “Deuteronomy,” 101, “interest in tracing the contours of dtr and pre-dtr layers throughout Deuteronomy seems to be waning.”

<sup>51</sup> R. POLZIN, *Moses and the Deuteronomist: A Literary Study of the Deuteronomistic History, Part One: Deuteronomy, Joshua, Judges* (Bloomington: IUP, 1980) and *idem*, “Deuteronomy,” in *The Literary Guide to the Bible*, ed. R. ALTER and F. KERMODE (Cambridge, MA: HUP, 1987), 92-101.

<sup>52</sup> POLZIN, “Deuteronomy,” 92.

<sup>53</sup> *Ibid.*, 93.

<sup>54</sup> Polzin notes, however, that such a synchronic reading cannot ignore diachronic considerations, and he maintains that the two approaches are complementary to one another. See POLZIN, *Moses*, 2-5.

<sup>55</sup> N. LOHFINK, “Zur Fabel des Deuteronomiums,” in *Bundesdokument und Gesetz: Studien zum Deuteronomium*, HBS 4, ed. G. BRAULIK (Freiburg: Herder, 1995), 65-78. His understanding of how particular texts relate to the *Fabel* of the book may be found in *idem*, “Zur Fabel in Dtn 31-32,” in *Konsequente Traditionsgeschichte: FS für Klaus Baltzer zum 65. Geburtstag*, OBO 126, ed. R. BARTELMUS, et al. (Freiburg, Schweiz: Universitäts-Verlag; Göttingen: Vandenhoeck und Ruprecht, 1993), 255-79; *idem*, “Moab oder Sichem – wo wurde Dtn 28 nach der Fabel des Deuteronomium proklamiert?” in *Studies in Deuteronomy: In Honour of C.J. Labuschagne on the Occasion of His 65<sup>th</sup> Birthday*, ed. F. GARCÍA MARTÍNEZ, et al. (Leiden: Brill, 1994), 139-53.



from beginning to end.<sup>56</sup> In addition, recent works by Millar, Barker, and Wright<sup>57</sup> stress the unity of thought of the book, which suggests that a synchronic reading of the text as a whole may be a fruitful avenue to pursue.

## II. The Aim and Method of the Present Work

As noted above, it is my contention that the prevailing consensus regarding the nature of the Deuteronomic programme and, therefore, the understanding of the theology of the book, has not adequately accounted for the data of the text. One of my primary aims is to demonstrate the reasons why the prevailing consensus on Deuteronomy fails to account adequately for the textual data. In so doing, I will be analyzing in Chapter One some of the primary arguments adduced in favour of centralization, secularization, and demythologization as presented by major interpreters of Deuteronomy.

The second objective is to present a viable alternative to the prevailing view that will, hopefully, better account for the data of the text. This will be based primarily on a synchronic reading of the text, though I will necessarily engage with the views of those who adopt a diachronic approach throughout my argument. As an exhaustive exegesis of the entire book is clearly beyond the scope of this thesis, I will in Chapters Two through Five concentrate primarily on those texts that have most often been interpreted as demonstrating the Deuteronomic revolution as commonly understood, in an effort to show how they perhaps may be differently interpreted. In the final chapter I will discuss the implications of this interpretation of the texts for the theology and ideology of the book as a whole.

## III. Ideology and Structure in Deuteronomy

As a foundation and background to the discussion about the theology of Deuteronomy, it is necessary to examine the structure of the book. Understanding the structure of the book is vital to understanding the message of the book itself. Similarly, understanding the structure of the book helps in the identification of the ideology of the book.

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<sup>56</sup> OLSON, *Deuteronomy and the Death of Moses: A Theological Reading*, OBT (Minneapolis: Fortress, 1994).

<sup>57</sup> J.G. MILLAR, *Now Choose Life: Theology and Ethics in Deuteronomy*, NSBT 6 (Leicester: Apollos, 1998); P. BARKER, *Deuteronomy: The God Who Keeps Promises* (Melbourne: Acorn, 1998); C.J.H. WRIGHT, *Deuteronomy*, NIBC 4 (Peabody, MA: Hendrickson; Carlisle: Paternoster, 1996).

## A. THE MEANING OF IDEOLOGY

It is important at the outset to clarify just what is meant by “ideology” here. This is, in reality, no simple task, for as Barr notes, “the entry of the concept of ideology into biblical scholarship cannot be said to have been a happy event. That there is such a thing as ideology and that the term may well be useful for biblical exegesis may be freely granted. But the way in which it has actually worked, so far at least, has been little short of chaotic.”<sup>58</sup> Imposing order on the chaos is beyond the scope of this work, but I will seek to explain how I am using the term and describe how that usage relates to the contemporary scene.<sup>59</sup>

An early attempt at understanding the role of ideology in the Old Testament was that of Miller.<sup>60</sup> Miller defined ideology as “a description of the way things are in a society, the values, ideas, and conceptions of a society which cause it to do or act as it does.”<sup>61</sup> He goes on, however, to draw a contrast between faith and ideology, arguing that faith is “those impulses which force Israel’s theology out beyond the limits of its own self-interest.”<sup>62</sup> In Miller’s view, then, the ideology of a particular group of people (as reflected in a text) cannot include any sense of self-sacrifice. Rather, it is inherently self-interested, such that Miller identifies faith by drawing a contrast with ideology on the basis of three criteria:

- 1) The presence of self-criticism.
- 2) A positive sense of relationship between Israel and the world, such that the interests of Israel are not seen as paramount in defining its goals, and such that concern for the nations is part of the understanding of Israel’s place in the world.

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<sup>58</sup> J. BARR, *History and Ideology in the Old Testament: Biblical Studies at the End of a Millennium* (Oxford: OUP, 2000), 139.

<sup>59</sup> Barr further notes that if the term “ideology” is used, “it should be properly analysed and clearly explained, and the advantages expected from it should also be explained” (ibid., 140). The following will attempt to do what Barr advocates.

There is, of course, a tremendous amount of literature available on ideology. Some important works on this subject include: T. EAGLETON, *Ideology* (London: Verso, 1991); J. PLAMENATZ, *Ideology* (New York: Praeger, 1974); P. RICOEUR, *Lectures on Ideology and Utopia* (New York: Columbia University Press, 1986). Classic works that form the basis for more recent discussion are K. MARX and F. ENGELS, *The German Ideology* (London: Lawrence & Wishart, 1938), ET of *Die Deutsche Ideologie*, 1846; K. MANNHEIM, *Ideology and Utopia* (London: Routledge, 1936).

<sup>60</sup> P.D. MILLER, JR., “Faith and Ideology in the Old Testament,” in *Magnalia Dei The Mighty Acts of God: Essays on the Bible and Archaeology in Memory of G. Ernest Wright*, ed. F.M. CROSS, W. LEMKE, and P.D. MILLER, JR. (New York: Doubleday, 1976), 464-79.

<sup>61</sup> Ibid., 465.

<sup>62</sup> Ibid., 467.

- 3) The moral demand for justice and righteousness as the central characteristics of conduct.<sup>63</sup>

In Miller's view, faith is marked by the presence of these three criteria, and ideology by their absence. The problem, in my estimation, is that this strict differentiation between faith and ideology is rather artificial.<sup>64</sup> It seems possible that concern for others could easily be a part of the values or beliefs of a society, which cause it to act as it does. Moreover, the religious beliefs and the practices which express those beliefs are undoubtedly important in shaping the values which are reflected in their ideology. Thus, it is not helpful to define ideology in such a way as to contrast it with the faith of the society.

A second problem lies in the fact that Miller's association of ideology with self-interest suggests a materialist understanding of ideology. But the materialist view has been criticized rightly for being reductionist. It is too simple to say that one's material conditions "cause" one to think or act in a particular way, not least because to make such a claim is to deny the importance of the "subjective, conscious, human activity in the creation of those material conditions which are reckoned to cause human thinking."<sup>65</sup>

Ideology has also been seen as "symbolic representation through which reality is experienced and brought to expression."<sup>66</sup> This view, associated with Ricoeur, sees ideology as serving to integrate a community by providing a common set of symbols, then legitimating a ruling authority, and, finally, ideology distorts by obscuring the processes of life. Religious ideology distorts by disguising self-interest in the form of a divine mandate.<sup>67</sup>

While Ricoeur, Geertz, and Gottwald see ideology functioning in principle to integrate a community, it appears that its true effect is conflict and distortion. Thus Ricoeur asks whether "we are allowed to speak of ideologies outside the situation of

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<sup>63</sup> Ibid., 467-68.

<sup>64</sup> Miller does acknowledge that "the line between faith and ideology is never drawn completely," but sees in the later period of Israel's history a greater tendency toward differentiation between the two. See *ibid.*, 467.

<sup>65</sup> A.D.H. MAYES, "Deuteronomistic Ideology and the Theology of the Old Testament," *JSOT* 82 (1999): 60. Cf. I. ROBERTSON, "Ideology," in *Encyclopedia of Anthropology*, ed. D.E. HUNTER and P. WHITTEN (New York: Harper & Row, 1976), 214, who maintains that many social scientists "believe that the relationship between belief systems and their material base may be more complicated and subtle than Marx envisaged."

<sup>66</sup> MAYES, "Deuteronomistic Ideology," 61.

<sup>67</sup> *Ibid.*, 62-63. A similar view is advocated by C. GEERTZ, *The Interpretation of Cultures* (New York: Basic Books, 1973) and N. GOTTWALD, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel 1250-1050 B.C.E.* (London: SCM, 1980).

distortion and so with reference only to the basic function of integration....” and goes on to argue that conflict between ideologies is necessary for there to be ideology at all.<sup>68</sup> This view is taken up and adapted somewhat by Clines, who sees ideology as expressing the self-interest of one group at the expense of another group. Texts, in this view, are ideological statements that are in the interest of a powerful group in society (since societies are not homogeneous), and either hint at or repress some type of social conflict.<sup>69</sup>

It is debatable, however, whether this model of conflict and distortion is really the best understanding of ideology, and, more importantly, how texts should be interpreted. For example, Clines cites the Ten Commandments as a text that reflects self-interest on the part of Israelite elites, and somehow represents (either by repressing or highlighting) social conflict.<sup>70</sup> But this supposes, as Barr notes,<sup>71</sup> that there was a faction or group in Israel that was opposed to the ideology represented in this text. Yet it is hard to imagine factions that were in favour of adultery, stealing, disrespect toward parents, etc. Rather, it is in *everyone's* interest (not just the elites') that adultery and murder be condemned. It seems, then, that consensus, not conflict, lies at the heart of a text such as the Decalogue.<sup>72</sup>

One view of ideology that stresses this aspect of consensus is that of Lemche. He defines ideology as “that set of opinions which dominated Israelite society and which made up the ‘system’ of values with which the Israelite actions corresponded.”<sup>73</sup> This view of ideology is attractive in that it recognizes that ideology may represent a consensus in society. That is not to suggest that there were no differences among the various groups in Israelite society, but it does imply that there was some prevailing or commonly held view. Secondly, Lemche notes that ideology includes opinions (or beliefs), and that these beliefs were part of the framework of values that undergirded

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<sup>68</sup> RICOEUR, *Lectures*, 259.

<sup>69</sup> D.J.A. CLINES, “Biblical Interpretation in an International Perspective,” *BI* 1, 1 (1993): 84-86. A more succinct definition of ideology is presented in J.B. THOMPSON, *Ideology and Modern Culture: Critical Social Theory in the Era of Mass Communication* (Palo Alto: Stanford University Press, 1990), 7, who says that ideology is “meaning in the service of power.”

<sup>70</sup> CLINES, “Biblical Interpretation,” 85.

<sup>71</sup> BARR, *History and Ideology*, 134-35.

<sup>72</sup> The fact that some texts reflect consensus rather than conflict suggests that caution should be exercised when drawing conclusions regarding the ideology represented by the text. Texts may represent the prevailing attitudes of the community as a whole, or they may reflect a minority or dissenting viewpoint of a sub-culture of the community. It is not necessary to conclude, however, that conflict and repression are at the centre of the expression of ideology.

<sup>73</sup> N.P. LEMCHE, *Ancient Israel: A New History of Israelite Society*, The Biblical Seminar (Sheffield: JSOT Press, 1988), 34, n.1.

life in Israel. He goes on to note that “*ideology, religion, and theology* are to a large extent synonyms.”<sup>74</sup> This represents an advance on Miller’s view in that it makes it possible for altruism and religious beliefs to be an integral part of the ideology of a people, and not something antithetical to it.

Although Lemche warns against it,<sup>75</sup> there is a danger in equating ideology with theology. It is possible that in so conceiving ideology one will tend to think of theology *as opposed to* “practical” and secular issues. But this distinction between sacred and secular is a distinctly modern phenomenon. No such distinction was known in the ancient world; rather, the pervasive reality of God or the gods was accepted as a matter of course, and this belief had an impact on other aspects of life as well.

It seems to me, then, that a preferable definition of ideology would be one that sees it as synonymous not with theology, but rather with *worldview*. In this view, ideology represents the system of beliefs (including religious ones), attitudes, values, and assumptions of a community, or a part of a community.<sup>76</sup> As Wright notes, worldviews deal with the “ultimate concerns of human beings.”<sup>77</sup> They address several basic issues, including questions of identity (Who are we as a community? What are our basic needs? What is the solution to our problems?) as well as practice (Given who we are, how are we to live? How do we put into practice the solutions to our problems?).<sup>78</sup> Ideology, then, is more than theoretical, but has tremendous practical implications as well.

## B. IDEOLOGY AND TEXT

Before examining the structure of Deuteronomy and the ways in which the structure of the book may shed light on its underlying ideology, it is necessary briefly to consider

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<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Cf. K.J. VANHOOZER, *Is There A Meaning in this Text? The Bible, The Reader and the Morality of Literary Knowledge* (Leicester: Apollos; Grand Rapids: Zondervan, 1998), 175. This is similar to (although less cumbersome than) the definition of ideology provided by G. DUBY, “Ideologies in Social History,” in *Constructing the Past: Essays in Historical Methodology*, ed. J. LE GOFF and P. NORA (Cambridge: CUP, 1974), 152, cited in M. Z. BRETTLER, *The Creation of History in Ancient Israel* (London: Routledge, 1995), 13. See also M. STERNBERG, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (Bloomington: IUP, 1985), 37.

It should be clear that this understanding of ideology is not a negative one. Although a negative connotation is often intended by those using the word, no such connotation is intended here.

<sup>77</sup> N.T. WRIGHT, *Christian Origins and the Question of God*, vol. 1, *The New Testament and the People of God* (London: SPCK, 1992), 122.

<sup>78</sup> Ibid., 123-24.

how texts reflect ideology. As noted above, ideology may be thought of as synonymous with worldview. It is to be expected, then, that texts will reflect the worldview or ideology of the community or culture (or sub-culture) in which the text was produced. Indeed, all human writing may be thought of as the expression of worldviews, and often includes the attempt to persuade others to accept the articulated worldview.<sup>79</sup>

Furthermore, a text is the product of an author's intention to communicate something to an audience; it is "*social discourse*."<sup>80</sup> There is, in addition, a persuasive element to that communication, as the author seeks to convince the audience of the truth of his or her perspective.<sup>81</sup> The content and form of that communication is largely influenced by the ideology or worldview of the author and audience.<sup>82</sup>

Interpreting texts, then, involves identifying what the author intended to communicate to his or her audience. But because texts are reflections of ideology or worldview, it is necessary to consider that worldview when interpreting the text. This means, first, being aware of the cultural context in which the text was written. But it also means taking into consideration the rhetorical purpose for which a text was written. Clines notes that the phrase "'Bus stop' will mean one thing when attached to a pole at the side of the road, another thing when shouted by an anxious parent to a child about to dash out into that road."<sup>83</sup> While Clines argues that this demonstrates the indeterminacy of textual meaning, it seems to me that considering the purpose for which the words were written (or spoken) grounds the meaning. While the *words* "bus stop" are indeed indeterminate (i.e., they are capable of a variety of interpretations), they become grounded by the context in which they are uttered. It is inconceivable that those words affixed to a pole would be interpreted as being meant to warn of impending danger to a child running toward the road, just as the context clearly

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<sup>79</sup> See WRIGHT, *New Testament*, 65 and STERNBERG, *Poetics*, 37. The persuasive element need not be explicit to function as "rhetorical." Even when writing texts that seek to inform, authors want the reader to accept the information as true and valid.

<sup>80</sup> WUELLNER, "Rhetorical Criticism," 462.

<sup>81</sup> On the different types of persuasive speech, see C. PERELMAN and L. OLBRECHTS-TYTECA, *The New Rhetoric: A Treatise on Argumentation*, trans. J. WILKINSON and P. WEAVER (Notre Dame: University of Notre Dame Press, 1969), 21-51; E.P.J. CORBETT and R.J. CONNORS, *Classical Rhetoric for the Modern Student*, 4<sup>th</sup> ed. (Oxford: OUP, 1999), 15-24; G.A. KENNEDY, *New Testament Interpretation Through Rhetorical Criticism* (Chapel Hill: University of North Carolina Press, 1984), 19-23.

<sup>82</sup> It should be noted that this presumes, to some degree, correspondence between the worldview of the author and his or her audience. That is, an author assumes that the conventions, imagery, and allusions of their text will be understood by the audience reading it.

<sup>83</sup> CLINES, "Biblical Interpretation," 78.

establishes that a parent shouting those words at a running child is not intending to inform the child that that is the place at which he or she may board a bus. Proper interpretation demands an awareness of the rhetorical purpose (to inform, to warn, etc.) for the utterance.

Finally, understanding the rhetorical purpose and the intended meaning of the utterance helps us to understand the ideology or worldview represented by the text. Since texts reflect the worldview of the author, a careful analysis of the text, paying attention to rhetorical purpose and context, will provide clues as to the major values, beliefs, and interests of the author.<sup>84</sup>

### C. THE STRUCTURE OF DEUTERONOMY

We can turn our attention now to the issue of the structure of Deuteronomy, and what the structure of the book may suggest about the ideology represented in it.

There have been many varied attempts to describe the structure of Deuteronomy. The various approaches undoubtedly stem from the book itself, which Wright aptly notes is “so rich in content and texture that, like a rich fruitcake, it can be sliced in various ways.”<sup>85</sup> The question that I want to consider is what meaning is suggested by the various proposals for the structure of the book? This is a question that has not usually been considered. Attention has often been given to the structure of the Deuteronomic law,<sup>86</sup> but less attention has been paid to the interpretative implications of the structure of the book as a whole.<sup>87</sup>

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<sup>84</sup> What I am suggesting is similar in some respects to the methodology of ideological criticism. There are, however, crucial differences. Ideological criticism as usually construed presupposes a materialistic conception of ideology, and seeks, therefore, to focus on those aspects of the text which reveal a struggle for power in the community in which the text was written. The effect of this approach is largely to eliminate consideration of the communicative intention for which the text was written in favour of analyzing something that lies behind the text. Others have also extended ideological criticism to include an evaluation of the ideology of the reader, which, again, has the effect of focusing attention on something other than the communicative intention for which the text was written. My interest is in the message intended to be communicated through the conventions (grammatical, rhetorical, literary, etc.) of the text, a message I take to be ideological as defined above. On ideological criticism, see G.A. YEE, “Ideological Criticism,” in *Dictionary of Biblical Interpretation*, vol. 1, ed. J.H. HAYES (Nashville: Abingdon, 1999), 534-37, and R.P. CARROLL, “An Infinity of Traces: On Making an Inventory of Our Ideological Holdings. An Introduction to *Ideologiekritik* in Biblical Studies,” *JNSL* 21 (1995): 25-43.

<sup>85</sup> WRIGHT, *Deuteronomy*, 1.

<sup>86</sup> See, e.g., S.A. KAUFMAN, “The Structure of the Deuteronomic Law,” *Maarav* 1-2 (1978-79): 105-58; J.H. WALTON, “Deuteronomy: An Exposition of the Spirit of the Law,” *Grace Theological Journal* 8, 2 (1987), 213-25. Walton here counters Kaufman, who saw the correlation to the Decalogue simply as a literary device. G. BRAULIK, “Die Abfolge der Gesetze in Deuteronomium 12-26 und der Dekalog,” in *Das Deuteronomium: Entstehung, Gestalt und Botschaft*, ed. N. LOHFINK (Leuven: Leuven University Press, 1985), 252-72, argues that the legal section represents an authoritative interpretation of the Decalogue.

<sup>87</sup> One important exception to this is OLSON, *Death of Moses*. Olson maintains that the structure of the

### *Superscriptions*

One of the simplest and most natural ways of understanding Deuteronomy is as a record or collection of the speeches of Moses. Thus, the structure of the book would be identified with the markers used to introduce these speeches. These include the phrases אֱלֹהֵי הַדְּבָרִים (1.1), וְזֹאת הַתּוֹרָה (4.44), וְזֹאת הַמִּצְוָה הַחֲקִים וְהַמְשַׁפְּטִים (6.1), אֱלֹהֵי דְבָרֵי הַבְּרִית (28.69), and וְזֹאת הַבְּרָכָה (33.1). So, a typical proposal for the structure of the book based on the superscriptions is:

- 1.1-4.43        A historical review followed by exhortation
- 4.44-28.68    Exhortation to covenant loyalty followed by the law, covenant renewal, blessings, and curses
- 29.1-30.20    Summary and concluding challenge<sup>88</sup>

According to this view, the remainder of the book functions as a sort of epilogue.

The strength of this view is that it is simple and straightforward. It allows the text to determine the structure, rather than any external factors. On the other hand, it does not take into account changes in content, which may also be indicators of structure. For example, this understanding of structure does not recognize a major structural break at chapter 12, despite the fact that there is a clear transition in terms of content. In my estimation, structure should be identified on the basis of form and content, not simply in terms of one or the other. Moreover, this understanding of structure relegates the final chapters of the book to the status of an appendix or epilogue. While they may, of course, actually be that, it seems to me to be necessary to assess their place in the book in terms of content as well as form.

In terms of the significance of the structure for the meaning of the book, this understanding of structure clearly stresses the authority and pivotal role of Moses. Emphasis is on the fact that the words proclaimed are not just any words, but those spoken by Moses, who enjoyed a unique relationship with Yahweh (Deut 34.10-12). Each of the introductory phrases cited above is associated in important ways with Moses. In some instances, Moses is credited by the narrator with saying what follows

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book helps elucidate its meaning.

<sup>88</sup> WRIGHT, *Deuteronomy*, 2. Similarly, OLSON, *Death of Moses*, 15, sees the structure as based on the superscriptions, although he sees another superscription at 33.1, which Wright does not acknowledge. Other works that see the structure in terms of superscriptions are P. D. MILLER, *Deuteronomy*, Interp (Louisville: John Knox, 1990), 10-15; I. CAIRNS, *Word and Presence: A Commentary on the Book of Deuteronomy*, ITC (Grand Rapids: Eerdmans; Edinburgh: Handsel, 1992), 2-4; TIGAY, *Deuteronomy*, xii; S.K. SHERWOOD, *Leviticus, Numbers, Deuteronomy*, BO (Collegeville: Liturgical, 2002), 220. In most cases, additional subheadings are identified.



(Deut 1.1; 4.44; 33.1). In another, Deut 6.1, Moses in the first person identifies what follows as the words Yahweh commanded him to teach, but Moses is nevertheless highlighted as the bearer of the words of Yahweh. Finally, in Deut 28.69, it is the narrator who identifies Moses as the one who brings Yahweh's word to the people.

This understanding of the structure of the book clearly emphasizes the role of Moses. But it is important to note that it is primarily Moses as teacher of *Torah* that is emphasized in Deuteronomy. While Moses is recognized as leader of the people in the recollection of the post-Horeb experiences (Deut 1.6-3.29), there is greater emphasis on his role as messenger and interpreter of Yahweh's word (cf. Deut 1.5). Indeed, Moses' second speech has been seen as a statement of the command of Yahweh (chapter 5) followed by its explication by Moses.<sup>89</sup> Thirty-six times in chapters 4-30 Moses says, "I command you," thus stressing the authority of Moses' teaching.<sup>90</sup> Moses' significance is due primarily to his role as mediator, messenger, and teacher of Yahweh's *Torah*.

It is necessary at this point to engage with the important argument of Polzin, as he posits a very different understanding of the ideology suggested by the structure of the book based on superscriptions.<sup>91</sup> As a result of a close literary examination of Deuteronomy, Polzin identifies three voices in the book: Moses, God, and the narrator. According to Polzin, the three voices in Deuteronomy are engaged in a complex, subtle interplay. The voice of Moses (and, because he is God's messenger, the voice of God as well) represents the point of view of retributive justice, and stresses the unconditional election of Israel as the people of God and the immutability of God's word.<sup>92</sup> The voice of the narrator, on the other hand, represents the point of view of "critical traditionalism," which mediates the election of Israel with knowledge of her disobedience and stresses the need for ongoing interpretation of the divine word.<sup>93</sup> In Polzin's view, these voices compete in Deuteronomy, but the voice of the narrator emerges as the final voice and authority. This is accomplished through subtle shifts in which Moses' authority to interpret the word of God is paralleled with the narrator's

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<sup>89</sup> As noted above, there are those who see the Decalogue as the key to understanding the structure of Deuteronomy, as the rest of the book (including the legal code) is seen as an explication and elaboration on the basic law presented in Deuteronomy 5. See WALTON, "Exposition," 214-24.

<sup>90</sup> D.M. BEEGLE, "Moses," *ABD*, 4: 915.

<sup>91</sup> POLZIN, *Moses*, 25-72. Polzin is not explicitly engaged in discussion of the relationship between structure and ideology, but his argument as to the nature of the narrative voices and ideology is relevant to our discussion here.

<sup>92</sup> *Ibid.*, 67.

<sup>93</sup> *Ibid.*, 53-57.

authority to report (and to interpret) those words. By subtly marginalizing the authority of Moses by showing himself to be an equally authoritative reporter/interpreter of God's word, the narrator prepares the audience to listen to his voice in the subsequent Dtr.<sup>94</sup> This process culminates in the narration of the death of Moses, where the teaching authority is seen to shift from Moses to the narrator. In this way, the narrator emerges as the prophet like Moses (Deut 18.15).<sup>95</sup>

If this reading is correct, then the conclusions I suggested above as to the nature of the ideology presupposed by a structure based on superscriptions would need to be revised substantially, since it would appear that the structure only superficially emphasizes Moses' authority to promulgate and interpret *Torah*. There are, however, some compelling reasons to question whether Polzin's treatment, though challenging and thought-provoking, is the best explanation for the data of the text.

Part of Polzin's argument is based on the idea that the voices of Moses and God are blurred in Deuteronomy. But as Olson notes, there appears to be a distinction retained between the authority of the words of God and the words of Moses.<sup>96</sup> This may be seen by the fact that the Ten Commandments, the direct words of Yahweh, are stored inside the ark (Deut 10.1-5), as "a sign of their unique authority."<sup>97</sup> But the book of *Torah*, which was written by Moses' hand, was to be stored *next to* the ark (Deut 31.24-26). This suggests a fundamental difference between the words of Yahweh and those of Moses.

This difference may be further seen in the fact that Moses in Deut 29.29 maintains that "the secret things belong to Yahweh our God, but the things revealed belong to us and to our sons forever, that we may observe all the words of this *Torah*." This suggests that Yahweh's revelation through Moses is partial and limited, which implies that there is an important distinction between the voice of Moses and that of Yahweh. Moses is the servant of Yahweh *par excellence*, but remains a servant.<sup>98</sup>

Furthermore, in the closing chapters of the book, Yahweh emerges as the decisive figure even as Moses' death draws near. It is he who chooses Joshua as successor to Moses (Deut 31.7-8, 14-15, 23), and the portrayal of Yahweh in the covenant at Moab (chapters 29-32) emphasizes Yahweh's supremacy and his judgement (chapter 32).

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<sup>94</sup> Ibid., 57, 72.

<sup>95</sup> Ibid., 35-36.

<sup>96</sup> OLSON, *Death of Moses*, 15, 179.

<sup>97</sup> Ibid., 179.

<sup>98</sup> Ibid.

Significantly, when the narrator describes Moses' death in chapter 34, the only direct quotation is of the words of Yahweh referring to the earlier promises to the patriarchs (Deut 34.4). Yet this reference would appear to emphasize the immutability of God's word (the promise to the patriarchs) and the unique status of Israel, which, in Polzin's view, were the very elements the Deuteronomistic narrator was trying to subvert.

Finally, it is not clear that the authority of Moses and the narrator are merged, as Polzin claims. Deuteronomy 34.10-12 makes the claim that *no* prophet has emerged like Moses. Olson rightly notes that

Even if Polzin is correct in identifying the Deuteronomic narrator as the new 'prophet like Moses' promised in Deut 18:15, that prophet must be subject to the tests of true and false prophecy (Deut 18:20-22). Moreover, future authority within the community will not be confined only to this one prophet's words. Authority will be distributed among several 'voices' in the Deuteronomic program: judges, officials, priests, and king (Deut 16:18-22). Just as Moses redistributed his centralized authority among tribal leaders in the first narrative in Deuteronomy (1:9-18), so the Deuteronomic narrator as prophet will also share authority with other 'voices' in the community.<sup>99</sup>

Once again, important claims as to the unique identity and authority of Moses are made precisely in the portion of the text (Deuteronomy 34) at which Moses is gone, and the authority of the narrator is at its highest. This suggests, perhaps, that the fusing of voices in Deuteronomy is not as complete as Polzin suggests.<sup>100</sup>

It seems likely, then, that the structure of Deuteronomy based on superscriptions suggests an emphasis on Moses as mediator and interpreter of *Torah*. There are, however, other ways of understanding the structure of the book, which we will now examine.

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<sup>99</sup> Ibid., 180.

<sup>100</sup> A major problem with Polzin's analysis is that he cannot seem to conceive of God as being in some fashion concerned about the unique identity of Israel while at the same time interested in inclusivity. Thus, the two streams of thought are seen to represent different points of view, in which, as noted, the critical traditionalist point of view of the narrator (and, perhaps, Polzin himself) is seen to emerge as the dominant one. In some respects, Polzin's analysis is not so very different from that of traditional source-critics, who assigned different points of view to different authors and sources. Neither he nor the traditional source-critics whose methods and conclusions Polzin rejects are able to conceive of a worldview that is capable of holding different facets (such as justice and mercy) in tension with one another, and so each must posit disparate voices or sources.

Another perspective on Polzin's argument is found in J.P. SONNET, *The Book Within the Book: Writing in Deuteronomy*, Biblical Interpretation Series 14 (Leiden: Brill, 1997), 238-43. Sonnet argues that the narrator's insertions (in the "frame breaks," at least) serve to reinforce and highlight the authority of Moses.

*Covenantal treaty form*

Since Mendenhall's seminal work recognizing the significance of the ANE treaty structure for the understanding of the Old Testament,<sup>101</sup> much scholarly discussion has been centred around the relationship between Deuteronomy and the ANE treaty form. Kline took up Mendenhall's approach and applied it to the book of Deuteronomy, arguing that it, as a whole, has the form of the second millennium treaties.<sup>102</sup> Others see closer analogies to first millennium treaties.<sup>103</sup>

While there are different views as to exactly how Deuteronomy should be compared to ANE treaties, it is common to compare the elements of the treaties with Deuteronomy. Craigie presents a typical view of the structure of Deuteronomy in terms of the treaty form:

1. Preamble (1.1-5)
2. Historical Prologue (1.6-4.49)
3. General Stipulations (chs. 5-11)
4. Specific Stipulations (chs. 12-26)
5. Curses and Blessings, with exhortation (chs. 27-30)
6. Witnesses and Provisions for the Continuity of the Covenant (see 30.19; 31.19; 32.1-43)<sup>104</sup>

In light of the remarkable parallels between the ANE treaty forms and Deuteronomy, it is virtually undeniable that the book is influenced in a significant way by this form. It is, however, also undeniable that Deuteronomy in its present form is not a treaty document. It is much longer than any of the extant ANE treaties. In addition, it includes within it material that is not present in ANE treaties, such as poetry, itineraries, admonitions, and parenesis.<sup>105</sup> Most importantly, however, the extensive legal section of Deuteronomy (chs. 12-26) is not present in ANE treaties. Weinfeld rightly notes that while this section is "functionally equivalent" to the

<sup>101</sup> G.E. MENDENHALL, "Covenant Forms in Israelite Tradition," *Biblical Archaeologist* 17 (1954): 50-76.

<sup>102</sup> M.G. KLINE, *Treaty of the Great King* (Grand Rapids: Eerdmans, 1963).

<sup>103</sup> See, for example, WEINFELD, *Deuteronomical School*, 59-81, especially p. 60, and idem, *Deuteronomy 1-11*, 6-9. There (p. 9), Weinfeld argues that Deuteronomy is based both on the old Hittite model (via the "old biblical tradition") and the Assyrian model.

<sup>104</sup> P.C. CRAIGIE, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 24. Other works that see the structure of Deuteronomy in terms of the treaty pattern are E.H. MERRILL, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 38-40; WENHAM, "Structure and Date," 199; J.A. THOMPSON, *Deuteronomy: An Introduction and Commentary* (London: Intervarsity, 1974), 19; R. BROWN, *The Message of Deuteronomy: Not by Bread Alone*, BST (Leicester: Intervarsity, 1993), 15. MILLER, *Deuteronomy*, 13, sees the treaty form as a substructure of Deuteronomy. It should be noted that these works differ as to exactly how Deuteronomy is to be compared with the ANE treaties. But they all see the treaty form somehow as underlying the structure of Deuteronomy.

<sup>105</sup> MERRILL, *Deuteronomy*, 29.

specific stipulations of ANE treaties, it is very different in terms of its content.<sup>106</sup> The specific stipulations in the ANE treaties are much briefer, and contain instructions concerning payment of tribute, territorial boundaries, military obligations, and other obligations placed on the vassal by the sovereign.

For these reasons, it is impossible to sustain the claim that the treaty form represents the best understanding of the structure of Deuteronomy. Simply put, the book does not read like a treaty because it is not a treaty.<sup>107</sup> Miller helpfully posits that one may think of Deuteronomy as having an explicit literary structure centred around the superscriptions, a substructure based on the treaty pattern, and a theological structure focused on the Ten Commandments and the Shema.<sup>108</sup> The treaty elements in Deuteronomy, then, are best understood as a substructure to the book, not the primary structure.

That is not to suggest, however, that the parallels with the treaty form are incidental to the book. The parallels are too numerous to dismiss as coincidence. Rather, it seems likely that the treaty pattern informed the structure of the book due to the author's familiarity with the political treaties, or possibly that the author of Deuteronomy deliberately included the treaty parallels as a substructure of the book.<sup>109</sup>

We must now consider the implications of that substructure for the interpretation of the book. Again, our concern is with the worldview represented by the proposed structure.

The ANE suzerain-vassal treaties were commonly used to define the relationship between the two parties to the treaties, in order to "consolidate the hegemony of the suzerain."<sup>110</sup> McCarthy notes that these treaties were *very* heavily weighted in favour

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<sup>106</sup> WEINFELD, *Deuteronomic School*, 148.

<sup>107</sup> See D.L. CHRISTENSEN, "Form and Structure in Deuteronomy 1-11," in *Das Deuteronomium: Entstehung, Gestalt und Botschaft*, BETL 68, ed. N. LOHFINK (Leuven: Leuven University Press, 1985), 135.

<sup>108</sup> MILLER, *Deuteronomy*, 10.

<sup>109</sup> It is not necessary for the present analysis to delve into the question of exactly *which* treaty form may have been the basis for the parallels in Deuteronomy. What matters for this study is that ANE suzerain-vassal treaties (or treaty form) were familiar to the author and audience and served as the basis for the parallels in Deuteronomy. On the antiquity and prevalence of the treaty pattern in the ANE, see D.J. MCCARTHY, *Treaty and Covenant*, AnBib 21a (Rome: Biblical Institute Press, 1981), 25-36, and H. TADMOR, "Treaty and Oath in the Ancient Near East: A Historian's Approach," in *Humanizing America's Iconic Book: Society of Biblical Literature Centennial Addresses*, ed. G.M. TUCKER and D.A. KNIGHT (Chico, CA: Scholars, 1982), 127-52.

<sup>110</sup> M.L. BARRÉ, "Treaties in the ANE," *ABD*, 6: 654.

of the suzerain. The vassal, typically not in a position to negotiate more favourable terms, accepted the treaty and the obligations demanded of the suzerain.<sup>111</sup>

The interests of the suzerain are advanced in the treaty in several key ways. First, the historical account of relations between the two powers serves parenetic and rhetorical purposes. Although there are, of course, differences in the various ANE treaties, the historical accounts have in common a reminder of the generosity and beneficence of the Great King toward the vassal.<sup>112</sup> The historical account has the effect of making clear that “equity and self-interest are on the side of remaining faithful” to the suzerain.<sup>113</sup>

Second, the treaties regulate the relationship between suzerain and vassal. This follows naturally from the recitation of the historical relationship between the two parties. The power and generosity of the Great King suggest that he is in a position to make demands of the weaker power. The stipulations include both mundane, practical matters as well as more general demands of exclusive loyalty and devotion to the Great King, and to his descendants. In return, the vassal will come under the protection of the suzerain, and the vassal’s heir (usually) will inherit the throne.<sup>114</sup>

The adoption of this treaty pattern, however loosely, suggests that the author of Deuteronomy sought to emphasize the role of the sovereign (Yahweh) in establishing the relationship with the vassal (Israel). In the ANE treaties, the emphasis was on the requirements of the vassal and the right of the suzerain to establish requirements. Deuteronomy demonstrates remarkable parallels with the treaty pattern as the book opens with a recounting of the gracious acts of Yahweh on behalf of Israel, and then spells out the ways in which Israel was to live out a relationship with Yahweh that was marked by absolute loyalty to him. The use of the treaty pattern served a powerful rhetorical purpose in encouraging devotion to Yahweh on the part of every Israelite (and the nation as a whole). The political treaties were established by the Great King; in using the pattern, the author of Deuteronomy is making the claim that Yahweh is the Great King, who has authority to impose obligations on his people. In addition, the Decalogue and the legal section of Deuteronomy, while more extensive and different

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<sup>111</sup> MCCARTHY, *Treaty*, 51.

<sup>112</sup> *Ibid.*, 53. McCarthy notes as well that in some instances a reminder of the power of the Hittite king is included in the historical account.

<sup>113</sup> *Ibid.*

<sup>114</sup> MENDENHALL, “Covenant Forms,” 59. Mendenhall notes (*ibid.*, 56) that there is no “legal formality by which the Hittite king binds himself to any specific obligation.” The legal obligations, then, are on the side of the vassal.

in many respects from the stipulations of the political treaties, served to teach the people how to live out their lives in the presence of and in loyalty to the Great King.<sup>115</sup>

The use of the treaty pattern in Deuteronomy, then, suggests an attempt to highlight the supremacy of Yahweh as the Great King, and to demonstrate his authority to impose obligations and demand loyalty of his people. We will now consider a final way of analyzing the structure of the book.

### *Literary Concentricity*

A very different approach is taken by Christensen. He argues that Deuteronomy is best understood as having a concentric pattern of five parts:

- A The Outer Frame: A Look Backwards (Deuteronomy 1-3)
- B The Inner Frame: The Great Peroration (Deuteronomy 4-11)
- C The Central Core: Covenant Stipulations (Deuteronomy 12-26)
- B' The Inner Frame: The Covenant Ceremony (Deuteronomy 27-30)
- A' The Outer Frame: A Look Forwards (Deuteronomy 31-34)<sup>116</sup>

This view takes into account the apparent unity of the book in its final form and recognizes a careful attempt to communicate the message of Deuteronomy with a tremendous degree of literary skill. It also accounts for the repetition of key themes and even terminology in the later sections of the book.<sup>117</sup>

Another strength of this view is that it accounts for the entire book. That is, the final chapters of the book are not to be viewed as an appendix to the main thrust of the book, but are central to the argument of the book as a whole, as the author looks forward to the future of Israel.

In this view, the theological centre of the book is to be found in the legal section of Deuteronomy 12-26. Chapters 1-11 are carefully designed to lead to this important stage in the development of the book. Chapters 1-3, for example, recount the history of the relationship between Yahweh and his people. There seems to be particular emphasis on the fact of the earlier disobedience of the people, and the consequences of that disobedience (Deut 1.26-46; 2.14-15; note also the contrast in the form of an emphasis on the blessings resulting from obedience in 2.24-3.11). Chapter four introduces the *חֻקִּים* and *מִשְׁפָּטִים* that will be discussed in chapters 5, 12-26, but

<sup>115</sup> Cf. MCCARTHY, *Treaty*, 15.

<sup>116</sup> CHRISTENSEN, *Deuteronomy 1:1-21:9*, lviii. Christensen sees the book as a whole as a didactic poem that was originally set to music. This idea, while intriguing, has not gained widespread acceptance. See O'BRIEN, "Deuteronomy," 96.

<sup>117</sup> For example, Joshua is a major figure in the "outer frame" (chapters 1-3 and 31-34), and blessings and curses are prominent in both parts of the "inner frame" (chapters 11, 27-30). Christensen argues (*Deuteronomy 1:1-21:9*, lviii) that the two parts of each frame may be read as a single document.

doesn't describe them.<sup>118</sup> Instead, chapter four emphasizes the twin themes of the importance of obeying the commands of Yahweh and the absolute supremacy of Yahweh.<sup>119</sup> Chapter five sets forth the Decalogue, and is preceded and followed by exhortations to obedience and loyalty on the basis of the fact of Yahweh's supremacy and election of Israel.

In this way, chapters 1-11 set the stage for the promulgation of the laws in chapters 12-26. There is a progression in these chapters that highlights the importance of what follows. The first eleven chapters of the book highlight the importance of obedience, and rhetorically put the audience at the place of decision as to whether they will obey Yahweh or not.<sup>120</sup> Obedience and loyalty, the important themes of chapters 1-11, demand knowledge of that which is required of the people, which is spelled out in chapters 12-26.

The significance of the *Torah* of chapters 12-26 may be further seen when considered in light of Christensen's proposed structure. In chapters 27-30, the emphases of the inner frame are picked up again, as the covenant renewal in Moab is narrated. Obedience and loyalty are once again at the fore, and highlighted dramatically through the description of blessings and curses in chapters 27 and 28. More importantly, the renewal of the covenant describes a first step of obedience to Yahweh. The significance of the central core (chs. 12-26) is highlighted in that it is precisely in keeping the terms of the *Torah* described there that is the means by which Israel will demonstrate loyalty and obedience to Yahweh.<sup>121</sup>

Again, we want to consider what implications this understanding of structure has for the understanding of the ideology or worldview of the book as a whole. The emphasis on *Torah* suggested by this structure implies that the authority for Israel is the *Torah*.<sup>122</sup> Loyalty to Yahweh, expressed through adherence to *Torah*, is what will

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<sup>118</sup> The significance of the phrase יהוה אלהינו יהוה אחד will be examined below. For now it is sufficient to note that the phrase functions in a rhetorically significant way that highlights the Deuteronomic conception of *Torah* as encompassing much more than rigid prescriptions. See MCCONVILLE and MILLAR, *Time and Place*, 36-40.

<sup>119</sup> See Chapter 3, below, for a detailed examination of the text.

<sup>120</sup> See MILLAR, *Now Choose Life*, 44-47, and MAYES, *Deuteronomy*, 217.

<sup>121</sup> MILLAR, *Now Choose Life*, 46. The fact that chapters 12-26 may be seen to reflect, in some fashion at least, the Decalogue suggests that *all* of the commands of Yahweh (not just those in chs. 12-26) are part of the *Torah* which Israel is to follow in order to live out her relationship with Yahweh.

<sup>122</sup> Anticipating some of the conclusions I will endeavour to prove in subsequent chapters, I believe *Torah* in Deuteronomy refers to the words of Yahweh mediated by Moses. The content of the *Torah*, then, includes not just the legal stipulations of chapters 12-26, but also the parenthesis and exhortation of the framing material.



define the nation in the context of surrounding nations, and will ensure Israel's continued existence in the land (Deut 4.5-8, 26-28).

Israel's identity is further defined by the content and presentation of *Torah*. For example, Israel in Deuteronomy 12-26 is conceived of as a community of brothers.<sup>123</sup> Many of the laws, such as those dealing with indebtedness, slavery, the poor, demand certain treatment for members of the community based on the fact that the community is bound by ties of brotherhood. In this way, Israel's conception of identity is shaped by *Torah*.<sup>124</sup>

The emphasis on *Torah* has other ideological implications as well. If *Torah* is indeed the authority for Israel, that suggests that other authorities are reduced in their importance for the life of the nation. Thus we find in Deuteronomy a view of kingship that emphasizes the king's role in studying *Torah* and exemplifying adherence to it (Deut 17.14-20). In Deuteronomy's programme, the king is not the supreme figure of ANE nations, but is, rather, under the authority of *Torah*.<sup>125</sup>

### *Implications of Structure*

We have seen that the three major ways of conceiving structure have important implications for the understanding of the ideology or worldview of the book. The superscriptions identifying the speeches of Moses emphasize Moses' authority as teacher and mediator of *Torah*. The parallels with the ANE treaty form highlight the authority of Yahweh, and the nature of the relationship between him and his people. Finally, the concentricity in the literary arrangement serves to highlight the crucial place of *Torah* in the life of the nation.

In my estimation, these are helpful ways of examining the book, though they do, to some extent, cut across each other formally. The concentric pattern identified by Christensen, for example, takes no account of the superscriptions. What is especially telling is the fact that these differing views of structure have in common an emphasis

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<sup>123</sup> See, e.g., Deut 15.7, 9, 11; 19.18-19.

<sup>124</sup> This emphasis on loyalty expressed through adherence to *Torah* represents a break from the prevailing conception of deity-national relations in the ANE. As D.I. BLOCK, *The Gods of the Nations: Studies in Ancient Near Eastern National Theology*, 2<sup>nd</sup> ed., ETS Studies (Grand Rapids: Baker, 2000), 21-33, notes, the emphasis in most ANE societies was on the relationship between the god and the land. The inhabitants of the land were assumed to be the people of that god simply by virtue of their dwelling in the land. In the OT, by contrast, and in Deuteronomy in particular, the identity of the people is paramount, and adherence to *Torah* is an important aspect of maintaining that identity.

<sup>125</sup> See the detailed interpretation of this text in Chapter 5, below.

on the supremacy of Yahweh and the importance of *Torah*. This suggests that these themes should be seen as central to the book as a whole.

This brief examination of structure suggests that we are likely to find in a careful exegetical analysis an emphasis on the things that are highlighted through the various conceptions of structure. That is, while our exegesis cannot, of course, be predetermined by the implications of structure, we might expect that the ideology revealed in our exegesis will emphasize the sovereignty of Yahweh, expressed in the life of Israel through adherence to *Torah*. But understanding the ideology or worldview of the text can finally come only through careful exegesis of that text. We will shortly turn our attention to that task, but first we must examine the data adduced in favour of the prevailing view of Deuteronomy, in order to see whether it adequately accounts for the data of the text.

## CHAPTER ONE

### CENTRALIZATION, SECULARIZATION, AND DEMYTHOLOGIZATION IN DEUTERONOMY: AN APPRAISAL

As we have seen, the issue of cult centralization in Deuteronomy has emerged as one of the main pillars supporting the prevailing view of the book as a revolutionary programme of reform. Like the law code in the Book of the Covenant in Exod 20.22-23.19, the legal section of Deuteronomy begins with an altar law. But since the time of Wellhausen, the altar law in Deuteronomy 12 has been seen as radically altering the nature of worship in Israel by demanding worship of Yahweh in a single place.<sup>1</sup> This demand for centralization, as we have seen, is understood as having far-reaching consequences affecting every aspect of life.

Despite the broad consensus as to the fact of centralization and secularization and demythologization that results from it, there remains fundamental disagreement on some crucial questions. How should the Deuteronomic reform be understood in relationship to the monarchy? That is, is it positive toward the institution of kingship,

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<sup>1</sup> Though not identified in Deuteronomy, the place chosen by Yahweh has long been understood to be Jerusalem. This is based in large part on the association of the book with the 7<sup>th</sup> century, and in particular the reforms of Josiah. See, for example, M. WEINFELD, *Deuteronomy and the Deuteronomistic School* (Oxford: OUP, 1972; reprint Winona Lake: Eisenbrauns, 1992), 4-9; idem, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, AB 5 (New York: Doubleday, 1991), 50-57; S.R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 3<sup>rd</sup> ed., ICC (Edinburgh: T&T Clark, [1901]), xxvii-lvii; W. BRUEGGEMANN, *Deuteronomy*, AbOTC (Nashville: Abingdon, 2001), 18-20; J.H. TIGAY, *Deuteronomy דְּבָרִים: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: JPS, 1996), xx-xxii; R.E. CLEMENTS, "The Book of Deuteronomy: Introduction, Commentary, and Reflections," *NIB* (Nashville: Abingdon, 1998), 278-80; idem, *Deuteronomy*, OTG (Sheffield: Sheffield Academic Press, 1989), 70-76; A.D.H. MAYES, *Deuteronomy*, NCB (Grand Rapids: Eerdmans; London: Marshall, Morgan & Scott, 1979), 85-103. I. CAIRNS, *Word and Presence: A Commentary on the Book of Deuteronomy*, ITC (Grand Rapids: Eerdmans; Edinburgh: Handsel, 1992), 18, argues that the final form of Deuteronomy "clearly" identifies the chosen place with Jerusalem, despite the fact that the place is *never* identified and the construction of an altar outside of Jerusalem (on Mount Ebal) is commanded.

or negative?<sup>2</sup> Should this programme be understood as a realistic programme of reform or a utopian ideal?<sup>3</sup> Finally, issues of setting and audience are disputed even among those who see centralization, secularization, and demythologization as at the core of the Deuteronomic programme.

In this chapter, I will focus on centralization, secularization, and demythologization in Deuteronomy, in an effort to identify and analyze the main arguments adduced in favour of seeing these elements as at the heart of the Deuteronomic revolution. I will then attempt to determine if these arguments adequately account for the data of the text. I will also examine the ideology(ies) suggested by these interpretations and offer an evaluation of the extent to which those ideology(ies) are supported by the text and the cultural and historical context in which Deuteronomy originated.

### I. Centralization in Deuteronomy

We will begin by examining the issue of centralization in Deuteronomy, through an examination of the positions of several major interpreters of the text in modern study of Deuteronomy.<sup>4</sup> Given the pervasiveness of the view and the importance of the idea of centralization for the interpretation of the book as a whole, it is necessary to select five representative positions dealing primarily with a single text to make the investigation manageable. Therefore I will use the interpretations of Deut 16.18-18.22 as a basis for examining the positions of the interpreters. This text is a useful starting point because it is recognized almost universally as a separate unit, it represents the heart of the changes wrought by centralization, and most effectively highlights the

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<sup>2</sup> Weinfeld, for example, sees the Deuteronomic reform as supporting the Judean monarchy, whereas Levinson sees the programme as opposing the monarchy. Crüsemann sees the reforms as supporting the interests of the people of the land against claims of the state authorities. See WEINFELD, *Deuteronomic School*, 168-71; B.M. LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: OUP, 1997), 138-43; F. CRÜSEMANN, *The Torah: Theology and Social History of Old Testament Law*, trans. A.W. Mahnke (Minneapolis: Fortress, 1996), 219-24. (ET of *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* [Munich: Chr. Kaiser, 1992]).

<sup>3</sup> LEVINSON, *Legal Innovation*, and CRÜSEMANN, *Torah*, see the Deuteronomic programme as realistic, whereas N. 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*, SBTS 3, ed. D.L. CHRISTENSEN (Winona Lake: Eisenbrauns, 1993), 336-52, sees the book as presenting a utopian ideal. See also idem, "The Laws of Deuteronomy: A Utopian Project for a World Without Any Poor?" Lattey Lecture 1995 (Cambridge: St. Edmund's College, 1995) and "Das deuteronomische Gesetz in der Endgestalt: Entwurf einer Gesellschaft ohne marginale Gruppen," *BN* 51 (1990): 25-40.

<sup>4</sup> It is somewhat artificial, I realize, to separate the elements of centralization, secularization, and demythologization as they are to a great degree bound up with one another. For the purpose of analysis, however, it is necessary to examine them separately, but with the understanding that they are interrelated.

differences among the various interpreters. It will, of course, be necessary to refer to other texts as part of this examination, but this section will serve as the starting point.<sup>5</sup> So, I will focus on the interpretation of Deut 16.18-18.22, and will describe the ways in which this section has been understood as contributing to the programme of centralization. I will then analyze these perspectives in order to determine if, in fact, this section is best understood as contributing to a programme of centralization. We will return to Deut 16.18-18.22 in Chapter 5.

#### A. FIVE VIEWS OF CENTRALIZATION

##### *S.R. Driver*

Like many other commentators, Driver sees 16.18-18.22 as a discrete unit, which he titles “The Office Bearers of the Theocracy.”<sup>6</sup> In Driver’s view, centralized worship at the Temple in Jerusalem was a necessary corollary to the near monotheism taught in Deuteronomy. This was, he notes, due to the “conditions of the time,” in which worship in many different places would lead to syncretism.<sup>7</sup>

In Driver’s view, the centralization programme envisioned by Deuteronomy is in response to the excesses and abuses of the reign of Manasseh.<sup>8</sup> The idolatrous practices of Manasseh included the building of altars to pagan gods even in the court of the Temple itself (2 Kgs 21.1-9). For the loyal devotee of Yahweh, urgent reform was necessary, and it was to this end that the Book of Deuteronomy was produced. Driver insists, however, that Deuteronomy is more than simply a “pious fraud.” Rather, he argues that what was produced and placed in the Temple (and later found by Hilkiah) was within the stream of Mosaic teaching, and, therefore, can rightly be identified with him. Deuteronomy, he argues, is not new in terms of its content, but in its form. There are laws that are updated, modified, or even originated in the 7<sup>th</sup> century, but the laws in Deuteronomy, including the centralization law, are consonant

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<sup>5</sup> Deuteronomy 12 is, of course, the text that legislates centralization. I will be dealing with that text in Chapter 4, but want here to focus on a text that most clearly demonstrates the wide variety of positions held even by those who agree generally on the fact of centralization.

<sup>6</sup> DRIVER, *Deuteronomy*, 199-230. However, Driver argues (p. 201) that 16.21-17.7 have been moved from an original location, probably before 13.2.

<sup>7</sup> *Ibid.*, xxix. Driver’s assessment of the “conditions of the time” and the impact of centralization on the Jews’ ability (or, more accurately in Driver’s view, their *inability*) to appreciate the “more spiritual” teaching of Christ represents a particular understanding of religious development prevalent at the time, and is clearly articulated by Wellhausen (see below, n. 13).

<sup>8</sup> *Ibid.*, xxvii. He argues that the book was written either during the reign of Manasseh or during the early years of the reign of Josiah, but in any event prior to 621 BC (*ibid.*, xlv-xlvi).

with Mosaic law and, indeed, are ultimately derived from Moses.<sup>9</sup> On this view, then, Deuteronomy represents an attempt to actualize the ideals advocated by the 8<sup>th</sup> century prophets, and Deuteronomy's law of centralization is the logical extension of the prophetic criticism of the *בְּמִוֹת*. The book itself is a "prophet's reformulation of the 'law of Moses,' adapted to the requirements of that later time."<sup>10</sup>

In Driver's view, then, Deuteronomy is "a great manifesto against the dominant tendencies of the time."<sup>11</sup> It was an attempt to reaffirm the values and ideals on which the nation was founded in a new context, and a call to repudiate practices which were inconsistent with the unconditional loyalty to Yahweh called for by Moses. Given the new context and changed circumstances, however, the older laws of the Book of the Covenant were "adjusted" in order to meet the needs of the time.<sup>12</sup> Driver argues that in some respects Deuteronomy's programme had unintended consequences. He argues that the goal of Deuteronomy was to spiritualize religious life in Israel, but that the necessity of centralization (to prevent idolatrous worship at the *בְּמִוֹת*) led to formalization of worship and resulted in a loss of spontaneity.<sup>13</sup>

Driver, then, sees in Deuteronomy 16.18-18.22 a realistic programme for the theocratic government of a nation under Yahweh. If the book of Deuteronomy represents a continuation of the prophetic call to live life in exclusive loyalty to Yahweh, then this section may be seen as the means by which the nation is to express that loyalty in terms of the structures of government. That Driver sees this as a realistic, as opposed to utopian, programme is evidenced by his comparison of the law regarding the "central tribunal" in Deuteronomy 17.8-13 with the Chronicler's description of Jehoshaphat's judicial reforms in 2 Chronicles 19.8-11.<sup>14</sup> Throughout

<sup>9</sup> See *ibid.*, lvi-lvii.

<sup>10</sup> *Ibid.*, liii. See also xxvii.

<sup>11</sup> *Ibid.*, liii.

<sup>12</sup> *Ibid.*, lii.

<sup>13</sup> *Ibid.*, lxiv. Here, again, it appears that Driver is influenced by Wellhausen and a particular view of the development of religion in which religion is initially free and spontaneous, and then later becomes formalized, ritualistic, and, therefore (in this view), less spiritual. See J. WELLHAUSEN, *Prolegomena to the History of Israel* (Edinburgh: A&C Black, 1885; reprint Atlanta: Scholars Press, 1994). Wellhausen's influence has been, of course, immeasurable. Assessment of his influence may be found in E.W. NICHOLSON, *The Pentateuch in the Twentieth Century: The Legacy of Julius Wellhausen* (Oxford: Clarendon, 1998). See also *Semeia* 25 (1982), which is devoted to Wellhausen and his influence on the study of the Old Testament.

<sup>14</sup> DRIVER, *Deuteronomy*, 200, 208. Because of Driver's understanding of the date of Deuteronomy, he never considers the possibility that Deuteronomy may be the basis for the judicial reforms instituted by Jehoshaphat described in 2 Chronicles 19.5-11. If the account in Chronicles is reliable, Jehoshaphat appointed judges in the cities of the land, as well as in Jerusalem. In keeping with the judicial law (though not the explicit language) of Deuteronomy, he exhorted the newly appointed judges to act with

his analysis of Deuteronomy, it is clear that Driver envisions the legislation as being a realistic programme for the nation. He consistently identifies features in Israelite history and polity that reflect the Deuteronomic programme as evidence that this was, and presumably was intended to be, a programme that was to be carried out in the life of the nation.

In the same way, Deuteronomy's "Law of the King" (Deut 17.14-20) is understood by Driver to be in keeping with the theocratic programme undertaken in the book. As a theocracy, Israel was to have been governed by Yahweh; a human king, of course, was unnecessary to theocratic government. For this reason, Driver argues, a king is not required by Deuteronomy, but only permitted.<sup>15</sup> If the people do elect to have a king, he is not to "imitate the great despots of the East,"<sup>16</sup> but is to carry out his reign in keeping with the principles laid out in Deuteronomy.

So we can conclude that Deuteronomy (and especially Deut 16.18-18.22), according to Driver, is a realistic programme for theocratic government of the nation, and centralization is a key component of that programme. The programme of centralization envisioned in the book is in response to the excesses and idolatry of the reign of Manasseh (and was written either in his reign or in the early years of Josiah) and is the culmination of the exhortations of the 8<sup>th</sup> century prophets. The significance of covenant in the theology of Deuteronomy is not as heavily emphasized by Driver, as his work was carried out prior to the identification of the significance of the ANE political treaties.

The arguments in favour of centralization will be evaluated below. We now turn our attention to another representative interpretation.

#### *G. von Rad*

A different approach was taken by Gerhard von Rad. Utilizing the method of form criticism, he sought to identify the *Sitz im Leben* of Deuteronomy. He argues that the

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impartiality, righteousness, and to eschew bribes. While the Book of Kings is clear that Jehoshaphat did not eliminate the *בְּמוֹת* (1 Kgs 22.43), the Book of Chronicles portrays him as having carried out some judicial reforms that are in keeping with the Deuteronomic law. One major difference, however, is that Deuteronomy seems to give authority to appoint judges to the people as a whole, whereas that authority is assumed by the king in the account in 2 Chronicles. J. BRIGHT argues for the historicity of the Chronicler's account of these judicial reforms in *A History of Israel*, 3<sup>rd</sup> ed. (London: SCM, 1980), 251; see also G.T. MANLEY, *The Book of the Law: Studies in the Date of Deuteronomy* (London: Tyndale, 1957), 114-16.

<sup>15</sup> *Ibid.*, 209.

<sup>16</sup> *Ibid.*

form of Deuteronomy 4-30<sup>17</sup> reflects a traditional cultic pattern, perhaps a covenant renewal ceremony. This, he argues, accounts for the homiletic style of the book, the use of standard treaty formula (albeit in a “mutilated form”<sup>18</sup>), the frequent exhortations even in the presentation of law, and the repetition of key phrases and ideas. In its present form, however, the cultic setting has been largely abandoned, and the older material has been re-worked as an instructional address to the people as a whole.<sup>19</sup>

In von Rad’s view it was the Levites who were responsible for the composition of Deuteronomy (i.e., chapters 4-30). He bases this contention on the fact that they would have had access to the sacral literature as well as the authority to interpret ancient traditions in light of contemporary concerns. Moreover, the emphasis in Deuteronomy on Holy War suggests to von Rad that the authors of Deuteronomy were Levites, given the close association between the theology of the Holy War and the ark, and the fact that it was the Levites who maintained the ark.<sup>20</sup>

More specifically, von Rad argues, the authors of Deuteronomy were “country Levites,” who sought, with the support of the עַם הָאָרֶץ (people of the land), to revive the “old patriarchal traditions” of Yahwism which date back to the amphictyonic period.<sup>21</sup> He bases this argument on the relative insignificance of the king in Deuteronomy and the absence of any apparent reference to the Davidic covenant and the Messianic implications thereof. Most importantly, he argues for this understanding of provenance based on the fact that it is the country Levites who could have possessed the resources and authority to reinterpret and re-introduce older traditions in light of a new context. “Country Levites” would be in just such a position and, von Rad contends, would be in a position to have the support of the עַם הָאָרֶץ.<sup>22</sup>

<sup>17</sup> Von Rad follows Noth in seeing the first 3 chapters of the present book of Deuteronomy (as well as chapters 31-34) as an introduction to the Deuteronomistic History (DtH). He sees, however, significant growth in Deuteronomy during the period of its independent existence prior to its incorporation into DtH in the 6<sup>th</sup> century. See G. VON RAD, *Deuteronomy: A Commentary* (London: SCM, 1966), 12.

<sup>18</sup> Ibid., 23.

<sup>19</sup> Ibid., 15-23.

<sup>20</sup> Ibid., 24-25. See also G. VON RAD, *Studies in Deuteronomy*, trans. D.M.G. Stalker (Chicago: Henry Regnery; London: SCM, 1953), 66-67. There is no textual basis, however, for von Rad’s speculative contention that the “warlike spirit of Deuteronomy” (*Commentary*, 25, and *Studies*, 60-61) was a result of a Josianic reorganization of the military following Assyrian conquests in or around 701 BC.

<sup>21</sup> VON RAD, *Studies*, 66-67.

<sup>22</sup> Ibid., 62-67. This view has been challenged. See, e.g., the critique of WEINFELD, *Deuteronomistic School*, 53-58.



Centralization holds a paradoxical place in von Rad's interpretation of Deuteronomy. On the one hand, he holds that it is "the most important special feature of Deuteronomy,"<sup>23</sup> and is a necessary result of Deuteronomy's uncompromising insistence that "Yahweh is One" (Deut 6.4).<sup>24</sup> It was decidedly far-reaching in its consequences for the religious life of Israel, and the centralizing laws are to be understood as "a fresh interpretation ... of the old cultic system, an interpretation which had become necessary owing on the one hand to abuses introduced ... and on the other to quite new perceptions of Yahweh and his relationship to Israel."<sup>25</sup> These "abuses" and "new perceptions" are presumably the anthropomorphic conception of Yahweh's presence and the rejection of that by the authors of Deuteronomy.

On the other hand, von Rad cautions against seeing centralization as a theological centre of the book. He argues that Deuteronomy's demand for centralization represents a relatively late period in the development of the book, and is "comparatively easy to remove as a late and final adaptation of many layers of material."<sup>26</sup> This, he argues, is seen by the fact that the demand for centralization, far from pervading even the entire legal corpus in Deuteronomy, is known for certain only in seven areas: the altar law (chapter 12), tithes (14.22-29), firstlings (15.19-23), feasts (16.1-17), the central judicial tribunal (17.8-13), provision for priests (18.1-8), and cities of refuge (19.1-13). Moreover, the demand for centralization is unknown or contradicted in other laws.<sup>27</sup>

In addition, von Rad raises the question as to whether or not centralization *per se* was best understood as being new in Deuteronomy. After all, he argues, prior to the establishment of the temple under Solomon, the ark in its various locations may have served as the cultic centre to which the tribes journeyed for pilgrimage festivals.<sup>28</sup> Also, the Book of the Covenant begins with its own altar law (Exod 20.24). While von Rad allows that the altar law in Deuteronomy is indeed different, he nevertheless maintains that:

it is not right to regard as its primary aspect ... an abrupt discontinuance of old usages. There is probably, after all, much that is traditional in this

<sup>23</sup> VON RAD, *Commentary*, 16, 88-89.

<sup>24</sup> G. VON RAD, *Old Testament Theology*, vol. 1, *The Theology of Israel's Historical Traditions*, trans. D.M.G. Stalker (New York: Harper & Row, 1962), 226-27; idem, *Commentary*, 91.

<sup>25</sup> VON RAD, *Commentary*, 91.

<sup>26</sup> VON RAD, *Studies*, 67.

<sup>27</sup> VON RAD, *Commentary*, 16, 89. See, e.g., p. 115 on Deut 16.21-22.

<sup>28</sup> *Ibid.*, 16-17.

Deuteronomic rule which appears to be so revolutionary. This is evident in the resemblance of the form of the basic Deuteronomic law to the law of the altar in the Book of the Covenant. When compared with the latter, the formulation in Deuteronomy appears to be only a fresh wording.<sup>29</sup>

Thus there would appear to be a sense of caution on von Rad's part as to the nature of centralization in Deuteronomy and its significance. For von Rad, the idea of covenant and the need for loyalty to Yahweh is more significant in Deuteronomy than the idea of centralization.

Similar ambiguity surrounds the question of the nature of Deuteronomy. On the whole, von Rad seems to have a somewhat utopian (rather than realistic) understanding of Deuteronomy. He sees the book in its present form as a record of preaching, couched in the liturgical form of a covenant renewal ceremony. The aim of this preaching is to inculcate in the people obedience and loyalty to the commands of Yahweh.<sup>30</sup> In that respect, Deuteronomy is highly realistic, since the purpose and tenor of the exhortation is to bring people to real obedience to Yahweh. However, von Rad further sees in Deuteronomy an attempt "by a 'utopian' anachronism" to revert back to the old amphictyonic order.<sup>31</sup> In other words, there seems to be the sense in which the reformers of the 7<sup>th</sup> century sought to recover the lost glory of an earlier, better age in which Israel was devoted to Yahweh and in which the security of his protection could be relied upon. But it would, of course, be a practical impossibility for a monarchic state to revert to the institutions and practices of the pre-monarchy period.<sup>32</sup> Thus, the vision of Deuteronomy is ultimately a utopian one.

The utopian nature of Deuteronomy is further seen in von Rad's analysis of the preaching of the book. He notes that in its present form the preaching in Deuteronomy is not addressed to the state of the monarchic period in the 7<sup>th</sup> century (when, according to von Rad, the book was written), although he argues that the preaching does in fact reflect the issues of that period. Rather, the preaching in Deuteronomy is aimed ostensibly at Israel on the border to the land, prior to the conquest of Canaan. The effect is such that the 7<sup>th</sup> century audience of Deuteronomy is addressed as if they

<sup>29</sup> Ibid., 90-91. Von Rad holds that, of the three "centralizing ordinances" in Deuteronomy 12 (vv. 1-7; 8-12; 13-19 [20-28]), the third is the earliest due to the fact that it is worded in the singular. See *ibid.*, 16.

<sup>30</sup> VON RAD, *Theology*, 225.

<sup>31</sup> VON RAD, *Studies*, 64 n. 2.

<sup>32</sup> The idea of the amphictyony as promulgated by Noth and as understood by von Rad has been largely rejected. The idea of an Israelite amphictyony was first introduced in M. NOTH, *Das System der zwölf Stämme Israels*, BWANT (Stuttgart: Kohlhammer, 1930).

were, in fact, on the border to the land. Von Rad notes, "Israel is set once more at Horeb to hear Jahweh's word of salvation which has not yet lost its power."<sup>33</sup> Deuteronomy speaks to each generation as if the people were in the period of the Israel addressed in the book, between the promise from Yahweh on the one hand and the fulfilment of that promise on the other. This, then, helps account for what von Rad sees as the "theoretical character" of the book.<sup>34</sup>

At the same time, however, he sees the book as fiercely realistic in its opposition to syncretism and the influence of Canaanite religion. He notes that "Deuteronomy is in no sense a theoretical compendium of the will of Jahweh: rather it develops its demands" against Canaanite religion, which represented a threat to Yahwism.<sup>35</sup> In von Rad's view, then, Deuteronomy may be seen as utopian in terms of the era to which it seems to want to return and the way in which it envisions Israel in every generation as being on the verge of the fulfilment of divine promises. On the other hand, it is fiercely realistic in its expectation that the people of Yahweh are to be uncompromisingly loyal to Yahweh.

Thus for von Rad, there is a division between the moral/spiritual realm and the political one. Deuteronomy is realistic in terms of the moral and spiritual issues, but utopian in terms of the political. This differs from more recent treatments of the issue of the nature of the programme (see below).

The complexity of the "realistic vs. utopian" question may be seen in von Rad's handling of the material in Deuteronomy 16.18-18.22. In his commentary, he deals with each chapter on its own, and doesn't set this section out as a discrete unit, as other interpreters tend to do.

With regard to the law of judges in 16.18-20, von Rad does not address the setting in which this ordinance originated, and does not specifically address how this does or does not relate to centralization. He does argue that a corps of professional (or pseudo-professional) judges was not the original means by which justice was administered in Israel. Thus the command to appoint judges and officers (שֹׁפְטִים וְשָׂטְרִים) may represent, in von Rad's view, the encroachment of the monarchy into the administration of justice. He maintains, however, that "no earlier legal system can be

<sup>33</sup> VON RAD, *Studies*, 70. Cf. also idem, *Commentary*, 28.

<sup>34</sup> VON RAD, *Commentary*, 27.

<sup>35</sup> VON RAD, *Theology*, 227-28.

detected behind v. 18.”<sup>36</sup> Despite the fact that all Israel is addressed throughout chapter 16, von Rad seems to think that it is the king who is to appoint judges in 16.18.<sup>37</sup>

He does connect the central tribunal (Deut 17.8-13) with the Deuteronomic programme of centralization. However, he says that Deuteronomy does not provide much information about the function of that tribunal and how it may have functioned.<sup>38</sup>

The law of the king (Deut 17.14-20) provides one of the most interesting examples of the way in which the Deuteronomic programme is envisioned. The Deuteronomic programme, in von Rad’s view, seeks to revive the traditions of the amphictyonic period which knew no king. Thus the presence of the law of the king is described as “astonishing.”<sup>39</sup> But as a “concession to historical reality,” a king is permitted, though the role of the king is portrayed in a very unrealistic, non-historical manner that is, in his estimation, nearly a distortion.<sup>40</sup> In this sense, then, von Rad’s view of Deuteronomy must be seen as utopian. It seeks to revert back to an idealised, “golden age” in which no king was necessary in Israel and in which the many failures of the people to live out their lives as the people of Yahweh were yet to come. The authors grudgingly recognize the reality of the king and the intervening years of history and allow a role for a king, albeit one that is limited in function and power.

With respect to priests (Deut 18.1-8) von Rad sees at least a portion of this law as reflecting the Deuteronomic programme of centralization. Verses 6-8, in von Rad’s view, reflect the demand for centralization, though he cautions that this text should not be thought of in connection with 2 Kgs 23.8, as there is no evidence in Deuteronomy that the arrival of the priests in the central sanctuary was forced (as he argues is the case in 2 Kgs 23.8), and, furthermore, there is no evidence to suggest that all the Levites living in the towns were priests of the high places.<sup>41</sup>

Finally, von Rad examines the role of the prophet (Deut 18.9-22). This section, he argues, dates to the earliest period of the monarchy due to the fact that certain practices unknown in the earliest days of Israel’s history are here taken for granted. He sees in

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<sup>36</sup> VON RAD, *Commentary*, 114.

<sup>37</sup> *Ibid.*, 118.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*, 119.

<sup>41</sup> *Ibid.*, 122.

this law a hope for a prophet “like Moses,” one who serves the nation in a special capacity, and he argues against seeing in this a vision of the prophets of judgement.<sup>42</sup>

For von Rad, then, centralization is a key aspect of the Deuteronomic programme (but it is important to note his caution in seeing it as *the* key theology of the book). The book seeks to revive ancient traditions and ideals of the amphictyonic period. It is, therefore, utopian in its view of an earlier period and its desire (which is, and is recognised by the authors in the laws promulgated, an unrealistic desire) to re-institute the practices of the earlier period. It is realistic, however, not in its political aspirations but in its call for complete loyalty to Yahweh.

### *M. Weinfeld*

In Weinfeld’s view, the Deuteronomic programme of centralization was a key part of a wider reform that had far-reaching and significant consequences. This programme as understood by Weinfeld is one marked by “demythologization and secularization.” He notes:

The centralization of the cult was in itself, of course, a sweeping innovation in the history of the Israelite cultus, but its consequences were ... decisively more revolutionary in nature, in that they involved the collapse of an entire system of concepts which for centuries had been regarded as sacrosanct.... [Israelite religious life] was freed from its ties to the cult and was transformed into an abstract religion which did not necessarily require any external expression. Indeed the very purpose of the book of Deuteronomy ... was to curtail and circumscribe the cultus and not to extend or enhance it.<sup>43</sup>

Centralization, in Weinfeld’s view, was part of an attempt to reform religious life in Israel that sought to repudiate older traditions and concepts that did not comport with the more sophisticated theological understanding of the authors of Deuteronomy.

Weinfeld sees the authors of Deuteronomy as being Jerusalem court scribes who were versed in wisdom literature and were also familiar with trends in thought in society, including the ideas brought to Judah by refugees from the north following the Assyrian conquest of the northern kingdom. This, he argues, explains the presence in Deuteronomy of parallels with wisdom literature (both biblical and from the ANE) as well as elements which reflect the thinking of the northern kingdom.<sup>44</sup> He bases this understanding on the perception that the “school” that created Deuteronomy “could not conceive a regime without a king,” and so advances a legal code and political system

<sup>42</sup> Ibid., 123-24.

<sup>43</sup> WEINFELD, *Deuteronomic School*, 190. See also idem, *Deuteronomy 1-11*, 37.

<sup>44</sup> WEINFELD, *Deuteronomy 1-11*, 62-65; 44-50.

reflecting “typical monarchic rule.” Moreover, he argues, the didactic nature of the book points to the scribes as authors, since scribes were involved in both secular and religious education.<sup>45</sup>

Weinfeld holds that Deuteronomy was written during the period of Hezekiah and was rediscovered during the period of Josiah. However, like von Rad and Driver, Weinfeld acknowledges that Deuteronomy contains in it some ancient material, portions of which date as early as the time of Moses.<sup>46</sup> But the ancient material was re-worked in a deliberate attempt to address the priorities and reflect the thinking of the later era. Specifically, Deuteronomy seeks to repudiate earlier ideas about God which do not conform to the more advanced theology of the era in which it was created. Deuteronomy is, in Weinfeld’s view, a manual, based on ancient traditions but updated for a more modern time, for the king and people as to how they are to live under Yahweh.<sup>47</sup>

Deuteronomy’s programme is, in Weinfeld’s understanding, eminently realistic and practical. The book in some form served as the basis for the reforms of Josiah.<sup>48</sup> Indeed, the connection between Deuteronomy and Josiah’s reform is so strong that Weinfeld argues that Josiah’s reform “might well be called the Deuteronomic Reform.”<sup>49</sup> He further argues that

the book of Deuteronomy appears indeed to have the character of an ideal national constitution representing all the official institutions of the state: the monarchy, the judiciary, the priesthood, and prophecy. These institutions are successively referred to in Deut. 16:18-18:22 and are depicted not only in realistic terms but also in terms of the ideal at which this neutral circle of scribes was clearly aiming – a national regime which incorporated all the normative, spiritual, and religious circles of the period.<sup>50</sup>

Thus it is clear that in Weinfeld’s view the revolutionary reform undertaken by Josiah was in some measure the application of the requirements of the form of Deuteronomy

<sup>45</sup> Ibid., 55. See also idem, *Deuteronomic School*, 298-306.

<sup>46</sup> WEINFELD, *Deuteronomy 1-11*, 83-84.

<sup>47</sup> Ibid., 55, 57.

<sup>48</sup> Weinfeld states that the form of Deuteronomy that served as the basis for the reforms included “an introduction, a law code (certainly chapters 12-19, which embody the principles of the reform) and the admonition in chapter 28 regarding the rewards for obedience and punishments for violation of the [covenant].” (M. WEINFELD, “Deuteronomy’s Theological Revolution,” *BR* 12, 1 [1996]: 38.) See also WEINFELD, *Deuteronomy 1-11*, 9-13, where he argues that Deut 4.44-28.68 constituted the original book, which was later supplied with additional introductory and concluding material and the entire work was (still later) subject to a Deuteronomi(sti)c redaction.

<sup>49</sup> WEINFELD, “Theological Revolution,” 38. He notes, however, that at least one aspect of the reforms, the eradication of alien cults, was undertaken *prior* to the discovery of the Book of the *Torah*. See also idem, *Deuteronomy 1-11*, 73-74.

<sup>50</sup> WEINFELD, *Deuteronomic School*, 168.

that existed at that time and was in keeping with the theological understanding of the book.<sup>51</sup>

As noted above, centralization was at the heart of the Deuteronomic reform programme and was, therefore, at the centre of the Josianic reforms as well. Josiah's reform began with the eradication of alien cults (2 Kgs 23.4-14) and proceeded with the centralization of the Yahweh cult through the destruction of the high places. This led, in Weinfeld's view, to a transformation of Israelite religion as the day-to-day life of the people became less and less affected by cultic matters.

This may be seen clearly in the judicial reform mandated by Deuteronomy (16.18-20; 17.8-13). Weinfeld holds that prior to centralization priests of the local sanctuaries would be consulted when elders, serving as judges in the city gates, could not reach a verdict in a case due to lack of witnesses or evidence. The removal of local sanctuaries, required by centralization, meant that local priests were no longer available to serve in that capacity, leading to the need for judges and officers to be appointed.<sup>52</sup> If, after the reform, the local judges could not render a verdict, the priests and judges of the central sanctuary were consulted (Deut 17.8-13). Thus, he argues, the laws of judicial reform must be interpreted in light of the centralizing programme of Deuteronomy.<sup>53</sup>

Another key element of the Deuteronomic programme was the monarchy.<sup>54</sup> In Weinfeld's view, the monarchy was held in high esteem by the scribal circles

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<sup>51</sup> It would be reductionistic, however, to suggest that Weinfeld sees in Josiah's reform simply the application of Deuteronomic principles. Rather, he maintains that there is a more dynamic relationship between the reform and the book of Deuteronomy in which the reform itself (which was inspired and based in large part on some form of the book) re-shapes the book and contributes to its development. See, e.g., his comments on the law of the king (Deut 17.14-20), *ibid.*

<sup>52</sup> *Ibid.*, 233-35. He argues there that the Deuteronomic reform left only "patriarchal and family litigation" (p. 234) under the jurisdiction of the elders, all other cases being adjudicated by the newly-appointed judges.

<sup>53</sup> *Ibid.*, 235-36. This is also seen as evidence of secularization (see below).

<sup>54</sup> In large part, Weinfeld sees in Deuteronomy a re-interpretation of the so-called "Jerusalem Cult Tradition." Many elements held to be a part of that tradition (the ark as a symbol of Yahweh's presence and, hence, an anthropomorphic view of God, Jerusalem as a specially-chosen cult centre, the prominent role of the Davidic king) are dealt with in new ways in Deuteronomy. While some elements of that tradition, in Weinfeld's view, are rejected because they do not comport with the thinking of the author(s) of Deuteronomy (such as the conception of an "actual presence" of Yahweh in the Temple), some are strengthened and reinforced (such as the prominence of Jerusalem as the central sanctuary). The institution of the monarchy, a central part of the Jerusalem cult tradition (or Zion tradition), is critiqued in light of past excesses, but not rejected (see below). On the Zion tradition see VON RAD, *Theology*, 46-48. See also R.E. CLEMENTS, "Deuteronomy and the Jerusalem Cult Tradition," *VT* 15,3 (1965): 300-12. For a critique of this understanding see J.G. MCCONVILLE, "Jerusalem in the Old Testament," in *Jerusalem Past and Present in the Purposes of God*, ed. P.W.L. WALKER (Carlisle: Paternoster; Grand Rapids: Baker, 1994), 21-51.

responsible for the book. He argues that “the scribes ... regarded the institution of monarchy as essential for the proper functioning of society.”<sup>55</sup> This, he maintains, may be seen partly in the important “centralization law” in Deut 12.8-9, where it says “You shall not do as we all are doing here today, every man doing whatever is right in his own eyes, for you have not yet come to the resting place and to the inheritance which the Lord your God is giving you.” The phrase “every man doing whatever is right in his own eyes,” in Weinfeld’s view, expresses the same view as that of the Deuteronomist in Judges. There the phrase is used to highlight the anarchy of the period of the judges and demonstrate the need for a king. In Deuteronomy, then, the phrase is used to refer back to the period of the Judges where anarchy reigned and provincial or private altars abounded. Only after the monarchy was established could there be “rest,” and only then could the requirement for centralization be met. And it was only under the centralized rule of a monarch that all the requirements of the book of the *Torah* be implemented.<sup>56</sup>

In Weinfeld’s view, then, Deuteronomy presents a positive view of the monarchy. Even the law of the king (Deut 17.14-20), which is so shocking in its limitation of the role of the king is not to be seen as being anti-monarchical *per se*. Indeed, he argues that the law, which clearly limits the role of the king, presumes the existence of the institution of the monarchy and provides for its continuation through dynastic succession. The limitations on the king reflect the anti-Solomon bias of Josiah’s court. That is, the law in Deuteronomy 17 is directed against the particular excesses of the particular king, Solomon. It is not a polemic against kingship in general. This, he argues, may be seen through the close correlation between the prohibitions against wives, money, and horses in the law and the description of Solomon’s reign in 1 Kgs 10-11. Moreover, Josiah was the only one of the Judean kings to move against the high places erected by Solomon for his foreign wives (2 Kgs 23.13).<sup>57</sup>

While Weinfeld holds that Deuteronomy is in the main a realistic programme, he also recognises that there are utopian elements within it. The most significant of these is the notion in Deuteronomy that the entire Canaanite population was to be considered  $\square\text{ר}\text{ר}$  and, therefore, exterminated (Deut 7.1-2; 20.16-17). Weinfeld argues that this is a utopian policy that was never actually practised or intended to be. The ancient

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<sup>55</sup> Ibid., 169.

<sup>56</sup> Ibid., 170-71.

<sup>57</sup> Ibid., 168-69.



Israelites did follow a doctrine of  $\text{מִקְרָא}$ , but never was it applied to an entire population automatically, independent of a vow or an oath, as is mandated in Deuteronomy. Weinfeld argues that this is a utopian ideal adapted from a Gilgalite tradition and is used by the Deuteronomic author(s) in support of a revival of patriotic fervour.<sup>58</sup>

Centralization is, then, crucial to the Deuteronomic programme as envisioned by Weinfeld. The entire programme sought to re-interpret and revolutionize faith and practice in Israel during the period of Hezekiah-Josiah. Old traditions and theology that did not comport with the thinking of the day were re-interpreted in favour of a more abstract, spiritual understanding or they were ignored. The scribes of the royal court sought to support the monarchy through the radical reform envisioned by Deuteronomy. At the heart of that reform was centralization. Thus, the Temple in Jerusalem and the king who reigned there were given primacy in the religious and political life of the nation. Worship was centralized to the Temple in Jerusalem and consequently all local sanctuaries were outlawed. The administration of justice was centralized as well, with new (royal) magistrates replacing elders in the adjudication of cases in the towns, and a central tribunal established to serve as a court of appeal. Deuteronomy is thus a realistic programme for reform, and served in large measure as the basis for the Josianic reforms.<sup>59</sup>

At the same time, there is something of a curious tension in Weinfeld's treatment. On the one hand, he sees Deuteronomy as eminently realistic in terms of its political programme, and therefore sees the book as supporting the reforms of Josiah in the 7<sup>th</sup> century. On the other hand, he maintains that Deuteronomy seeks to advance a more abstract, spiritual religion. It seems as if Weinfeld envisions a dichotomy between the political and the spiritual, though it is not quite like that of von Rad, where the distinction is more explicit.

#### *N. Lohfink*

Like the other interpreters discussed above, Lohfink sees in Deuteronomy a programme of centralization. Its final redaction dates to the period of the exile, although much in the book is ancient. Indeed, the book and its central ideology may be understood as having been developed through interaction with older literary works

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<sup>58</sup> WEINFELD, *Deuteronomy 1-11*, 51-52; 382-84. See also idem, *Deuteronomic School*, 166-67.

<sup>59</sup> But see the caution in note 51, above.

and the ideas contained therein.<sup>60</sup> He bases this date on the fact that the Deuteronomic law of the king calls for the *Torah* to be copied from a scroll kept by the Levitical priests. This, he argues, connects Deuteronomy with the Deuteronomistic History, which is typically dated to the beginning of the exilic period. Moreover, he argues that Deuteronomy knows nothing about the Zadokite compromise, and so should be dated prior to the end of the exilic period.<sup>61</sup>

The authors of the early form of the work are understood by Lohfink as being Jerusalem court officials (scribes) familiar with wisdom literature and expressions, but the group also included priests.<sup>62</sup> The nature of this group, he argues, may be seen in the repetitious use of stock phrases and in the similarities between Deuteronomy and wisdom literature, particularly the use of motivational phrases and clauses.<sup>63</sup> He sees the period of Hezekiah (ca. 715-687 BC) as being the most probable time at which theological reflection and literary effort were combined to produce an early form of the book.<sup>64</sup> He holds that “many texts in the book of Deuteronomy were ... exactly that which they now appear to be: legal and liturgical texts which were to be read before large assemblies of Israel.”<sup>65</sup>

Deuteronomy, in Lohfink’s view, represents an attempt to re-interpret and “systematize” old traditions in the face of dramatically altered circumstances. He argues that theological reflection such as is found in Deuteronomy is the result not of evolutionary development of religious traditions, but rather due to the presence of a threat to a traditional worldview.<sup>66</sup> In the case of Deuteronomy, the sudden removal of the Assyrian threat and Josianic moves toward independence led to a resurgence of traditional faith. But that traditional faith was re-packaged in an early form of Deuteronomy in such a way as to make it appealing to the people (who were accustomed, after generations of domination, to the Assyrian worldview and practices)

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<sup>60</sup> See N. LOHFINK, “Deuteronomy,” in *Interpreter’s Dictionary of the Bible Supplement* (Nashville: Abingdon, 1976), 229. See also idem, “Distribution of the Functions of Power,” 343, 345-46, and “Utopian Project,” 18. In the latter work (p. 18), he suggests that the final form of Deuteronomy could possibly be dated as late as during Plato’s lifetime (427-347 BC).

<sup>61</sup> LOHFINK, “Distribution,” 345-46.

<sup>62</sup> LOHFINK, “Deuteronomy,” 229; idem, “Culture Shock and Theology: A Discussion of Theology as a Cultural and Social Phenomenon Based on the Example of a Deuteronomic Law,” *Biblical Theology Bulletin* 7 (1977): 14.

<sup>63</sup> LOHFINK, “Deuteronomy,” 229-30.

<sup>64</sup> *Ibid.*, 229.

<sup>65</sup> *Ibid.*

<sup>66</sup> LOHFINK, “Culture Shock and Theology,” 12-22.

and at the same time to neutralize the threat of the competing worldview.<sup>67</sup> Lohfink does not address this issue, but it seems logical to conclude, on this model, that the final form of Deuteronomy (which dates to the early exilic period) includes further theological reflection in light of the “culture shock” experienced in the Babylonian exile and the threat to the traditional worldview manifested by Babylonian culture.

Lohfink sees Deut 16.18-18.22 as representing a coherent constitutional scheme that deliberately seeks to distribute the functions of power. He avers that this “draft constitution”<sup>68</sup> is the result of critical engagement with the constitutional system extant during the period of the monarchy. Its present form, however, represents significant growth. This may be seen partly, he argues, in the “abrupt” transition to the law concerning judges (16.18ff.) from the previous law dealing with the celebration of the feast (Deut 16.1-17).<sup>69</sup> At the time of its redaction in the early exilic period, the laws concerning offices were brought together and integrated into a comprehensive, consistent constitutional theory.

It was, however, a “utopian theory” since from the time it was accepted as law in the early exilic period, the monarchy in Israel had ceased to exist, never to be restored.<sup>70</sup> Given that “the lack of one element affects all others in a system, the constitutional theory in Deuteronomy was never concretely realized.”<sup>71</sup> In Lohfink’s view, then, the laws contained here may have originated in the monarchic period, but in their present form they are intended to be read as a coherent system that is the result of reflection on and engagement with the monarchical system. The result of that engagement is the utopian scheme of the distribution of the functions of power found in Deuteronomy.<sup>72</sup> It is clear that Lohfink’s utopianism is different from that of von Rad, as Lohfink maintains Deuteronomy is a utopian expression of kingship that was

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<sup>67</sup> Ibid., 20.

<sup>68</sup> LOHFINK, “Distribution,” 346.

<sup>69</sup> Ibid., 339, 343. This “abrupt” transition has led some to see Deut 16.17 as the end of the original Deuteronomistic law book. Cf. G. BRAULIK, “The Sequence of the Laws in Deuteronomy 12-26 and in the Decalogue,” in *A Song of Power and the Power of Song*, 313-35.

<sup>70</sup> The view of Deuteronomy as a postexilic, utopian programme was advanced already in 1923. See G. HÖLSCHER, “Komposition und Ursprung des Deuteronomiums,” *ZAW* 40 (1923): 161-225. See also N. LOHFINK, “Zur neuen Diskussion über 2 Kön 22-23,” in *Das Deuteronomium: Entstehung, Gestalt und Botschaft*, ed. N. Lohfink (Leuven: Leuven University Press, 1985), 25.

<sup>71</sup> LOHFINK, “Distribution,” 346.

<sup>72</sup> Lohfink’s understanding that the Deuteronomistic programme is a post-exilic utopian one is based in part on literary critical questions of the wording of the laws (see LOHFINK, “Distribution,” 345-46). For a critique of this understanding, see CRÜSEMANN, *Torah*, 210.

never re-established, whereas von Rad maintained that Deuteronomy was utopian in its idealization of the amphictyonic period.

The Deuteronomic scheme, according to Lohfink, serves to redefine power relationships in Israel. The powers of the king and the priesthood are scaled back in Deuteronomy, while at the same time the offices of judge and prophet are given greater authority. This may be seen by the fact that the law of the king provides for no judicial role for the king, whereas formerly he had exercised such a function.<sup>73</sup> Indeed, the only roles Deuteronomy envisions for the king, Lohfink maintains, are to carry out administration, study the *Torah*, and serve as a symbol of the prosperity of the state.<sup>74</sup> Similarly, in Lohfink's view, the priestly role is curtailed in favour of the prophet. He suggests that the priests had formerly "served the oracle" and so provided contact between an individual and God. In Deuteronomy's law concerning priests, there is no mention of oracles, and it is the prophet, in Lohfink's view, whose realm of responsibility includes contact with God. Moreover, Deuteronomy expressly prohibits spiritism and divination in Israel. The only legitimate means by which Israel can determine the divine will is through the prophet, who interprets *Torah* (see below).

This redefinition of power relationships, he argues, helps account for the order of the laws in this section of Deuteronomy, in which the ideas raised by one law lead, through association, to another. Thus, the law of the king follows that of judges since the king formerly exercised a judicial function. Likewise, the law regarding prophets follows that of priests due to the historical association of the one office's historical function with the other office's present function.<sup>75</sup>

While the roles of the king and the priests are diminished, the role of judges is enhanced in Deuteronomy. This is seen, Lohfink notes, in the fact that in Deuteronomy the judicial system is independent of the king. Nowhere is the king given the authority to appoint judges or remove them; that responsibility lies with Israel as a whole (although Lohfink argues that the judges in the central tribunal are

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<sup>73</sup> LOHFINK, "Distribution," 348.

<sup>74</sup> Lohfink does not comment on how his view that the king, through his harem and wealth, functions as a symbol of the state in light of Deut 17.7. There, the king is prohibited from having a large harem or much wealth. If the king's harem and wealth serve as symbols of the prosperity of the state, then Deuteronomy would appear to ensure that the state has no outward symbol of wealth. It is likely, however, that Deuteronomy is here reacting against ANE conceptions of the status of nations in favour of its own unique understanding of the prosperity of the state. In Deuteronomy, the prosperity of the state is measured not in terms of the wealth of the king, but in terms of the way in which the powerless and the Levites are cared for. See LOHFINK, "Laws of Deuteronomy," and also J.G. MCCONVILLE, *Law and Theology in Deuteronomy*, JSOTS 33 (Sheffield: JSOT Press, 1984), 149-51.

<sup>75</sup> LOHFINK, "Distribution," 348.

not appointed by the people or the king, but rather are best understood as filling a hereditary office). The judges are given authority to judge the people, but are called to do so righteously, in keeping with the tenets of *Torah* (see below).<sup>76</sup>

In a similar way, the role of the prophet is enhanced in Deuteronomy. As noted above, individual contact with God, formerly the province of the priest, is now the responsibility of the prophet. Lohfink argues that the prophets in Deuteronomy are the successors to Moses. Both the office of prophet and *Torah* itself originated at Horeb, and the prophets are described as being “like” Moses. Their role is to interpret the immutable *Torah* for changing times and circumstances. In Lohfink’s understanding, the prophets serve as a sort of legislature, though they represent Yahweh, not the people. The prophets serve as a “counterbalance” to the power of the other offices.<sup>77</sup> Through the legislated role of the prophets, “God reserves for himself the possibility of exercising his sovereignty in ever new ways, as occasions arise.”<sup>78</sup> The significance of their role may be seen in the fact that those who disobey the prophet are judged by Yahweh himself (18.19), whereas those who fail to heed the instructions of the central tribunal are judged and punished by the people.<sup>79</sup>

Key to Lohfink’s understanding of Deuteronomy’s constitutional scheme is the role of *Torah*.<sup>80</sup> In Deuteronomy, *Torah* is the ultimate authority. All offices are subordinate to it, including even the king. The king is to read from the *Torah* daily, and learn thereby to fear Yahweh and keep his commandments (Deut 17.18-20). The priests are to have custody of the *Torah*, and they are given the responsibility of teaching the generations to come the stipulations of the *Torah* (Deut 31.10-13). Similarly, Deuteronomy assumes that judges will render verdicts that are in keeping with the *Torah* (Deut 17.11). Finally, the prophets are also bound to *Torah*, though Lohfink argues that they are “less subordinate to it than parallel to it...the prophets seem to be thought of as a means of concretizing and actualizing the will of God, as set out in general terms in the *Torah*.”<sup>81</sup>

To summarize: Lohfink sees Deuteronomy as representing in part a redefinition of power relationships in Israel, such that power is distributed among the offices of judge,

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<sup>76</sup> Ibid., 349.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid., 350.

<sup>79</sup> Ibid., 342.

<sup>80</sup> Ibid., 350-51.

<sup>81</sup> Ibid. 351.

king, priest, and prophet. The ultimate authority in Israel, however, is not the offices or officeholders, but rather *Torah*. All the offices are subject to *Torah*, although the prophet is viewed as parallel to it in that the prophet is tasked with holding the nation accountable to the terms of *Torah*. This programme was a utopian ideal, however, since the office of the king was never re-established following the exile.

### *B. Levinson*

The final perspective to be considered in this presentation of views of Deuteronomy and centralization is that of Bernard Levinson. Levinson associates Deuteronomy (that is, a form of the book that included a law of centralization) with the reforms of Josiah, on the basis of the close association between the requirements of the legal corpus of Deuteronomy and the reform measures actually carried out by Josiah.<sup>82</sup> The authors of this work, he believes, were scribes who drew on other texts (particularly the Covenant Code) in an effort to transform Israelite law, religion, and social structure in radical ways. Such a transformation was without precedent in the history of Israel.<sup>83</sup>

Levinson's work is unique not in terms of seeing the Judean scribes as having effected a revolution in the political and religious life of Israel (that view is shared by Weinfeld and others), but rather in terms of his understanding of how this was accomplished. He argues that the scribes responsible for Deuteronomy deliberately used older legal material but reworked it in support of the agenda of the authors. The use of older material was critical to ensure support for the programme through the guise of continuity with the old tradition. But, he argues, the *way* in which the older material is used and reworked demonstrates that the material is used tendentiously. He notes in particular two literary techniques that identify the editorial transformation of a text. The first is repetitive resumption, in which a sequence of ideas is interrupted by a digression or interpolation, and then one or two clauses from the material preceding the digression is repeated to mark the resumption.<sup>84</sup> The other (which is in effect a sub-category of the first) is Seidel's law, in which an interpolation or digression is followed by the reversal of the elements that preceded it. Levinson maintains that repetitive resumption is generally attributed to redaction of material in both Israelite and cuneiform legal texts.<sup>85</sup>

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<sup>82</sup> LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation*, 9.

<sup>83</sup> *Ibid.*, 3-22.

<sup>84</sup> *Ibid.*, 18.

<sup>85</sup> *Ibid.*, 18-19.

The Deuteronomic authors, then, used the older laws of the Covenant Code to demonstrate continuity with tradition. But they used these laws in such a way as to actually break with, not affirm, that tradition. He notes:

The authors of Deuteronomy employed the Covenant Code ... not merely as a textual source but as a resource, in order to purchase the legitimacy and authority that their reform agenda otherwise lacked. The reuse of the older material lent their innovations the guise of continuity with the past and consistency with traditional law. The authors of Deuteronomy cast their departure from tradition as its reaffirmation, their transformation and abrogation of conventional religious law as the original intent of that law.<sup>86</sup>

In this way, then, the Deuteronomic programme may be seen as particularly revolutionary and unprecedented.

At the heart of this programme, as Levinson understands it, is centralization of the cult. Local sanctuaries were outlawed, requiring a major shift in all aspects of life. As a result of this proscription, concession had to be made to allow for the slaughter of animals for food. Just such a law is part of the centralization law in Deuteronomy 12, as Levinson sees it. In addition, the removal of local altars and sanctuaries meant that cultic festivals, previously held at local sanctuaries, had to be reworked and directed to the central sanctuary. Finally, the loss of the local altars and the desire of the reformers to redefine the social structures of the old clan order led to a restructuring of the judicial system.

In dealing with that restructuring, Levinson begins with an analysis of the problem posed by Deuteronomy 17.2-7. It was long ago suggested that the material in Deut 17.2-7 represents an interruption to the sequence of laws in Deuteronomy, and, given the thematic ties to chapter 13, should be relocated there. If that were carried out, the section on judges (Deut 16.18-20) would continue on the same theme with the material dealing with the central tribunal (17.8-13). At the same time, the relocation of 16.21-17.7 to chapter 13 would ensure continuity of theme as well, as both chapter 13 and the first verses of chapter 17 deal with the issue of idolatry. This, according to Levinson, has become the “standard solution,” adopted by most interpreters of a variety of methodologies.<sup>87</sup>

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<sup>86</sup> Ibid., 21.

<sup>87</sup> Ibid., 104-07. Levinson does not mention those commentators who do not apply the “standard solution” but rather attempt to account for the presence of the apparently intrusive verses through analysis of the text and its context. See, e.g., E.H. MERRILL, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 257-58; P.D. MILLER, JR., *Deuteronomy*, Interp (Louisville: John Knox, 1990), 142-44; C.J.H. WRIGHT, *Deuteronomy*, NIBC 4 (Peabody: Hendrickson; Carlisle: Paternoster, 1996), 204-07. Still others, while accepting that the laws in 16.21-17.7 may have originated elsewhere,

Levinson challenges the “standard solution” on the contention that it is based on two assumptions, neither of which can be upheld. The first assumption is that Deut 17.2-7 is the completion of a series of laws on apostasy found in chapter 13. The second is that chapter 13 and 17.2-7 “derive from the same literary stratum.”<sup>88</sup> But this solution, he argues, cannot be viable because it creates more problems than it solves. If Deut 17.2-7 were inserted between 13.1 and 13.2, as is sometimes proposed, then the laws concerning actions by lay people interrupt a law concerning incitement to apostasy by a prophet. Moreover, he notes that inserting Deut 17.2-7 *before* 13.7-12 does not solve the problem either, since it places a case dealing with actual apostasy in a series that deals only with incitement.<sup>89</sup> Thus, he argues, the “standard solution” fails to clarify the existing problem of lack of coherence in the laws because it introduces its own incoherence, and simply shifts the problem from one chapter to another.

The second assumption, that the two texts derive from the same literary stratum, is shown to be false, he argues, based on the shared terminology of Deut 16.18-20; 17.8-13 and Deut 17.2-7. Technical terms for the secular sphere and the cultic sphere are used consistently in Deuteronomy 16-17 but are absent in chapter 13 (see below). In addition, the term *בְּקִרְבְּךָ* (“in your midst”) is used consistently in chapter 13 but in a way that cannot be construed as parallel to the use of the technical vocabulary of Deuteronomy 16-17. This may be seen readily in Deut 17.2, where the author has retained the term *בְּקִרְבְּךָ* from the earlier law in Deuteronomy 13, but added the distinctive technical term *בְּאַחַד שְׁעָרָיִךָ*.<sup>90</sup>

In order to avoid the problems wrought by the standard solution, Levinson proposes an alternative understanding. He argues that Deut 17.2-7 represents an original part of the structure of the chapter, and that it and the following section (vv. 8-13) represent two alternatives to a problematic case. Verses 2-7 represent a case in which there is reliable evidence in the form of the testimony of two witnesses. This is the “secular” resolution. The second alternative (vv. 8-13) is a case in which there is ambiguity of some sort which makes it impossible for the secular judges to render a verdict. In that case, Deuteronomy provides for resolution of the case in the central

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seek to account for the presence of the laws in the final form of the book, but do so in a different way than does Levinson. See CLEMENTS, “The Book of Deuteronomy,” 420-21; idem, *Deuteronomy*, 23-31.

<sup>88</sup> LEVINSON, *Legal Innovation*, 108.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid., 131-33.



tribunal through the mediation of the Levitical priest or judge in office (Deut 17.9), presumably through recourse to cultic inquiry. The function of Deut 17.2-7, Levinson argues, is to “define the conditions for evidentiary certainty.”<sup>91</sup>

Levinson bases this contention on the fact that the Covenant Code, which he understands as being revised by Deuteronomy, includes laws with a similar structure, albeit dealing with different subject matter. He notes that Exod 22.6-7 includes a protasis marked by ׀, followed by two alternative subordinate clauses marked by ׀. In the case of Exodus, the first alternative represents a case in which there is incontrovertible evidence (the apprehension of the thief who stole property). In the second, there is ambiguity, and so the owner of the house is required to approach God to determine whether or not he did, in fact, misappropriate the property. He argues that Deuteronomy 17 similarly presents two parallel conditional clauses, each of which deal with different conditions. The first, vv. 2-7, begins with a ׀ clause and deals with a case in which there is irrefutable evidence. The second, also beginning with ׀, deals with an ambiguous case that requires recourse to a cultic setting. That cultic setting, however, has been reinterpreted in Deuteronomy in light of its unique centralization law that eliminated the local sanctuaries, which were formerly the place at which the ambiguous cases were resolved. He further notes that a similar construction (of two parallel conditional clauses dealing with alternative scenarios) is found in the Akkadian legal text Laws of Eshnunna.<sup>93</sup>

So in this understanding, Deuteronomy 17.2-7 is, in fact, a revision not just of the Covenant Code, but also of Deuteronomy 13.7-12 (which is itself a revision of earlier law<sup>94</sup>). That text is concerned with the case of enticement to apostasy by a close family member or close friend. Levinson argues that the text requires that “the person to whom the incitement is addressed ... take summary action to execute the inciter,

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<sup>91</sup> Ibid., 116.

<sup>92</sup> Ibid., 115.

<sup>93</sup> Ibid., 115-16. An English translation of the Laws of Eshnunna is found in *ANET*, 161-63.

<sup>94</sup> LEVINSON, *Legal Innovation*, 122-23. Levinson sees in Deuteronomy 13 a revision of the law in Exod 19.22 that prohibits sacrifice to foreign gods. In his discussion of this (p. 123), he assumes that Deut 13.7-12 is in part a restrictive interpretation of Exod 19.22, in that the later text does not provide for the destruction of the entire family, as, he assumes, does Exod 19.22. However, this assumption is highly speculative, and Levinson himself notes (p. 123, n. 67) that there “is no conclusive evidence that the punishment does extend to the family” in Exod 19.22.

acting in self-defense on behalf of the entire community to defend it from a mortal threat.”<sup>95</sup> The key phrase is found in Deut 13.10-11a, which commands:

[A] יָדָךְ תְּהִיָּה-בּוֹ בְּרֵאשׁוֹנָה לְהַמִּיתוֹ וְיָד כָּל-הָעָם בְּאַחֲרָנָה:  
[B] וְסִקְלֹתוֹ בְּאֲבָנִים וְמָת

This phrase appears again, in almost identical form, in Deut 17.5b-7. But there, in Levinson’s interpretation, the phrase is cited chiasmically and with a reversal of elements in accordance with Seidel’s law. But, as is the case when Seidel’s law is used to mark textual reuse, there is an interrupting element that is innovative. So, Levinson sees the following chiasmic structure with an innovative element (here denoted as X) in Deut 17.5b-7<sup>96</sup>:

[B’] וְסִקְלֹתָם בְּאֲבָנִים וְמָתוּ:  
[X] עַל-פִּי שְׁנַיִם עֵדִים אֹו שְׁלֹשָׁה עֵדִים יּוֹמַת הַמָּת לֹא יּוֹמַת עַל-פִּי עֵד אֶחָד:  
[A’] יָד הָעֵדִים תְּהִיָּה-בּוֹ בְּרֵאשׁוֹנָה לְהַמִּיתוֹ וְיָד כָּל-הָעָם בְּאַחֲרָנָה

According to Levinson, this text represents a reuse of Deut 13.10-11a, with an additional requirement of a minimum of two witnesses interpolated into the revised text. Given the revision, it is the “hand” of the witnesses (plural) that are to be the first to cast the stones. This revision, he argues, “establishes the legal-historical distance between the two texts.”<sup>97</sup>

According to this interpretation, the focus of Deut 17.2-7 is not apostasy, but rather is concerned with the rules of evidence. Deuteronomy 13.10-11a, in his view, deals with summary execution. The later passage seeks to reinterpret the law concerning summary execution and introduce into it the requirement for multiple witnesses, and it does so using the very wording of the earlier text. That the case in question deals with apostasy, the most vile crime imaginable under the terms of the covenant, demonstrates, in Levinson’s view, the paradigmatic nature of the text. If two witnesses are required even for apostasy, the importance of the requirement is easily seen.<sup>98</sup>

Levinson contends that this reinterpretation was part of a deliberate effort on the part of the authors to redefine the nature and role of the judicial system at the local

<sup>95</sup> Ibid., 118.

<sup>96</sup> See *ibid.*, 118-19.

<sup>97</sup> *Ibid.*, 119-20.

<sup>98</sup> *Ibid.*, 121.

level. Part of the function of Deut 17.2-7 is to demonstrate that there is still a judicial function to be exercised at the local level; even capital cases dealing with apostasy may be adjudicated there, so long as the evidence in the form of two or more witnesses is available. But Deuteronomy still is seen as radical in that it transfers to the central tribunal the authority to adjudicate ambiguous cases, and, importantly, it supplants the clan-elder role in the judiciary through the requirement that judges and officers be appointed in each town (Deut 16.18).<sup>99</sup> He notes that Deuteronomy is completely silent on the role of clan elders, and that the authors “impose their professionalized judicial system upon the city gate as if it were a tabula rasa without traditional legal-historical occupants.”<sup>100</sup> This silence about the elders, in Levinson’s view, can “only constitute a deliberate polemic.”<sup>101</sup> The purpose of the authors of Deuteronomy is to create an independent judiciary that is free of control by the institution of the monarchy. The result is a political system in which the judge does not serve the king, but rather both offices, king and judge, are subject to the authority of *Torah*.<sup>102</sup>

While transforming local judicial procedure, Deuteronomy transfers authority for adjudicating ambiguous cases to the central tribunal. This, Levinson argues, is not as dramatic a change, since formerly ambiguous cases were resolved at the local sanctuary. Thus, the authors of Deuteronomy simply shift the location to the central sanctuary.<sup>103</sup> Levinson argues that it is the parties to the dispute, not the local judges, who are to go to the central tribunal for resolution of the case. He bases this on the idea that the earlier law, here being reworked, included the requirement for the swearing of a judicial oath. Thus, he argues, the parties to the case would likely be required to proceed to the central tribunal. Moreover, he argues that since Deut 19.17 states a requirement that in the case of a single (malicious) witness, both parties shall stand “before the LORD” (לפני יהוה) in order to determine the veracity of the accusations, this is most likely the requirement here.<sup>104</sup>

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<sup>99</sup> Ibid., 124-27.

<sup>100</sup> Ibid., 125.

<sup>101</sup> Ibid., 126.

<sup>102</sup> Ibid., 126-27.

<sup>103</sup> Ibid., 127. Although most commentators assume that the central sanctuary and the central tribunal were coterminous, Merrill argues that this is not necessarily the case. He notes that the “place” of the central tribunal is not specifically identified, as is the location of the sanctuary, as “where the LORD placed his name” as in Deut 12.5. See MERRILL, *Deuteronomy*, 261-62, and CAIRNS, *Word and Presence*, 163-64.

<sup>104</sup> LEVINSON, *Legal Innovation*, 129-30.

Together, Levinson argues, Deut 17.2-7 and 8-13 form a coherent whole that establishes the jurisdiction of the various judicial spheres. The first text, vv. 2-7, assigns all cases in which the evidence is readily available, including cases involving religious issues such as apostasy, to the local sphere. At the same time, vv. 8-13 assign all ambiguous cases (whether dealing with religious or civil/“secular” matters) to the central tribunal for disposition via cultic measures.<sup>105</sup> Thus, the two sections function together in a dialectical structure. Furthermore, Levinson argues that key phrases, found in either section, function as technical terms denoting the cultic and secular realms respectively. The phrase “in the place” (בַּמְקוֹם) functions to identify the cultic sphere in the legal section of Deuteronomy. Similarly, the phrase “in your gates” (בְּשַׁעְרֵיךָ) serves as a technical term for the secular sphere.<sup>106</sup> All this demonstrates, Levinson contends, that Deut 17.2-7 is a deliberate reinterpretation of the apostasy laws of Deuteronomy 13 in light of centralization.

For Levinson, the programme of centralization of justice envisioned by Deuteronomy is both realistic and utopian. It is utopian in its subjugation of all offices to the *Torah*. On the other hand, he sees it as realistic in its systematic and deliberate reinterpretation of the Covenant Code and the judicial system and procedures described there. He sees in Deuteronomy both a “draft constitution” as well as a description of the office bearers of theocracy. He notes that “the Deuteronomic agenda is thus both cultic and judicial, both utopian and practical; it is concerned both with the rewriting of texts and with the transformation of public life.”<sup>107</sup>

Finally, Levinson addresses the issue of the judicial role of the king in Deuteronomy. He notes that the Deuteronomic presentation of the judiciary provides no role whatsoever for the monarch. This, he notes, stands in marked contrast to the judicial role played by the king throughout the ANE and in Israel prior to the writing of Deuteronomy. He argues that the denial of any meaningful judicial role to the king is intelligible in light of the authors’ intention to draw out the implications of centralization in every sphere of life. This may be seen even in the sequence in which the offices are discussed in Deut 16.18-18.22. Levinson argues that the order of the offices (judge, king, priest, prophet) and the order of topics in the section (local justice, central justice, king, priests, prophet) do not reflect ascending or descending

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<sup>105</sup> Ibid., 130.

<sup>106</sup> Ibid., 131.

<sup>107</sup> Ibid., 137.

organization, which is often seen in the cuneiform law codes, and even in earlier biblical codes.<sup>108</sup> Thus, the point is not to highlight the supremacy of any office *per se*, but rather to argue for the supremacy, both judicial and textual,<sup>109</sup> of the cultic centre. The very presence of the law of the king, following the laws concerning the central tribunal, is a reflection of the role the king formerly played in the judicial system.

#### B. EVALUATION

It is now necessary to evaluate briefly the nature of the arguments and cases for centralization described above. Thorough evaluation of the arguments of each of these interpretations would be vastly beyond the scope of this chapter. I will, therefore, simply highlight certain important difficulties with some of the interpretations provided.

It appears to me that at some points certain interpretations have not consistently evaluated the data of the text. As noted above, Weinfeld understands the centralization programme in Deuteronomy as representing an attempt by scribes to reinterpret old traditions and theology in favour of a more sophisticated, spiritual religion. Part of that reinterpretation includes a repudiation of the ostensibly anthropomorphic conception of Yahweh in earlier strata and in P. In Weinfeld's view, much of the Deuteronomic programme is designed to counter the view that Yahweh was actually present in the Temple and instead to promote the idea that Yahweh dwells in heaven, not in the Temple. This supposed shift in understanding of the presence of Yahweh has tremendous implications for Deuteronomy's presentation of cult and theology. Indeed, Weinfeld states that the removal of Yahweh's actual presence (immanence) means the collapse of the entire Priestly code. All cultic function would cease, and all the social laws of the code would also cease to be operative.<sup>110</sup>

Because Deuteronomy has ostensibly reinterpreted the presence of Yahweh, many of the rituals that presupposed his presence are eliminated. Those actions which were formerly understood to be performed in Yahweh's presence are reinterpreted in light of the fact that he is no longer seen to be actually present. To put it more simply: if the

<sup>108</sup> Ibid., 142. He cites Exod 21.28-32 as an example of a descending organizational pattern.

<sup>109</sup> Levinson argues against any descending organization pattern in these laws, but argues that the fact that the laws concerning the central tribunal are textually prior to the law of the king demonstrates the eclipse of monarchical judicial authority in favour of the central tribunal. But the laws concerning the *local* judiciary are textually prior to both the central tribunal and the law of the king.

<sup>110</sup> WEINFELD, *Deuteronomic School*, 185.

purpose of the sacrificial rituals was to satisfy a present deity, those rituals must necessarily be reinterpreted in light of the absence of the deity. That, according to Weinfeld and others, is what is occurring in Deuteronomy. Methods of sacrifice and sacral service are missing from Deuteronomy.<sup>111</sup> When sacrifice is mentioned, the author of Deuteronomy presents it in a different way than does P or the holiness code. Weinfeld argues that sacrifice in Deuteronomy is not practised for its own sake. Rather, sacrifice is reinterpreted in Deuteronomy and is understood as a personal transaction between the offerer and God, and serves a largely humane, not religious purpose.<sup>112</sup> That is, according to Weinfeld, the obligation to share the offering brought to “The Place” with the underprivileged and the Levite is stated so often and emphatically that it appears to be a central purpose of the offering itself. Moreover, it is a personal matter, not inherently a communal one; it functions as a gift from the offerer to Yahweh.<sup>113</sup> All this, again, may be seen to derive from the fact that God is not seen as actually present in the Temple.

Weinfeld sees evidence for his view in the fact that in Deuteronomy there is no discussion of expiatory sacrifice. The only rite analogous to a sin or guilt offering is found in the law of unsolved murder. However, he sees in this law evidence of a changed attitude to sacrifice in general and expiation in particular. Whereas the priests in P and earlier codes had a mediatory role to play, in Deuteronomy, he argues, they are simply present to provide a religious environment to the ceremony, which itself is actually carried out by elders (who represent the political, not religious, realm).<sup>114</sup> Forgiveness comes as a result of the prayers of the elders who represent the city, not as a result of the sacrifice of the heifer.

It is here that an important objection may be raised. Weinfeld’s argument is based in part on an argument from silence. That is, because Deuteronomy does not present a complete or systematic description of sacrifice, it must be repudiating the practice, or, at least, the theology behind it. But the data of the text will admit of other explanations. Weinfeld sees Deuteronomy as being a manual for the king and people.<sup>115</sup> Given the audience that Weinfeld himself assumes, it is not surprising to find a less than systematic presentation of sacrifice. Even the “revolutionary”

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<sup>111</sup> WEINFELD, *Deuteronomy 1-11*, 55.

<sup>112</sup> *Ibid.*, 40-41.

<sup>113</sup> *Ibid.*, 41.

<sup>114</sup> *Ibid.*, 40.

<sup>115</sup> *Ibid.*, 46.

centralization law in Deut 12.6 calls for the presentation at “the place” of “your burnt offerings, your sacrifices, your tithes, the contribution of your hand, your votive offerings, your freewill offerings, and the first-born of your herd and of your flock.” The emphasis Weinfeld sees on humanitarian concerns need not necessarily imply that this was the only, or even primary, motivation for sacrifice.

Regarding the law of unsolved murder, Weinfeld argues that sacrificial ritual is transformed in Deuteronomy because 21.8 calls for expiation of the *people*, not the land. But it is not at all clear that this chapter is best understood as reflecting Deuteronomy’s understanding of sacrifice in general. It may, rather, be an exceptional case (it is, after all, not presented as a discussion on sacrifice but is dealing with the exceptional case of unsolved murder), even if Weinfeld’s interpretation of the text were correct. But that itself is not necessarily the case. Milgrom rightly notes that the ritual described in Deuteronomy 21 “is incomprehensible without the assumption that the blood does contaminate the land on which it is spilt and that this ritual transfers the contamination to the untillable land.”<sup>116</sup> Furthermore, the same chapter later indicates that the basis for not exposing the corpse of an executed criminal overnight is to avoid contamination of the land (וְלֹא תִטְמָא אֶת־אֲדָמָתְךָ). Even if these two sections derive from different stages in the development of the book, the final redactor was not concerned to avoid the implication that the land could be defiled, despite the fact that this was the view espoused in earlier sources supposedly rejected by Deuteronomy.

In addition, the very notion of Deuteronomy’s understanding of divine presence and its relationship to P is exceedingly complex. Wilson has challenged the prevailing view that Deuteronomy represents a different understanding of the presence of God than do other sources in the Pentateuch.<sup>117</sup> His careful examination of the historical sections of the book (which are widely held to be “Deuteronomistic” and, so, would reflect the theology of the Deuteronomists which Weinfeld and others have understood as rejecting earlier concepts of the presence of Yahweh<sup>118</sup>) demonstrates that the author(s) of Deuteronomy do not seem constrained to use different terminology from that of parallel sources. Rather, similar language is used in

<sup>116</sup> J. MILGROM, “The Alleged ‘Demythologization and Secularization’ in Deuteronomy (Review Article),” *IEJ* 23, 3 (1973): 157.

<sup>117</sup> I. WILSON, *Out of the Midst of the Fire: Divine Presence in Deuteronomy*, SBLDS 151 (Atlanta: Scholars Press, 1995).

<sup>118</sup> M. WEINFELD, “Presence, Divine,” *Encyclopaedia Judaica* 13: 1020, notes: “[T]he abstract notion of the Divine Presence associated with the so-called ‘Name’ theology found its full expression in Deuteronomy and the Deuteronomic school.”

Deuteronomy and in the Tetrateuch in describing the presence of Yahweh with Israel. Significantly, the language used in both the Tetrateuch and in Deuteronomy in parallel passages are used to fulfil similar functions, and to convey the sense that Yahweh was actually present among his people.<sup>119</sup>

Similarly, Wilson's examination of the use of the phrase *לפני יהוה* in the legal section of Deut 12-26 demonstrates that Deuteronomy understands the cultic actions described (eating, rejoicing, etc.) as taking place in the presence of Yahweh, and "thus ... they point to the localized Presence of the Deity at the 'chosen place.'"<sup>120</sup> He notes:

This preference for acting *before* God, and thereby using a preposition whose possible range of meaning undoubtedly includes the literal "in the presence of," is consistent with a belief in the Deity being localized in the immediate vicinity of the worshipper, but is antithetical to a concern to emphasize his *absence* from the earthly sphere.<sup>121</sup>

That such expressions occur both in the historical sections (which are understood to be Deuteronomi(sti)c) and in the legal section calls into question the understanding that Deuteronomy has "relocated" God to heaven<sup>122</sup> and challenges the view that the book presents a radically different understanding of the presence of Yahweh.

Weinfeld appears to be inconsistent at another point as well. In his reconstruction of Deuteronomy's judicial reform, he argues that centralization "created a judicial vacuum in the provincial cities, and the law providing for the appointment of state judges in every city was apparently designed to fill it."<sup>123</sup> But according to his own reconstruction, centralization resulted in the loss of local *sacral* authorities, not local judicial authorities. The "judicial vacuum" ostensibly created by centralization is filled by the enhanced role of the central tribunal, since that body fulfilled duties previously exercised by the local sanctuaries. Thus, centralization does not *require* the appointment of judges in the cities. The local authorities who, according to this interpretation, formerly exercised judicial authority could have continued to do so.<sup>124</sup> Instead of consulting a local shrine or sanctuary in cases too difficult for the local

<sup>119</sup> WILSON, *Midst of the Fire*, 24-28, 32-36, 45-50, 114-15, 200.

<sup>120</sup> *Ibid.*, 204.

<sup>121</sup> *Ibid.*

<sup>122</sup> T.N.D. METTINGER, *The Dethronement of Sabaoth: Studies in the Shem and Kabod Theologies* (Lund: CWK Gleerup, 1982), 47.

<sup>123</sup> WEINFELD, *Deuteronomistic School*, 234.

<sup>124</sup> T.M. WILLIS, *The Elders of the City: A Study of the Elders-Laws in Deuteronomy*, SBLMS 55 (Atlanta: Scholars, 2001), 44.



judges, centralization would simply require that they consult the central tribunal instead. Weinfeld's theory of centralization does not adequately account for the requirement that judges be appointed in the cities (Deut 16.18).

He further assumes that the jurisdiction of elders was limited as part of the centralizing reform to "patriarchal and family litigation," and that Deuteronomy assigns to the royally appointed magistrates "all cases requiring a clear cut verdict (such as the establishment of guilt or innocence ... )."<sup>125</sup> But this interpretation stands in contrast to Deut 19.11-12. That text deals with the case of a murderer seeking asylum in one of the cities of refuge, which is inappropriate because the killing was intentional, not accidental. The elders are given responsibility for delivering the offender to the avenger. But this text seems to presuppose that the elders are in fact establishing the guilt or innocence of the offender, since presumably it would not be immediately known that the person intentionally killed his neighbour. The elders would therefore have to investigate the case and determine whether or not the killing was accidental or intentional.<sup>126</sup> This is not a case of family litigation, but rather determining the guilt or innocence of a suspected offender. The same is true for other cases explicitly assigned to the elders (Deut 21.19-20; 22.15-21; 25.8-9). While Weinfeld considers them to be cases of "patriarchal and family litigation," they all are dealing with establishing guilt or innocence (and so, in Weinfeld's view would be the responsibility of the magistrates, not the elders), and can even involve a sentence of death. Whatever the true relationship between the "judges" required in Deut 16.18 and the elders described elsewhere, Weinfeld's reconstruction seems improbable and does not account for the data of the text.

Objections may be raised about certain points of Levinson's treatment as well. He argues that Deuteronomy's radical innovation may be seen in the supposed reinterpretation of Deuteronomy 13 in Deut 17. As noted above (p. 55-57), Levinson

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<sup>125</sup> WEINFELD, *Deuteronomie School*, 234.

<sup>126</sup> D. PATRICK, *Old Testament Law* (Atlanta: John Knox, 1985), 73, argues that this is implied in the similar passage in Exod 21.12-14. He notes there that "when the avenger sought the killer at the sanctuary, a trial could be convened to determine whether the person taking sanctuary should be removed...." Similarly, Crüsemann maintains that "the control of avengers and their vendettas by public councils is necessarily and inseparably connected with the distinction between intentional and unintentional murder. This distinction can only be effective if all homicides are subject to thorough public investigation of a claim.... Furthermore, the distinction between intentional and unintentional had the purpose and function of *determining who was guilty and what the nature of the guilt was.*" CRÜSEMANN, *Torah*, 175-76, emphasis added. He further notes (*ibid.*, 177) that Deut 19.12 maintains that the elders of the place where the crime was committed have the responsibility to carry out the proceedings to determine the guilt or innocence of the offender.

sees Deuteronomy 17.2-7 as being a reinterpretation not just of the earlier Covenant Code, but also of Deuteronomy 13.7-12 as well. He argues that Deuteronomy 13.7-12 requires summary execution of a person inciting another to apostasy. He concludes that in cases of incitement to apostasy where there are no witnesses, “even immediate summary execution—taking the law into one’s hands—is mandated.”<sup>127</sup> This command is then reinterpreted in favour of more stringent evidential requirements in Deut 17.2-7. But is this really what Deut 13.7-12 is requiring?

Verse 10 is a key verse in this text. It says, כִּי הָרַג תְּהַרְגֵנּוּ יָדְךָ תְּהִיָּה-בּוֹ (‘‘But you shall surely kill him. Your hand shall be first against him to put him to death, and afterward the hand of all the people.’’). Even if it is conceded that the MT and not the LXX (which renders the first clause ἀναγγέλλων ἀναγγελεῖς περὶ αὐτοῦ, ‘‘You shall surely *report* him’’) is the correct reading, as Levinson argues,<sup>128</sup> it is still possible that summary execution is not, in fact, in view here. The text stresses that ‘‘your hand’’ (i.e., the person who was invited by a close friend or family member in secret [בְּסֵתֶר] to serve other gods) is to be the first against the offender, and then ‘‘afterward the hand of all the people.’’ The very fact that ‘‘all the people’’ are to take part in the execution may imply that a judicial procedure did, in fact, precede the execution. This would bring this section in line with verses 13-19 of the same chapter, where a thorough investigation is called for prior to punishment. As Tigay notes, ‘‘the investigation is not mentioned here because the present paragraph does not focus on the role of the court but on the duty of the person approached by the instigator.’’<sup>129</sup> At the very least, this text prohibits immediate, private summary action; the entire community is to be involved.

Moreover, this passage emphasizes the importance of demonstrating allegiance to Yahweh. It is a forceful argument that loyalty to Yahweh is more important even than loyalty to family. Furthermore, the enticement to apostasy was made in secret (בְּסֵתֶר), so there would have been a real temptation to cover it up. What the text is stressing is

<sup>127</sup> LEVINSON, *Legal Innovation*, 134.

<sup>128</sup> Ibid., 120, n. 60. On this issue, see also idem, ‘‘‘But You Shall Surely Kill Him!’: The Text-Critical and Neo-Assyrian Evidence for MT Deut 13:10,’’ in *Bundesdokument und Gesetz: Studien zum Deuteronomium*, HBS 4, ed. G. BRAULIK (Freiburg: Herder, 1995), 37-63; WEINFELD, *Deuteronomic School*, 91-100; P.E. DION, ‘‘Deuteronomy 13: The Suppression of Alien Religious Propaganda During the Late Monarchical Era,’’ in *Law and Ideology in Monarchic Israel*, JSOTS 124, ed. B. HALPERN and D. HOBSON (Sheffield: SAP, 1991), 147-216, esp. 149-56. Levinson holds that there is ‘‘nearly absolute scholarly consensus’’ that the LXX reading, not that of the MT, is correct (*Legal Innovation*, 120, n. 60).

<sup>129</sup> TIGAY, *Deuteronomy*, 132.

that covenant loyalty to Yahweh means exposing the idolatrous inclinations of even close family or friends, and even if those inclinations would otherwise remain secret.<sup>130</sup> Given the thrust of this passage in the context of the argument of the chapter, it is then not surprising that any judicial procedure that may have preceded execution is not spelled out. Doing so would have detracted from the main focus of the passage, which is the need for absolute loyalty to Yahweh. Judicial procedure and evidential requirements would interrupt the flow of thought of the passage; such topics could be and are dealt with elsewhere. This is not improper harmonization, but simply interpreting the text in its context.

It is also important to note the motivation for the execution. The author says (Deut 13.12) that as a result of the execution “all Israel will hear and will be afraid, and they will not again do anything like this evil in your midst.” Thus, the motivation is deterrence. The author is seeking to persuade his audience to avoid going after other gods, even in secret. The threat is that even disloyalty to Yahweh perpetrated in secret will be brought to light and the offender executed, even if the offence is “only” an incitement to apostasy (rather than actual apostasy). A careful presentation about the judicial procedures which may have preceded the execution would serve only to diminish the tension raised by the author and undermine its rhetorical effect on his audience.<sup>131</sup>

In addition, Levinson asserts that Deuteronomy’s programme seeks to supplant the local elders with judicial professionals.<sup>132</sup> Thus, in this section of Deuteronomy there is silence on the role of elders that “can only constitute a deliberate polemic.”<sup>133</sup> In criticizing Weinfeld’s reconstruction of separate jurisdictions for the professional judges and the elders, Levinson argues that “such a synchronic harmonization overlooks the diachronic issues involved in the composition of the legal corpus.”<sup>134</sup> But it seems to me that Levinson is guilty of completely overlooking synchronic concerns in favour of diachronic analysis. Deuteronomy’s “polemical silence” on the

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<sup>130</sup> Cf. WRIGHT, *Deuteronomy*, 175-76; P.C. CRAIGIE, *The Book of Deuteronomy* NICOT (Grand Rapids: Eerdmans, 1976), 224-25.

<sup>131</sup> I am not suggesting, as some have done, that the chapter is to be understood as only rhetorical. Rather, I am saying that the author is using strong language emphasizing harsh consequences in order to persuade his audience to be loyal to Yahweh. HÖLSCHER argues that the text reflects a lack of realism and emerged only in an exilic setting as theoretical speculation. See his “Ursprung des Deuteronomiums,” 192-93, cited in DION, “Deuteronomy 13,” 148.

<sup>132</sup> LEVINSON, *Legal Innovation*, 124-27.

<sup>133</sup> *Ibid.*, 125, 126.

<sup>134</sup> *Ibid.* 125.

role of elders is limited to this section only. There are several texts which assume the continued participation of elders in the judicial realm (Deut 19.11-13; 21.1-9; 22.13-21; 25.5-10). In one instance, Deut 21.2, the offices of judge and elder are mentioned together as both participate in the ritual following an unsolved murder. Even if those texts are to be assigned to different literary strata of the book, Levinson does not address how the final redactor(s) of Deuteronomy were able to include a judicial role for elders while at the same time including the text that ostensibly eliminates any judicial role for them whatsoever.

Willis further notes that in the laws of Deuteronomy, fewer than ten laws specify who is to adjudicate.<sup>135</sup> He argues that it is possible that Deuteronomy assumes continuity with an earlier system in which elders adjudicated many cases. The fact that the text says only rarely who is to adjudicate means caution must be exercised in making assumptions as to who is envisioned, and what constitutes “polemical” silence. Indeed, Willis notes that Levinson’s interpretation is based on

the prior assumption that the introduction of something new to the judicial system eliminates the need for (or even prohibits the possibility of) the continuation of what already existed. For some, it might be just as logical to argue that the laws calling for adjudication by elders were written later than Deut 16:18-20, and that those laws use “polemical silence” to prohibit continued adjudication by professional judges.<sup>136</sup>

There is a further objection to Levinson’s reconstruction of the relationship between Deut 13.7-12 and 17.2-7. Levinson himself concedes a “methodological difficulty” in dealing with the question of the relationship between these texts.<sup>137</sup> The problem in his view deals with the question of whether 17.2-7 should be considered Deuteronomistic because it dates later than Deut 13.7-12, or whether it should be considered Deuteronomic since it furthers the Deuteronomic programme of centralization.<sup>138</sup> In my estimation, this is a serious methodological problem that Levinson downplays.

Levinson contends that Deuteronomy 13 is “very much a literary text: a deliberate composition in which Josianic authors appropriate the literary and political model of the neo-Assyrian state treaties ... and transfer that loyalty oath ... to Yahweh.”<sup>139</sup> He further notes that Deut 17.2-7 is part of the deliberate reinterpretation of earlier

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<sup>135</sup> WILLIS, *Elders*, 68, n. 78.

<sup>136</sup> *Ibid.*, 44.

<sup>137</sup> LEVINSON, *Legal Innovation*, 136-37, n. 97.

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*, 122.

material in support of centralization.<sup>140</sup> But Levinson contends that the centralization programme is best understood as being associated with the reforms of Josiah.<sup>141</sup> This raises a legal-historical difficulty. If both texts are to be associated with Josiah's reform, to what extent could Deut 13.7-12 be said to have "achieved sufficient authoritative status that subsequent editors made new law through the reinterpretation of" it?<sup>142</sup> The hermeneutical method of the authors as outlined by Levinson consists of a careful reworking of earlier authoritative texts in order to foster the appearance of continuity (even to the extent that the very words or lemmas are used) while in fact radically revising the earlier law. It seems improbable to me that Deuteronomy 13, a product of Josiah's time and, in Levinson's view, requiring summary execution for incitement to apostasy, would have become so entrenched as a legal text that it would need to be so carefully reworked by scribes of the same school working later in Josiah's time.

The problem may be put differently. Who is the audience to whom this lemmatic "sleight of hand"<sup>143</sup> is directed? Anyone familiar with what Levinson sees as such an "authoritative text" as Deut 13.7-12 would immediately be aware of the discrepancies between the older text and the revised one, the lemmatic reuse notwithstanding. If Levinson's interpretation is correct, the older text mandates summary execution while the later text requires due process. The disparity is not obscured even by the fact that the terminology of the earlier text is tendentiously reworked in the formulation of the later. If the text is addressed with an audience in mind who is not intimately familiar with the requirements of earlier texts, then presumably such a careful reworking of earlier legal material is unnecessary. If the text is composed with a king in mind, tendentious lemmatic reuse probably would be insufficient to convince a monarch to embrace a document that denies him any legal role whatsoever.

The criticisms raised here do not, of course, disprove the thesis of centralization. But I have demonstrated that there are problems with certain understandings of centralization and with seeing centralization as being at the heart of the Deuteronomic revolution. It is now necessary to examine some of the implications of the various views of centralization and the objections identified.

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<sup>140</sup> Ibid., 109, 116.

<sup>141</sup> Ibid., 9.

<sup>142</sup> Ibid., 122.

<sup>143</sup> J. BARTON, review of *Deuteronomy and the Hermeneutics of Legal Innovation*, by B.M. LEVINSON, *Journal of Religion* 79, 4 (1999): 651.

## C. CENTRALIZATION AND THE INTERPRETATION OF DEUTERONOMY

The previous discussion has demonstrated that, while there may be consensus that centralization is at the core of the Deuteronomic programme, this has not led to consensus on other key aspects of the book. I will now attempt to show the ways in which these representative views differ from each other in key areas of interpretation of the book.

*Setting*

The various representative interpretations described above represent no solid consensus as to the setting of the book. Von Rad contends that the book is the product of northern country Levites,<sup>144</sup> hence a priestly/cultic setting, while Weinfeld and Levinson see the setting of the book as the Judean court. Driver proposes a prophetic setting for the book; Lohfink, on the other hand, sees a post-exilic setting for the book.

More importantly, each of these commentators (naturally) understands centralization in terms of the provenance he posits. For example, in Driver's understanding centralization is an attempt to reform the cult in the light of the prophetic critique of its excesses.<sup>145</sup> It is shaped by the particular abuses and idolatry of Manasseh's reign, and represents an attempt to spiritualize the cult and prevent syncretism. Von Rad is cautious about seeing centralization as the theological centre of the book, and even says that the altar law in Deuteronomy 12 is in large measure a "fresh wording" of the altar law in Exod 20.24.<sup>146</sup> This stands in marked contrast to Levinson's understanding of centralization as a "comprehensive program of religious, social, and political transformation that left no area of life untouched."<sup>147</sup> Thus centralization, while certainly innovative in all these interpretations, is understood differently by the various interpreters depending, in part, on their understanding of the setting of the book.

*Audience*

Another area of disagreement, related to the first, is that of the audience of the book. This important issue in the interpretation of the book is largely ignored by the representative interpreters described above.

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<sup>144</sup> A more recent proponent of the Northern hypothesis for the origin of Deuteronomy is E. NIELSEN, *Deuteronomium*, HAT 1/6 (Tübingen: Mohr Siebeck, 1995).

<sup>145</sup> DRIVER, *Deuteronomy*, xxvii.

<sup>146</sup> VON RAD, *Commentary*, 90-91.

<sup>147</sup> LEVINSON, *Legal Innovation*, 20.

Weinfeld sees Deuteronomy as a manual for the king and the people.<sup>148</sup> Similarly, von Rad sees the book as preaching, and consequently as being addressed to an audience consisting of the people. Driver sees the book as continuing in the prophetic tradition of the 8<sup>th</sup> century prophets and therefore has the people in view.<sup>149</sup> Likewise, Lohfink sees a popular audience, on the basis that the text was “to be read before large assemblies of Israel.”<sup>150</sup>

Levinson, however, has in mind a more specific audience than the people as a whole. The programme he envisions is based on careful reworking of existing legal texts, using even the lemmas of the earlier works. This would seem to presuppose great familiarity with the existing texts. In addition, he notes that these texts “may not yet have had the status of actual public law; they may have been only prestigious texts, part of the curriculum of scribal schools.”<sup>151</sup> Thus the texts being modified were, in some instances, familiar only to the scribes, so it is that audience (initially, at least) to which Deuteronomy addresses its hermeneutical and legal innovation.

The interpreters described above do not go far enough, in my estimation, in recognizing the significance of the audience presumed by the text of Deuteronomy. In the section concerning offices (Deut 16.18-18.22), it is the *people* who are consistently addressed. Deut 16.18 commands the people to appoint judges and officers. The second person singular address is used, which is usually understood as addressing the whole people.<sup>152</sup> Thus, it is all the assembled people who are to do the appointing, a fact of the text overlooked by von Rad, for example, when he asserts that the king is to appoint judges in 16.18.<sup>153</sup> Moreover, the assembly of the people (again based on the use of second person singular address) is given the responsibility of choosing a king according to Deut 17.15. Deuteronomy thus seems to grant extraordinary power to the people in assembly. This stands in remarkable contrast to ANE conceptions of political power, in which the monarch wielded tremendous power.<sup>154</sup> This

<sup>148</sup> WEINFELD, *Deuteronomy 1-11*, 55, 57.

<sup>149</sup> DRIVER, *Deuteronomy*, xxvi.

<sup>150</sup> LOHFINK, “Deuteronomy,” 229.

<sup>151</sup> LEVINSON, *Legal Innovation*, 5.

<sup>152</sup> On the use of second person singular and plural in Deuteronomy, see T.A. LENCHAK, “Choose Life!”: *A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20*, AnBib 129 (Rome: Pontifical Biblical Institute, 1993), 12-16, and the references there.

<sup>153</sup> VON RAD, *Commentary*, 118.

<sup>154</sup> The centrality of the king in ANE political systems is highlighted by K.W. WHITELAM, “Israelite Kingship: The Royal Ideology and its Opponents,” in *The World of Ancient Israel: Sociological, Anthropological and Political Perspectives: Essays by Members of the Society for Old Testament Study*, ed. R.E. CLEMENTS (Cambridge: CUP, 1989), 119-39, who notes (p. 130) that “the king’s role in the

extraordinary role of the assembly is all too often overlooked in reconstruction of the Deuteronomic programme.<sup>155</sup>

*Nature of the Programme: Utopian vs. Realistic*

As already noted, the various interpreters differ on the fundamental question as to whether or not the Deuteronomic programme of centralizing reform should be considered idealistic and utopian or whether it should be seen as a realistic one. For Lohfink, the judicial reform of Deut 16.18-18.22 represents a utopian ideal because the institution of the monarchy had ceased to exist at the time this was accepted as law. Levinson sees the reform as an active engagement with an existing political system that was realistic in intention. Clearly, the nature of the programme affects how the book is best interpreted.

D. CONCLUSIONS TO PART ONE

In this section, we have examined the views of five interpreters who see centralization as being at the heart of the Deuteronomic revolution. We have seen that there are questions that arise at certain key points of these interpretations that suggest that perhaps the data of the text have not been adequately accounted for. The differences between the Pentateuchal sources proposed by Weinfeld and others have been shown to be not of the sort that they usually envision. In addition, examples were cited that suggest that perhaps Weinfeld has overstated his case for the type of revolution he sees in Deuteronomy. Similarly, concerns were raised about the reconstruction posited by Levinson, as there remain in Deuteronomy elements that undermine the sort of radical lemmatic innovation he envisions.

Centralization is understood very differently by its various proponents. Weinfeld and von Rad maintain that centralization is designed in part to curtail the cult and advance the interests of the monarchy and the official court which produced the book. That is, the transformation of religious life and practice was not a by-product of

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protection of society as warrior, the guarantor of justice as judge and the right ordering of worship as priest are the fundamental roles which cover all aspects of the well-being of society. It is well known that this triple function of kingship, with particular emphasis on the roles of the king as judge and warrior, is common throughout the ancient Near East and is expressed in a great deal of royal literature from Mesopotamia through the Levant to Egypt." It is especially interesting to note in this regard that Deuteronomy provides no role for a king as judge or warrior.

<sup>155</sup> For an interpretation of Deuteronomy as the charter of the national assembly of Israel, see B. HALPERN, *The Constitution of the Monarchy in Israel*, HSM 25 (Chico, CA: Scholars Press, 1981). But see also his later essay, "Jerusalem and the Lineages in the Seventh Century BCE: Kinship and the Rise of Individual Moral Liability," in *Law and Ideology in Monarchic Israel*, 11-107.



centralization, but was at its heart. Others, such as Lohfink, see external political reasons underlying the Deuteronomic programme, based on the experience of Assyrian domination and Babylonian exile. This issue is an important one, as one's understanding of the nature of the programme necessarily has an impact on the interpretation of the book. Deuteronomy is notoriously lacking any explicit explanation of centralization,<sup>156</sup> so one's starting point with regard to the nature of centralization is important.

The overall lack of consensus as to the nature of centralization leads to tremendous diversity in the interpretation of the book as a whole, as we have seen. Centralization need not be understood as leading inevitably to the type of revolutionary reform envisioned by Weinfeld, in which centralization, secularization, and demythologization are linked as part of a royal-scribal reform programme. Rather, it is apparent that different conceptions of centralization lead to rather different understandings of the nature of the programme envisioned in Deuteronomy.

The fact that certain details in the text have been overlooked or misunderstood, coupled with the fact that there is no agreement on crucial elements of the book, suggests that perhaps another conception of the nature, ideology, and implications of centralization in the Deuteronomic programme should be sought.

Before moving on to an examination of key texts in Deuteronomy in an effort to articulate an alternative to an important view of the Deuteronomic programme, it is necessary to examine secularization and demythologization, as they are often seen as emerging out of centralization. It is to these corollaries of centralization that we now turn our attention.

## II. Secularization and Demythologization in Deuteronomy

In the previous section we have seen that, while there has been widespread agreement among interpreters that Deuteronomy is best understood as mandating a programme of centralization, this has not led to consensus on a number of other crucial aspects of the book. These aspects include setting, audience, and the nature of the programme (utopian or realistic). This lack of consensus on these issues and on the basic meaning of centralization in the interpretation of the book calls into question whether or not centralization as normally understood should be viewed as the (or even a) central tenet of the theology of the book.

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<sup>156</sup> Cf. TIGAY, *Deuteronomy*, 459-60.

Similarly integral to many contemporary interpretations of Deuteronomy are the concepts of “secularization” and “demythologization.” While these terms are understood somewhat differently by various proponents of this view, “secularization” generally refers to a tendency in Deuteronomy to downplay the sacred, and the removal of certain institutions from the realm of the sacred.<sup>157</sup> Demythologization refers to the tendency to reinterpret earlier theology (which is usually understood as being less abstract in its theological constructs) in favour of a more spiritual, abstract understanding. The tendency toward secularization and demythologization, it is argued, may be seen in the following features of Deuteronomy: profane slaughter, an altered understanding of firstlings, reinterpretation of tithes, a changed view of the cultic calendar, a humanitarian motivation for laws, cities of refuge, elimination of priestly involvement in local judicial matters, status of Levites, a more abstract conception of God, and a shift in understanding of the presence of God.<sup>158</sup> Deuteronomy’s tendency toward secularization and demythologization, coupled with its demand for centralization, makes for a revolutionary programme.<sup>159</sup> The result of this revolutionary programme was that Israelite religion was transformed from one that emphasised sacrifice and ritual into one that focused on prayer, a book (Deuteronomy, to begin with), and a more abstract faith.<sup>160</sup>

This section will examine the concept of secularization in Deuteronomy. The interpretation of Moshe Weinfeld will be presented in an effort to discern how secularization has been understood. I will then analyze this perspective to determine if, in fact, Deuteronomy is best understood as presenting a programme of secularization and demythologization as envisioned by Weinfeld and others who come to similar conclusions.

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<sup>157</sup> Thus Weinfeld describes Deuteronomy as having a “distinctly secular foundation. Not only do we encounter institutions of a manifestly secular character such as the judiciary...the monarchy...the military...and civil and criminal laws which treat of the family and inheritance...loans and debts...litigations and quarrels...trespassing...and false testimony...and the like; but...even institutions and practices which were originally sacral in character have here been recast in secularized forms....The very book which is so centrally concerned with ‘the chosen place’ has almost completely ignored the sacral institutions which the chosen place must necessarily imply and without which the conduct of sacral worship is unimaginable.” See WEINFELD, *Deuteronomie School*, 188.

<sup>158</sup> M. WEINFELD, “On ‘Demythologization and Secularization’ in Deuteronomy,” *IEJ* 23, 4 (1973): 230-31. See also *idem*, *Deuteronomy 1-11*, 37-44.

<sup>159</sup> WEINFELD, “Theological Revolution,” 45.

<sup>160</sup> *Ibid.*, 38. See also *idem*, *Deuteronomy 1-11*, 78-79.

## A. THE PROGRAMME OF SECULARIZATION AND DEMYTHOLOGIZATION

It is appropriate again to examine the influential work of Weinfeld and his understanding of the nature of the Deuteronomic programme. While attention will here be focused primarily on secularization and demythologization, it is important to bear in mind the fact that the elements of centralization (discussed above), secularization, and demythologization all are integral to the Deuteronomic revolution envisioned by Weinfeld. The way in which these elements combine in support of the Deuteronomic “revolution” will be examined below.

*Presence of God*

The most dramatic and significant of the Deuteronomic reinterpretations that Weinfeld sees is the transformation of the understanding of the presence of God.<sup>161</sup> Indeed, this shift in the understanding of the presence of God accounts for many of the other changes in Deuteronomy.

Weinfeld sees in P a deliberate “schematization and dogmatization” of the earlier conception of Yahweh as being actually present in the Temple.<sup>162</sup> In the earlier sources that antedated P, as well as in P itself, the conception of God was largely an anthropomorphic one. Thus, all the elaborate Temple rituals are designed to convey the sense of a God who was actually present in the Temple. The Cherubim serve as a throne for a God who is seated on them, with the ark serving as his footstool. Food (in the form of the Bread of the Presence, grain offerings, and offerings of the fat of sacrificial animals) is provided for Yahweh. Lamps are lighted to provide light for him, and pleasing aromas of incense are offered to him. All these rituals presuppose that Yahweh is actually present.

It is the divine presence in the sanctuary that mandates the strict observance of purity and holiness, as well as serves as the basis for the rituals. Yahweh’s seclusion in his sanctuary was to be respected. Only a priest may approach the inner sanctum; the lay person who does so must die, since he has not observed the proper rituals establishing and maintaining purity (Num 17.12-13; Lev 10.3). The conception of “graded holiness” is based on the idea of the actual presence of Yahweh. So central is the presence of God to P’s conception of religion that Weinfeld notes “it is the pervading presence of God in the midst of Israel (viz. the sanctuary) that gives

<sup>161</sup> Here Weinfeld picks up on the earlier work of VON RAD, who also saw a shift from a theology of presence to a “Name” theology. See VON RAD, *Studies*, 37-44.

<sup>162</sup> WEINFELD, *Deuteronomic School*, 193.

meaning to the Israelite scene. Remove the divine immanence, and the entire Priestly code collapses. Not only would the worship of God cease, but laws relating to the social sphere would become inoperative.”<sup>163</sup>

The demythologization posited by Weinfeld may best be seen through an examination of the ways in which the presence of God is envisioned in the sources. In P, according to Weinfeld, the essential concept of the presence of God is a corporeal, anthropomorphic one, expressed by the term *כְּבוֹד יְהוָה*. Thus, Ezekiel (a book that is understood to reflect the ideology of P) describes the Glory of Yahweh as having a human form, seated on a throne (Ezek 1). Weinfeld notes that the theophany of Ezek 1 “comprises all the elements of Israelite theophany...but its most singular feature is the anthropomorphic imagery....”<sup>164</sup> *Kabod* is conceived in P as the “body” or “substance” of God, and describes the weight and importance of it.<sup>165</sup> There is accordingly a real danger of seeing the glory of God. Hence in P the cloud (which is known from the earlier sources as either a guide, a protection for the people, or a means of conveyance for God) serves to prevent human beings from seeing the *Kabod*. Moreover, the priestly literature contains protections against seeing the glory of God in the Holy of Holies. Leviticus 16 contains provisions for Aaron to protect himself with a cloud of incense so as to avoid seeing the Glory of God.<sup>166</sup>

Deuteronomy, Weinfeld argues, presents a radically different understanding of the presence of God. In contrast to the anthropomorphic view of the actual presence of God, Deuteronomy presents a more abstract understanding in which God himself does not dwell in the Temple, but only his name (*שֵׁם*). The repeated use of the expression *לְשֵׁכֵן שְׁמוֹ* in Deuteronomy “is intended to combat the ancient popular belief that the Deity actually dwelled within the sanctuary.”<sup>167</sup> That is, there is a deliberate effort on the part of the authors of Deuteronomy to articulate a more abstract understanding of God’s presence, and to repudiate the earlier understandings of Yahweh as actually present in the Temple.

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<sup>163</sup> Ibid., 185.

<sup>164</sup> Ibid., 201.

<sup>165</sup> Ibid., 202.

<sup>166</sup> In Weinfeld’s view, P’s conception of *Kabod* is an interpretation of earlier conceptions of the presence of Yahweh, and rests on ancient traditions. The main difference is not in their fundamental conception of the presence of God (both the earlier traditions and P are anthropomorphic in their understanding of divine presence) but rather in the response the presence of God elicits. In JE the manifestation of the presence of God is a terrifying experience, whereas in P it is conceived of as something wonderful, a blessing that is to be received joyfully. See *ibid.*, 204-05.

<sup>167</sup> Ibid., 193.

Even *קְבוֹר* undergoes a transformation in Deuteronomy. No longer does it refer to the body and substance of God, as in P, but rather refers to Yahweh's splendour and greatness. This is seen in examining the Deuteronomic account of the revelation at Sinai. Where the account in Exodus 19 describes Yahweh's descent onto the mountain (vv. 11, 20), the parallel account in Deuteronomy 4 contains no such description. Instead, Deuteronomy makes it clear that God spoke to the people from heaven, not from the mountain itself. This, Weinfeld argues, represents a shift in the "centre of gravity of the theophany from the visual to the aural plane."<sup>168</sup> This is further seen by the dangers posed by the theophany in the sources. In the earlier sources, the danger lay in *seeing* the form of God and, therefore, perishing (Exod 19.21; 33.20; cf. also Gen 32.31). In Deuteronomy, however, the danger lies in *hearing* the voice of God (Deut 4.33; 5.24-26). This reinterpretation of the danger is due to the fact that Deuteronomy cannot conceive of anyone being able to see God, and so has expressed the danger in a way more in keeping with its own theological understanding.<sup>169</sup>

Just as Deuteronomy has reinterpreted *קְבוֹר* in the light of its theological point of view, so too the ark is presented differently in Deuteronomy, in Weinfeld's view. In the earlier sources, the ark was considered to be the seat on which God sat as he went forth against his enemies (Num 10.33-36; 14.42-44). In Deuteronomy, however, the ark performs a didactic function. As the container of the tablets of the covenant, it serves to remind the people of the covenant they have made with Yahweh so that they will learn to fear him (Deut 31.26). The altered function of the ark is seen in comparing the narratives of the failed attempt at conquest following the initial refusal to enter the land. In Num 14.42-44, the reason for the defeat of the people was the fact that the ark had not left the camp. Deut 1.42-43, however, says simply that Yahweh was not with the people, and completely omits any references to the ark. Finally, Weinfeld argues that the revised understanding of the function of the ark is seen in the fact that in Deuteronomy's laws of warfare (23.15) there is no mention of the ark. He maintains that "one would expect a passage which speaks of the presence of the Divinity within the military encampment to make some mention of the ark which accompanied the warriors on their expeditions..."<sup>170</sup> The role of the ark as a seat or

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<sup>168</sup> Ibid., 207.

<sup>169</sup> Ibid., 207-08. See also WEINFELD, *Deuteronomy 1-11*, 37-39.

<sup>170</sup> Ibid., 209.

throne for Yahweh did not comport with the thinking of the authors of Deuteronomy, so they depicted the ark in a way that was in keeping with their understanding.

### *The Judicial Reform*

As noted above, Weinfeld sees in Deuteronomy a shift from an older judicial system centred largely on local sanctuaries to one in which professional magistrates adjudicated cases (except in instances where a “decisive verdict” was impossible to be rendered by the magistrates, in which case appeal was made to the central sanctuary).<sup>171</sup> Weinfeld notes that this “provision for the appointment of secular magistrates over matters which formerly lay within sacral jurisdiction implies...that the Israelite judiciary had undergone a process of secularization.”<sup>172</sup>

In Weinfeld’s analysis, judicial procedure prior to centralization included a sacral component. He maintains that “[c]ivil or family suits which could not be settled by the elders because of a lack of witnesses or evidence were generally submitted to sacral jurisdiction, which decided them by the administration of oaths...sacral lot-casting...or trial by ordeal.”<sup>173</sup> Deut 16.18, in contrast, provides for the appointment of judges (שֹׁפְטִים) in “all your gates” (בְּכָל-שַׁעְרֵיךָ), who were tasked with adjudicating cases. As the office of judge is a secular (as opposed to a priestly) one, no mention is made of any sacral media being employed by these judges. In those cases that were too difficult for the local judges to decide, a court of appeals was established (Deut 17.8-9). Even in the case of this central tribunal, which explicitly is said to include the possibility of participation of a priest (Deut 17.9), there is no mention of sacral media being employed in the resolution of cases.

The role of elders, then, changed as well. According to this analysis, town elders prior to the Deuteronomic revolution had primary responsibility for the adjudication of cases, except in those cases in which insufficient evidence was available (in which case the priest(s) of the local sanctuary would be consulted). Following the reforms of Deuteronomy, the elders were relegated to a less central role in the administration of justice, being responsible for “patriarchal and family” litigation only.<sup>174</sup> In such cases, according to Weinfeld, “no professional judgment is necessary...; the elders preside

<sup>171</sup> Ibid., 234-35.

<sup>172</sup> Ibid., 236.

<sup>173</sup> Ibid., 233-34.

<sup>174</sup> Ibid., 234. See also idem, “Elder,” *EncJud* 6:578-80.

over a case, whose consequences are clear beforehand.”<sup>175</sup> The judges assumed responsibility for rendering decisions in cases in which the local elders were unable to render a verdict and which needed a “higher and more objective judicial authority.”<sup>176</sup>

### *Laws of Asylum*

A related development in Deuteronomy is the establishment of cities of refuge in the land (Deut 4.41-43; 19.1-10). Weinfeld maintains that Exodus describes the altar in the sanctuary as the place to which the accidental manslayer must flee (Exod 21.13-14). This was later modified in favour of entire “temple cities” in which Levites resided.<sup>177</sup> He argues that the underlying basis for these laws is that the accidental manslayer must atone for his sin through forced exile in a sacred location. Thus, the purpose of this provision in the Book of the Covenant and in P is not to provide refuge from an avenger, but rather “serves as the place in which he atones for his sin.”<sup>178</sup>

The institution has undergone a process of secularization in Deuteronomy, according to Weinfeld. Since local altars and sanctuaries have been abolished by the Deuteronomic reform, they can no longer serve as the basis for asylum. Instead, cities are chosen based on “rational” and geographic grounds.<sup>179</sup> The priestly terms קָדוֹשׁ and קִרְיָה, used in this context in Josh 20.7 and Num 35.11 respectively, are absent in Deuteronomy, which uses the Hiphil of בָּרַל (Deut 4.41;19.2,7). This term, Weinfeld avers, is more “neutral” and is therefore devoid of any sacral connotations.<sup>180</sup> In addition, there is a greater order to the system, as the land is subdivided and a city is assigned in each region, thereby allowing a fleeing manslayer to reach a city of refuge without delay. Finally, the nature of asylum has changed in Deuteronomy. No longer does the exile of the killer serve to atone for his guilt. Rather, the function of the city of refuge is simply to provide a safe haven for an accidental killer out of reach of any avenger. The altered grounds for the law are further reflected, Weinfeld argues, in the fact that Deuteronomy does not specify the duration of time in which the accidental killer must remain in the city of refuge. In P, the manslayer must remain until the death of the high priest, since his death will expiate the guilt. Since Deuteronomy does not share the conceptions of holiness found in P, it omits any reference to the duration

<sup>175</sup> WEINFELD, “Elder,” 578.

<sup>176</sup> Ibid.

<sup>177</sup> WEINFELD, *Deuteronomic School*, 236.

<sup>178</sup> Ibid., 237.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid., n. 4. See also *ibid.*, 236 n.4.

of the stay. Presumably, the killer must remain until the avenger's desire for revenge abates.<sup>181</sup> Deuteronomy's alteration of the location of asylum (from a sacred location to a regional centre) and reason for it (from atonement of sin to protection of an accidental killer), in Weinfeld's view, further demonstrates a process of secularization in Deuteronomy.

### *Feasts and Festivals*

Weinfeld sees further evidence of secularization in Deuteronomy's handling of ritual feasts and festivals. The Feast of Unleavened Bread (Massot) and the Feast of Weeks marked the grain harvest. According to Lev 23.10-14, at the beginning of the harvest season the Israelites were required to bring in the sheaf of their first fruits as an offering to Yahweh. It was to be brought to the priest, who would then wave the sheaf before Yahweh on the day after the Sabbath.<sup>182</sup> In addition, a one-year old male lamb was to be offered as a burnt offering (עֹלָה). The close of the season fifty days later was marked by the Feast of Weeks in which two loaves of bread were offered, as well as animal sacrifices (Lev 23.15-21). These offerings are described as קִרְשׁ יְהוָה לַיהוָה לֶכְהֵן (Lev 23.20). Weinfeld understands Lev 23.14, which prohibits the Israelites from eating the new crops until offering is made to Yahweh, as rendering the new grain unclean for consumption if the offerings were not made.<sup>183</sup>

The Feast of Booths was the major autumn festival commemorating the ingathering of crops. It is marked by the dwelling in booths during the week of the festival, as well as by the use of particular flora in the worship of Yahweh (Lev 23.39-44). This celebration, Weinfeld argues, was originally carried out in local sanctuaries. He argues that it is unlikely that the first sheaves of a harvest, the decorative flora, and the loaves of bread were to be brought to a central sanctuary, which could well be situated a great distance from some areas. Thus, he argues, the festival is better understood as being carried out in a local sanctuary.

<sup>181</sup> Ibid., 237. See also idem, *Deuteronomy 1-11*, 33-34. J.R. SPENCER maintains that the asylum is only to protect the accused until a trial can be held. See *ABD*, "Refuge, Cities Of," 5:657-58.

<sup>182</sup> It is debatable, however, whether the waving of the sheaf is to be understood as part of the Massot ordinances or as an introduction to the regulations governing firstfruits (Weeks). G.J. WENHAM, *The Book of Leviticus*, NICOT (Grand Rapids: Eerdmans, 1979), 303-04, sees this regulation as part of Passover/Massot, in which the intimations of Exod 23.15; 34.18-20 are made into explicit regulations. MCCONVILLE, *Law and Theology*, 103, understands the sheaf-waving as an introduction to the regulations about firstfruits. A similar view is advocated by J. HALBE, "Erwägungen zu Ursprung und Wesen des Massotfestes," *ZAW* 87 (1975): 324-45.

<sup>183</sup> WEINFELD, *Deuteronomic School*, 218.



Finally, there is the presentation of the Passover. This, in Weinfeld's view is the clearest example of Deuteronomic secularization of the feasts.<sup>184</sup> The earlier sources JE and P understood Passover to be a

domestic celebration accompanied by apotropaic rites of an animistic nature: the paschal blood is daubed upon the lintel and doorposts ..., the animal must be roasted together with its head, legs, and inner parts ..., it may not be removed from the house, no bone may be broken ... and a special dress is prescribed for the celebration.<sup>185</sup>

This festival may be understood as having its origin in the nomadic period of the tribes' existence, and thus reflects the mythical and "primitive" thinking of an ancient time.<sup>186</sup>

In Deuteronomy, however, the feasts are presented differently. Deuteronomy, Weinfeld argues, has completely stripped the Passover of its magical rituals and domestic quality. Instead, Deuteronomy portrays Passover as a communal celebration to be carried out at the central sanctuary, using cattle as well as sheep and goats, and cooking the animal as any ordinary sacrifice (Deut 16.1-8). This was a deliberate attempt to re-cast the celebration in a manner more palatable to the spirit of the times, eliminating the mythical and magical elements in favour of a more rational approach.

In addition, Deuteronomy for the first time combines the festivals of Passover and Massot, which were separate festivals in an earlier stage (as demonstrated by the earlier sources JE and P). This, he argues, may be seen by the fact that the law of unleavened bread is injected into the regulation concerning Passover, which "appears very artificial."<sup>187</sup> In addition, removing the interpolated verses (Deut 16.3-4) results in a continuous and coherent regulation of Passover that is parallel to that of the Covenant Code.<sup>188</sup>

The other feasts are also refashioned and secularized, in Weinfeld's view. Although it retains the ancient names for the feasts, Deuteronomy presents them in a much different way. There is no mention at all of a sheaf-waving ceremony in connection with the Feast of Weeks; neither is there any reference to the reason for

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<sup>184</sup> Ibid., 216.

<sup>185</sup> Ibid., 217.

<sup>186</sup> Ibid.

<sup>187</sup> WEINFELD, *Deuteronomy 1-11*, 23.

<sup>188</sup> Ibid. LEVINSON, *Legal Innovation*, 53-97, takes up this issue and argues that integration of Passover and Massot was a crucial element in the Deuteronomic programme. But see also the response of J.G. MCCONVILLE, "Deuteronomy's Unification of Passover and Maṣṣôt: A Response to Bernard M. Levinson," *JBL* 119, 1 (2000): 47-58 and the reply of B.M. LEVINSON, "The Hermeneutics of Tradition in Deuteronomy: A Reply to J.G. McConville," *JBL* 119, 2 (2000): 269-86.

dwelling in booths during the Feast of Booths (i.e., in order to remember the fact that the exodus generation lived in booths). Instead, Deuteronomy has re-established the feasts as occasions of ceremonial rejoicing marked by voluntary offerings, and the sacral character of the feasts is eliminated entirely.

As evidence of this, Weinfeld notes that the Feast of Weeks is counted as seven weeks from the start of the harvest in both Leviticus 23 and Deuteronomy 16. In Leviticus, however, the counting has a special purpose that reflects a sacral perspective. There, the counting is necessary to ensure that the offerings may be presented at the appropriate time in the sanctuary. The sacral nature of the counting is seen in the fact that the required interval is seven times seven, reflecting a sacral calendar. Deuteronomy, however, does not mention that the interval is to be forty-nine days (seven times seven), but rather says simply that the Feast of Weeks is to be carried out “seven weeks from the time you begin to put the sickle to the standing grain” (Deut 16.9). The sheaf-waving and the presentation of the new grain offering are eliminated.

Similarly, the Feast of Booths is altered in Deuteronomy. There is no mention of specific types of flora that are to be a part of the decorations used, as there is in Leviticus 23.

Most important for his argument, however, is the fact that Deuteronomy appears to have altered the basis for the festivals. There is in Deuteronomy a constant emphasis on the communal and social nature of the festivals, such that this would appear to be the primary reason for their observation. This, Weinfeld argues, is evidence that Deuteronomy has secularized the festivals by eliminating the earlier sacral bases for the feasts in favour of secular, humanitarian grounds. This is in keeping with the theological perspective of the authors, who rejected primitive conceptions of holiness and the sacred.

A similar tendency is seen by Weinfeld in Deuteronomy's presentation of the Sabbath and the sabbatical year. Earlier sources emphasize a sacral basis for observing the Sabbath, noting that God worked six days and then rested in the seventh (Gen 2.1-3 [P]; Exod 31.17 [P]; Exod 20.8 [E]). Thus, the rationale for the Sabbath observation in P and E is to reenact God's rest undertaken on the seventh day. In Deuteronomy, however, the rationale for Sabbath observation is a humanitarian one. Deut 5.12 enjoins Sabbath observation (using שְׁמוֹר, where P uses זָכוֹר) “so that your

male servant and your female servant may rest as well as you” (v. 14). This, in turn, is tied to remembrance of the experience of slavery in Egypt (v. 15). In Deuteronomy, then, the Sabbath commemorates an historical event, whereas in P it reenacts a sacral one.<sup>189</sup>

In like manner, the sabbatical year is reinterpreted in Deuteronomy, according to Weinfeld. According to Lev 25.2-7, the land was to have a “Sabbath to Yahweh” (שַׁבַּת לַיהוָה) in every seventh year. Since Lev 26.34-35 states that the period of exile of the people was partially in order to allow the land to “satisfy” its sabbath years denied to it by disobedient Israelites, Weinfeld concludes that the sabbatical year is a “taboo year, a year in which all agricultural work must cease.”<sup>190</sup> Deuteronomy, in contrast, speaks not of a release of *land*, but only of a release of *debts* (Deut 15.1-3). Thus, Deuteronomy reinterprets the earlier law in a social, humanitarian way and ignores the sacral conception of the release of the land. Thus the institution is divested of its sacral importance in favour of a humanitarian one.<sup>191</sup> In short, the institution has been secularized.

### *Tithes and Firstlings*

In addition to a reinterpretation of feasts and festivals, there is also, in Weinfeld’s view, a secularization in Deuteronomy’s conception of the tithe and firstlings. Lev 27.30-33 states that the tithe is “holy to Yahweh,” and if a person wishes to redeem part of the tithe, he must pay an additional twenty percent of the value. If he seeks to exchange the tenth animal for another one, he then forfeits both. Therefore, Weinfeld concludes that in P the sanctity of the tithe is an “inherent quality of the grain or animal.”<sup>192</sup> In addition, Num 18.21-32 (which Weinfeld assigns to a separate, later stratum of P<sup>193</sup>) states that the tithe is to be given to the Levites “as an inheritance.” From this tithe, the Levites are to present a tithe to the priests.

<sup>189</sup> WEINFELD, *Deuteronomic School*, 222. See also idem, *Deuteronomy 1-11*, 301-09. Weinfeld notes that the two bases are not incompatible with each other and that the two grounds could have coexisted. But he argues that the emphases of the sources reflect their theological underpinnings, and the fact that Deuteronomy emphasizes the social/humanitarian element over the sacred illustrates the theological priorities of the author of the book. See Chapter Three of the present study for a detailed analysis of Weinfeld’s interpretation of the Sabbath law in Deuteronomy.

<sup>190</sup> WEINFELD, *Deuteronomic School*, 223.

<sup>191</sup> Here again Weinfeld notes that the two conceptions of the sabbatical year are not incompatible. But, he argues, the fact that each author chose to emphasize different elements is illustrative of the ideologies of the authors. See *ibid.*, 224.

<sup>192</sup> *Ibid.*, 215.

<sup>193</sup> *Ibid.*, 214 and idem, “Tithe,” *EncJud* 15:1159.

With regard to firstlings, as with tithes, Weinfeld argues that P regards sanctity as an inherent quality of the animal. Thus, he argues, Lev 27.26 views firstlings as holy by virtue of birth, and consequently man cannot make it holy by consecration or “secularize it by redemption,”<sup>194</sup> which is specifically forbidden in Num 18.17. In addition, the firstling is seen by both JE (Exod 22.29; 34.19) and P (Num 18.15-17) as belonging to the priests.

Deuteronomy, however, has reinterpreted tithes and firstlings according to its own theological point of view. The sacral conception of the tithe in P has been rejected by Deuteronomy. This, Weinfeld argues, may be seen by the fact that in Deuteronomy, the tithe “may be secularized and used for profane purposes on payment of an equivalent monetary value (without the addition of the fifth-part required by P...).”<sup>195</sup> The holiness of the tithe in Deuteronomy is not a quality that “inheres in things which by nature belong to the divine realm, but is rather a consequence of the religious intentions of the person who consecrates it.” In this way, the cult in Deuteronomy is divorced from its “intimate ties to nature.”<sup>196</sup>

In addition, the ownership of the tithe is altered in Deuteronomy. Whereas P understood the tithe to be “holy to Yahweh” (Lev 27.30-3) and was to be given to the priests and Levites (Num 18.21-32), Deuteronomy envisions the tithe being eaten in the chosen place by the giver and his family (Deut 14.22-27). Thus, according to Weinfeld, the institution is altered from one that emphasizes inherent sanctity based on taboo to one that focuses on celebration and joy, with no mention of inherent qualities of holiness.

Firstlings, too, are conceived of differently in Deuteronomy, and the reconception is typical of the secularization Weinfeld sees occurring throughout the book. Weinfeld argues that Deut 15.19 stands in apparent contradiction to the earlier regulation in P. Lev 27.26 states, “However, a first-born among animals, which as a first-born belongs to Yahweh, no man may consecrate it; whether ox or sheep, it is Yahweh’s.” Deuteronomy 15.19, however, says “You shall consecrate to Yahweh your God all the first-born males that are born of your herd and of your flock.” The difference between these texts, Weinfeld argues, is due to the fact that the authors of Deuteronomy do not share the theological view of the authors of P, who regarded the firstlings as inherently

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<sup>194</sup> WEINFELD, *Deuteronomistic School*, 215.

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid.*

sacred. For the authors of Deuteronomy, the sanctity of the firstlings is not an inherent quality, but rather derives from the will of the person who consecrates the animals. In this way, the authors of Deuteronomy are distancing themselves from the earlier understanding of sanctity in favour of an understanding that better reflects the authors' theological point of view.

### *Holiness and Purity*

Curiously, however, when it comes to the people as a whole Deuteronomy conceives of holiness as an inherent quality, where the earlier sources do not. As evidence Weinfeld cites the laws concerning consumption of *נבִלָה*. Leviticus 22.8 prohibits priests from eating *נבִלָה*. But other passages permit lay Israelites to eat it, provided that they do not eat the fat or the blood (Lev 7.24-27; 11.39-40; 17.15). The different requirements for priests and lay people is explained, Weinfeld argues, by the fact that the priests must minister in close proximity to God and his dwelling place, and who, therefore, must maintain a greater degree of holiness than must other Israelites. In P, holiness is understood to be determined by "physical proximity to the divine presence and preservation of that proximity through ritual means."<sup>197</sup> Thus, the priests are prohibited from rendering themselves unclean through eating the *נבִלָה*.

In Deuteronomy, however, the situation is altered. Deuteronomy 14.21 prohibits all Israelites, not just priests, from eating *נבִלָה*. Weinfeld explains this difference on the grounds that Deuteronomy regards all people, not just priests, as inherently holy and consequently all must avoid that which is unclean. Moreover, Deuteronomy rejects earlier conceptions of the divine abode on which the Priestly understanding of holiness is based (see below), and so therefore reinterprets holiness in this manner. The holiness of Israel in Deuteronomy is a result of having been chosen by Yahweh to be his people, and the condition of holiness therefore obtains to all Israel. So, Weinfeld maintains, holiness in P is "a condition that can be secured only by constant physical purification and sanctification, whereas in Deuteronomy it ... devolves automatically upon every Israelite."<sup>198</sup>

Weinfeld sees further evidence of this shift in understanding of holiness in the ways in which holiness is discussed in the various sources. P speaks of the holiness of

<sup>197</sup> Ibid., 227. See also P.P. JENSON, *Graded Holiness: A Key to the Priestly Conception of the World*, JSOTS 106 (Sheffield: SAP, 1992). For a comparative view of ANE conceptions of holiness, see E.J. WILSON, "Holiness" and "Purity" in Mesopotamia (Neukirchen-Vluyn: Neukirchner, 1994).

<sup>198</sup> Ibid., 226-27.

the land, based on the fact that Yahweh dwells in the land (Josh 22.19). As a result, all people who dwell in the land are subject to the tenets of the sacral law. Moreover,

residence in the land is deemed to be an automatic recognition of the god of the country on the part of the resident and thus also entails the obligation to worship him ...; conversely an Israelite who resides outside the land of Yahweh is deemed to dwell in an unclean land and be the worshipper of foreign gods....<sup>199</sup>

Deuteronomy, however, makes only Israelites subject to the *Torah*. The foreigner (גֵר) is not obligated to observe the stipulations of *Torah*, though he may do so if he desires.

Once again the laws concerning נְבֵלָה are cited as evidence to support this contention. As noted above, Deut 14.21 prohibits all Israelites from eating the נְבֵלָה, but permits the foreigner to eat it. Leviticus 17.15, on the other hand, mandates that “when any person eats an animal which dies, or is torn by beasts, whether he is a native or an alien, he shall wash his clothes and bathe in water, and remain unclean until evening; then he will become clean.” In the regulations of the Holiness Code, an Israelite or a foreigner may eat the נְבֵלָה, but both will become ritually unclean, and must bathe in order to restore cleanliness. Deuteronomy forbids the Israelite to eat the נְבֵלָה at all, and there is no ritual prescribed for the foreigner who eats it. The difference, Weinfeld says, is due to the different viewpoint of the two sources. He maintains that “P is concerned only with the ritual problem of impurity involved: all who eat *nebelah*, whether Israelite or resident alien...carry impurity on them.... But Deuteronomy regards the prohibition only as a *noblesse oblige*. Israel must abstain from eating *nebelah* because it is an act unbecoming to a holy people, and not because it causes impurity from which one must purge oneself by ritual bathing....”<sup>200</sup> Thus, Deuteronomy has rejected the underlying theology of the earlier source and framed the regulations in a way that comports with its own theological perspective.

## B. EVALUATION

Weinfeld’s thesis of secularization and demythologization resulting from centralization in Deuteronomy has attracted broad support. Indeed, it has become the mainstream view of the book, though some have, of course, understood various aspects

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<sup>199</sup> Ibid., 229.

<sup>200</sup> Ibid., 230. See also idem, *Deuteronomy 1-11*, 32.

of the book differently from Weinfeld.<sup>201</sup> In this section, I will evaluate Weinfeld's thesis in an attempt to determine whether or not the idea of "secularization" best accounts for the data of the text.

The thesis of secularization rests on two premises, as is clear from the above description of Weinfeld's analysis of Deuteronomy. The first premise is that the sources earlier than Deuteronomy represent a fundamentally sacral perspective of the institutions of religious life and that the understanding of the divine presence is largely anthropomorphic and immanent. The second premise is that Deuteronomy presents institutions in a way that is inherently secular, i.e., divorced from the realm of the cult, and that its concept of God is largely abstract and transcendent.

Both these premises have been challenged. We will begin with an examination of the ways in which the first premise has been challenged.

In his commentary on Leviticus, Milgrom argues strenuously that "P makes a concerted effort to *avoid* anthropomorphisms."<sup>202</sup> This, he argues, may be seen in the fact that P conspicuously avoids the presentation of any sustenance-type offerings (i.e., food and drink) in the inner sanctuary. Instead, "all sacrifices are to be offered on the outer altar in the open courtyard, visible to all worshipers and removed from the Tent, the Lord's purported domicile."<sup>203</sup> Exodus 30.9, which regulates the inner altar, expressly forbids placing burnt offerings, cereal offerings, or drink offerings on it.

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<sup>201</sup> E.g., TIGAY, *Deuteronomy*, xvii, notes "The limitation of sacrificial worship to a single place would inevitably remove a sacral dimension from the life of most Israelites....Deuteronomy's aim is to spiritualize religion by freeing it from excessive dependence on sacrifice and priesthood."; R.E. CLEMENTS, "Deuteronomy," 285, maintains that "[Deuteronomy] may be held to have desacralized religion, removing much of the mystical and quasi-magical notions of cultic power. As such it promotes a rather 'secularized' interpretation of religious commitment."; MAYES, *Deuteronomy*, 59, argues that "there is a tendency in Deuteronomy towards the liberation of religious institutions and practices from primitive magical elements, taboo regulations and so on....This may be called secularization provided that the term is understood...not to imply opposition to religion."; V. HUROWITZ, "From Storm God to Abstract Being: How the Deity Became More Distant from Exodus to Deuteronomy," *Bible Review* 14 (1998): 45 maintains that "[t]he different locations of God in the theophany accounts is important because it reflects different views of God in Exodus and Deuteronomy. Deuteronomy views God as transcendent and abstract; thus, God remains in heaven. Exodus presents an intimate, immediate view of God, who has a physical presence on earth."; L.J. HOPPE, "The Levitical Origins of Deuteronomy Reconsidered," *Biblical Research* 28 (1983): 32 notes that "Deuteronomy then opposes a mythological notion of a divine relationship to the land which seems to have been supported in and through the cult," and cites "other examples of demythologization" pointed out by Weinfeld.

<sup>202</sup> J. MILGROM, *Leviticus 1-16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 59, emphasis added. Milgrom elsewhere maintains that Weinfeld's evidence from P "is not rendered correctly and borders at times on the inaccurate," and that one can conclude that there is demythologization in Deuteronomy "only if D's premises are ignored and P's are misconstrued." See idem, "Alleged 'Demythologization and Secularization,' 157-58. See also the reply of WEINFELD, "Demythologization and Secularization."

<sup>203</sup> Ibid.

This, Milgrom argues, is a deliberate attempt to show that the food offerings are *not* to provide food and drink for Yahweh.

In addition, the use of כְּבוֹד in the earlier sources is more nuanced than Weinfeld allows. Prior to Weinfeld, von Rad identified P's *Kabod* theology as being totally different from a theology of actual presence. Indeed, it was a means of repudiating the idea of actual presence, just as Deuteronomy's "Name" theology is thought to be. Von Rad concludes that in P, "the Tabernacle is neither the dwelling place of Jahweh himself nor of his name, but the place on earth where, for the time being, the appearance of Jahweh's glory meets with his people."<sup>204</sup> Similarly, Eichrodt maintained that כְּבוֹד in the priestly material refers to "*the reflected splendour of the transcendent God*, a token of the divine glory, by means of which Yahweh declares his gracious presence,"<sup>205</sup> and itself represented a spiritualization of earlier, anthropomorphic conceptions of God.

This has been further developed by McConville. He has shown that JE and P both use כְּבוֹד to describe an "unusual manifestation of God," whereas God's שֵׁם is used in connection with ordinary worship.<sup>206</sup> Thus, for example, Exod 33.18-23 juxtaposes the two terms in surprising ways. Moses requests to see God's "glory," but is refused permission. Instead, God determines to have his "goodness" (טוֹב) pass before Moses, and at the same time he will proclaim his *name*. Moses is allowed to see Yahweh's back (אֲחֹרַי), but not his face (פְּנֵיָי). Here, the word כְּבוֹד seems to be used to parallel פְּנֵיָי (vv. 20,23) in the sense of divine presence.<sup>207</sup> That it is *not* used in the sense of physical presence is seen in the fact that Moses is denied the right to see God's כְּבוֹד but is allowed to see his back and hand.

More important, however, is the fact that Yahweh freely and graciously proclaims his name to Moses and reveals his goodness (i.e., attributes). Indeed, the articulation of the Name of Yahweh may be seen as the climax of the section of Exod 33.18-34.9.<sup>208</sup> This expression of Yahweh's name has the function in the text of resolving

<sup>204</sup> VON RAD, *Studies in Deuteronomy*, 39.

<sup>205</sup> W. EICHRODT, *Theology of the Old Testament*, vol. 2 (London: SCM, 1967), 32.

<sup>206</sup> J.G. MCCONVILLE, "God's 'Name' and God's 'Glory,'" *TB* 30 (1979): 156.

<sup>207</sup> Cf. J.I. DURHAM, *Exodus*, WBC 3 (Waco: Word, 1987), 452. See also C.J. COLLINS, "כְּבוֹד," *NIDOTTE*, 2:581-83, and EICHRODT, *Theology*, vol. 2, 38. B.S. CHILDS, *Exodus: A Commentary* (London: SCM, 1974), 596, sees כְּבוֹד as parallel to "goodness" (טוֹב). However, he is in agreement that the divine revelation to Moses is not in terms of physical appearance, but rather deals with divine attributes.

<sup>208</sup> Cf. J.J. NIEHAUS, *God at Sinai: Covenant and Theophany in the Bible and the Ancient Near East*



the dilemma as to how Yahweh could continue with his people after their failure in the incident with the golden calf (Exodus 32). The issue in this text is about human sin and how Yahweh can in any sense continue to “be with” Israel in the light of their sin. The revelation of Yahweh’s name and Moses’ response in Exod 34.6-9 show that God is gracious, merciful, and forgiving, but is at the same time “other.” So the use of כְּבוֹד here is not concerned with expressing an anthropomorphic understanding of God, but rather seeks to resolve the tension raised by the holiness of Yahweh on the one hand and the reality of human sin on the other. Similarly, the use of שֵׁם is to show that God will continue to be with his people precisely because he is the kind of God he is (i.e., gracious and forgiving). McConville rightly notes that this text is not about anthropomorphic versus anti-anthropomorphic understandings of God.<sup>209</sup>

McConville demonstrates that what is true in this text (assigned to JE) holds in other sources as well, including P. Thus Exod 40.34-35 demonstrates that God’s glory is unapproachable, even by Moses, just as Exod 33.18ff does. In the same way, the books of Psalms and Chronicles contain both the terms כְּבוֹד and שֵׁם with no difficulty. McConville thus concludes that “‘name’ seems to be used in contexts where the kind of revelation of and response to God is that of normal, ongoing worship. ‘Glory’ occurs ... for dramatic, exceptional divine manifestations, or when some emphasis is laid on God’s majesty.”<sup>210</sup> Thus, it is necessary to question whether Weinfeld’s thesis that P and earlier sources are inherently anthropomorphic best accounts for the data.

Moreover, the radical distinction between the Book of the Covenant and Deuteronomy that Weinfeld posits<sup>211</sup> has been challenged by recent scholarship. Otto, for example, argues that the Book of the Covenant reflects Deuteronomistic interpretation and redaction.<sup>212</sup> Thus, he notes that the Book of the Covenant, like

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(Grand Rapids: Zondervan; Carlisle: Paternoster, 1995), 245-47.

<sup>209</sup> MCCONVILLE, “God’s ‘Name,’” 155, n. 32.

<sup>210</sup> Ibid., 161.

<sup>211</sup> “Deuteronomy would be seen as replacing the old book of the covenant and not as complementing it... What is clear is that Deuteronomy used laws identical in formulation with those of the book of the covenant and revised them according to its ideology.” WEINFELD, *Deuteronomy 1-11*, 19.

<sup>212</sup> E. OTTO, *Wandel der Rechtsbegründungen in der Gesellschaftsgeschichte des antiken Israel: eine Rechtsgeschichte des „Bundesbuches“ Ex XX 22 – XXIII 13*, *Studia Biblica* 3 (Leiden: Brill, 1988). Cf. also J.A. SOGGIN, *Introduction to the Old Testament: From its Origins to the Closing of the Alexandrian Canon*, 3<sup>rd</sup> Ed. (London: SCM, 1989), 143-45. For more recent analysis of the issue, see M. VERVENNE, “The Question of ‘Deuteronomistic’ Elements in Genesis to Numbers,” in *Studies in Deuteronomy: In Honour of C.J. Labuschagne on the Occasion of His 65<sup>th</sup> Birthday*, ed. F. GARCÍA MARTÍNEZ, A. HILHORST, J.T.A.G.M. VAN RUITEN, and A.S. VAN DER WOUDE (Leiden: Brill, 1994), 243-68; H. AUSLOOS, “Deuteronomi(sti)c Elements in Exod 23,20-33: Some Methodological Remarks,” in *Studies in the Book of Exodus: Redaction-Reception-Interpretation*, BETL 126, ed. M. VERVENNE

Deuteronomy, stresses the lordship of Yahweh over every aspect of life, and shares with it an understanding of Yahweh as transcendent Lord. For example, he sees in Exod 22.28-23.12 a chiasmic structure that emphasizes Yahweh's transcendence, demonstrating that the issue of Yahweh's transcendence was of particular concern to the author(s) of the Book of the Covenant.<sup>213</sup> In addition, he notes that the introduction to the Book of the Covenant, Exod 20.22-23, has important links with the preceding verses (of the Sinai pericope) and stresses themes similar to those in Deuteronomy. Thus, the saving act of Yahweh in the exodus is related to the chosen status of Israel, and there is a similar prohibition of images and demands for exclusive loyalty to Yahweh (Exod 20.23; 23.13).<sup>214</sup>

Similarly, although he denies Deuteronomistic editing of the Book of the Covenant, Crüsemann has identified important parallels in theology and worldview between Deuteronomy and the earlier Book of the Covenant. He argues, for example, that the Book of the Covenant

demanded social justice as the most important of its own accents. The protection of foreigners (Exod 22:20f.;23:9) and the poor (Exod 22:24f.) as well as the correction of the slave law (Exod 21:24f.) are the main accents in the contents, the formulation of principles for judicial practice (Exod 23:1-8) is a central judicial tool. The exclusive veneration of Israel's God is identified here with a relationship aimed at social justice for the socially and legally impoverished....<sup>215</sup>

Many of these themes, of course, are identified as being especially or uniquely present in Deuteronomy, and are considered by Weinfeld and others to be part of the revolutionary Deuteronomic programme.

Crüsemann's interpretation of the altar law in the Book of the Covenant reveals further parallels. He notes, for instance, that the "place" (מִקְדָּשׁ) of God is a significant theme in the Book of the Covenant, and stresses throughout a connection between God's sovereign choice of the place and his speaking to his people. The fact that discussion of the "place" occurs in significant locations in the Book of the Covenant (the beginning, Exod 20.24, the end, Exod 23.20ff, and in the middle of the section of the Mishpatim, 21.13f) demonstrates the importance of the concept for the collection

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(Leuven: Leuven University Press, 1996), 481-500; M.J. OOSTHUIZEN, "Law and Theology in the Covenant Code," *Skrif en Kerk* 17, 1 (1996): 160-90.

<sup>213</sup> OTTO, *Wandel der Rechtsbegründungen*, 46.

<sup>214</sup> Ibid., 57-58. On the unity of the Sinai pericope, see also T.D. ALEXANDER, "The Composition of the Sinai Narrative in Exodus XIX 1-XXIV 11," *VT* 49 (1999): 2-20.

<sup>215</sup> CRÜSEMANN, *Torah*, 170.

as a whole.<sup>216</sup> Moreover, he argues that the significance of the “place” in the Book of the Covenant is “not the place as such, or the proper altar and cult that guarantees the divine presence, but only the fact that God causes his name to be remembered there....”<sup>217</sup> He goes on to argue that the altar law in the Book of the Covenant is an implicit indictment of purely cultic conceptions of holy places. That is, he argues, the fact that sites engage in cultic ritual or were long-associated with tradition does not guarantee Yahweh’s presence. Rather, only those sites that still proclaimed his name were the subject of divine blessing. He notes that “[t]his is not a critique of the deuteronomic understanding, but rather an – incomplete – parallel to it. If we draw a correlation using the fact that the divine *name* is what constitutes a true shrine, then we are justified in speaking of a pre- or early form of the deuteronomic demand for centralization together with its underlying theology.”<sup>218</sup>

Finally, it is appropriate to mention the view of J. Van Seters. In contrast to the scholarly consensus that the Book of the Covenant precedes Deuteronomy, Van Seters maintains that the Book of the Covenant is actually later than, and may be understood as a theological correction of, Deuteronomy.<sup>219</sup> This, he argues, may be seen in the fact that there are many instances in which the Book of the Covenant seems to be based on Deuteronomic laws, and not vice versa, as is usually maintained. To cite just one example, Van Seters sees the presentation of the Sabbath law in Exod 23.12 as being based on the Sabbath law in Deuteronomy. This, he argues, may be seen by the fact that the eighth century prophets present the Sabbath as a religious holiday, a time of “cultic convocation” (Is 1.13; Hos 2.13; Amos 8.5), completely devoid of any humanitarian or social connotations.<sup>220</sup> The Book of the Covenant in Exod 23.12, on the other hand, has as its primary motivation a humanitarian concern; no mention is made of the inherent sanctity of the Sabbath. This, Van Seters argues, can only be because the presentation of this law in the Book of the Covenant is based on the

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<sup>216</sup> Ibid., 171.

<sup>217</sup> Ibid., 173.

<sup>218</sup> Ibid.

<sup>219</sup> J. VAN SETERS, “Cultic Laws in the Covenant Code and Their Relationship to Deuteronomy and the Holiness Code,” in *Studies in the Book of Exodus: Redaction-Reception-Interpretation*, ed. M. VERVENNE (Leuven: Leuven University Press, 1996), 319-45. Van Seters presents his case for a late (both sequentially and temporally) J source in these additional works: *Abraham in History and Tradition* (New Haven: Yale University Press, 1975); *Prologue to History: The Yahwist as Historian in Genesis* (Zurich: Theologischer Verlag, 1992); *The Life of Moses: The Yahwist as Historian in Exodus-Numbers* (Louisville: Kampen, 1994). For a concise analysis of the impact of Van Seters’ work, see G.J. WENHAM, “Pentateuchal Studies Today,” *Themelios* 22, 1 (1996): 3-13, esp. 4-8.

<sup>220</sup> VAN SETERS, “Cultic Laws,” 334.

presentation of the Sabbath in Deut 5.12-15, where the motivation for the Sabbath is a humanitarian one.<sup>221</sup>

Van Seters further argues that the Sabbath law in the Book of the Covenant actually goes beyond Deuteronomy and may be seen as *more* humanitarian. He bases this on the fact that the Sabbath law in Exod 23.12 does not refer at all to the sanctity of the day (whereas Deut 5.12 does refer to the day as sacred), and then expands the humanitarian motivation for the law to include rest for animals and the stranger, not just slaves. He argues that, while Deut 5.12 does refer to rest for animals and strangers, the alteration of the order in which they are presented in the Book of the Covenant such that animals are presented first demonstrates that the later code has expanded the humanitarian concern of the earlier law.<sup>222</sup>

It is clear from the foregoing discussion that the data of the text are capable of being interpreted in a variety of ways. That P, for example, is capable of being fairly interpreted as seeking to avoid anthropomorphisms and the Book of the Covenant may be seen to have significant affinities with the theology of Deuteronomy demonstrates that the differences between the sources are not of the kind that Weinfeld supposes. That there are differences is, of course, undeniable, and those differences must be accounted for in any coherent interpretation of Deuteronomy. But it is, in my estimation, equally undeniable that it is not necessary to conclude, as Weinfeld does, that the JE and P material is inherently mythological, anthropomorphic, and “sacred.”

The second premise of Weinfeld’s thesis of secularization, that Deuteronomy presents institutions in a way that is inherently secular (i.e., divorced from the realm of the cult) and that its concept of God is largely abstract and transcendent, has been challenged as well. We will now examine the arguments raised against this premise.

One of the most important critiques of Weinfeld’s thesis has come from N. Lohfink.<sup>223</sup> As it represents an important and fundamental critique of Weinfeld’s thesis, a fairly in-depth examination of the grounds of Lohfink’s argument is in order.

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<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> N. LOHFINK, “Opfer und Säkularisierung im Deuteronomium,” in *Studien zu Opfer und Kult im Alten Testament: mit einer Bibliographie 1969-1991 zum Opfer in der Bibel*, ed. A. SCHENKER (Tübingen: J.C.B. Mohr [Paul Siebeck], 1992), 15-43. In his review of Weinfeld’s *Deuteronomy and the Deuteronomistic School*, Milgrom also challenged Weinfeld’s characterization of Deuteronomy as representing an attempt at secularizing the institutions of Israel. But, as Lohfink rightly notes (“Säkularisierung”, 17), Milgrom was more concerned about correcting Weinfeld’s misinterpretation of P than in examining the true nature of Deuteronomy’s attitude toward the cult. See MILGROM, “Alleged ‘Demythologization and Secularization.’” See, again, Weinfeld’s reply in “Demythologization and

Lohfink sees in Deuteronomy an *extension* of the concepts of the sacred and holiness, not a reduction of them. At the same time, the “centre of gravity” of holiness is shifted in Deuteronomy, from an emphasis on cultic ritual to a concentration on the people gathered in unified, joyful celebration.<sup>224</sup> He maintains, moreover, that Deuteronomy establishes a new ritual, that of pilgrimage to the central holy place. It is in this unified, joyful gathering of Israel that she may best be understood as being “before Yahweh,” and this, Lohfink maintains, is a new conception of holiness for Israel.<sup>225</sup>

Lohfink notes that in the context of the so-called centralization laws, there can be discerned a distinct emphasis on feasts, joy, and the participation of all Israel, including especially those who cannot subsist on their own property.<sup>226</sup> The prevalence of these themes in a variety of laws dealing with a variety of topics, leads Lohfink to conclude that this is the essence of *Opfer* in Deuteronomy.

At the heart of cultic celebration in Deuteronomy is the unity of all Israel. Lohfink notes that Deuteronomy pointedly seeks to integrate those who, for whatever reason, cannot support themselves on their own property. Typically, these groups (slaves, widows, orphans, strangers) are thought of as “marginal groups,” or, more simply, the “poor.” Lohfink, however, demonstrates that these people are not considered “poor” in Deuteronomy. Indeed, the Hebrew terminology for the poor is used in Deuteronomy only in connection with debt slavery. Those who are to be included in the feasts are people who are in need of some other support system, since they cannot support themselves with their own property. This may be seen, he argues, in the fact that the Levites are included in this group. The Levites are excluded from owning property because of their calling to minister before Yahweh. This is, he notes, an honourable and quite acceptable thing in Israel. At the same time, a support system must be set up in order to provide for the Levites, and Deuteronomy does just that, requiring that the Levites be allowed to participate in the celebrations with “all Israel.” In the same way, the other so-called “marginal groups” are to be provided for as well.<sup>227</sup>

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Secularization.”

<sup>224</sup> LOHFINK, “Säkularisierung,” 36.

<sup>225</sup> Ibid., 34-35.

<sup>226</sup> Ibid., 26-30. The texts evaluated are Deut 12.4-7, 8-12, 13-19, 20-28; 14.22-27; 15.19-23; 16.1-8, 9-12, 13-15, 16f; 17.8-13; 18.1-8; 26.1-11; 31.10-13.

<sup>227</sup> Ibid., 32-33. Lohfink has developed this idea further in “Das deuteronomische Gesetz in der

Thus, the feasts at the central holy place emerge as the high point in the life of the nation. There, according to Deuteronomy, all Israel participates in joyful celebration, without distinction in social status. But this unity “before Yahweh” is not limited to the feasts at the holy place. Lohfink notes that the Sabbath law (Deut 5.14) extends the idea of rest to the slaves and the sojourner (who might not otherwise be allowed the rest), thus providing for rest for all Israel, regardless of status. In so doing, Deuteronomy is deliberately seeking to make the joyful, unified celebration of the thrice-yearly feasts a reality for all people at all times. As at the feasts, all social barriers are broken down on the Sabbath.<sup>228</sup> In the same way, the holiness of unified worship of Yahweh is extended to the whole of life, and is not limited to celebrations at the holy place.

The expansion of the concept of holiness is seen further in the laws of Deut 14.1-21. There, Lohfink argues, the close connection between the regulations concerning mourning, diet laws, and food preparation and the statement of the holiness of the people serves to illustrate how holiness has been expanded. Here, again, the holiness of unified worship in the holy place (which emphasizes the unified eating of a feast) described in Deuteronomy 12 is extended to all Israel through the regulations of Deut 14.1-21. There, he notes, the term *קֹדֶשׁ* is applied to the entire people, not just priests, in order to show that holiness is extended to the whole people. Thus, he concludes, the boundary of holiness is not in the midst of Israel, but between Israel and the rest of the nations.<sup>229</sup> All the people and all of life are brought into the realm of the sacred.

Lohfink therefore disputes the idea that Deuteronomy 12 permits “profane slaughter,” arguing that such a view reflects pre-Deuteronomic conceptions of the sacred and profane. Deuteronomy, he notes, seeks to leave nothing in the realm of the profane. The centre of gravity of the sacred is simply shifted to an emphasis on the

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Endgestalt: Entwurf einer Gesellschaft ohne marginale Gruppen,” *BN* 51 (1990): 25-40 and “Utopian Project.” McConville has rightly argued that the Levites function in Deuteronomy partly as a measure of the obedience of the people. Because Yahweh has promised to bless the land, the Levites should be well-cared for. If the people obey the command to care for the Levites and to share the blessings with them, they will not be “poor.” He notes that a “poor Levite could not be an ideal figure, for his poverty, far from portraying devotion to Yahweh, would actually be a consequence of disobedience and godless independence on the part of the whole people....” See MCCONVILLE, *Law and Theology*, 151. If Lohfink’s analysis is correct (and I believe it is), then the way in which all the “propertyless” people (not just the Levites) are cared for becomes a measure of the obedience of the people in sharing the blessings of Yahweh.

<sup>228</sup> LOHFINK, “Säkularisierung,” 33.

<sup>229</sup> *Ibid.*, 36.

people of Israel. This implies a widening of the realm of the sacred such that nothing in Israel is outside the realm of the sacred.<sup>230</sup>

The wider and significant conception of holiness in Deuteronomy may be further seen in the way in which the topic is addressed in the legal corpus of Deuteronomy. Lohfink notes that the holiness terminology in Deuteronomy is more than simply the term קָדוֹשׁ. Instead, negative terms such as הוֹעֵבָה, which is a sacral term, demonstrate the expanded holiness concept in Israel. There is, moreover, a close connection between the laws demanding centralization of sacrifice and the command to rid the land of heathen cultic centres.<sup>231</sup> In addition, the fact that the word כִּפָּר appears in Deuteronomy only in connection with the regulations pertaining to an unknown murderer (Deut 21.1-9) demonstrates this new conception of the sacred. There, the guilt is expiated without a sacrifice, but the context (due in part to the use of the term כִּפָּר) demonstrates that “holiness” is nevertheless part of the concern.<sup>232</sup> He goes on to note how the laws in Deut 24.4 (on divorce) and 25.13-16 (on false weights and measures) demonstrate that violations of the commands affect the holiness of the whole land.<sup>233</sup> Finally, he notes that the final sentence of the legal code (Deut 26.15) contains a petition that Yahweh would look down and bless the people and the ground (אֶרֶץ מְהֻלָּה). It is followed immediately by a ceremony of covenant ratification in which the terminology of Israel as a “holy people” is most pronounced (Deut 26.16-19). Thus, he concludes that there is a close relationship in Deuteronomy between the purity of the land and the way in which the “holy people” live in it.<sup>234</sup>

### C. CONCLUSIONS TO PART TWO

In this second section, we have examined secularization and demythologization in Deuteronomy, as conceived by Weinfeld. It was noted that Weinfeld’s conception of secularization and demythologization rests on two fundamental premises. The first premise is that the sources that predate Deuteronomy demonstrate a fundamentally sacral view of life, and are marked by an understanding of the divine presence that is

<sup>230</sup> Ibid. See also Chapter 4 of the present study.

<sup>231</sup> Ibid., 36-37.

<sup>232</sup> Ibid., 37. He also argues (p. 21) that this law may actually be seen to be a “sacralization” of ANE law, since Hammurabi’s Code (§ 22-24), for example, requires no ceremony at all in dealing with an unknown murderer, but instead mandates that the city and governor shall pay restitution. The fact that Deuteronomy requires a ceremony involving priests suggests to Lohfink that this should be seen as an instance of “sacralization,” not secularization.

<sup>233</sup> Ibid., 37.

<sup>234</sup> Ibid., 38.

largely anthropomorphic and stresses divine immanence. The second premise is that Deuteronomy presents a secularized view of life and the institutions such that they are divorced from the realm of the cult, and presents God in a way that is markedly more abstract and stresses divine transcendence.

Both these premises have been challenged. P has been seen as conspicuously attempting to avoid anthropomorphisms, and the use of *כְּבוֹד* in both JE and P has been shown to be far more nuanced than Weinfeld allows. Rather than being an attempt to present the presence of Yahweh anthropomorphically or non-anthropomorphically, the use of *כְּבוֹד* and *שֵׁם* fairly may be seen as emphasizing certain aspects of Yahweh's revelation of himself, such that latter term appears in the context of normal worship, while the former describes dramatic instances of divine manifestations.

The validity of the first premise has also been challenged due to the fact that some commentators have seen far greater continuity between the Book of the Covenant and Deuteronomy than Weinfeld allows. The fact that both texts appear to share an emphasis on the lordship of Yahweh and the need for exclusive loyalty to him suggests that the differences are not as stark as Weinfeld maintains. In addition, the fact that the Book of the Covenant appears to stress issues of social justice and humanitarian concerns raises doubts as to the legitimacy of the idea that the two texts are as radically different as Weinfeld proposes, since these themes are seen as being exclusively or especially present in Deuteronomy.

The second premise has been challenged as well. As we have seen, Deuteronomy may be viewed plausibly as extended, rather than curtailing, the concepts of the sacred and holiness. The fact that the holiness of unified worship is extended to all Israel points to an expansion rather than a reduction of the idea of holiness. Moreover, several of the laws in Deuteronomy 12-26 appear to reflect this expanded concept of holiness, with the result that a close relationship between the purity of the land and the way in which the "holy people" live in it is described.

As was the case with centralization, the fact that Deuteronomy is capable of such interpretation calls into question whether Weinfeld's position best accounts for the data of the text. Once again the differences between the other Pentateuchal sources and Deuteronomy may not be as radical or of the sort that Weinfeld envisions. Since this radical reinterpretation in Deuteronomy of other sources is at the heart of the



revolution envisioned by Weinfeld, the fact that the differences are not of the sort he posits undermines the credibility of his thesis as a whole. This, in turn, suggests that a new way of looking at the Deuteronomic revolution is in order.

### III. The Ideology(ies) of Centralization, Secularization, and Demythologization

We have seen to this point that no consensus has emerged on key issues in the interpretation of Deuteronomy, despite broad agreement on the general fact that Deuteronomy supports a programme of centralization (of some kind), coupled with secularization and demythologization. The differing conclusions on these key issues have important implications for the consideration of ideology in Deuteronomy. I argued in the Introduction that ideology consists of the system of beliefs, attitudes, values, and assumptions of a community. It is now necessary to examine the various views on centralization, secularization, and demythologization in an effort to discern what ideology(ies) are suggested by these interpretations.

#### A. IDEOLOGICAL IMPLICATIONS OF CENTRALIZATION, SECULARIZATION, AND DEMYTHOLOGIZATION

Weinfeld and von Rad, as we have seen, both understand Deuteronomy as supporting the monarchy. For them, then, one of the crucial ideological components of the book is the preservation and support of the institution of kingship. The rhetoric of Deuteronomy is geared, in part, toward supporting that institution. One of the assumptions they see manifested in Deuteronomy is the idea that kingship is a necessary institution in society. Weinfeld is most explicit in noting that the scribal authors of Deuteronomy “regarded the institution of monarchy as essential for the proper functioning of society.”<sup>235</sup>

The idea that Deuteronomy is a product of the royal court and serves to strengthen the claims of the monarchy is an extremely important one in understanding Weinfeld’s perspective on the book of Deuteronomy. This idea does not simply provide an explanation as to who wrote the book and when (though it does that). It also provides an ideological basis for the interpretation of the book. That is, the underlying ideology of the book is, in Weinfeld’s view, one that is unequivocally supportive of the monarchy. This underlying general understanding of the book,<sup>236</sup> naturally, influences the interpretive decisions made about specific portions of it.

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<sup>235</sup> WEINFELD, *Deuteronomic School*, 169.

<sup>236</sup> The pro-monarchical stance is, of course, just one aspect of the ideology or worldview implied by

Levinson, on the other hand, sees centralization as supporting primarily the interests of the central cult. He sees Deuteronomy as presenting a negative critique of the institution of kingship. Levinson's approach suggests an ideology geared not toward the secular institutions of king and judiciary, but rather toward the cult. He argues that Deuteronomy "reflects the strategy of the text's authors: they divest the king of his judicial authority and reassign it to the Temple. The authors of Deuteronomy grant pride of place ... to the cultic center."<sup>237</sup>

Lohfink's emphasis on the distribution of powers represents yet another ideology, though he, like Levinson, sees Deuteronomy as undermining the role of the monarchy.<sup>238</sup> Lohfink's conception of Deuteronomy suggests an ideology that emphasizes *Torah* and limitations on the various offices that are regulated by *Torah*.

The differences among the various interpreters as to whether or not Deuteronomy should be seen as a realistic programme or a utopian ideal has implications for ideology as well. If, as Levinson and, to some degree, Weinfeld argue Deuteronomy is to be seen as a realistic programme, this suggests that the authors of the book envision that the programme outlined in Deuteronomy can and should be implemented in the community. This suggests that the rhetoric in Deuteronomy emphasizing choice and consequences are to be taken as realistic options and consequences for the audience of the book (however conceived). If, on the other hand, Deuteronomy is seen to be a utopian ideal, then the rhetoric may be understood as attempting to convince the audience to embrace the ideals lying behind the utopian scheme, rather than the specifics of the programme. These different views have implications beyond the interpretation of the texts in question, as they reflect different understandings of the fundamental ideology (or worldview) of the text.

In the same way, the idea of secularization and demythologization necessarily presupposes an ideology. As we have seen, in Weinfeld's view centralization led to secularization as the sacral bases for life in the nation were eliminated in favour of the elevation of the central sanctuary. While Weinfeld is careful to note that secularization is not intended to imply an atheistic tendency, or opposition to religious institutions,<sup>239</sup>

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Weinfeld's thesis.

<sup>237</sup> LEVINSON, *Legal Innovation*, 143.

<sup>238</sup> LOHFINK, "Distribution," 346-48.

<sup>239</sup> WEINFELD, "Demythologization and Secularization," 230.

his understanding of secularization in Deuteronomy intimates a worldview that separates life into the spheres of the secular and the sacred.

It is questionable, however, whether this worldview can be ascribed accurately to the author(s) of Deuteronomy. As we have seen, Lohfink has argued that Deuteronomy extends rather than curtails the idea of holiness. The fact that the people are regarded as “holy” in Deuteronomy (Deut 7.6; 14.2, 21; 26.19) due to their election by Yahweh suggests that all of life is to be considered within the realm of the sacred. The fact that the dietary regulations and laws regarding clean and unclean animals in Deuteronomy 14 apply to all the people, not just priests, demonstrates that the entire people was considered to be holy. The laws of Deuteronomy 14 make clear that the status of the people as holy meant that the choices they made with regard to diet and other practices were not religiously insignificant.<sup>240</sup>

In addition, the legal section of Deuteronomy 12-26 itself suggests that the secular/sacred distinction may be questionable. The legal code seeks to regulate life in the nation, and includes matters of great religious significance (such as the importance of exclusive loyalty to Yahweh, to the extent that even incitement to apostasy is punished by death according to Deuteronomy 13) as well as the more “common” aspects of life (requirements to return a stray ox or sheep, and regulations of types of clothing, Deut 22.1-4, 11-12). But it is important to note that these regulations all appear in the *Torah* given by Yahweh. It is according to these standards that the nation will be judged as to whether or to what extent she is living out loyalty to Yahweh. Miller notes that the law, to some extent, is seen as a surrogate for Yahweh.<sup>241</sup> Therefore, adherence to *Torah* and the regulations therein is of great religious significance, and it is difficult, if not impossible, to maintain that the ideology of Deuteronomy envisions a situation in which any aspect of life is to be thought of as secular, and divested of any religious significance.

This may be further seen in Deut 16.18-20. In Weinfeld’s view, the appointment of judges is necessary due to centralization and at the same time represents Deuteronomy’s tendency toward secularization. But the actions of the people and judges in Deut 16.18-20 are of great religious significance. Failure to properly pursue  $\text{צֶדֶק}$  will result in death and expulsion from the land (Deut 16.20), which is the

<sup>240</sup> See, again, LOHFINK, “Säkularisierung,” 36.

<sup>241</sup> P.D. MILLER, *The Religion of Ancient Israel* (London: SPCK; Louisville: Westminster John Knox, 2000), 158. See also idem, *Deuteronomy*, 56-57.

punishment for failing to properly honour Yahweh with fidelity to him and his covenant. So, the actions of the people and the judges – the appointment of whom ostensibly points to secularization – are seen as being of tremendous religious import.<sup>242</sup>

In this respect, the perspective of Deuteronomy is in keeping with the general worldview of the ANE. While there are, of course, important and significant differences between the cultures and perspectives of the cultures of the ANE, it is generally accepted that there are some important features common to most of the societies of the ANE. One of those is a belief in the pervasive influence and presence of the gods in the lives of human beings. Sumerian gods were seen as powerful because of their ability to wield the powers of nature, and they were believed to “cut” the destinies of human beings as well as the cosmos as a whole. The Sumerian term *giš-hur*, a “numinous term for the order” refers to the design or plan of the gods.<sup>243</sup> The Babylonians saw the gods as manifesting qualities important for human life. So the sun god Shamash was also the god of justice and law,<sup>244</sup> and proper administration of justice was seen as a way of honouring the deity.<sup>245</sup> Similarly, in most ANE cultures, kingship was viewed as a divine institution in which the king represented the gods and service to the king was seen as service to the god(s).<sup>246</sup> There was apparently no conception in this worldview of a distinction between the secular and the sacred.

It seems to me that Weinfeld has ascribed to the author(s) of Deuteronomy a worldview that they were rather unlikely to possess. While there are, of course, important differences between the theology and worldview of Ancient Israel and the cultures of the ANE, we must also bear in mind that there was engagement between Israel and the neighbouring cultures, and some basic elements of worldview common to both. Deuteronomy, to be sure, could and did innovate with respect to ANE theology and ideology. But caution must be exercised when determining exactly how far Deuteronomy’s innovation vis-à-vis ANE parallels extends. The concept of a distinction between the sacred and the secular is a modern, not an ancient, one.

<sup>242</sup> Deut 16.18-22 will be discussed in greater detail in the Chapter 5.

<sup>243</sup> W. VON SODEN, *The Ancient Orient: An Introduction to the Study of the Ancient Near East* (Grand Rapids: Eerdmans, 1994), 177.

<sup>244</sup> *Ibid.*, 180.

<sup>245</sup> Cf. L.K. HANDY, *Among the Host of Heaven: The Syro-Palestinian Pantheon as Bureaucracy* (Winona Lake: Eisenbrauns, 1994).

<sup>246</sup> F.A.M. WIGGERMANN, “Theologies, Priests, and Worship in Ancient Mesopotamia,” in *Civilizations of the Ancient Near East*, ed. J.M. SASSON, et al. (New York: Charles Scribner’s Sons, 1995), 3:1859-61.

Indeed, it is hard to conceive of the programme envisioned by Deuteronomy as “secular” in any sense of the term given its fundamentally theocentric outlook. The programme of secularization envisioned by Weinfeld seems more at home in the post-Enlightenment, modern realm than in the ANE milieu in which Deuteronomy was written.

#### B. CONCLUSIONS TO PART THREE

In this section, we have examined the theses of centralization, secularization, and demythologization and have seen that there are important ideological implications associated with the various views of centralization. Represented among the various views are several ideologies of centralization, some of which are diametrically opposed to others (pro- versus anti-monarchical views, for example).

We have also seen that there are important problems with the ideology implied by secularization, as such a view ascribes to the author(s) of Deuteronomy a worldview that represents a radical departure from the prevailing worldview in the ANE, and one that is more reasonably akin to modern perspectives than ANE ones.

The fact that there is such diversity of worldviews implied by the interpretations of Deuteronomy, coupled with the fact that certain positions seem to make improper assumptions about the nature of the worldview of the authors, suggests again that perhaps an alternative conception of ideology should be sought. I will begin to outline an interpretation of key texts in Deuteronomy and describe how these texts support an alternative ideology in subsequent chapters.

#### IV. Conclusions to Chapter One

In this chapter, we have examined several views that agree on the fact of centralization in Deuteronomy, but which, nevertheless, differ on key aspects of the text. In addition, there are differences on important ideological implications among these various interpretations.

We have seen that though all five of the representative interpretations we surveyed agree broadly on the fact that Deuteronomy seeks to centralize worship, there is not similar consensus as to some important practical implications of centralization. There are also important differences as to the understanding of the goal of centralization. Some see Deuteronomy’s programme of centralization as being undertaken to support and further legitimize the institution of the monarchy. Others see centralization as being undertaken to support the interests of the central cult precisely at the expense of

the institution of kingship. In addition, there are differences as to whether this programme should be seen as a realistic programme of reform, or a utopian ideal. The decisions made on these issues have important implications for the interpretation of the book, and the fact that there is widespread disagreement on such fundamental matters suggests that perhaps a new interpretation of the Deuteronomic programme is warranted.

The need for a fresh approach is further demonstrated when the ideologies represented by these various views are considered. Again, there is no consensus as to the fundamental worldview of the author(s) of Deuteronomy. More troubling is the fact that the prevailing understanding of Deuteronomy as a secularizing programme appears to posit a worldview that is rather unlikely given the historical and cultural context in which the text originated. This, in turn, suggests that secularization may not be the most useful way to conceive of the nature of the Deuteronomic programme.

I conclude, then, that it is necessary to look at an alternative to the prevailing consensus on Deuteronomy. If, as I have shown, there are serious problems with the conception of the book that sees the Deuteronomic revolution as being based on the pillars of centralization, secularization, and demythologization as conceived by Weinfeld and others, then it is necessary to look for an alternative view.

Any alternative must, of course, be based on sound exegesis of the text. We will now turn our attention to key texts in the book that usually are understood to support the prevailing view in an effort to determine if an alternative understanding may be supported by the data of the text.

## CHAPTER TWO

### DEUTERONOMY 1.9-18

We have now seen that there are some serious difficulties with the prevailing view of Deuteronomy and the conception of the book as representing a revolutionary programme of centralization, secularization, and demythologization. Given the problems identified in Chapter One, I argued that perhaps an alternative conception of the book should be sought. In this and the following chapters, I will examine several key texts in Deuteronomy that have often been understood as supporting the view of Deuteronomy as a centralizing, secularizing book. I will examine the views of major interpreters in an effort to determine if the interpretations they provide are most consistent with the data of the text, and then seek to demonstrate how these same texts may be seen as supporting the idea that at the heart of Deuteronomy is the theology of the supremacy of Yahweh and an emphasis on *Torah* as a means of demonstrating loyalty to him. I will begin with an examination of Deut 1.9-18.

#### I. Prevailing View: Secularization of Judicial Procedure

The opening chapter of Deuteronomy identifies Moses as the speaker of the words that follow (1.1) and a brief statement as to the setting of the utterance (both geographically and temporally). The first speech of Moses then begins with a description of Yahweh's command to the people to leave Horeb and proceed to the land promised to the patriarchs.

The description of Yahweh's command and its execution by the people is interrupted by the narration of the appointment of judges in Deut 1.9-18. The appointment of judges is necessary, according to vv. 10-12, because of the fact that Yahweh has blessed the nation to such a great extent that Moses was unable to bear the burden of leading and judging the people. The qualifications of the officers are described, and Moses' confirmation of the appointment is narrated. Immediately

thereafter, Moses charged the judges to execute their responsibilities impartially, and in recognition of the fact (verse 17) that “judgement is God’s.”

There is a general consensus that this text is a unity, and that these verses are integral to the broader narrative of chapters 1-3.<sup>1</sup> Mayes sees these verses as representing an old tradition that has been incorporated into Deuteronomy to advance the Deuteronomist’s purposes, which, following Noth, he sees as to introduce DtH.<sup>2</sup> Similarly, Weinfeld sees these verses as intrusive, but thinks they highlight the radical nature of Deuteronomy’s programme.<sup>3</sup>

The radical nature of Deuteronomy may be seen, in Weinfeld’s view, in the way it takes up the sources thought to lie behind this text. Exod 18.13-27 recounts the selection of judges in a somewhat different way, and Num 11.11-17 describes the selection of 70 leaders, who would be given something of the spirit that was upon Moses to enable them to assist him in the responsibilities of leadership. According to Exodus, the initiative for the idea of appointing judges belongs to Jethro (Exod 18.14-15), whereas in Deuteronomy the impetus for the action lies with Moses. In Numbers, the initiative is with Yahweh (Num 11.16-17). In addition, in Exodus and Numbers the leaders are chosen by Moses (Exod 18.25; Num 11.16), whereas in Deuteronomy the people are to choose them (Deut 1.13). Similarly, Deuteronomy emphasizes the intellectual qualities of the appointees and stresses the need for impartiality in their judgements. In Exodus, the candidates are chosen based on their moral qualities (Exod 18.21) and in Numbers it is the proven leadership qualities of the appointees that will make them worthy choices.<sup>4</sup> No call to impartiality for the elders/judges is recorded in Exodus or Numbers.

Perhaps the most important difference between the sources lies in the understanding of Moses’ role in hearing cases too difficult for the newly appointed judges. In Exodus, difficult cases are brought to Moses, who would in turn bring them to God (Exod 18.19-22). In Deuteronomy, nothing is said about bringing difficult

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<sup>1</sup> See D.L. CHRISTENSEN, *Deuteronomy 1:1-21:9*, WBC 6a (Nashville: Thomas Nelson, 2001), 17-23, and idem, “Prose and Poetry in the Bible: The Narrative Poetics of Deuteronomy 1:9-18,” *ZAW* 97 (1985): 179-89.

<sup>2</sup> A.D.H. MAYES, *Deuteronomy*, NCB (Grand Rapids: Eerdmans; London: Marshall, Morgan & Scott, 1979), 117-18.

<sup>3</sup> M. WEINFELD, *Deuteronomy 1-11*, AB 5 (New York: Doubleday, 1991), 137-40.

<sup>4</sup> Weinfeld maintains that divine inspiration is what “makes the candidates worthy of their position” in Numbers (*ibid.*, 139). But Num 11.16 suggests that Moses is to select elders already known as leaders to receive the spirit and assist Moses. Thus, the giving of the spirit empowers the selected elders to serve, but is not the basis of their election.



cases to God. In Deut 1.17 Moses simply says “the case that is too difficult for you, come to me and I will hear it.” There is no mention of bringing it to Yahweh for disposition. The passage in Numbers makes no mention of any appeal to Moses or Yahweh, as the nature of the appointment seems to be different. Whereas it is clear in Exodus and Deuteronomy that judges are in view,<sup>5</sup> Numbers refers to elders who will help Moses carry the burden of the people, but no judicial function is intimated. It is not surprising, then, that the Numbers account does not make reference to an appeal to Yahweh (or Moses).

In Weinfeld’s view, the differences between the accounts may be explained, at least partially, by noting the ideology or worldview of Deuteronomy. That Deuteronomy emphasizes intellectual qualities of the appointees is explained by Deuteronomy’s emphasis on wisdom. As Weinfeld sees it, Deuteronomy emerged out of a royal scribal school, and therefore demonstrates many similarities with wisdom literature, both in form and content.<sup>6</sup> It is not surprising, then, that Deuteronomy would emphasize intellectual qualities, given the environment from which it emerged.

Other differences are explained by Weinfeld on ideological grounds as well. The fact that Jethro is not mentioned in the account in Deuteronomy is explained by Weinfeld as being the result of the desire of the authors of Deuteronomy to minimize the role of a foreigner. The idea of a Midianite priest playing a central role in the establishment of the judiciary of the people of God was contrary to the nationalistic views of the authors of Deuteronomy, so his role is removed in the account in Deuteronomy. Similarly, the fact that the people, not Moses, choose the men who will serve as leader/judges reflects the more democratic ideals of the book.<sup>7</sup>

Deuteronomy’s emphases may be most clearly seen, in Weinfeld’s view, when considering the most striking difference between Deuteronomy and the account in Exodus, viz. the elimination of any mention of an appeal to Yahweh by Moses when the difficult cases are brought to him. This is due to the fact that Deuteronomy does not accept the inherent sanctity of judicial procedure. That is, the authors of

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<sup>5</sup> There is broad agreement that the judges referred to in Deut 1.9-18 serve military as well as judicial functions. See MAYES, *Deuteronomy*, 124-25; I. CAIRNS, *Word and Presence: A Commentary on the Book of Deuteronomy*, ITC (Grand Rapids: Eerdmans; Edinburgh: Handsel, 1992), 34; M. WEINFELD, “Judge and Officer in Ancient Israel and the Ancient Near East,” *Israel Oriental Studies* 7 (1977): 65-88. Here, of course, the emphasis is on the more traditional judicial aspect of their role.

<sup>6</sup> M. WEINFELD, *Deuteronomy and the Deuteronomistic School* (Oxford: OUP, 1972; reprint Winona Lake: Eisenbrauns, 1992), 244-81. A similar view is adopted by J.H. TIGAY, *Deuteronomy דברים: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: JPS, 1996), 422-23.

<sup>7</sup> WEINFELD, *Deuteronomy 1-11*, 140.

Deuteronomy are attempting to highlight the natural and intellectual nature of judicial procedure, and consequently downplay the role of sacral authority or practice in the adjudication of cases.<sup>8</sup> This, Weinfeld maintains, is a clear example of the tendency toward secularization in Deuteronomy.<sup>9</sup>

## II. Evaluation

We have seen that Deut 1.9-18 has been interpreted as demonstrating the revolutionary tendency toward secularization posited by Weinfeld. We now must examine the arguments adduced in favour of this view in order to determine if they are supported by the data of the text, or whether an alternative explanation should be sought.

It appears that Weinfeld has overstated the differences between the sources in some instances. It is apparent that the account in Deut 1.9-18 is influenced to some degree by the accounts in Exodus and Numbers.<sup>10</sup> But the nature of the differences may not be of the sort that Weinfeld avers.

Weinfeld maintains that Deuteronomy highlights intellectual qualifications of judges, where Exodus stresses moral qualities, due, as we have seen, to his understanding that Deuteronomy is the product of scribal schools. However, as Wright notes, the moral qualities explicitly described in Exod 18.21 are implied by Deut 1.16-17.<sup>11</sup> Exodus 18.21 calls for the appointment of men who “fear God, men of truth who hate dishonest gain.” These same qualities are part of the exhortation of Deut 1.16-17, where the judges are exhorted to “not fear man, for the judgement is God’s.” The implication, of course, is that they are to fear God, whom they are representing in their execution of justice (see below). Similarly, the righteous judgement and impartiality to which the judges are called implies a disavowal of dishonest gain (cf. Deut 16.19-20, where this is made explicit).

Moreover, Moses here commands that the judges judge righteously (צִדְקָה). In claiming that Deuteronomy emphasizes intellectual qualities, Weinfeld overlooks the fact that צִדְקָה entails more than intellectual qualities. The nominal forms צִדְקָה and

<sup>8</sup> WEINFELD, *Deuteronomistic School*, 233 and idem, *Deuteronomy 1-11*, 138.

<sup>9</sup> WEINFELD, *Deuteronomistic School*, 233.

<sup>10</sup> This may be seen in terms of content, but also in terms of language used. The phrase לֹא-אֹכֵל לֶבְדֵי in Deut 1.9 is similar to Num 11.14. See S.R. DRIVER, *A Critical and Exegetical Commentary on Deuteronomy*, 3<sup>rd</sup> ed., ICC (Edinburgh: T&T Clark, 1901), 15 and WEINFELD, *Deuteronomy 1-11*, 135. McConville rightly notes that the idea of endurance is present in Exod 18.23 as well, and concludes that Exod 18.13-27 and Num 11.10-25 have been “collapsed...into one.” J.G. MCCONVILLE, *Deuteronomy*, AOTC 5 (Leicester: Apollos; Downers Grove: Intervarsity, 2002), 59.

<sup>11</sup> C.J.H. WRIGHT, *Deuteronomy*, NIBC 4 (Peabody: Hendrickson; Carlisle: Paternoster, 1996), 26.

צִדְקָה appear 13 times in Deuteronomy.<sup>12</sup> In the majority of those appearances the broader sense of “righteousness” appears to be in view. In Deut 9.4-6, for example, the word צִדְקָה is used in parallel with יֵשֶׁר לְבָבָךְ, “uprightness of heart.” In addition, it is contrasted with רָשָׁעָה, which usually denotes an abstract sense of evil or wickedness.<sup>13</sup> This suggests that though the description of the qualifications of judges is indeed different in Deuteronomy, the nature of the qualifications is not as different as Weinfeld maintains. There is more to the qualifications of judges than intellectual qualities.

A further point may be made about Weinfeld’s apparent understanding of wisdom literature. He suggests that in its emphasis on intellectual affairs, wisdom literature downplays matters of morality or of the heart, as he draws a contrast between the moral emphases of Exodus and the intellectual emphases in Deuteronomy. While this emphasis on the intellectual in wisdom literature has been advocated,<sup>14</sup> Waltke rightly notes that “wisdom ... appeals to the mind, but to know wisdom is more a matter of a loving heart (i.e., a person’s center for both physical and emotional-intellectual-moral activities) than of a cold intellect.”<sup>15</sup> This may be further seen when it is noted that according to Prov 1.7 and Job 28.28, “the fear of Yahweh is the beginning of wisdom.” Garrett notes that “reverence for God determines progress in wisdom, and this reverence includes the moral dimension of obedience and the spiritual dimension of worship.”<sup>16</sup> My point is simply that wisdom literature may encompass aspects of morality and the fear of Yahweh in its conception of the wise man. That is, the “wise man” of wisdom literature is the one who lives out fear and reverence for Yahweh. So, the described qualifications in Exodus and Deuteronomy may not be as different as

<sup>12</sup> Deut 1.16; 6.25; 9.4; 9.5; 9.6; 16.18; 16.20 (2x); 24.13; 25.15 (2x); 33.19; 33.21. Although some have maintained a difference in meaning between צִדְקָה and צִדְקָה, Reimer rightly notes that, due to the overlap in usage of the various forms, context, not morphology, should be decisive in determining the meaning of any particular use of the term. See D.J. REIMER, “צִדְקָה,” in *NIDOTTE*, 3:744-69, here p. 746.

<sup>13</sup> G.H. LIVINGSTON, “רָשָׁעָה,” *TWOT*, 2:862-64; E. CARPENTER and M. GRISANTI, “רָשָׁעָה,” *NIDOTTE*, 3:1201-04.

<sup>14</sup> See D. KIDNER, *An Introduction to Wisdom Literature: The Wisdom of Proverbs, Job, and Ecclesiastes* (Downers Grove, Leicester: Intervarsity, 1985), 11.

<sup>15</sup> B.K. WALTKE and D. DIEWERT, “Wisdom Literature,” in *The Face of Old Testament Studies: A Survey of Contemporary Approaches*, ed. D.W. BAKER and B.T. ARNOLD. (Leicester: Apollos; Grand Rapids: Baker, 1999), 300.

<sup>16</sup> D.A. GARRETT, *Proverbs, Ecclesiastes, Song of Songs*, NAC 14 (Nashville: Broadman, 1993), 54. Cf. R. MURPHY, “Religious Dimensions of Israelite Wisdom,” in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. P.D. MILLER, JR., P.D. HANSON, S.D. MCBRIDE (Philadelphia: Fortress, 1987), 449-58, esp. 452-56; B.K. WALTKE, “The Book of Proverbs and Old Testament Theology,” *BSac* 136 (1979): 302-17 and idem, “Fear of the Lord,” *JCBRF* 128 (1992): 12-16.

Weinfeld suggests. At the very least, caution should be exercised in drawing contrasts between the worldview represented by wisdom literature and other types of literature, as scholars are presently divided as to the best understanding of the religious elements of wisdom literature.<sup>17</sup>

Objections may be raised as well about Weinfeld's contention that the elimination of any mention of Jethro is due to the nationalistic tendency of Deuteronomy. While it is undeniable that Deuteronomy contains within it an emphasis on the nation of Israel and a related denigration of the nations around her (Deuteronomy 7), the nature of the relationship between Israelites and non-Israelites is more complex than Weinfeld seems to allow. Deuteronomy 7 calls for the destruction of the seven nations occupying Canaan, based in large measure on the fact of their worship of other gods (Deut 7.4-6; 9.4). But Deuteronomy 9 makes clear that Yahweh's judgement on the nations is not to be taken by Israel as a statement of her righteousness. Indeed, the fact of Israel's unrighteousness and persistent rebellion is made explicit in Deut 9.4-29; 31.14-32.43. In addition, the extensive curses of chapter 28 suggest that the nation is expected to experience the loss of the land, due to the persistent sin of the people and their failure to demonstrate proper loyalty to Yahweh through adherence to his *Torah* (Deut 32.46). As Wright notes, Deuteronomy is clearly "more concerned with the failures of God's people than with the wickedness of the other nations..."<sup>18</sup>

Moreover, the text in question, as well as the book as a whole, includes a call to treat aliens with compassion and justice in judicial proceedings (Deut 1.16). Craigie notes that aliens were to be treated as equal to Israelites in judicial matters, even if they

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<sup>17</sup> There are, of course, major issues raised here as to the nature and development of wisdom literature. While thorough exploration of those issues is beyond the scope of this study, it should be noted that there is much debate centred on the relationship between wisdom literature and the worship of Yahweh. W. MCKANE, *Proverbs: A New Approach*, OTL (Philadelphia: Westminster, 1970), 3-8, maintains that Old Testament wisdom originates in folk wisdom, and was essentially international. It was later assimilated into Yahwism, and the development may be seen in Proverbs 1-9. In a basic sense, then, wisdom literature is seen as being separate from the explicitly religious tenets of Yahwism. As noted above, however (see note 16), this idea has been challenged.

With respect to Deuteronomy, opinion is also divided. Weinfeld sees significant parallels between Deuteronomy and wisdom literature (see, e.g., *Deuteronomy 1-11*, 62-65). J.L. CRENSHAW, *Old Testament Wisdom: An Introduction*, rev. ed. (Louisville: Westminster John Knox, 1998), 29-30, however, argues that Deuteronomy's use of covenantal language and "election categories" (p. 30) excludes it from the category of wisdom literature. Including Deuteronomy in the category of wisdom literature would, in his estimation, "distort the meaning of wisdom beyond repair." (p. 30)

For the purposes of the present study, it is enough to note that because there are many questions as to the religious nature of wisdom literature and whether or not wisdom literature should be seen as having a unified character, caution is warranted when drawing conclusions as to the nature of wisdom appealed to in Deuteronomy.

<sup>18</sup> WRIGHT, *Deuteronomy*, 134.

were not considered equal in other respects.<sup>19</sup> Fair treatment of aliens, it is noted, is to execute justice in Yahweh's name (Deut 1.17; see below). Indeed, as we have seen in Chapter One, there is a sense in which the protection and preservation of so-called marginal groups (aliens, orphans, and widows) may be understood in Deuteronomy as a measure of the obedience of the people to the *Torah* of Yahweh.<sup>20</sup>

The inclusion of aliens extends in Deuteronomy 23 to granting permission for the inclusion of the descendants of certain non-Israelites (Edomites and Egyptians) in the assembly of Yahweh. Entry into the assembly is granted after just three generations. The inclusion of Egyptians in the category of those who may ultimately be permitted join the assembly is particularly striking, as it is based on the fact that the Israelites were themselves once aliens in Egypt. There is no kinship relationship between Israel and Egypt, as there is with Edom. One may not conclude that inclusion in the assembly of Yahweh is based on a broader (Abrahamic) nationalism, since Egypt is included while Ammon and Moab – despite being descendants of Abraham – are not.

Finally, it should be noted that Deuteronomy 16 expressly includes the resident alien (גֵּר) in the celebration of the Feast of Weeks at the chosen Place (Deut 16.9-12). It seems, then, that Deuteronomy's perspective on aliens is far more nuanced than Weinfeld allows. As Brett notes, Deuteronomy provides "moral resources which can be seen as nationalist and anti-nationalist..."<sup>21</sup>

It should also be noted that Weinfeld's argument about the removal of reference to Jethro is an argument from silence. He maintains that the silence about Jethro is to be seen as reflecting the nationalistic tendency of the book, but doesn't consider any other possibilities. Driver, for example, maintains that the absence of reference to Jethro is due to the fact that "the stress [in Deut 1.9-18] lies less on the originator of the suggestion than on the fact of the organization having been established by Moses, and on the need for it in the numbers of the people."<sup>22</sup> The text must be interpreted in light of the purposes for which it was written, and it is certainly possible that the purposes

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<sup>19</sup> P.C. CRAIGIE, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 98.

<sup>20</sup> See, again, N. LOHFINK, "Das deuteronomische Gesetz in der Endgestalt: Entwurf einer Gesellschaft ohne marginale Gruppen," *BN* 51 (1990): 25-40 and idem, "The Laws of Deuteronomy: A Utopian Project for a World Without Any Poor?" 1995 Lattey Lecture, Von Hügel Institute, St. Edmund's College, Cambridge. See also J.G. MCCONVILLE, *Law and Theology in Deuteronomy*, JSOTS 33 (Sheffield: JSOT Press, 1984), 151.

<sup>21</sup> M.G. BRETT, "Nationalism and the Hebrew Bible," in *The Bible in Ethics: The Second Sheffield Colloquium*, JSOTS 207, ed. J.W. ROGERSON, M. DAVIES, and M.D. CARROLL R. (Sheffield: SAP, 1995), 159.

<sup>22</sup> DRIVER, *Deuteronomy*, 15.

of the author would not have been advanced by describing the initiation of the idea. Miller takes a similar view, noting that this text highlights “*the need for organization and leadership in the fulfillment of the blessing God promised long before to Abraham.*”<sup>23</sup> Thus, there are other, equally probable, reasons than those suggested by Weinfeld that explain why Jethro is not mentioned in Deuteronomy’s account of the appointment of judges in Deut 1.9-18.<sup>24</sup>

A similar point may be raised in connection with Weinfeld’s contention that this text is an example of secularization. As we have seen, Weinfeld sees this text as an example of secularization due to the fact that judicial proceedings in this text do not appear to have any sacral component, whereas the earlier material includes reference to appeal to Yahweh. But as with the reference to Jethro, this too is an argument from silence. That is, the basis of Weinfeld’s contention that this text represents secularization of the judiciary is the fact that there is no mention in Deuteronomy of any appeal by Moses to Yahweh. But depicting such an appeal would be out of place in light of Deuteronomy’s presentation of Moses as the mediator of Yahweh’s words to the people. Throughout this chapter Moses’ role as mediator of the words of Yahweh is emphasized (Deut 1.3, 5-6, 19, 34, 42-43).<sup>25</sup> In addition, Deuteronomy consistently depicts the relationship between Yahweh and Moses as unique (Deut 34.10-12). Describing an appeal to Yahweh by Moses would undermine the presentation of Moses as the singular mediator of the words of Yahweh. It is not surprising, therefore, that no mention of any appeal is made.

What should be noted, however, is that mention *is* made of an appeal to Moses by the judges in cases that are too difficult for them to decide (Deut 1.17c). Cairns argues that a case that is “too difficult” is one for which there is no precedent.<sup>26</sup> If there is in fact no precedent, only Yahweh (or his designated mediator, Moses) is in a position to decide the case. Thus, in calling for appeal to Moses and stressing that “judgement is God’s,” the author is further highlighting the unique role of Moses as mediator of the words of Yahweh.

Moreover, Deut 17.8-13 explicitly calls for appeal to the priests serving in “the place” in cases that are too difficult for the judges to decide. The inclusion of priests

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<sup>23</sup> P.D. MILLER, JR., *Deuteronomy*, Interp (Louisville: John Knox, 1990), 28, emphasis in original.

<sup>24</sup> It seems likely, as I will argue below, that the Deuteronomy’s emphasis on Moses’ role as Yahweh’s representative is sufficient to explain the absence of reference to Jethro in Deut 1.9-18.

<sup>25</sup> Cf. E.H. MERRILL, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 70.

<sup>26</sup> CAIRNS, *Word and Presence*, 34.

in addition to judges in Deut 17.9ff suggests that in such cases appeal would be made to Yahweh in some fashion; their inclusion is superfluous if this appeal represents simply a recourse to a higher, secular judicial body.<sup>27</sup> There seems, as well, to be a somewhat greater emphasis on the role of the priest in promulgating the decision of the court. It is the priest's pronouncement (v. 12) that is given priority, and which carries the weight of greatest authority. The emphasis on priestly (i.e., sacral) authority would seem to undermine Weinfeld's contention that secularization of the judiciary is at the heart of the Deuteronomic reform programme.<sup>28</sup>

Once again, consideration must be given to the author's purpose in including this material. I will argue below that the focus of this text is on the time of transition and the need for acknowledging Yahweh through adherence to *Torah* in executing judgement. If this is so, it is hardly surprising that all the details of judicial procedure are not spelled out here. To do so would distract from the purposes for which the text was written.

One of the major problems with the prevailing view is the fact that there is little discussion as to why this section dealing with the appointment of leaders and judges appears here at all. The section clearly interrupts the flow of the narrative, as the command to move forward from Horeb is given in verse 8, and the description of its execution begins in verse 19. Moreover, as Weinfeld notes, the section opens with the phrase *בְּעֵת הַהוּא*, which he notes often introduces intrusive texts.<sup>29</sup> Indeed, the narrative describing the departure from Horeb is seamless without the interpolation of verses 9-18. Yet scant attention is paid to this fact.<sup>30</sup> Instead, as we have seen, most interpreters focus on the differences between the account here in Deuteronomy and the accounts found in Exodus 18.13-27 and Numbers 11.11-17.

<sup>27</sup> MCCONVILLE, *Deuteronomy*, 291, rightly notes that the nature of the relationship between the sacral and civil powers (represented by priest and judge) is unclear in Deut 17.8-13. What is clear is that both sacral and civil authorities are to participate in the rendering of a decision in difficult cases.

<sup>28</sup> I realize that some (e.g. MAYES, *Deuteronomy*, 267) see Deut 17.8-13 as originating from a different hand from Deut 1.9-18. Regardless of their origins, however, the two texts were placed in the same work by a redactor, who presumably understood them to be compatible with each other.

<sup>29</sup> WEINFELD, *Deuteronomy 1-11*, 139. See also DRIVER, *Deuteronomy*, 15.

<sup>30</sup> Especially striking is the fact that few commentators posit a separate source for this section. Instead, as we have seen, since Noth there is general agreement that this section is produced by the Deuteronomist and forms part of the introduction to the Deuteronomistic History (DtH). See M. NOTH, *The Deuteronomistic History*, 2<sup>nd</sup> Edition. JSOTS 15 (Sheffield: SAP, 1991), ET of *Überlieferungsgeschichtliche Studien* (Tübingen: Max Niemeyer, 1957), 1-110. Cf. also T. RÖMER, "The Book of Deuteronomy," in *The History of Israel's Traditions: The Heritage of Martin Noth*, JSOTS 182, ed. S.L. MCKENZIE and M.P. GRAHAM (Sheffield: SAP, 1994), 178-212, esp. 178-91.

But if Deuteronomy is to be seriously considered as a literary or theological work, then one must provide an explanation as to why this passage is included here. Since the self-presentation of the book is not a comprehensive history of Israel, but rather a compilation of speeches by Moses in a particular time and place, and hence to serve a particular purpose, it is safe to assume that the inclusion or exclusion of certain events in the narrative must be deliberate on the part of the author or editor(s).<sup>31</sup> That is, it is not enough to account for the differences between the earlier sources and the text in Deut 1.9-18. Rather, consideration must be given to *why* the author or editors chose to include this material here. Serious treatment of this issue is lacking in many interpretations of this text. We will now turn our attention to this question, as I articulate an alternative understanding of this text and include in the discussion the ideological implications of that alternative.

### III. Deuteronomy 1.9-18 and *Torah*

I have argued above that the prevailing view of this text makes some unwarranted assumptions regarding the nature of the differences between the earlier sources and Deuteronomy, and that it also fails to account adequately for the fact that Deut 1.9-18 interrupts the flow of the narrative. I will now describe how I see this text functioning in the overall rhetoric of Deuteronomy and how it highlights the unique ideology of the book.

While I have noted that the significance of the inclusion of this intrusive section has been largely unrecognized, it has not gone entirely unnoticed. Clements suggests that this section is included in order to highlight the importance of a “fair and acceptable system of juridical authority.”<sup>32</sup> Thus, he notes that the legal section of the book (chapters 12-26) is greatly concerned with the administration of justice, and details institutional responsibilities for it.<sup>33</sup> Olson, on the other hand, sees in this section the first intimation of the impending death of Moses. He sees in the provision

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<sup>31</sup> I contend, further, that the author’s purpose is related to the rest of the book of Deuteronomy, not, as Noth maintained, to introduce DtH. For a discussion of the overall purpose of Deuteronomy and the nature of the book as communication, see T.A. LENCHAK, “Choose Life!”: *A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20*, AnBib 129 (Rome: Pontifical Biblical Institute, 1993), 1-27. See also P.A. BARKER, *Deuteronomy: The God Who Keeps Promises* (Melbourne: Acorn, 1998), 7, who notes that Deuteronomy’s presentation of history is selective, and serves a rhetorical purpose.

<sup>32</sup> CLEMENTS, “The Book of Deuteronomy,” 297. In a later work, he argues that this text emphasizes justice and wisdom in describing the qualifications of judges, and in so doing serves to introduce the authors of the book to the readers by tracing their authority back to Moses. See *idem*, *The Book of Deuteronomy: A Preacher’s Commentary*, EC (Peterborough: Epworth, 2001), 4-5.

<sup>33</sup> CLEMENTS, “Book of Deuteronomy,” 297.



of leaders for the nation a “dying to exclusive claim on a authority, a dying to self-glorification, a dying to hoarding power for oneself rather than sharing and trusting others with it.”<sup>34</sup>

In my estimation, both Clements and Olson have seen important facets of this section, and have rightly noted the importance of the inclusion of this section in the narrative. I would suggest, however, that this passage contains the first suggestion of the importance of *Torah* in the life of the nation, as the successor to Moses.

Gary Millar has argued persuasively that the theology of Deuteronomy is permeated with a dynamic element.<sup>35</sup> That is, there is a sense in Deuteronomy in which the people of God are constantly seen to be “on the move” toward the land of promise, and the challenge for the people is to live out their lives in obedience to Yahweh even in the face of changing circumstances. The book itself is, of course, set in a moment of tremendous importance and change. The people are addressed at Moab, on the verge of the promised land. They are leaving behind the wilderness, the nomadic life, and the experience of slavery in Egypt. Their relationship with Yahweh will change upon their entry into the promised land. Whereas formerly the people had a tangible sense of Yahweh’s presence in the form of the pillar of fire and cloud and the Tent of Meeting, they will soon find themselves settling into cities and villages, and their sense of Yahweh’s presence will necessarily change. Deuteronomy, then, addresses the people at a crucial turning point in the way in which they live out their lives as the people of Yahweh.

But, as has been recognized, there is more to the exhortations of Deuteronomy than simply an appeal to the audience addressed at Moab. Instead, there is a careful blending of the audiences addressed, such that the Moab generation is described in Deut 5.3-5 as having been at Horeb, despite the fact that, in reality, they were not.<sup>36</sup> In addition, the frequent use of the term *הַיּוֹם* has been shown to be a rhetorical device that contributes to the sense of contemporaneity.<sup>37</sup> All the important decisions are said

<sup>34</sup> D.T. OLSON, *Deuteronomy and the Death of Moses: A Theological Reading* (Minneapolis: Fortress, 1994), 24.

<sup>35</sup> See J.G. MILLAR, *Now Choose Life: Theology and Ethics in Deuteronomy*, NSBT 4 (Leicester: Apollos, 1998), esp. 67-98; J.G. MCCONVILLE and J.G. MILLAR, *Time and Place in Deuteronomy*, JSOTS 179 (Sheffield: SAP, 1994). Cf. CAIRNS, *Word and Presence*, 32.

<sup>36</sup> The “blending” of generations appears first in Deut 4.9-10, where Moses speaks of the things that the people saw at Horeb and are encouraged to remember. Here, again, this is not actually the case, as 1.35 and 2.14 make clear that the generation who experienced Horeb first hand had died off and were not present. The people addressed were the children of those who had experienced Horeb.

<sup>37</sup> See, for example, S.J. DEVRIES, *Yesterday, Today and Tomorrow: Time and History in the Old*

to be urgent “today,” yet DeVries and others have shown that “today” is more than temporal.<sup>38</sup> In its frequent use of the term הַיּוֹם and the recurrent blurring of the distinction between generations, Deuteronomy evokes the sense that its “today” at Moab is a decisive moment, but one that, paradoxically, the people face a gain and again in their journey with Yahweh. Thus, Millar concludes that “Moab is presented as the place where the past and future of Israel coalesce in a single moment, the place where the decision to follow Yahweh must be reaffirmed in every generation.”<sup>39</sup>

In the light of this, Deut 1.9-18 takes on new significance. As Christensen has noted, the section is bracketed by the phrase בְּעֵת הַהוּא, which appears in vv. 9, 16, and 18.<sup>40</sup> This, I believe, serves to focus attention on the particular time in the world of the text at which the event occurred, and is not used simply to indicate a temporal transition. The repetition of the term in just a few verses argues against the idea that merely temporal transition is being emphasized.<sup>41</sup> Rather, the phrase is used to draw attention to the particular time at which Moses made the appointment of officials and exhorted the judges. This has been noted by Tomasino, who demonstrates that the phrase can have more significance than simply as a temporal marker. The use of בְּעֵת הַהוּא in Deut 3.12, 18, 21, 23 appears to be stressing the particular time at which the events occurred, in much the same way as it does here.<sup>42</sup>

The “time” emphasized, when judges are appointed, is one of transition and potential. The people are at Horeb, having experienced a tremendous revelation of Yahweh, and have entered into a special relationship with him. Yahweh then commands the people to leave the mountain and go to the land he swore to the patriarchs, which he would now give to the people (Deut 1.6-8). The breadth of the land described implies that the Israelites would be spread out over vast distances. Their lives would inevitably change. So too, the fulfillment of God’s promise to Abraham for many offspring (vv. 10-11) necessitates that the way in which the

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*Testament* (Grand Rapids: Eerdmans; London: SPCK, 1975), esp. 45-47; P.A. VERHOEF, “יוֹם,” in *NIDOTTE*, 2:419-24; MILLAR, *Now Choose Life*, 76-78; MCCONVILLE and MILLAR, *Time and Place*, 42-45.

<sup>38</sup> DEVRIES, *Yesterday, Today and Tomorrow*, 45.

<sup>39</sup> MCCONVILLE and MILLAR, *Time and Place*, 47.

<sup>40</sup> CHRISTENSEN, *Deuteronomy 1:1-21:9*, 21-22.

<sup>41</sup> DEVRIES, *Yesterday, Today and Tomorrow*, 168, argues that the phrase בְּעֵת הַהוּא is simply to introduce a new narrative episode, and illustrates the secondary nature of this section.

<sup>42</sup> A. TOMASINO, “עֵת,” in *NIDOTTE*, 3:563-67.

Israelites were organized as a society would change. The growth in numbers since leaving Egypt necessitates a change in the administration of the nation.

In that moment of transition a new system is put in place. Leaders are selected by the tribes, and commissioned by Moses to serve as “heads” over the people.<sup>43</sup> The people, through their “heads,” would now be responsible to Yahweh for the way they lived out their lives.

Insight as to the expectations comes in the next verses, the charge to the judges in Deut 1.16-18.<sup>44</sup> The judges are told to “judge righteously” (וּשְׁפֹטֶתֶם צֶדֶק) in the cases that would come before them, whether the parties be Israelites or foreigners, “great or small.” The rationale for impartial judgement is given in verse 17: כִּי הַמִּשְׁפֵּט לַאלֹהִים. The statement that “judgement is God’s” implies that in the cases that the judges will hear, God will render judgement through their agency, and the judges are expected to act in accordance with the law which comes from God.<sup>45</sup> This, Wright notes, “enshrines a major feature of constitutional law, namely, that the law has a transcendent value. Promulgated and administered by humans, it possesses an authority above even those who promulgate and administer it.”<sup>46</sup>

Moreover, this historical remembrance is deliberately included in Moses’ speech to Israel on the plains of Moab (Deut 1.1). The people gathered on the boundary to the land of promise also face a significant transition. They will engage in fierce battles to take possession of the land Yahweh swore to their forefathers. Upon entering the land, they will face temptation from the religious practices of the people who occupy the land. They will face the temptation to “be like” the nations they are displacing in every way. And they will face these dangers without the leadership and mediation of Moses, who had led them through all the transitions and trials they had yet experienced. Thus, the insertion of Deut 1.9-18 demonstrates how the book is able to address people in ever-new generations.

<sup>43</sup> On the use of ראש as a title for a leader, see J.R. BARTLETT, “The Use of the Word ראש as a Title in the Old Testament,” *VT* 19, 1 (1969): 1-10.

<sup>44</sup> It is not explicit from the text, but I think it likely that the judges exhorted here should be understood as being the same people selected in v. 13 and commissioned in v. 15. The qualifications described suggest that judicial as well as military responsibilities are in view. See MAYES, *Deuteronomy*, 124-25; WRIGHT, *Deuteronomy*, 26; BARTLETT, “Use of ראש,”; WEINFELD, “Judge and Officer.”

<sup>45</sup> WRIGHT, *Deuteronomy*, 27, and MAYES, *Deuteronomy*, 125. Wright notes that the phrase could also be understood to mean simply that God is ultimately responsible for dispensing justice, i.e., that it is his demesne. However, he rightly notes that other texts (e.g. 2 Chron 19.6, Prov 16.33) argue in favour of the alternative view.

<sup>46</sup> WRIGHT, *Deuteronomy*, 27.

Despite the fact that there will be transition and trials, some important constants in this text emerge as well. First, there is the faithfulness of Yahweh. This is seen most clearly in the fact that the “burden” of the growing population is described as being a blessing of Yahweh in fulfillment of his promise to the patriarchs (vv. 10-11). This is also suggested by the fact that the judges are seen, as we have noted, as being God’s representatives in adjudicating the cases that come before them. The fact that judgement through the human agents is seen as belonging to God implies that God is interested in the affairs of his people.

Perhaps more significant is the fact that the appointment of judges is described as occurring in connection with the giving of the law at Horeb. While I believe it is correct to see the phrase *בְּעֵת הַהוּא* as more than a temporal marker, it is not less than that. So, the time emphasized is one of transition, but it also refers to the time at which the law is given. There appears to be a connection between the giving of the law at Horeb (the time to which *בְּעֵת הַהוּא* generally, though not specifically, refers<sup>47</sup>) and its implementation in the form of the appointment of judges. Miller notes that as the nation moves forward and lives out the blessing of prosperity, “life becomes more complex, requiring leadership, wisdom, structure, order, and fairness to an even greater degree than before.”<sup>48</sup> The *Torah*, promulgated at Horeb and expounded at Moab, would serve as the basis for the “leadership, wisdom, structure, order, and fairness” of the new life the people would be facing. The judges are tasked here with ensuring that the “land given in promise will be a land kept in *Torah*.”<sup>49</sup> *Torah*, then, emerges as a crucial constant in the face of changing circumstances.

#### IV. Conclusions to Chapter Two

In this chapter, we have seen that while Weinfeld and others have seen in Deut 1.9-18 a tendency toward secularization of judicial procedure, this conclusion does not adequately account for the data of the text. The differences between Deuteronomy and the accounts in Exodus and Numbers have been shown to be not of the sort that

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<sup>47</sup> MAYES, *Deuteronomy*, 121, argues that Deut 1.9 agrees with Numbers 11 against Exodus 18 in seeing the appointment of judges as occurring following the departure from Sinai/Horeb. But the time reference here is too vague to be certain what is intended, and could refer to the Sinai event as a whole. Given that the use of *בְּעֵת הַהוּא* appears to function rhetorically to highlight the time as one of transition and only more generally as a temporal reference, caution should be exercised in attempting to reconcile the different events temporally. Moreover, it is not at all clear that the appointment of elders in Numbers 11 is to be seen as the same event as that described in Deut 1.9-18 and Exod 18.13-27.

<sup>48</sup> MILLER, *Deuteronomy*, 28.

<sup>49</sup> W. BRUEGGEMANN, *Deuteronomy*, AbOTC (Nashville: Abingdon, 2001), 28.

Weinfeld envisages. In addition, advocates of the prevailing view have often failed to provide any reason as to why this pericope, which is clearly intrusive, is included in this narrative.

I have argued that this text serves to focus attention on the “time” at which judges were appointed. The time was one of transition and potential. In that moment, a new system of administration is put into place. That system highlights the centrality of *Torah* and the need for adherence to it, as the judges are seen as representatives of Yahweh.

In the rhetoric and worldview of Deuteronomy, the people of God are ever on the verge of the promised land, and are always at the place of decision. In the face of transition and decision, Yahweh’s faithfulness and his *Torah* emerge as constants. In the moment of transition when departing Horeb, a new order is established in Israel. Times have changed, and so must the structures of society. That the account of the appointment of officers occurs in the context of speeches of Moses to the people assembled at Moab (yet another moment of transition) highlights the fact that institutional permanence is not to be a hallmark of life with Yahweh. In addition, Moses will not accompany the people into the land (Deut 3.23-28). More significant, however, is the fact that he will not be replaced by a single person. Instead, the “offices” of Moses (prophet, judge, mediator, political leader) will be replaced by several separate institutions and people, who will all be expected to act in conformity with Yahweh’s will expressed in *Torah*.<sup>50</sup> In this way, *Torah* itself is shown to be the successor to Moses. It is the *Torah* that provides for the offices and institutions that replace Moses, and the *Torah* provides the standards by which the tasks should be carried out.

Paradoxically, however, *Torah* itself will not change, and will serve continually as Yahweh’s revelation to Israel as to how they are to live out their lives as the people of Yahweh (Deut 4.2; 12.32). Thus, there is continuity even in the face of discontinuity. In addressing the moment of transition at Moab by looking back to an earlier moment of transition, Deuteronomy demonstrates that it is able to address new times and situations of transition.

In addition, the supremacy of Yahweh is firmly established, since it is his judgement that must be carried out by the judges. They will act as his representatives, rendering

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<sup>50</sup> Cf. OLSON, *Death of Moses*, 21.

decisions in light of his will. They cannot act according to their own desires, preferences, or prejudices, but must instead render God's judgement. Thus, in giving the charge to the judges to remember that "judgement is God's," Moses is reminding the people of the solemn responsibility they have to acknowledge the supremacy of Yahweh as they live out every aspect of their lives. That the judges are tasked with judging in accordance with Yahweh's will intimates that their role is inherently a sacred one, although perhaps not a cultic one. This further weakens the case for seeing secularization as at the heart of the Deuteronomic programme.

## CHAPTER THREE

### DEUTERONOMY 4-6.9

Like Deuteronomy 1.9-18, Deuteronomy 4-6.9 has been associated with a radical programme of reform centred on centralization, secularization, and demythologization. In Deuteronomy 4, the presence of Yahweh is dealt with, and this has led some to see there a repudiation of the idea that Yahweh was actually present in the midst of Israel. Deuteronomy 5-6.9 presents the Decalogue, and further deals with the presence of Yahweh. The differences in presentation of the Decalogue in Deuteronomy 5 and in Exodus have been seen as evidence of the unique aspects of the theology of Deuteronomy, and as representing secularization and demythologization, as we will see below.

For ease of analysis, I will consider the material in two sections. Following the analysis of the prevailing view of each section of this portion of the book, I will articulate my understanding of the text, and attempt to show how each subsection, as well as the whole broader section, contributes to an understanding of Deuteronomy that emphasizes *Torah* and the supremacy of Yahweh.

#### I. Deuteronomy 4

Deuteronomy 4 marks the final section of the first speech of Moses. There is a clear shift in this chapter from the historical remembrance of Deuteronomy 1-3 and the exhortation of Deuteronomy 4. Indeed, the chapter may be understood as representing a transition from the historical reflection that serves as a basis for Moses' exhortation and the commandments that will follow.<sup>1</sup>

The unity of this chapter has been the subject of much debate. The presence in Deuteronomy 4 of the *Numeruswechsel* has suggested to some that the chapter is a compilation of various sources. Verses 1-28 are predominantly plural, whereas vv. 29-

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<sup>1</sup> R.D. NELSON, *Deuteronomy*, OTL (Louisville: Westminster John Knox, 2002), 61.

40 are mostly singular. This change has been used to identify different strata or sources. Begg, for example, identifies three blocks of material in the chapter (vv. 1-28, using plural; vv. 29-31, singular; vv. 32-40, singular).<sup>2</sup> In addition, others have seen thematic and linguistic differences in the chapter. Nelson sees evidence of literary compositeness in the shift from an emphasis on the commandments and Yahweh's presence in the early verses to a condemnation of images, Israel's future fate, and then the singularity of Yahweh in the later verses. Moreover, he notes, the understanding of בְּרִית ("covenant") appears to differ as the term is used in various places in the chapter.<sup>3</sup> Von Rad's perspective is typical of those who see literary compositeness in the chapter when he notes that

the alternation between the use of the second person singular and the second person plural immediately indicates certain breaks in homogeneity. In fact, the contents do not make a perfect whole, for the admonitions proceed oddly along a double track. On the one hand the law revealed by Yahweh at Horeb is mentioned in comprehensive and general terms (vv. 9-14); but beside it there runs an exhortation which revolves around a single concern, namely that of making the prohibition of images compulsory (vv. 15-20, 23-24). This cannot be the original form ....<sup>4</sup>

These issues related to the *Numeruswechsel*, style, and content have led many to conclude that the chapter is not a unity.<sup>5</sup>

On the other hand, the data are capable of being read very differently. Mayes, for example, argues that the language, form, and content of the chapter point to its unity.<sup>6</sup> In terms of language, he notes that there is the consistent use of terms and motifs in the chapter. So, to take just one example, the theme of the giving of the land is described in similar terms (בּוֹיָא, עֲבָר, נָתַן) throughout the whole of Deuteronomy 4. In addition, there is the repeated use of significant words throughout the chapter. Thus, words

<sup>2</sup> C.T. BEGG, "The Literary Criticism of Deuteronomy 4,1-40: Contributions to a Continuing Discussion," *ETL* 56 (1980): 10-55. It should be noted that the blocks are not completely uniform in their use of singular or plural, but one or the other predominates.

<sup>3</sup> NELSON, *Deuteronomy*, 62.

<sup>4</sup> G. VON RAD, *Deuteronomy*, OTL (London: SCM, 1966), 49.

<sup>5</sup> Additional exegetes maintaining this view include I. CAIRNS, *Word and Presence: A Commentary on the Book of Deuteronomy*, ITC (Grand Rapids: Eerdmans; Edinburgh: Handsel, 1992); S.R. DRIVER, *A Critical and Exegetical Commentary on Deuteronomy*, ICC (Edinburgh: T&T Clark, [1901]); D. KNAPP, *Deuteronomium 4: Literarische Analyse und theologische Interpretation* (Göttingen: Vandenhoeck & Ruprecht, 1987); S. MITTMANN, *Deuteronomium 1:1-6:3 literarkritisch und traditionsgeschichtlich untersucht*, BZAW 139 (Berlin: Alfred Töpelman, 1975); A. ROFÉ, "The Monotheistic Argumentation in Deuteronomy IV 32-40: Contents, Composition and Text," *VT* 35, 4 (1985): 434-45. That is not to suggest, of course, that these interpreters are in agreement on every point. Rather, there is general agreement that the chapter is the result (somehow) of a combination of sources.

<sup>6</sup> A.D.H. MAYES, "Deuteronomy 4 and the Literary Criticism of Deuteronomy," *JBL* 100, 1 (1981): 24-30.



such as עֵינַיִם, חָיָה, and יָמַיִם appear in all sections of Deuteronomy 4. Such “obvious consistency ... points strongly to unity of authorship.”<sup>7</sup>

The form of the chapter similarly points to its unity. Mayes sees the chapter as breaking down into six sections: vv. 1-4, 5-8, 9-14, 15-22, 23-31, and 32-40.<sup>8</sup> He further notes that five of those sections begin with a warning to obey the law, and then follow up the warning with reference to history.<sup>9</sup> In addition, it has been noted that the entire chapter resembles the pattern of ANE law codes, and may be seen as having a prologue (vv. 1-8), a legal core (vv. 9-31), and an epilogue (vv. 32-40).<sup>10</sup> It has been further noted that vv. 9-31 resembles the form of an ANE treaty, and contains treaty elements such as a prologue (vv. 10-14), stipulations (vv. 15-19, 23-24), and curses and blessings (vv. 25-31).<sup>11</sup>

Finally, the content of the chapter is seen as demonstrating its unity. There is in the chapter an emphasis on the law promulgated by Moses, a central tenet of that law, viz. the prohibition of images, and Yahweh’s unique status. We will be examining the relationship between these elements in detail in Section C, below.

Some additional points should be noted in connection with the *Numeruswechsel*. First, it is possible to conceive of the change in number in terms of stylistics or rhetoric. Lohfink argued that the *Numeruswechsel* should be seen as a stylistic device used to capture the attention of the listener.<sup>12</sup> Similarly, Lenchak argues that the number change serves as a rhetorical device to highlight the intention of the author/speaker, such that every change in number is “an assault on the listener.”<sup>13</sup> Thus the presence of the *Numeruswechsel* may be seen as part of the rhetorical and stylistic intention of the author. Second, number change alone is an insufficient criterion to identify redactional layers, as some see different strata even when there is

<sup>7</sup> Ibid., 25.

<sup>8</sup> Ibid. Most commentators see the unity of the chapter as extending to v. 40 only. The remaining verses, vv. 41-49, are usually not included in the analysis, since they are not a part of Moses’ first speech. A case can be made, however, for seeing the whole of the chapter as unified, where vv. 41-49 tie into the ideas of history and journey, which are present in the rest of the chapter. Moreover, Deut 4.44-49 echoes the opening verses of the book (Deut 1.1-5) as an *inclusio* in which the elements of Deut 1.1-5 are inverted in Deut 4.44-49. See J.G. MCCONVILLE, *Deuteronomy*, AOTC 5 (Leicester: Apollos; Downers Grove: Intervarsity, 2002), 101.

<sup>9</sup> MAYES, “Deuteronomy 4,” 25.

<sup>10</sup> G. BRAULIK, *Deuteronomium*, 2 vols. Neue Echter Bibel (Würzburg: Echter Verlag, 1986-92), 38-39. See also D.L. CHRISTENSEN, *Deuteronomy 1:1-21:9*, WBC 6a (Nashville: Thomas Nelson, 2001), 75.

<sup>11</sup> MCCONVILLE, *Deuteronomy*, 101; MAYES, “Deuteronomy 4,” 25-26.

<sup>12</sup> N. LOHFINK, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5-11*, AnBib 20 (Rome: Pontifical Biblical Institute, 1963).

<sup>13</sup> T.A. LENCHAK, “Choose Life!”: *A Rhetorical-Critical Investigation of Deuteronomy 28, 69-30, 20*, AnBib 129 (Rome: Pontifical Biblical Institute, 1993), 13.

no *Numeruswechsel*. Thus Mittmann and Knapp identify multiple plural strata on theological grounds.<sup>14</sup> Since number change alone is insufficient to identify literary strata, and because the *Numeruswechsel* may be explained on stylistic and rhetorical grounds, caution must be exercised when utilizing this criterion to argue for literary compositeness. Indeed, Mayes notes that a later editor easily could have modified the putative sources such that there was consistency in number, and concludes that the *Numeruswechsel* is “only one (and by no means a particularly strong one) of a number of criteria of literary critical division ....”<sup>15</sup>

Because of the consistency in form, language, and content described above, and since the *Numeruswechsel* has been shown to be an insufficient criterion to identify various literary layers, it is reasonable to conclude that Deuteronomy 4 is best understood as a unity.<sup>16</sup> In light of that, and further pointing to the unity of the chapter, the following broad structure for the chapter is posited:<sup>17</sup>

vv. 1-8	<i>Torah</i> of Yahweh pointing to uniqueness of Israel and presence of Yahweh
vv. 9-14	Divine encounter: The words of Yahweh
vv. 15-24	Worship Yahweh alone in the manner he chooses
vv. 25-31	Idolatry leads to expulsion from land
vv. 32-40	Yahweh alone is God: word and presence
vv. 41-49	Word and history

We will now turn our attention to an influential understanding of the chapter. The ways in which the chapter is sometimes seen as supporting the Deuteronomic revolution will be examined. In Section B, I will analyze that view in an effort to

<sup>14</sup> MITTMANN, *Deuteronomium*, 170-74; KNAPP, *Deuteronomium 4*, 30. See the analysis of J.G. MCCONVILLE, *Grace in the End: A Study in Deuteronomic Theology*, SOTBT (Grand Rapids: Zondervan, 1993), 36-39, and idem, *Deuteronomy*, 101.

<sup>15</sup> MAYES, “Deuteronomy 4,” 28. D.L. CHRISTENSEN, *Deuteronomy 1:1-21:9*, 2<sup>nd</sup> ed. WBC 6a (Nashville: Thomas Nelson, 2001), 73, argues based on his prosodic analysis of the chapter as a whole that the *Numeruswechsel* actually supports the unity of the chapter, rather than argues against it.

<sup>16</sup> Other interpreters holding to the essential unity of the chapter include R.E. CLEMENTS, “The Book of Deuteronomy: Introduction, Commentary, and Reflections,” *NIB*, vol. 2; N. LOHFINK, “Verkündigung des Hauptgebots in der jüngsten Schicht des Deuteronomiums (Dt 4,1-40),” in *Höre Israel: Auslegung von Texten aus dem Buch Deuteronomium*, Die Welt der Bibel 18 (Düsseldorf: Patmos, 1965); MCCONVILLE, *Deuteronomy*; J.H. TIGAY, *Deuteronomy דברים: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: JPS, 1996); M. WEINFELD, *Deuteronomy 1-11*, AB 5 (New York: Doubleday, 1991).

<sup>17</sup> I am here largely following MCCONVILLE, *Deuteronomy*, 101-02, as he rightly argues that vv. 41-49 should be included as an integral part of the chapter. See also CHRISTENSEN, *Deuteronomy 1:1-21:9*, 73, where a more detailed structure is proposed that reflects literary concentricity. At the centre of the chiasm Christensen envisions is the exclusion of Moses from the promised land, highlighting the need for adherence to *Torah*.

determine if that understanding best accounts for the data of the text. I will then, in Section C, present an alternative reading of the chapter.

#### A. PREVAILING VIEW: DEMYTHOLOGIZATION

As we have seen in Chapter One, above, one of the features of the Deuteronomic revolution envisioned by Weinfeld and others is demythologization. In Deuteronomy, it is argued, conceptions of God that were considered “primitive” by the author(s) of the book were rejected and a more nuanced theological understanding was advanced. We will now examine the ways in which this is seen in Deuteronomy 4.

Deuteronomy 4 describes the encounter with Yahweh at Horeb, and, as such, parallels the account in Exodus 19. However, there are some important differences between the two texts that point to the particular theological concerns of the author(s) of Deuteronomy.

##### *Corporeal Elements in Exodus*

In Exodus 19, Yahweh’s presence is described in corporeal terms. Exod 19.11 says that on the third day, Yahweh will “come down” (יָרַד) on Mount Sinai. The description of the actual descent is described in verse 20, where the text says that Yahweh “came down” on the mountain. This can only be understood as describing Yahweh’s actual presence on Mount Sinai. Weinfeld argues that the principal concern in Exodus 19 is the danger that the people will see Yahweh, so the text describes Yahweh’s command that Moses warn the people “lest they break through to Yahweh to look (רָאָה) and many of them perish.” This necessitates the establishment of boundaries in order to prevent people from approaching the mountain and seeing Yahweh.<sup>18</sup> Indeed, Weinfeld argues, in texts prior to Deuteronomy the concern is always with the danger of seeing God (cf. Exod 33.20; Gen 32.31).<sup>19</sup>

The presentation of the Sinai narrative in Exodus is more complex than a simply corporeal understanding, which Weinfeld acknowledges. While Exodus 19 is clear in stating that Yahweh descended to the mountain, other texts are equally clear that Yahweh spoke “from heaven.” So, Exod 20.22 says that Moses is to remind the people that they have seen Yahweh speak “from heaven” (מִן־הַשָּׁמַיִם). In addition, the presence of fire and the כְּבוֹד of Yahweh appear in Exod 24.17. So, the Sinai narrative

<sup>18</sup> M. WEINFELD, *Deuteronomy and the Deuteronomic School* (Oxford: OUP, 1972; repr. Grand Rapids: Eisenbrauns, 1992), 206-07, and idem, *Deuteronomy 1-11*, 212-13.

<sup>19</sup> WEINFELD, *Deuteronomic School*, 207.

in Exodus is complex and nuanced, but still conceives of Yahweh's actual descent to the Mountain and his actual presence there.<sup>20</sup>

*Demythologization in Deuteronomy 4*

In Deuteronomy 4, however, the presentation is different. There is no reference to Yahweh's having descended to the mountain. Rather, the emphasis is on the fact that Yahweh spoke from heaven. Deut 4.36 notes that "Out of heaven he let you hear his voice, that he might discipline you. And on earth he let you see his great fire, and you heard his words out of the midst of the fire." In Weinfeld's view, Yahweh speaks from heaven and the words are heard out of the midst of the fire on the mountain; he is not actually present there, as there is no mention of descent in Deuteronomy 4.<sup>21</sup> Like the Sinai account in Exodus, Deuteronomy 4 includes the ideas of Yahweh's speaking from heaven and the presence of fire, but it does so in a unique way. Weinfeld maintains that

the particular contribution of the author of Deut 4:1-40 is the synthesis of the various traditions and the explicit manner in which this outlook is presented, which is not yet found in Exodus. He combines the speaking from heaven with the fire on the mountain in order to advance his abstract notion of the revelation: neither did God descend upon the mountain nor did the Israelites see any image during the revelation, they only heard God's words from the fire.<sup>22</sup>

The result is a demythologization of the conceptions of God found in the earlier sources, and a "shift in the centre of gravity of the theophany from the visual to the aural plane."<sup>23</sup> That is, the emphasis has shifted such that the danger in Deuteronomy 4 is not in seeing Yahweh, since Deuteronomy cannot conceive of being able to see him, but in hearing his voice. So, Deut 4.32 speaks of the dangers of hearing God's voice, and marvels that the people of Israel were able to hear the voice of Yahweh and yet live.<sup>24</sup>

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<sup>20</sup> WEINFELD, *Deuteronomy 1-11*, 213.

<sup>21</sup> WEINFELD, *Deuteronomical School*, 207. R.E. CLEMENTS, *God and Temple* (Oxford: Basil Blackwell, 1965), 90-92, earlier argued in a similar fashion. Cf. however, the following later works in which he advocates an actual, though invisible, presence at Horeb: R.E. CLEMENTS, *Deuteronomy*, OTG (Sheffield: SAP, 1989), 51 ("when God revealed his will to Israel at Mount Horeb ... he was hidden in fire, and no form was visible"); idem, "Deuteronomy," 317 ("Israel heard a voice but saw no form of deity when the LORD God was revealed as being present at Mt. Horeb ..."); idem, *The Book of Deuteronomy: A Preacher's Commentary*, EC (Peterborough: Epworth, 2001), 15 ("the lack of any visible form of God ... was important and is in accord with the tradition of Exod. 33.18-23 that the presence of God can never be seen by human eyes").

<sup>22</sup> WEINFELD, *Deuteronomy 1-11*, 213.

<sup>23</sup> WEINFELD, *Deuteronomical School*, 207.

<sup>24</sup> *Ibid.*, 207-08.

A similar view is held by Mettinger. He maintains that while the Zion-Sabaoth theology is aniconic, it is also anthropomorphic. In contrast, the theology of Deuteronomy 4 is

programmatically abstract: during the Sinai theophany, Israel perceived no form ... she only heard the voice of her God (Deut 4:12,15). The Deuteronomistic preoccupation with God's voice and words represents an auditive, non-visual theme.<sup>25</sup>

Thus for Mettinger, as for Weinfeld, the absence of form as presented in Deuteronomy 4 represents a shift toward a more abstract conception of God and an alteration of the sense of his presence. In the theology of Deuteronomy 4, God has been "relocated" to heaven.<sup>26</sup>

Further evidence is cited by Hurowitz. While agreeing with Weinfeld's analysis of the location of Yahweh in the theophany, he maintains that the tendency toward demythologization may be seen further in the "special effects—the sound and light show—that accompany the theophany."<sup>27</sup> In Exodus 19, there are "meteorological" and "seismological" dimensions to the theophany.<sup>28</sup> The descent and presence of Yahweh are associated with thunder, lightning, smoke, and the quaking of the earth. Moreover, the terms used to describe Yahweh's voice are used differently in Exodus and Deuteronomy. In Exodus, the term קול ("voice," "sound," "thunder") sometimes is used in ways that clearly indicate that "thunder" (rather than "voice" or "sound") is intended. So, for example, Exod 20.18 refers to the people seeing אֶת-הַקּוֹלוֹת וְאֶת-הַלַּפְיִדִּים ("the thunder and the lightning"). Thus, he argues, Exod 19.19 should be translated "Moses would speak, and God would answer him with thunder [בְּקוֹל]."<sup>29</sup>

In Deuteronomy, the picture is very different. There is no mention of a storm at Horeb. The word קול appears several times in Deuteronomy 4, but it is qualified in its first appearance by the term דְּבָרִים ("words").<sup>30</sup> This suggests that what is intended is not thunder, but rather a voice speaking intelligible words. Deuteronomy's apparent

<sup>25</sup> T.N.D. METTINGER, *The Dethronement of Sabaoth: Studies in the Shem and Kabod Theologies* (Lund: CWK Gleerup, 1982), 46.

<sup>26</sup> Ibid., 47. Like many exegetes, Mettinger sees Deuteronomy 4 as belonging to DtH (which he refers to as the "D-work"), not to the original form of Deuteronomy.

<sup>27</sup> V. HUROWITZ, "From Storm God to Abstract Being: How the Deity Became More Distant from Exodus to Deuteronomy," *BR* 14 (1998): 45.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid., 46. Horowitz erroneously says that Exod 19.20 should be so translated, though Exod 19.19 is in view.

<sup>30</sup> Ibid.

disinterest in thunder (through its emphasis on קול as voice and the lack of reference to lightning), and lack of reference to meteorological phenomena generally in connection with the theophany is best seen, in Hurowitz's view, as an attempt to distance Yahweh from the storm gods of the surrounding cultures.<sup>31</sup> The author of the Exodus narrative depicting Yahweh's presence at Sinai has appropriated the image of a storm god,<sup>32</sup> and so presumably Deuteronomy seeks to distance itself from that text as well.

*Demythologization and the Prohibition of Images*

The significance of this demythologizing may be seen in the theology of the chapter. Weinfeld maintains that this more abstract conception of God is the basis for the prohibition of idols in verses 15 and following.<sup>33</sup> A God who has no visible form cannot be represented through the use of any image, since that would presuppose a form. Weinfeld doesn't state this explicitly, but an implicit logical conclusion from his argument is that the heavy emphasis on aniconic worship in Deuteronomy 4 serves to further the cause of demythologization. According to Deut 4.15-16 the basis for the prohibition of idols is the fact that no form was seen by the people. Moreover, Weinfeld maintains that in deliberate contrast to Exodus 19, Deuteronomy 4 omits any reference to a visible form of Yahweh, since that did not comport with the thinking of the author(s) of the chapter. So, aniconic worship is intimately connected with and supportive of the demythologization intended by the author(s) of Deuteronomy 4.

The connection between aniconic worship and demythologization is made somewhat more explicit by Mettinger. He maintains that the prohibition of images was an attempt to "accentuate [Yahweh's] transcendence."<sup>34</sup> Whereas neighbouring ANE cultures had gods in heaven, on earth, and in the underworld, Israel's emphasis on aniconic worship serves to "safeguard the border between God and the world."<sup>35</sup> The prohibition on images presumably serves to distance Israelite worship from overly immanent conceptions of Yahweh as well as the gods of the nations around Israel.

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> WEINFELD, *Deuteronomy 1-11*, 204.

<sup>34</sup> T.N.D. METTINGER, "The Veto on Images and the Aniconic God in Ancient Israel," in *Religious Symbols and Their Functions: Based on Papers Read at the Symposium on Religious Symbols and Their Functions Held at Åbo on the 28<sup>th</sup>-30<sup>th</sup> of August 1978*, ed. H. BIEZAIS (Stockholm: Almqvist & Wicksell, 1979), 26.

<sup>35</sup> Ibid.

In this way, then, Deuteronomy 4 is seen as contributing to a radical programme of demythologization. We will now evaluate the arguments presented in an effort to determine if the data of the text support such a conclusion.

## B. EVALUATION

The central contention in support of seeing demythologization in Deuteronomy 4 is the idea that, in contrast to the earlier sources, Deuteronomy 4 conceives of Yahweh as dwelling in heaven such that he did not descend to the mountain and he is not actually present, as we have seen. This contention has been challenged, however.

### *Actual Presence in Deuteronomy 4*

There are numerous indications that Deuteronomy envisions the people as being in close proximity to Yahweh at the declaration of the Decalogue and that he is conceived of as actually present. Wilson has persuasively argued that the terminology of Deuteronomy 4 points to such an understanding.<sup>36</sup> It is telling that in Deut 4.10, the people are summoned to gather before Yahweh. This is expressed using the phrase עָמַדְתָּ לְפָנַי יְהוָה (“you stood before Yahweh”). Wilson notes that in instances in which this phrase is used in reference to a particular time and place, the sense in which this phrase is used is literal. Since Deut 4.10 contains in it reference to a particular time and place, it is probable that a literal sense is here intended, and the text refers to the gathering of the people to stand in the (actual) presence of Yahweh.<sup>37</sup>

Another important example is the use of the phrase מִתּוֹךְ הָאֵשׁ (“out of the midst of the fire”) in Deut 4.12, 15, 33, 36; 5.4, 22, 24, 26; 9.10; 10.4. In every instance, it is conveyed (either explicitly or through the context) that the people heard the voice of Yahweh, out of the midst of the fire.<sup>38</sup> If Yahweh is said to be speaking “out of the midst of the fire,” or his words are said to be heard thence, it is reasonable to conclude that he is considered to be present there. This is consistent with the six other instances in the OT where communication “out of the midst of” something is best understood as referring to the presence of the communicator (whether divine or human) in the place from which he speaks.<sup>39</sup>

<sup>36</sup> I. WILSON, *Out of the Midst of the Fire: Divine Presence in Deuteronomy*, SBLDS 151 (Atlanta: Scholars, 1995), 45-104.

<sup>37</sup> *Ibid.*, 47-49.

<sup>38</sup> *Ibid.*, 57-60.

<sup>39</sup> *Ibid.*, 60-61. The six instances are Exod 3.4, 24.16; Ps 22.23, 109.30, 116.19; Ezek 32.21.

In addition, Wilson notes that the very fact that the Israelites are prohibited from making images on the basis of the Horeb experience points to an understanding of the actual presence of Yahweh in the depiction in Deuteronomy 4. He notes that Deut 4.15-16 says that “since you saw no form on the day that Yahweh spoke to you out of the midst of the fire, be careful lest you act corruptly by making a carved image ....” This seems to presuppose that Yahweh was actually present at Horeb, as it is only on the basis of his presence that the people might be tempted to make an image to represent what they had experienced.<sup>40</sup> Wilson argues that if Yahweh

were not present on that occasion there would seem to be little reason why the people’s lack of perception of his form (i.e. as opposed to a denial of his Presence) should provide the basis for a section on the prohibition of images, or indeed why in that connection their experience at Horeb should be appealed to at all.<sup>41</sup>

But if the intention of the author is to convey Yahweh’s invisible presence, then the prohibition of images is more coherent. The problem is that those (such as Weinfeld and Mettinger) who see demythologization in Deuteronomy 4 tend to equate non-corporeality and invisibility with absence. But invisibility and absence are not the same things. Deuteronomy 4 clearly portrays Yahweh as invisible, but that is not the same as saying he is absent.<sup>42</sup> Indeed, the chapter conceives of exposure to the fire and the voice as dangerous, which is consistent with Yahweh’s actual presence. Moreover, Deut 4.11-12 stress that what the people have “seen with their eyes” they are to remember. This implies that their experience was one of the actual presence of Yahweh, and that, though invisible in terms of form, his presence was made known through the fire and his speaking from it.

It should be noted, too, that Deuteronomy, like Exodus, describes the mountain as being wrapped in “darkness, cloud, and gloom” (Deut 4.11). Hurowitz cites this as evidence of the shift in theological thinking in Deuteronomy, since, in his view, “in Deuteronomy God remains in heaven but draws up fire from the mountain to cover himself from below.”<sup>43</sup> But if Yahweh remains in heaven, why is anything necessary to shield him from view? Covering would be necessary only if Yahweh is somehow actually present on the mountain, the very thing that is denied to be the case in Deuteronomy 4.

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<sup>40</sup> Ibid., 63-64.

<sup>41</sup> Ibid., 64.

<sup>42</sup> Ibid., 62-63.

<sup>43</sup> HUROWITZ, “Storm God,” 44.



Finally, Wilson argues that the emphasis of Deuteronomy 4 is on the experience of the people as a whole. Moses points out to the people that they experienced Yahweh speaking out of the midst of the fire in Deut 4.12, 15, 33, 36. This is further stressed an additional four times elsewhere in the book.<sup>44</sup> The attention, Wilson notes, is on the experience of the *people*. There are no statements made to the effect that “*we* heard his voice,” or “Yahweh spoke to *us*”; the emphasis is on what the people as a whole experienced.<sup>45</sup>

*The Nature of Differences Between Exodus and Deuteronomy*

It should be noted as well that the differences between the Exodus account of Sinai and the presentation in Deuteronomy 4 are not as stark as Weinfeld and others maintain. As we have seen, Weinfeld holds that in Deuteronomy 4, the emphasis shifts to the aural plane, due to the desire on the part of the author(s) to deny the actual presence of Yahweh at Horeb. But this contention simply is not adequately supported by the data of the text. Both Exodus 19 and Deuteronomy 4 contain references to visual phenomena that are remarkably similar. In both chapters, the mountain is said to be “wrapped” with either smoke (Exod 19.18), or “darkness, cloud, and gloom” due to the fact that the mountain burned with fire (Deuteronomy 4.18).<sup>46</sup> There is also, as we have seen, a repeated emphasis in Deuteronomy 4 on what the people saw with their eyes, and the subsequent exhortation that they are not to forget.

In addition, it is simply not the case that Exodus stresses the danger of seeing Yahweh, while Deuteronomy emphasizes the danger of hearing his voice. For Exod 20.19 demonstrates that there is mortal danger in hearing Yahweh’s voice, just as in Deuteronomy. While it is true that Deuteronomy 4 does not describe the voice of Yahweh in terms of thunder as does Exodus, but rather emphasizes the *words* of Yahweh, as Hurowitz rightly maintains,<sup>47</sup> it should also be noted that what Moses heard in thunder was understandable to him as *words*. Moses is able to comprehend what Yahweh says in thunder and then explain it to the people as words. So it is simply not correct to say that Exodus emphasizes the visual at the expense of the aural. In both texts, there is danger in hearing Yahweh’s voice, and in both chapters Yahweh communicates in audible ways that can be understood as words.

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<sup>44</sup> Deut 5.4, 22; 9.10; 10.4

<sup>45</sup> WILSON, *Midst of the Fire*, 58.

<sup>46</sup> *Ibid.*, 92-93.

<sup>47</sup> HUROWITZ, “Storm God,” 46.

There are, of course, differences between the two texts. The most significant perhaps is the fact that there is no reference in Deuteronomy 4 to Yahweh's actual descent to the mountain, as there is in Exodus. As we have seen, this is taken by Weinfeld and others as evidence of a rejection of the theology of the earlier material on the part of the author(s) of Deuteronomy. But this does not take into consideration the rhetorical or communicative purposes of Deuteronomy.

As we noted, there is an emphasis in Deuteronomy 4 on the fact that the people as a whole experienced the Horeb event, and in particular heard the voice of Yahweh. Consequently, it is perhaps not so surprising that details about Yahweh's descent are not present in that context. Moreover, it is important to bear in mind that the references in Exod 19.11, 18, 20 to Yahweh's descent appear in a narrative description of the event itself. Within this narrative, there is a description of the words Yahweh spoke to Moses, which he was to tell the Israelites in preparation for the encounter. But the context of Deuteronomy 4 is different. The description of the Horeb event appears in Deuteronomy in a sermon by Moses to prepare the people for the recitation of the *Torah*, and, ultimately, to prepare them for entry into the land. Deuteronomy is not attempting to narrate the events of Horeb, but rather re-presents the event homiletically in order to make the points the author(s) wished to make. The fact that the author(s) of Deuteronomy 4 chose not to include these details from the Exodus account may simply mean that their inclusion did not comport with their communicative intentions, and so they were left out. This becomes all the more likely when it is remembered that in Deuteronomy 4 there is an emphasis on the people as a whole. Simply put, a description of the descent of Yahweh to Horeb, or even a description of the conversation between Moses and Yahweh regarding the preparations for the encounter do not involve the people.<sup>48</sup> As a result, those features of the Exodus narrative were omitted. It is not necessary to conclude that these details were left out in an effort to repudiate the theology implied by the earlier text.

#### *Divine Presence in Deuteronomy 4*

Though it may not be necessary to conclude that demythologization is in view in light of the arguments presented above, that in itself does not disprove that demythologization is intended in Deuteronomy 4. A decision as to whether demythologization is in view must be based on a more thorough examination of the

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<sup>48</sup> WILSON, *Midst of the Fire*, 92-95.

specific textual arguments in favour of demythologization. Accordingly, we must now turn our attention to some more specific features of the case for demythologization.

One of the crucial texts for the case for demythologization, as we saw in Section A, above, is Deut 4.36. This verse says:

מִן־הַשָּׁמַיִם הִשְׁמִיעַ אֶת־קוֹלוֹ לְיִסְרֹךְ  
וְעַל־הָאָרֶץ הִרְאָה אֶת־אֵשׁוֹ הַגְּדוֹלָה וּדְבָרָיו שָׁמַעְתָּ מִתּוֹךְ הָאֵשׁ:

(“From heaven he caused you to hear his voice to discipline you, and on earth he let you see his great fire, and you heard his words out of the midst of the fire”)

The relationship between the two lines of this verse is subject to debate. That the lines are meant to be taken as parallel is clear from the fact that both lines start with an adverbial phrase followed by a verb in the Hiphil. In addition, in each line the indirect object is incorporated into the verb and is marked by a second person singular pronominal suffix. The direct object in each line is marked by אֵשׁ, and includes a third person singular pronominal suffix. The final point is particularly suggestive, as it is the only place in Deuteronomy in which “his fire” (אֵשׁוֹ) appears, though there are, of course, many other references to fire in connection with Horeb in Deuteronomy. This points to a deliberate insertion of the term here, which in turn suggests that the intention is to express parallelism between the two halves of the verse (such that “his voice” [קוֹלוֹ] is parallel to “his fire” [אֵשׁוֹ]).<sup>49</sup> In addition, there is parallelism in the terminology used, such as “heaven/earth” and “see/hear.”

It is common to see the relationship between the lines as antithetical parallelism. In this view, the two halves of the verse would be expressing contrasting ideas. This is the basis of Weinfeld’s contention that Yahweh’s actual presence is denied in this verse. In Weinfeld’s view, the sense of Deut 4.36 is: “You heard his voice *from heaven*, BUT on earth all you saw was fire (since he was not actually on earth),” and there is a contrast being drawn in the two lines of the verse.

This view, however, is untenable in light of verse 36 itself, as well as Deuteronomy 4 as a whole. Verse 36b links the two parts of the verse together, since the “words” (corresponding to the first line) are heard “out of the midst of the fire,” which correspond to the second line. Wilson notes that the adverbial phrase in line one must be taken as referring to the subject, and therefore indicates where Yahweh was at the

<sup>49</sup> Ibid., 67-68.

time he spoke. That, of course, is granted by Weinfeld and others. But if that is so, then the adverbial phrase in line two must also be taken as referring to the subject of its main clause, which again is Yahweh.<sup>50</sup> This indicates that according to Deut 4.36, Yahweh is present *both* in heaven and on earth. MacDonald concludes that “it is not that the heavenly aspect of the Horeb revelation is substantial, whilst the earthly aspect is superficial. The two aspects of the revelation form a whole.”<sup>51</sup> This understanding is further supported by the fact that the phrase מִתּוֹךְ הָאֵשׁ (“out of the midst of the fire”) is best understood as referring to Yahweh’s actual presence, as we have seen.

In addition, the very chapter containing v. 36, in which an antithetical understanding of “see/hear” is posited, contains evidence that points to a complementary understanding. Those same words appear as imperatives in Deut 4.1, 5, and point to the need for all the senses to be involved in apprehending the *Torah*.<sup>52</sup> The words appear again in Deut 4.9-10, where Israel is commanded to remember what she has seen and heard. This suggests that, though no form was seen, the visual component of the revelation at Horeb is not unimportant. Indeed, immediately prior to the verse that is seen as drawing such a stark contrast between hearing and seeing (v. 36), Deut 4.33, 35 demonstrate that the revelation at Horeb consists of things both heard (v. 33) and seen (v. 35).<sup>53</sup>

It should be further noted that Deut 4.39 contains in it the claim that יְהוָה הוּא יְהוָה (“Yahweh is God in the heavens above and on the earth below”). MacDonald has argued that v. 39 is the realization of the demand for acknowledgement contained in v. 35. This realization contains the claim that Yahweh is God of both heaven *and* earth, which finds its contextual and logical support in v. 36. He notes that “if the intention of v. 36 is to argue that YHWH is to be exclusively located in heaven then v. 36 not only fails to provide the logical basis for v. 39, but is in contradiction to it.”<sup>54</sup>

On the basis of this, it seems reasonable to conclude that Deuteronomy 4 conceives of Yahweh as present *both* in heaven *and* on earth. This theology is known elsewhere in the OT, as, for example, it finds expression in several Psalms (e.g. Ps 11, 14, 20, 76,

<sup>50</sup> Ibid., 68.

<sup>51</sup> N. MACDONALD, *Deuteronomy and the Meaning of “Monotheism,”* FAT II/1 (Tübingen: Mohr Siebeck, 2003), 193.

<sup>52</sup> Ibid., 194.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid., 193.

78).<sup>55</sup> As Mettinger notes, the “mythical concept of space” is used to designate the situation in which two spaces are understood as holding the same content at the same time such that the distinction between them is obliterated, and he sees such a conception in various Psalms.<sup>56</sup> Indeed, he maintains that the mythical concept of space “may help to explain those passages which so unconcernedly locate God simultaneously on earth and in heaven.”<sup>57</sup> Thus it is entirely plausible that Deuteronomy 4 (esp. Deut 4.36) is conceiving of Yahweh’s presence in a similar manner. Even if, for the sake of argument, it is granted that the Exodus account of the events at Sinai conceives of Yahweh as descending to earth such that he is no longer in heaven, it is simply not clear that Deuteronomy 4 seeks to refute that view with the notion that Yahweh is *only* in heaven. Rather, it is likely that Deuteronomy 4 conceives of Yahweh as present in heaven *and* on earth. Given that Weinfeld himself recognizes that the Exodus account is *not* simply asserting that Yahweh is only on earth, as we have seen,<sup>58</sup> it is apparent that the differences between the accounts in Exodus and Deuteronomy are not of the sort that is usually maintained. Indeed, it has been argued that the Sinai narrative in Exodus, like the presentation in Deuteronomy 4, emphasizes Yahweh’s transcendence in rather a similar way.<sup>59</sup>

In light of the foregoing analysis, there is reason to be cautious about seeing demythologization at the centre of the intention of the author(s) of Deuteronomy 4. Indeed, we have seen that the data plausibly are capable of being read rather differently. We will now turn our attention to providing an alternative understanding of the text in an effort to account for the unique aspects of the material in Deuteronomy 4.

### C. AN ALTERNATIVE VIEW: PRESENCE AND WORD

I have argued above that the differences between the account of the revelation at Sinai/Horeb in Exodus and Deuteronomy 4 are not of the sort that is often claimed. Yet there are, of course, differences that must be explained. In this section, I will present an alternative to the view that sees demythologization as being at the centre of

<sup>55</sup> See, e.g., J.D. LEVENSON, *Sinai and Zion: An Entry into the Jewish Bible* (Minneapolis: Winston, 1985), 137-42.

<sup>56</sup> METTINGER, *Dethronement*, 30. For a fuller discussion of mythical space, see B.S. CHILDS, *Myth and Reality in the Old Testament*, SBT 27 (London: SCM, 1960), 84-94.

<sup>57</sup> METTINGER, *Dethronement*, 30.

<sup>58</sup> See pp. 120-21 above.

<sup>59</sup> E.W. NICHOLSON, “The Decalogue as the Direct Address of God,” *VT* 27, 4 (1977): 422-33.

the chapter, and will instead argue that Deuteronomy 4 seeks to present a nuanced understanding of the presence of Yahweh that highlights his immanence and transcendence, and points to the importance of *Torah*.

As noted above, some of the differences between the presentation of the revelation at Horeb in Exodus and Deuteronomy 4 may be explained in terms of the rhetorical and communicative intentions of the author(s). That is, the events at Horeb are presented in Deuteronomy 4 in the context of a sermon focused primarily on the experience of the people. It is, therefore, not surprising that certain elements from the narrative in Exodus were omitted, as they did not further the purpose of the author(s) of Deuteronomy 4. That does not, however, go far enough in explaining the presentation of the theophany of Deuteronomy 4.

#### *Actualization of the Presence of Yahweh in Deuteronomy 4*

Deuteronomy 4 is at pains to highlight the unique nature of Yahweh and of his actions on behalf of Israel. The two themes are, actually, linked as we shall see. The uniqueness of Yahweh is expressed most completely in Deut 4.32-40. As we have seen, Deut 4.36 expresses the idea that Yahweh is present both in heaven and on earth. This, in turn, leads to the assertion that Yahweh is “God in heaven above and on earth beneath” (יְהוָה הוּא הָאֱלֹהִים בַּשָּׁמַיִם מִמַּעַל וְעַל-הָאָרֶץ מִתַּחַת). This expression is used infrequently in the OT, occurring in just three other instances (Josh 2.11; 1 Kg 8.23; Eccl 5.1).<sup>60</sup> The first two instances are similar to the usage in Deut 4.39. Eccl 5.1, however, draws a contrast between the location of God and human beings, implying that the ubiquity of Yahweh’s presence is in view in the use of the phrase elsewhere. That this is intended as a statement of Yahweh’s singularity is demonstrated by the final clause of Deut 4.39, which states אֵין עוֹד (“there is no other”). This statement is recognized as being one of absolute monotheism, denying the very existence of other gods.<sup>61</sup> Thus, Yahweh is portrayed as utterly unique.

The uniqueness of Yahweh is further seen in the rhetorical questions posed in Deut 4.32-34. The actions of Yahweh on behalf of the Israelites in the events surrounding

<sup>60</sup> MACDONALD, *Monotheism*, 195. Eccl 5.6 is erroneously cited as the third instance of the appearance of the pairing. For an examination of ANE data related to the appellation “Lord of Heaven,” and the concomitant claims of singularity being made through the use of the epithet, see R. A. ODEN, “*Ba'al Šāmēm* and *’Ēl*,” *CBQ* 35, 4 (1977): 457-73.

<sup>61</sup> So WEINFELD, *Deuteronomy 1-11*, 212; E.H. MERRILL, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 133; P.C. CRAIGIE, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 143.

and including the exodus from Egypt are utterly unique. In this regard, it is noteworthy that the “outstretched arm” of Deut 4.34 is here applied to Yahweh, as in Exodus it is Moses’ “outstretched arm” that is the symbol of Yahweh’s power and authority.<sup>62</sup> It seems that Deuteronomy wants to ensure that no mistake is made as to the source of the powerful acts of the exodus. This further points to the unique claims being made about Yahweh.

But these claims as to Yahweh’s singularity are linked with claims of Israel’s uniqueness as well. The rhetorical question in v. 33 has to do with Israel’s uniqueness. No nation, according to Deut 4.33, has experienced what Israel experienced at Horeb. The people of Israel alone have heard the voice of God,<sup>63</sup> and lived.

The rhetorical questions in Deut 4.32-34 are balanced by the presence of rhetorical questions in Deut 4.7-8. The questions there ask,

כִּי מִי־גוֹי גָדוֹל אֲשֶׁר־לוֹ אֱלֹהִים קְרִבִּים אֵלָיו כִּי־הָיָה אֱלֹהֵינוּ בְּכָל־קְרָאֵנוּ אֵלָיו:  
וּמִי־גוֹי גָדוֹל אֲשֶׁר־לוֹ חֻקִּים וּמִשְׁפָּטִים צְדִיקִים כְּכֹל הַתּוֹרָה הַזֹּאת אֲשֶׁר אָנֹכִי נֹתֵן  
לְפָנֵיכֶם הַיּוֹם:

(“What great nation is there that has a god so near to it as Yahweh our God is to us, whenever we call on him? And what great nation is there that has statutes and ordinances as righteous as all this *Torah* which I am setting before you today?”) Here, the emphasis is on Israel’s unique experience of Yahweh’s nearness and their status as recipients of *Torah*.

At first glance, there appears to be little relationship between the two questions; they appear to be raising two different issues. However, there is a syntactical relationship between them that suggests that they are related to one another.<sup>64</sup> Both begin with the interrogative pronoun מִי followed by the identical expression “great nation” (גוֹי גָדוֹל). Both contain the relative particle followed by the preposition לְ with the third person masculine singular pronominal suffix, and this is followed by the specific items being described. On the basis of this close syntactical relationship, it

<sup>62</sup> MCCONVILLE, *Deuteronomy*, 112.

<sup>63</sup> The translation of vv. 33-34 is often somewhat confused. As C.J.H. WRIGHT, *Deuteronomy*, NIBC 4 (Peabody: Hendrickson; Carlisle: Paternoster, 1996), 60, notes, it is best to be consistent in the translation of אֱלֹהִים in vv. 33-34. Many translations render אֱלֹהִים as referring to Yahweh in v. 33 (“God”), but referring to other gods (“gods”) in v. 34. Consistency, however, would be preferred. In that case, אֱלֹהִים should be rendered “god” in both cases, or as “God” in both cases. The first option would stress the unique nature of Yahweh in comparison to other gods. The second option would, as Wright correctly argues, preserve the emphasis on Yahweh’s uniqueness, while also stressing the singularity of Israel’s experience, which also is in view in vv. 35-40.

<sup>64</sup> P.D. MILLER, JR., *Deuteronomy*, Interp (Louisville: John Knox, 1990), 56.

appears that there is a deliberate parallelism being drawn. If so, then the sense here is that the nearness of Yahweh and the *Torah* are closely related. That the nearness of Yahweh and the *Torah* may be closely connected is supported by Deut 30.11-14, where the nearness of God is closely associated with “commandments.”<sup>65</sup>

The logical inference to be drawn from this is that it is through *Torah* that Yahweh’s nearness is experienced by Israel.<sup>66</sup> Yahweh’s immanence is somehow expressed and experienced through his word. That the Decalogue, the foremost expression of the statutes and ordinances, is explicitly identified in Deut 4.13 with the covenant is particularly significant. This suggests that demonstrating loyalty to Yahweh through the keeping of the covenant (i.e., by following the instructions of *Torah*) is more than simply a legal requirement. Rather, it is a means of experiencing the nearness of Yahweh. As Miller notes, “The righteous commandments and the keeping of them is the way that God is somehow known and found in the midst of the community.”<sup>67</sup>

It should also be noted that the keeping of *Torah* is identified as wisdom in Deut 4.6. Since the keeping of *Torah* is a means of actualizing Yahweh’s presence, there is an inherently religious component to wisdom in the conception of Deuteronomy 4. That is, to keep the commandments is to experience Yahweh’s presence. This in turn, is wisdom. Thus there is religious significance in wisdom here, as wisdom involves realizing the presence of Yahweh. The logic here is not terribly far removed from those elements of wisdom literature that stress the fear of Yahweh as being the beginning of wisdom (Job 28.28; Prov 1.7).<sup>68</sup>

This understanding of Yahweh’s immanence is a radical departure from the view of, for example, Mettinger, who argued that in Deuteronomy 4 Yahweh is “relocated” to heaven, as we have seen.<sup>69</sup> In this view, Yahweh’s immanent presence is firmly established through *Torah*. He is not “relocated,” but is, rather, present through *Torah*, the manner he, as the unique God, has chosen.

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<sup>65</sup> Ibid.

<sup>66</sup> Cf. *ibid.*, 56-57; J.G. MCCONVILLE and J.G. MILLAR, *Time and Place in Deuteronomy*, JSOTS 179 (Sheffield: SAP, 1994), 134-35.

<sup>67</sup> MILLER, *Deuteronomy*, 57.

<sup>68</sup> See pp. 104-05 above.

<sup>69</sup> METTINGER, *Dethronement*, 46; see above, p. 122.



*Prohibition of Images*

This points to a different conception of the prohibition of images as well. As we have seen, Weinfeld maintains that the prohibition of images is necessary since Yahweh was *not* actually present at Horeb.<sup>70</sup> Accordingly, there is nothing to represent, and attempts to do so would be to ascribe a form to a God who was not present or visible. But if Deuteronomy 4 is in fact advancing the idea that Yahweh's presence is manifest through his word and *Torah*, then a different basis for the prohibition on images must be sought.

The prohibition on images and idolatry is set forth in Deut 4.15-24 (consequences of forbidden worship are dealt with in the next section, vv. 25-31). The section begins with the call for the Israelites to guard themselves carefully, because they saw no form at Horeb, but rather heard a voice. This is followed by the warning against corrupting themselves by making an idol or any kind of image (vv. 16-18), and by worshipping the heavenly host (v. 19). The language in vv. 16-18 is reminiscent of the creation account in Genesis 1.14-27.<sup>71</sup> This serves two purposes in Deuteronomy 4. First, it serves to appropriate the theology of Gen 1.26, where human beings alone are created after the image and likeness of God.<sup>72</sup> This highlights the opposition to images, as there is, for Israel, already an "image" of God in human beings. Additionally, the careful allusion to Genesis 1 serves to highlight "heaven and earth," which points again to the theological reflection in Deuteronomy 4 on the nature of Yahweh's presence on earth and in heaven. As MacDonald notes, all the animals of Deut 4.16-18 are of the earthly sphere, whereas the concern in v. 19 is with the heavenly sphere.<sup>73</sup> This parallels the emphasis in Deut 4.36-39 that Yahweh is God in heaven above and on earth below.<sup>74</sup>

The logic, then, is that Yahweh alone is God, and therefore it is illegitimate to worship any God but him. Worshipping anything but Yahweh on earth or in heaven is to worship that which is created by Yahweh (as the Genesis 1 allusion affirms); it is to

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<sup>70</sup> WEINFELD, *Deuteronomy 1-11*, 204.

<sup>71</sup> It is not, however, a precise reversal as, for example, WRIGHT, *Deuteronomy*, 51, maintains. MACDONALD, *Monotheism*, 196-97, notes that some elements in Deuteronomy 4.16-18 do not appear in Genesis 1.

<sup>72</sup> MCCONVILLE, *Deuteronomy*, 108. This is seen as "aggadic exegetical adaptation" by M. FISHBANE, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 321-22.

<sup>73</sup> MACDONALD, *Monotheism*, 197.

<sup>74</sup> *Ibid.*

worship the creation as opposed to the creator.<sup>75</sup> This, I believe, is the point being made in Deut 4.19, where it is said that the heavenly host consists of things Yahweh has “allotted (חָלַק) to all the peoples under the whole heaven.” Many interpreters see this verse as saying that Yahweh has permitted or even ordained the worship of sun, moon, and stars on the part of other nations.<sup>76</sup> But that interpretation is based on the assumption that the heavenly host is allotted to all *other* people *for them to worship*. This, however, is not stated in the text. The term חָלַק may mean “to assign,” without the sense of dividing (cf. Job 20.29, 39.17; Jer 10.16; Hab 1.16).<sup>77</sup> Moreover, the text says that the sun, moon, and stars are assigned to all peoples under heaven, presumably including Israel, since no exception is noted. In that case, Deut 4.19 would be saying that Israel is not to worship that which is given to all people as a blessing from Yahweh. God created and assigned the sun, moon, and stars as light for all people, not so that they could be worshipped. Israel is being reminded that she has a unique calling to be the people of Yahweh, and the people are to live that out first through the proper worship of Yahweh, not through the worship of that which is given to all people.<sup>78</sup>

More specifically with respect to images, the text points to the fact that Israel is to worship Yahweh as he has decreed. According to Deut 4.15, Israel is not to make idols since they saw no form on the day Yahweh spoke to them at Horeb. This ties the image prohibition with the emphasis in the previous section (esp. Deut 4.12) on the fact that the people saw no form, but they heard the voice of Yahweh. As Wright aptly notes

the contrast is not between visible and invisible, or between spiritual and material, but *between the visible and the audible*. Idols have “form” but do

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<sup>75</sup> There is in Genesis 1 an extended polemic against the beliefs and practices of ANE cultures with regard to creation. Genesis is, in effect, arguing that everything that is worshipped as gods in other cultures was created by the one true God, Yahweh. (See G.J. WENHAM, *Genesis 1-15*, WBC 1 [Waco: Word, 1987], 36-40.) If that is correct, and Fishbane’s assessment of the relationship between Genesis 1 and Deut 4.16-17 is accurate, then Deuteronomy 4 may be seen as in keeping with the underlying ideology of Genesis 1.

<sup>76</sup> WEINFELD, *Deuteronomy 1-11*, 206; W. BRUEGGEMANN, *Deuteronomy*, AbOTC (Nashville: Abingdon, 2001), 55; CRAIGIE, *Deuteronomy*, 137; DRIVER, *Deuteronomy*, 70.

<sup>77</sup> M. TSEVAT, “חָלַק *chālaq* II,” *TDOT* 4: 451.

<sup>78</sup> See WRIGHT, *Deuteronomy*, 51-52; MERRILL, *Deuteronomy*, 123, n. 174. The *Geneva Bible* (1560) advocated this understanding in a marginal note to this text, maintaining that God appointed the sun, moon, and stars to serve man (so therefore they are not to be worshipped). G. VON RAD, *Wisdom in Israel* (Nashville: Abingdon, 1972), 185, argues that the polemic of wisdom literature against images was essentially that the Creator cannot be represented in an image, but is seen, rather, in what was created.

not speak. Yahweh has no “form,” but he decisively speaks. Idols are visible but dumb. Yahweh is invisible but eloquent ....<sup>79</sup>

As we have seen, the words of Yahweh are the means by which his presence is manifest in Israel. So, making an image would be an attempt to actualize Yahweh’s presence in a manner that is, first of all, contrary to the means he desires. It would be an attempt to substitute the speaking Yahweh, whose presence is manifest at least in part through his words, with a mute idol or image. Through his words, Yahweh confronts, rebukes, demands, and challenges. Attempting to represent Yahweh with a lifeless image would serve to gag him. “Idolatry therefore is fundamentally an escape from the living voice and commands of the living God.”<sup>80</sup>

Second, constructing an image of Yahweh would serve to localize his presence to that place where the image is. But the very next section (Deut 4.25-31) indicates that even (from the perspective of the narrative of Deuteronomy) in the distant future, after the people have rebelled against Yahweh and worshipped him inappropriately or followed other Gods, the people can still realize Yahweh’s presence by seeking him. Yahweh’s nearness is thus stressed, as the people will “find him” (Deut 4.29), and the role of *Torah* as the mode of actualizing Yahweh’s presence is seen in v. 30, where it is said that the people will “obey his voice.” It appears, then, that the presence of Yahweh is associated not just with the words themselves, but also in the obedience of the people to the *Torah*. As MacDonald rightly observes, “To have the commandments, or even to obey the commandments is not ‘to have YHWH,’ but neither can YHWH be found by the people, that is, be present to them, unless they have the commandments and obey them.... [T]he presence of YHWH has both heavenly and earthly aspects.”<sup>81</sup>

In this light, the prohibition on images is seen rather differently. Images are not proscribed because no form could have been seen (since Yahweh wasn’t actually present at Horeb), but rather because images are an inappropriate way of actualizing Yahweh’s presence.<sup>82</sup> It is inappropriate because it is contrary to Yahweh’s will as to

<sup>79</sup> WRIGHT, *Deuteronomy*, 50-51.

<sup>80</sup> *Ibid.*, 71.

<sup>81</sup> MACDONALD, *Monotheism*, 201.

<sup>82</sup> Cf. NELSON, *Deuteronomy*, 65. R.P. CARROLL, “The Aniconic God and the Cult of Images,” *Studia Theologica* 31 (1977): 56, proposes another tantalizing possible reason underlying the prohibition of images. He suggests that Yahweh manifests himself to Israel in a relationship. He further notes that “a relationship characterizes a contiguity between two parties but is in itself highly abstract. As such it hardly permits of representation of a concrete nature. The god is experienced as a presence but not a presence that can be tangibly reproduced. So no images symbolize this relationship in the cult of

how his presence is to be manifested, and also because it is too restrictive. Yahweh is God of *all* of heaven above and earth beneath. Therefore, his presence cannot be localized in an idol. To do so would be an attempt to place Yahweh under the “reach and control of the worshippers,” which, having fixed his location, makes God available at the spot chosen by the people, and on their terms.<sup>83</sup> This, however, is incompatible with the freedom and sovereignty claimed for Yahweh. So, rather than being a “digression”<sup>84</sup> from the primary interests of the chapter, the prohibition of images is central to the concerns of the chapter, and it is inextricably related to the issue of Yahweh’s presence and how that is to be actualized.

This represents a rather sophisticated understanding of the presence of Yahweh, which balances his transcendence and immanence. His immanence is apparent in his nearness to Israel, a specific people living in a particular time and place. At the same time, the transcendence of Yahweh is apparent in his ubiquity and his freedom to choose how he will be worshipped and in the fact that his presence is manifest in *Torah* and its adherence, something that transcends the particularities of time, space, and even, perhaps, the particularities of Israel itself (cf. Deut 4.6).<sup>85</sup>

The previous discussion suggests that the differences between the account of the revelation at Horeb in Exodus and in Deuteronomy are not of the sort that Weinfeld and others maintain. In contrast to Exodus, one of the primary concerns of Deuteronomy 4 is to explicate the means by which Yahweh continues to be present with Israel after the departure from Horeb. The phenomenal manifestations (described as “meteorological and seismological” by Hurowitz<sup>86</sup>) of Yahweh’s presence ceased after the departure from Sinai. In the narrative world of Deuteronomy, the people are about to enter the promised land, where their lives would change dramatically. At that important moment of transition, the people are assured that Yahweh will continue to be near to them, through *Torah* and their adherence to it. Idolatry, the elevation of image over word, would be an improper actualization of Yahweh’s presence, and would jeopardize their experience of that presence and also the possession of the land. So, the accounts in Exodus and Deuteronomy 4 are not to be seen as diametrically opposed to one another.

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Yahweh.”

<sup>83</sup> CAIRNS, *Word and Presence*, 59.

<sup>84</sup> NELSON, *Deuteronomy*, 62.

<sup>85</sup> MCCONVILLE and MILLAR, *Time and Place*, 135-37.

<sup>86</sup> HUROWITZ, “Storm God,” 45.

This emphasis on the moment of transition helps explain the somewhat puzzling mention of Moses' denial of entry in to the land in Deut 4.21-22. In the midst of the discussion of the prohibition of images, the people are reminded that Moses will not go with them into the land. This has little to do with the issue of idolatry. But if the basis of the prohibition on images is the fact that the use of images would be an inappropriate attempt to actualize Yahweh's presence, then this becomes more clear. Following the departure from Horeb, Moses has been the mediator of Yahweh's words. In this way, Moses was one means by which Yahweh's words manifested his presence to the people. Moses' death means he will not accompany the people into the land, and, more importantly, he will no longer serve in this way to mediate Yahweh's presence. The inclusion of this in the prohibition of images suggests that the Israelites were to recognize the supremacy of Yahweh in determining how his presence is to be experienced, and they cannot resort to inappropriate means, or cling to previous means that have been superseded.<sup>87</sup>

#### D. CONCLUSIONS TO SECTION I

In this section, we have examined the data of Deuteronomy 4 to see if demythologization of the understanding of the presence of Yahweh is the best interpretation of the data. We have seen that there are good reasons to question that interpretation.

I have shown that, contrary to the contentions of Weinfeld and others, Deuteronomy 4 is best understood as seeing Yahweh as actually present at Horeb. The terminology used points in that direction, as does the very fact that images are prohibited at all. It is only on the basis of an experience of Yahweh's actual presence that the people would be tempted to create an image by which to commemorate or remember the event.

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<sup>87</sup> MACDONALD, *Monotheism*, 198. D.T. OLSON, *Deuteronomy and the Death of Moses: A Theological Reading*, OBT (Minneapolis: Fortress, 1994), 35, suggests that the reminder of Moses' death outside the land appears here either because the land had become an idol for Moses (and his death outside the land serves as a warning), or because Moses may have become the object of idolatrous worship (and so his death serves as a warning to the people). But there is no solid textual evidence to support these possibilities. Entry into the land *may* have become an idol for Moses, but it is equally possible that this remained a legitimate, heartfelt desire and never became idolatrous. The text does not make clear that Moses' desire was idolatrous. Similarly, there is no evidence in Deuteronomy that Moses was worshipped by the people. Given the emphasis in Deuteronomy 4 on the realization of Yahweh's presence, it is better, in my estimation, to conclude that the reminder of Moses' death is related to the means by which Yahweh's presence is to be manifest, as I have argued.

I have also shown that the rhetorical purposes of Deuteronomy 4 and the Sinai narrative in Exodus differ. This accounts for some of the differences between the texts, and the omission of certain elements from the account in Deuteronomy. Whereas Exodus narrates the events that occurred, Deuteronomy 4 presents a selective recollection of the events, focusing primarily on the experience of the people.

The differences, moreover, are not as stark or of the kind normally posited. I have shown that the differences between the sources have sometimes been overstated, as both Deuteronomy 4 and Exodus emphasize aural and visual phenomena.

Deuteronomy 4 does deal with the presence of Yahweh, but not in the way in which Weinfeld and others suppose. It does not seek to repudiate an anthropomorphic conception of Yahweh's presence in favour of a demythologized, rationalized conception of a transcendent God. Rather, it seeks to articulate an understanding of how Yahweh can be conceived of as present to a particular people in a specific place and time, while at the same time he is God of heaven and earth. Through its emphasis on *Torah*, Deuteronomy 4 shows that Yahweh's immanence is maintained, while his transcendent sovereignty is retained in his ubiquity and in the fact that his presence, manifested somehow in *Torah* and its adherence, is available at all times and places, and perhaps even to all people as well. From the narrative perspective of the book, addressed to the people gathered on the verge of the land, Deuteronomy 4 seeks to explain how the people could continue to experience the presence of Yahweh in the land.

This understanding of the presence of Yahweh helps make clear the purpose of the prohibition of images. I have argued that the emphasis on aniconic worship serves to prevent illegitimate actualizations of Yahweh's presence. He, as the God of heaven and earth, has determined that his presence will be manifest in *Torah* and its adherence. Attempts to actualize his presence through the use of images would be to manipulate him, and to localize his presence inappropriately. It would also serve to elevate images (which are lifeless) over the word of Yahweh (which is living and powerful).

Deuteronomy 4, then, does deal with the presence of Yahweh. It does not, however, do so in a way that could be called demythologization. For Deuteronomy 4, as I have shown, portrays Yahweh as actually present with his people at Horeb, and explains the means by which he will continue to be present with them in the near and distant future, while at the same time protecting his transcendence.

This nuanced sense of Yahweh's presence has important implications for worship. Proper worship (i.e., aniconic worship in accordance with *Torah*) is vital for the nation to continue to experience Yahweh's presence. Aniconic worship is not incidental to proper Yahweh worship, but is, rather, central to it, as iconic worship would be an inappropriate actualization of Yahweh's presence. Yahweh is to be worshipped as he truly is, the God of heaven and earth who speaks. Proper worship, then, is necessary as the first step toward demonstrating total loyalty to Yahweh.

## II. Deuteronomy 5-6.9

We have examined Deuteronomy 4 and found that there is presented in that chapter a sophisticated understanding of the presence of Yahweh and an emphasis on the role of *Torah* in the life of the nation. We will now turn our attention to the next section of the book that has been understood as representing demythologization and secularization. Once again, I will present an influential understanding of this section and evaluate that view in an effort to determine if it represents the best interpretation of the data. I will then present an alternative interpretation of the section.

In Deut 5.1, a new section of the book begins. While it is common to see the start of Moses' second speech at Deut 4.44<sup>88</sup>, there is nevertheless a break at Deut 5.1. The links between Deut 4.44-49 and Deut 1.1-5 suggest that the two texts form an inclusio, and the former section should be seen as marking the end of this section of the book. Lundbom notes that Deut 4.44-49 "prepares the audience for the giving of the law no more or less than all of chs. i-iii. It therefore has no preeminent claim to being the introduction" to Deuteronomy 5-28.<sup>89</sup> Moreover, the final verses of Deuteronomy 4 serve to bring to a close the historical remembrance that marks so much of Deuteronomy 1-4. Though the past is not forgotten or ignored, the concern from this point in the book forward is more future oriented. Thus, chapters 1-4 as a whole serve well as an introduction to the rest of the book, and they serve as well to prepare the reader for the giving of the law in chapter 5.

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<sup>88</sup> See, e.g., A.D.H. MAYES, *Deuteronomy*, NCB (Grand Rapids: Eerdmans; London: Marshall, Morgan & Scott, 1979), 159-60; CAIRNS, *Word and Presence*, 66; BRUEGGEMANN, *Deuteronomy*, 62-63. Some have seen in Deut 4.44-45 the presence of two separate introductions to what were originally two separate speeches in Deuteronomy 5-11 (see C.A. STEUERNAGEL, *Deuteronomium, Josua, Einleitung zum Hexateuch*, Handkommentar zum Alten Testament [Göttingen: Vandenhoeck & Ruprecht, 1900], 20-21, cited in MCCONVILLE, *Deuteronomy*, 101). This, however, is unnecessary if, as I argue below, Deut 4.44-49 may be seen as an inclusio to Deut 1.1-5 and the whole of chapters 1-4 serve as an introduction to the giving of the law.

<sup>89</sup> J.R. LUNDBOM, "The Inclusio and Other Framing Devices in Deuteronomy I-XXVIII," *VT* 46, 3 (1996): 296-315.

Our examination of this section will extend to Deut 6.9, as chapters 5 and 6 represent a single, unified argument. This may be seen from the fact that 5.27-6.3 demonstrate a chiasmic structure.<sup>90</sup> In addition, the concern of chapter 6 is with the extension of the Decalogue, presented in Deuteronomy 5, into the lives of the people. The concern of Deut 6.4-9 is the explication of the relationship between loyalty to Yahweh and *Torah*, which will highlight the priorities of the section. Though the argument continues, our analysis will end at Deut 6.9.

#### A. PREVAILING VIEW: DEMYTHOLOGIZATION AND SECULARIZATION

Deut 5-6.9 continues the description of the encounter with Yahweh at Horeb that began, as we have seen, in Deuteronomy 4. As such, there are continued parallels with the Sinai narrative in Exodus. There are, however, important differences between the texts. The major differences between the two texts have to do with the understanding of the presence of Yahweh and the presentation of the Sabbath law. We will examine these issues in turn, and see how the presentation in Deuteronomy has been understood in terms of demythologization and secularization.

##### *Presence of Yahweh*

As was the case with Deuteronomy 4, the presence of Yahweh in Deut 5.6-9 has been seen as being a contrast with the presentation in earlier sources. As we have seen, the earlier sources are held to be more anthropomorphic, stressing the immanence of Yahweh, whereas Deuteronomy seeks to deny the actual presence of Yahweh in favour of seeing him as remaining in heaven, thus stressing his transcendence.

In Deuteronomy 5, this may be seen in the description of the encounter with Yahweh at Horeb. Deut 5.4 says that Yahweh spoke “face to face” (פָּנִים בְּפָנִים) with the people at Horeb. Weinfeld maintains that the idea of a “face to face” with Yahweh is foreign to the thinking of Deuteronomy, and cites as evidence the fact that Deut 4.12,15 maintain that no form was seen by the Israelites at Horeb.<sup>91</sup> In addition, he notes that the expression used (פָּנִים בְּפָנִים) is not the usual expression for “face to face,” which would be פָּנִים אֶל-פָּנִים. The use of this less common expression may, he argues, suggest an attempt on the part of the author to “obscure the more common phrase” as it did not comport with his understanding of divine presence.<sup>92</sup>

<sup>90</sup> LOHFINK, *Hauptgebot*, 67-68.

<sup>91</sup> WEINFELD, *Deuteronomy 1-11*, 239.

<sup>92</sup> *Ibid.*



As in Deuteronomy 4, the present section appears to stress the aural over the visual, in Weinfeld's view. So, Deut 5.26 stresses the wonder of having heard the voice of the living God and survived. As we saw in Section I, above, the danger in the Exodus presentation of the revelation at Sinai was in seeing Yahweh. The aural is stressed in Deuteronomy 5 as the author(s) of the book could not conceive of being able to see Yahweh. This is another example of demythologization, as the conception of God is transformed from an anthropomorphic one into a more abstract conception.

### *Presentation of the Sabbath Law*

Another area of difference between the accounts in Deuteronomy and Exodus has to do with the presentation of the Sabbath law. It will be helpful to examine the two accounts side by side in order to see the differences between them (differences in the Deuteronomic presentation are indicated in the translation):

Exod 20.8-11

זָכוֹר אֶת־יוֹם הַשַּׁבָּת לְקַדְּשׁוֹ:<sup>8</sup>  
שֵׁשֶׁת יָמִים תַּעֲבֹד וְעָשִׂיתָ כָּל־מְלֹאכֶתְךָ:<sup>9</sup>  
וַיּוֹם הַשְּׁבִיעִי שַׁבָּת לַיהוָה אֱלֹהֶיךָ לֹא־תַעֲשֶׂה  
כָּל־מְלֹאכָה אַתָּה וּבִנְךָ־וּבִתְךָ עַבְדְּךָ וְאִמְתְּךָ  
וּבַהֲמֹתֶיךָ וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֶיךָ:  
<sup>11</sup> כִּי שֵׁשֶׁת־יָמִים עָשָׂה יְהוָה אֶת־הַשָּׁמַיִם  
וְאֶת־הָאָרֶץ אֶת־הַיָּם וְאֶת־כָּל־אֲשֶׁר־בָּם וַיִּנַּח  
בַּיּוֹם הַשְּׁבִיעִי עַל־כֵּן בֵּרַךְ יְהוָה אֶת־יוֹם  
הַשַּׁבָּת וַיְקַדְּשֶׁהָ:

(“<sup>8</sup> Remember the Sabbath day, to keep it holy. <sup>9</sup> Six days you shall labour, and do all your work, <sup>10</sup> but the seventh day is a Sabbath to Yahweh your God. On it you shall not do any work, you, your son or your daughter, your male servant or your female servant, or your cattle, or the alien who is within your gates. <sup>11</sup> For in six days Yahweh made the heavens and the earth, the sea and all that is in them, and he rested on the seventh day. Therefore Yahweh blessed the Sabbath day and made it holy.”)

Deut 5.12-15

שָׁמֹר אֶת־יוֹם הַשַּׁבָּת לְקַדְּשׁוֹ כַּאֲשֶׁר צִוָּךְ יְהוָה  
אֱלֹהֶיךָ:<sup>12</sup>  
שֵׁשֶׁת יָמִים תַּעֲבֹד וְעָשִׂיתָ כָּל־מְלֹאכֶתְךָ:<sup>13</sup>  
וַיּוֹם הַשְּׁבִיעִי שַׁבָּת לַיהוָה אֱלֹהֶיךָ לֹא תַעֲשֶׂה  
כָּל־מְלֹאכָה אַתָּה וּבִנְךָ־וּבִתְךָ וְעַבְדְּךָ־וְאִמְתְּךָ  
וְשׂוֹרְךָ וְחֹמְרְךָ וְכָל־בְּהֵמָתְךָ וְגֵרְךָ אֲשֶׁר בְּשַׁעְרֶיךָ  
לְמַעַן יָנוּחַ עַבְדְּךָ וְאִמְתְּךָ כָּמוֹךָ:  
<sup>15</sup> וְזָכַרְתָּ כִּי־עַבְדֵּךָ הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיֹּצֵאֲךָ  
יְהוָה אֱלֹהֶיךָ מִשָּׁם בְּיַד חֲזָקָה וּבְזֵרַע נְטוּיָה  
עַל־כֵּן צִוָּךְ יְהוָה אֱלֹהֶיךָ לַעֲשׂוֹת אֶת־יוֹם הַשַּׁבָּת:

(“<sup>12</sup> *Observe* the Sabbath day to keep it holy, *as Yahweh your God commanded you.* <sup>13</sup> Six days you shall labour and do all your work, <sup>14</sup> but the seventh day is a Sabbath to Yahweh your God. On it you shall not do any work, you, your son or your daughter, *or* your male servant or your female servant, *or your ox or your donkey, or any of* your cattle, or the alien who is within your gates, *so that your male servant and your female servant may rest as you do.* <sup>15</sup> *Remember that you were slaves in the land of Egypt, and Yahweh your God brought you out of there with a strong hand and outstretched arm. Therefore Yahweh your God commanded you to keep the Sabbath day.*”)

The differences between the two presentations are readily apparent. In Exod 20.8-11, the rationale for the Sabbath is the fact that Yahweh worked for six days in creating, and rested on the seventh day. In Weinfeld's view, the significance of the

command in Exodus is that in remembering the Sabbath the people are re-enacting Yahweh's rest on the seventh day.<sup>93</sup> This, he maintains, is an appropriate reflection of the Priestly view, in which the rituals of the sanctuary are seen as re-enacting what takes place in the divine realm.<sup>94</sup> (Though the Decalogue in Exodus is usually considered largely to be part of E, or JE,<sup>95</sup> the Decalogue is understood as representing the same worldview as the P material related to the Sabbath in Gen 2.1-3 and Exod 31.17.<sup>96</sup>) It further represents a rather anthropomorphic view of God, in which he labours and has need of rest.

Deuteronomy alters this presentation to fit its conception of God. Weinfeld maintains that the idea of Yahweh labouring or needing to rest didn't fit the theological conception of the author(s) of Deuteronomy, so the rationale for the Sabbath is altered from a "mythological" one to a social one.<sup>97</sup> Thus, in Deut 5.14-15 the purpose of the Sabbath is so that humans may rest, but the basis for this is no longer the fact that Yahweh rested after creating the world, but rather is based on the remembrance of the historical fact of the deliverance from Egypt. Weinfeld concludes that "in Deuteronomy the Sabbath recalls an historical occurrence whereas in P it commemorates a sacral one."<sup>98</sup>

The desire on the part of the author of Deuteronomy to avoid a sacral connotation may be further seen in the use of terminology in the two presentations. Weinfeld notes that the Sabbath commandment in Exod 20.8 begins with זָכַר ("remember"), which is associated with commemoration.<sup>99</sup> Thus in Exodus, the motivation for the Sabbath is to commemorate Yahweh's rest on the seventh day in creation. The Sabbath command in Deuteronomy, however, begins in Deut 5.12 with the command to "observe" (שָׁמַר), which has no commemorative connotation. The use of זָכַר in Deut 5.15 points to the fact that the author wanted to avoid a sacral commemoration of Yahweh's rest in favour of a commemoration of an historical event.<sup>100</sup> This points further to the desire

<sup>93</sup> WEINFELD, *Deuteronomical School*, 222.

<sup>94</sup> Ibid.

<sup>95</sup> A.F. CAMPBELL and M.A. O'BRIEN, *Sources of the Pentateuch: Texts, Introductions, Annotations* (Minneapolis: Fortress, 1993), 188.

<sup>96</sup> WEINFELD, *Deuteronomical School*, 222.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> WEINFELD, *Deuteronomy 1-11*, 303.

<sup>100</sup> Ibid. See also idem, *Deuteronomical School*, 222.

on the part of the author of Deuteronomy to distance himself from earlier conceptions that do not comport with his thinking.

Weinfeld notes, however, that the situation is not entirely straightforward. He maintains that the two motivations (social and sacral) could have existed together. Moreover, he recognizes that there is a social motivation for the Sabbath provided in Exod 23.12. However, he sees significance “in the fact that the author of P selected specifically the sacral reason and developed it in his own way while the book of Deuteronomy chose the social motivation and formulated it in its own unique way, that is, humanistically.”<sup>101</sup> The differences between the two presentations of the Sabbath law are seen as evidence of demythologization, as earlier concepts of God are repudiated, and secularization, in that the Sabbath law is placed on an historical rather than sacral foundation.

It is appropriate at this point to evaluate the case presented for demythologization and secularization, in an effort to determine if this interpretation is best supported by the data of the text. We will now turn our attention to that task.

#### B. EVALUATION

There are some important considerations to be raised with respect to the view of Weinfeld and others that see demythologization and secularization as being at the core of Deut 5-6.9. We will examine these issues with respect to each of the major issues posited by Weinfeld.

##### *Presence of Yahweh*

As we noted above, Weinfeld and others have seen in Deut 5-6.9 a repudiation of earlier conceptions of the presence of Yahweh. However, as was the case with Deuteronomy 4 as discussed in Section I, above, the evidence is capable of being interpreted rather differently.

Weinfeld’s view of Deut 5.4 is based in large measure on his understanding of Yahweh’s presence as he understands it as presented in Deuteronomy 4. Indeed, he argues that פָּנִים בְּפָנִים (“face to face”) cannot be understood as referring to an actual experience of Yahweh’s presence on the grounds that Deut 4.12, 15 argue against such an understanding. As we noted in Section I, however, the evidence of Deut 4.12, 15,

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<sup>101</sup> WEINFELD, *Deuteronomic School*, 222.

as well as the chapter as a whole, point to an understanding of Yahweh's actual presence.

In both Deut 4.12 and 15, the phrase "out of the midst of the fire" (מִתּוֹךְ הָאֵשׁ) appears. This is best taken as referring to Yahweh's presence, such that he speaks from within the fire, as we have seen. Moreover, the evidence from Deuteronomy 4 points toward an understanding of Yahweh's actual presence (though, as we noted above, this understanding does not mean Yahweh's presence is localized on earth; rather, Deuteronomy 4 conceives of Yahweh as present on earth and in heaven). Thus, it is not compelling to argue on the basis of Deut 4.12, 15 that Deut 5.4 is inconsistent with actual presence, particularly since the very expression (מִתּוֹךְ הָאֵשׁ) used in Deut 4.12, 15 to convey actual presence appears in Deut 5.4.

Moreover, the phrase פָּנִים בְּפָנִים ("face to face") in Deut 5.4 is best taken as referring to an actual encounter with Yahweh. While Weinfeld is correct in noting that the form in which it appears in Deut 5.4 is unique in the OT,<sup>102</sup> it is not clear that the author of Deuteronomy 5 used this form of the expression to deliberately distance himself from the usual form of the expression. First, it should be noted that the expression is considered by many interpreters to be a synonym for the expression פָּנִים אֶל-פָּנִים.<sup>103</sup> In three of the five instances in which פָּנִים אֶל-פָּנִים appears with reference to Yahweh, there is a clear sense that divine presence is in view.<sup>104</sup>

Second, there is a parallel to the expression פָּנִים בְּפָנִים in Num 14.14 and Isa 52.8, where the expression עֵין בְּעֵין ("eye to eye") appears. Weinfeld maintains that this expression means simply "directly," and is therefore adduced as evidence that פָּנִים בְּפָנִים should be taken as meaning simply "directly" as well.<sup>105</sup> But both these instances involve the actual presence of God. In Num 14.14, Yahweh is said to be in the midst of the people, and manifestations of his presence are seen in the cloud that "stands over them." So, while there is, to be sure, a sense in which Yahweh is experienced "directly" through the use of עֵין בְּעֵין in Num 14.14, this is an experience

<sup>102</sup> WEINFELD, *Deuteronomy 1-11*, 239.

<sup>103</sup> BDB 815; A.S. VAN DER WOUDE, "פָּנִים *pānīm* face," *TLOT* 2: 1005.

<sup>104</sup> The five occurrences of the phrase in which God is in view are Gen 32.31 (30); Exod 33.11; Deut 34.10; Jud 6.22; Ezek 20.35. The two instances in which divine presence is not explicit are Deut 34.10 and Ezek 20.35, but, as WILSON, *Midst of the Fire*, 78, notes, these latter two instances don't rule out the possibility of actual divine presence, and the sense of those texts may indeed include the idea of actual presence.

<sup>105</sup> WEINFELD, *Deuteronomy 1-11*, 239-40.

based on Yahweh's actual presence.<sup>106</sup> Similarly, Isa 52.8 speaks of the people seeing "eye to eye" (עַיִן בְּעַיִן) the return of Yahweh to Zion. This, too, is concerned with the actual presence of Yahweh in Zion that can be experienced "directly."<sup>107</sup> Thus, rather than undermining the understanding of פְּנִים בְּפְנִים as referring to actual presence, the use of עַיִן בְּעַיִן appears to support the understanding that פְּנִים בְּפְנִים refers to actual presence. It is likely, consequently, that the actual presence of an invisible God is in view in Deut 5.4.

In addition, it is telling that in the narration of the giving of the Decalogue in Exodus, the expression פְּנִים אֶל-פְּנִים (or, for that matter, פְּנִים בְּפְנִים) is not used. Exod 20.1, which, as an introduction to the Decalogue, is parallel to Deut 5.1-5, says simply, "And God spoke all these words, saying ...." There is no mention whatsoever of God speaking "face to face" with either Moses or the people. Compared with the Exodus account, the author of Deuteronomy has added the expression פְּנִים בְּפְנִים. This may be due to the author's desire to convey the fact that the people heard the Decalogue directly,<sup>108</sup> but it is noteworthy that in attempting to convey that fact, the author of Deuteronomy uses a term that could easily lead to the conclusion that Yahweh was actually present. Given the similarities between the expressions פְּנִים אֶל-פְּנִים and פְּנִים בְּפְנִים, it is highly unlikely that the Deuteronomy's use of the latter term is designed to signal his intention to conceive of Yahweh's presence in a much different manner from that conveyed by the former expression. In Weinfeld's view, the author of Deuteronomy 5 *added* (when compared to the Exodus account) a potentially confusing expression that is remarkably similar to one conveying divine presence in an attempt (in part, at least) to deny Yahweh's actual presence. In short, it is a rather clumsy effort to obscure the meaning of פְּנִים אֶל-פְּנִים by using the expression פְּנִים בְּפְנִים, which is so similar as to invite misinterpretation. It seems more likely, rather,

<sup>106</sup> Cf. P.J. BUDD, *Numbers*, WBC 5 (Waco: Word, 1984), 158, who notes that the expression עַיִן בְּעַיִן expresses the "closest of contact." See also T.R. ASHLEY, *The Book of Numbers*, NICOT (Grand Rapids: Eerdmans, 1993), 257; R.D. COLE, *Numbers*, NAC 3B (Nashville: Broadman, 2000), 230.

<sup>107</sup> J.N. OSWALT, *The Book of Isaiah: Chapters 40-66*, NICOT (Grand Rapids: Eerdmans, 1998), 365, notes that עַיִן בְּעַיִן is used to speak of the "incontrovertible evidence of God's presence." See also J.A. MOTYER, *The Prophecy of Isaiah: An Introduction and Commentary* (Downers Grove: Intervarsity, 1993), 420.

<sup>108</sup> It is not exactly clear from the account of the theophany at Sinai in Exodus just what the people heard directly. Deuteronomy, on the other hand, is clear that the whole assembly heard the Decalogue. See below for more on this issue and its significance for the interpretation of this section.

that the two terms are to be understood the same way, and both convey the sense of being in the presence of another.

This is all the more likely when it is remembered that the expression *מִתּוֹךְ הָאֵשׁ* (“out of the midst of the fire”) appears in Deut 5.4 as well, and is likely to convey the sense of actual presence, as we have seen. It appears, then, that Deut 4.12, 15 (particularly in light of the use there of *מִתּוֹךְ הָאֵשׁ*) tends to *support* the view that *פְּנִים בְּפְנִים* is best understood as indicating actual presence, rather than undermining that view, as Weinfeld maintains. While he rightly notes that Deut 4.12, 15 make clear that *פְּנִים בְּפְנִים* is to be understood idiomatically, since no form was seen, the use of *מִתּוֹךְ הָאֵשׁ* points to an understanding of actual presence. Since the expression *מִתּוֹךְ הָאֵשׁ* appears four times in Deuteronomy 5,<sup>109</sup> it seems rather unlikely that there is here a deliberate attempt to deny the presence of Yahweh and to repudiate the conception of his presence found in the Exodus account.

Moreover, the very next verse, Deut 5.5, says that Moses “stood between” (*עָמַד בֵּין*) Yahweh and the Israelites. This has usually been understood as referring to the fact that Moses performed a mediatory role in receiving the *Torah* from Yahweh and then presenting it to Israel.<sup>110</sup> But there may be spatial dimensions to the use of the term as well. Wilson notes that the use of the term elsewhere in the OT has a locative sense, and none of the other uses implies a mediatory role on the part of one who “stands between.”<sup>111</sup> In Deut 5.5, then, when Moses is said to “stand between” (*עָמַד בֵּין*) Yahweh and the Israelites, this is best taken as indicating his location. He performs a mediatory role, of course, but not “by virtue of being between them, but rather because of what he does when he stands there ....”<sup>112</sup> Indeed, Nelson notes that there may be other explanations to Moses’ presence “between” Israel and Yahweh, such as that he was there to keep the people from approaching the mountain for reasons of “ritual propriety.”<sup>113</sup> If this is the case, then there is a spatial dimension to the use of the phrase *עָמַד בֵּין*.

<sup>109</sup> Deut 5.4, 22, 24, 26. Deut 5.23 says that Yahweh spoke out of the “midst of the darkness,” while the mountain was burning with fire, which also expresses his nearness.

<sup>110</sup> Cf., e.g., CAIRNS, *Word and Presence*, 68; CRAIGIE, *Deuteronomy*, 148; and BRUEGGEMANN, *Deuteronomy*, 65.

<sup>111</sup> WILSON, *Midst of the Fire*, 79-81. The other uses of the phrase are Exod 14.19-20; Num 17.13 (16.48); and 1 Chr 21.16.

<sup>112</sup> *Ibid.*, 81.

<sup>113</sup> NELSON, *Deuteronomy*, 79-80.

In addition, we should note that the entire chapter seeks to convey an encounter with Yahweh at Horeb. Thus, as we have seen in Section I, above, non-corporeality and invisibility are not the same as absence. As was the case in Deuteronomy 4, there is in Deut 5.24-26 an expression of danger in hearing Yahweh's voice, which is consistent with a sense of his actual presence. The narration of the desire on the part of Israel for a mediator suggests that Yahweh's actual presence is understood, for it is only if Yahweh is present and near that there would be danger of the sort that a mediator could resolve. Indeed, in Deut 5.27, the representatives of the people come to Moses and ask him to "go near" (קָרַב) to Yahweh. This makes sense only if Yahweh is thought to be actually present (though, as we have noted, invisible).

A final point to be mentioned in this regard is the discussion of Yahweh's writing of the Decalogue on tablets of stone. As Sonnet has observed, it is rather odd that the author of Deuteronomy 5, seeking, in Weinfeld's view, to repudiate corporeal notions of Yahweh's presence, would make reference to Yahweh's engraving the words of the Decalogue on stone tablets.<sup>114</sup> This is all the more surprising since Deut 9.10 goes further and specifies that the tablets were written by the finger of God. While the two texts may, of course, have been written by different authors, it is rather curious that the final editor did not feel compelled to remove such anthropomorphic references, if indeed part of the purpose of the book is to repudiate more "primitive" conceptions of God.

In light of the preceding discussion, it seems unlikely that this section is repudiating the actual presence of Yahweh. Rather, it is apparent that in this chapter, as in Deuteronomy 4, there is a conception that Yahweh is actually present (though the understanding is that Yahweh is present both in heaven and at Horeb), and that the people experienced a genuine encounter with him at Horeb. This is consistent with, rather than contrary to, the presentation of the revelation at Sinai in Exodus. The differences between the two accounts are not of the sort that Weinfeld posits.

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<sup>114</sup> J.P. SONNET, *The Book Within the Book: Writing in Deuteronomy*, Biblical Interpretation Series 14 (Leiden: Brill, 1997), 49. Sonnet notes that this may, in fact, represent "demythologization," but of a different sort than that envisioned by Weinfeld. He notes (p. 50) that almost nowhere in ANE literature is there a portrayal of a deity writing without an intermediary, and none of the direct writing is of the sort that is portrayed in Deuteronomy. This may point to a polemic in Deuteronomy against the ideology of the neighbouring cultures, such that a case is made that the authority immediately behind the Decalogue in Israel is Yahweh.

*Presentation of the Sabbath Law*

We now must direct our attention to the differences between the presentations of the Sabbath law in Deut 5.12-15 and Exod 20.8-11. As we noted above, these differences are sometimes seen as evidence of a tendency toward secularization and demythologization in Deuteronomy, as the mythological basis of a God who needed rest is rejected and a more humanitarian, social concern replaces the basis for the Sabbath law.

The major difference between the presentation of the Sabbath law in the two versions of the Decalogue is the motivation given in each instance. As we have seen, the Sabbath law in Exodus is explained on the basis of Yahweh's rest after creation, whereas in Deuteronomy the basis is the fact that the Israelites were slaves in Egypt. This is seen as an example of demythologization and secularization.

There are a number of issues that must be raised in connection with this understanding. First, it is not clear that the motivations in each law should be understood as mutually exclusive. Weinfeld himself notes that the Sabbath is seen as having a social motivation in Exod 23.12.<sup>115</sup> Even if this is seen as deriving from a different hand from the Decalogue, the fact that a humanitarian motivation appears in connection with the Sabbath in the final form of Exodus argues against seeing social and creational motivations as mutually exclusive.<sup>116</sup> Moreover, Sonsino notes that the motivations of various laws in the Pentateuch should not be seen as being the only possible ones. Rather, multiple motivations are possible. He argues that the inclusion of motive clauses was "not to provide a motivation that would justify the law from all perspectives but to select from among all the possible rationales the one that would denote best the law's appropriateness in the eyes of the people to whom it was addressed."<sup>117</sup> We have seen that the final form of Exodus includes *both* a humanitarian/social motivation *and* a creational one. This suggests that multiple motivations are possible, and that social and theological motivations are compatible with each other.

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<sup>115</sup> WEINFELD, *Deuteronomistic School*, 222.

<sup>116</sup> Exod 23.12 is considered by CAMPBELL and O'BRIEN, *Sources*, 199, to be a "nonsource" text. These are texts that are seen as additions to a source, or to combined sources. Sometimes, texts are seen to be a combination of sources, and therefore cannot be said to belong to one or the other. The entire Book of the Covenant (Exod 20.22-23.33) is seen as a nonsource text.

<sup>117</sup> R. SONSINO, *Motive Clauses in Hebrew Law: Biblical Forms and Near Eastern Parallels*, SBLDS 45 (Chico, CA: Scholars, 1980), 116.



Second, the contention that the Sabbath law in Deuteronomy 5 rejects the motivations of the Exodus version of the Decalogue (while accepting the basic command) is undermined by the fact that Deut 5.12 seems to presuppose the Exodus account. Deut 5.12 commands the Israelites to observe the Sabbath **כַּאֲשֶׁר צִוָּה יְהוָה אֱלֹהֶיךָ** (“just as Yahweh your God commanded you”). The expression **כַּאֲשֶׁר צִוָּה** has been shown to function as a citation marker for sources that Deuteronomy has used.<sup>118</sup> The similarities between the presentation of the Decalogue in Exodus and Deuteronomy suggest that Deuteronomy 5 is based on Exodus 20. But the presence of the citation marker **כַּאֲשֶׁר צִוָּה** shows that Deuteronomy 5 presupposes the Exodus account. That is, the author of Deuteronomy 5 was familiar with the presentation of the Sabbath law in Exodus 20, and that account – including its theological motivation – is accepted in Deuteronomy 5, as indicated by the use of the citation marker.

This suggests that the theological motivation of Exod 20.11 is not rejected by the author(s) of Deuteronomy, but is, rather, assumed and accepted. This is all the more likely when it is considered that the citation formula is used “to indicate the sources which it assumes are so obvious to the reader that there is no need to quote them.”<sup>119</sup> It is likely, then, that Deuteronomy 5 is aware of the theological motivation presented in Exodus 20 and, moreover, presumes that the reader is also familiar with the presentation there. Rather than repudiating the theological motivation of the earlier law, Deuteronomy 5 presupposes it and seeks to emphasize elements appropriate to its audience.<sup>120</sup> In so doing, Deuteronomy 5 picks up on themes that are also known in the earlier material (e.g. Exod 23.12).

<sup>118</sup> J. MILGROM, “Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy,” *HUCA* 47 (1976): 1-17, here 3-5. B. LANG, “The Decalogue in the Light of a Newly Published Palaeo-Hebrew Inscription (Hebrew Ostrakon Moussaïeff No. 1),” *JSOT* 77 (1998): 21-25, argues that **כַּאֲשֶׁר צִוָּה** should be thought of as anticipating something that follows, rather than referring to something that has gone before. Accordingly, he maintains that the phrase should be translated, “Thus Yahweh your God commands you.” This, however, is unlikely, as his interpretation fails to consider the evidence adduced by Milgrom that points to **כַּאֲשֶׁר צִוָּה** being a citation marker in Deuteronomy. That is, the expression may well be used in the ostrakon to refer to something that follows. But that doesn’t mean that the expression in Deuteronomy should be so translated, given the frequency with which the phrase appears to make reference to a source, as Milgrom documents. Furthermore, this translation becomes awkward when the expression is used in Deut 5.16, but is followed by **לְמַעַן**. It is preferable, then, to see the expression as a citation marker, making reference to something that has preceded the text in question. See also MCCONVILLE, *Deuteronomy*, 118.

<sup>119</sup> MILGROM, “Profane Slaughter,” 4.

<sup>120</sup> Cf. NELSON, *Deuteronomy*, 82-83; G.F. HASEL, “The Sabbath in the Pentateuch,” in *The Sabbath in Scripture and History*, ed. K.A. STRAND (Washington, DC: Review and Herald, 1982), 21-43.

Third, we should note that the complementarity of the two versions of the Decalogue may extend beyond the citation in Deut 5.12 of the Sabbath law in Exod 20.8-11. Miller argues that the background to the Sabbath law in Deut 5.12-15 is not just the Decalogue in Exod 20.8-11, but also includes the account in Exod 5.1-9 of Pharaoh's refusal to allow the Israelites time to go to worship Yahweh.<sup>121</sup> There, at the behest of Yahweh, Moses requests that the people be allowed to go a three days' journey into the wilderness for the purpose of worshipping Yahweh with sacrifices. This is refused by Pharaoh, who rebukes Moses for the request, noting that there is much work to be done, and that the granting of Moses' request would be to give them a rest (שָׁבַת) from their work. Pharaoh refuses, and Yahweh then demonstrates his power over Pharaoh and all the gods of Egypt (Exod 12.12) through the deliverance of the people from Egypt and bondage.

This points to the theological significance of the exodus in the Sabbath law in Deuteronomy 5. The Sabbath law calls upon the people to remember that they were once slaves, denied the privilege of worshipping Yahweh. Consequently, the people are to observe the Sabbath and allow *all*, including, especially, slaves, to have the opportunity to honour Yahweh by keeping the Sabbath holy. Miller maintains that "if Exodus was God's redemptive activity to give sabbath to slaves, then Sabbath [in Deuteronomy 5] is human non-activity to remember the Exodus redemption."<sup>122</sup> Thus, there is a religious and theological purpose behind the law in Deuteronomy 5. It is not simply a humanitarian proscription, but rather includes the call to remember their own oppression in being denied the opportunity to worship Yahweh. Both the presentations of the Sabbath law have at their centre a concern to honour Yahweh as the sovereign creator God. In doing so, they emphasize different things. Deuteronomy 5 seeks to ensure that *all* people are given the opportunity to honour Yahweh, regardless of their social status.

Moreover, the act of redemption from Egypt has been seen as having parallels with creation.<sup>123</sup> Craigie notes that the motivation for the Sabbath law in Exodus is grounded in the creation narrative of Genesis. Resting on the Sabbath day functions, in part, to acknowledge humanity's dependence on the creator God. Thus Craigie notes

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<sup>121</sup> MILLER, *Deuteronomy*, 81.

<sup>122</sup> P.D. MILLER, JR., "The Human Sabbath: A Study in Deuteronomistic Theology," *Princeton Seminary Bulletin* 6, 2 NS (1985): 88.

<sup>123</sup> CRAIGIE, *Deuteronomy*, 157.

that “man’s divinely appointed task to have dominion over the created order (Gen. 1:26) carried with it also the privilege of sharing in God’s rest.”<sup>124</sup> In the exodus-Horeb event, the people are, in effect, created as a nation.<sup>125</sup> The people’s remembrance of their plight reminds them that they owe their existence as a nation to the redemptive actions of Yahweh in bringing them out of slavery. More recently, it has been argued that there are parallels to the creation account in the exodus in that through Yahweh’s deliverance of Israel from Egypt, there is a restoration of the created order from the disruption to it caused by Pharaoh’s sinful oppression. Yahweh’s triumph over Pharaoh as evidenced by the plagues demonstrates that all of creation is under the sovereignty of Yahweh. The “outcome of this drama is that all should ‘know Yahweh,’ sovereign as creator and liberator.”<sup>126</sup> In this way the complementarity of the two presentations of the Sabbath law may be seen. That is, though presented differently and with different emphases, the Sabbath law in Deut 5.12-15 nevertheless demonstrates important parallels with the theological emphasis on creation in Exod 20.8-11.

A fourth, and related, objection to Weinfeld’s interpretation of the differences between the presentations of the Sabbath law has to do with the nature of the command in Deuteronomy 5. The Sabbath law in Deut 5.12 commands the people to “observe the Sabbath day to keep it holy (לְקַדְּשׁוֹ).” The next verse states that the seventh day is a Sabbath “to Yahweh.” In this respect, it is identical to the fourth commandment as presented in Exodus. What is not fully appreciated in Weinfeld’s treatment, however, is the religious significance of this command. This is the language of holiness. The people are to observe the Sabbath to keep it holy. Hasel notes that the purpose for Sabbath observance, according to Deut 5.12, is to keep it holy.<sup>127</sup> The motivation for

<sup>124</sup> Ibid.

<sup>125</sup> N. LOHFINK, “Reading Deuteronomy 5 as a Narrative,” in *A God So Near: Essays on Old Testament Theology in Honor of Patrick D. Miller*, ed. B.A. STRAWN and N.R. BOWEN (Winona Lake: Eisenbrauns, 2003), 264, notes that Deuteronomy never refers directly to historical events that occurred prior to Horeb. Horeb is therefore best seen as a “primeval or primordial event.”

<sup>126</sup> B.C. BIRCH, W. BRUEGGEMANN, T.E. FRETHERM, and D.L. PETERSEN, *A Theological Introduction to the Old Testament* (Nashville: Abingdon, 1999), 116. See also T.E. FRETHERM, “Law in the Service of Life: A Dynamic Understanding of Law in Deuteronomy,” in *A God So Near: Essays on Old Testament Theology in Honor of Patrick D. Miller*, ed. B.A. STRAWN and N.R. BOWEN (Winona Lake: Eisenbrauns, 2003), 185-89.

<sup>127</sup> It is not clear as to whether לְקַדְּשׁוֹ should be taken as referring to the purpose of שְׁמֹרָה (with the sense of “Observe the Sabbath day *in order* to keep it holy”) or the means by which this is done (“Observe the Sabbath day *by* keeping it holy”). Syntactically, both meanings are possible. See C.H.J. VAN DER MERWE, J.A. NAUDÉ, and J.H. KROEZE, *A Biblical Hebrew Reference Grammar*, BLH 3 (Sheffield: SAP, 1999), 155, and B.K. WALTKE and M. O’CONNOR, *An Introduction to Biblical Hebrew Syntax*

Sabbath observance generally is Yahweh's command. Many commentators see the motivation expressed in Deut 5.14 ("so that your male servant . . . may rest," introduced by לְמַעַן) as the basis for the entire Sabbath law, but it has been argued that this is best seen as the motivation for the cessation of work, since that is the main verb with which לְמַעַן is associated.<sup>128</sup> In that case, the motivation for the cessation from work is indeed so that rest is extended to all. But the motivation for observing the Sabbath more generally, on the basis of Deut 5.12, is because Yahweh commanded such observation so as to keep the day holy.

The theological motivation for Sabbath observance is further seen when considering the structure of the law as a whole. The following structure may be posited:<sup>129</sup>

A	Introduction	"Observe the Sabbath day to keep it holy, as Yahweh your God commanded you" (v. 12)
B	Command (with motivation)	"Six days you shall labour . . . but the seventh day is a Sabbath to Yahweh your God" (vv. 13-14a)
B'	Command (with motivation)	"On it you shall not do any work . . . so that (לְמַעַן) your male servant . . . may rest. Remember that you were slaves in the land of Egypt and Yahweh your God brought you out . . ." (vv. 14b-15a)
A'	Conclusion	"Therefore Yahweh your God commanded you to keep the Sabbath day" (v. 15b)

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(Winona Lake: Eisenbrauns, 1990), 608-09. The context of the Sabbath law in Deuteronomy 5, however, points toward seeing it as a purpose rather than a means, since one means (namely cessation from work) is made explicit in the following verses.

<sup>128</sup> See HASEL, "Sabbath," 32-33; N.E. ANDREASEN, "Festival and Freedom: A Study of an Old Testament Theme," *Int* 28, 3 (1974): 284-86; A.R. HULST, "Bemerkungen zum Sabbatgebot," in *Studia Biblica et Semitica: Theodoro Christiano Vriezen qui munere Professoris Theologiae per XXV Annos Functus est, ab Amicis, Collegis, Discipulis Dedicata*, ed. W.C. VAN UNNIK and A.S. VAN DER WOUDE (Wageningen: H. Veenman, 1966), 155-56. On the use of לְמַעַן in Deuteronomy, see P. DORON, "Motive Clauses in the Laws of Deuteronomy: Their Forms, Functions and Contents," *Hebrew Annual Review* 2 (1978): 61-77. For more general discussion of לְמַעַן, see SONSINO, *Motive Clauses*, 71; VAN DER MERWE, NAUDÉ, and KROEZE, *Reference Grammar*, 304-05.

<sup>129</sup> This is somewhat similar, although not identical, to the structures proposed by HASEL, "Sabbath," 31, and ANDREASEN, "Festival and Freedom," 283. N. LOHFINK, "The Decalogue in Deuteronomy 5," in *Theology of the Pentateuch: Themes of the Priestly Narrative and Deuteronomy*, trans. L.M. Maloney (Minneapolis: Fortress, 1994), 253, proposes a more detailed chiasmic structure which highlights the role of rest for all in the household. However, he sees a turning point for the text as a whole in v. 15 on the basis of the presence of לְמַעַן. He thus takes לְמַעַן as being the motivation for the Sabbath law as a whole, which I believe is incorrect, as argued above. He does, however, note the parallels between vv. 12 and 15, and, indeed, elaborates on the parallels.

This structure highlights an important aspect of the Sabbath law and its motivations. It points to the fact that the command of Yahweh is the primary basis for the Sabbath law. Thus, there is a profound theological basis for the law in Deuteronomy 5, even though it does, of course, extend the observance of the Sabbath to all. Hasel maintains that

the recognition of the theological motivation of the grounding of the Sabbath in a commandment of God cannot be emphasized enough, because it introduces an element that seems implicitly affirmed in Exodus 20:10a ... and repeated in Deuteronomy 5:14a .... But in Deuteronomy 5 something is made explicit in the commandment itself for the first time: the Sabbath is to be kept because God has ordained it—nay, commanded it—to be so.<sup>130</sup>

So, while Deuteronomy emphasizes certain aspects to accomplish its own theological and rhetorical purposes, it includes in its presentation of the Sabbath law a profound theological basis.

There is, of course, a humanitarian concern in the law in Deuteronomy, as it seeks to extend the observance of the Sabbath to all in society. But it is important to recognize the theological foundation on which this extension is based. This theological foundation in the commandment of Yahweh dovetails with the emphasis, discussed above, on the exodus from Egypt, and the way in which this serves to “create” Israel as a nation. Both these theological themes highlight the centrality of Yahweh, for it is Yahweh alone who is creator and redeemer, in the worldview of Deuteronomy.

This leads to a fifth and final objection to Weinfeld’s understanding of the Sabbath law in Deuteronomy 5 and its relationship to the law in Exodus. I have argued that one of the theological bases for the law as presented in Deuteronomy 5 is the fact that Yahweh commands obedience to the law. As we saw in connection with our discussion of Deuteronomy 4 in Section I, above, one of the aspects of Deuteronomy’s presentation of the revelation at Horeb is the emphasis on Yahweh’s word, and particularly *Torah*, as a means somehow of actualizing his presence with the people. We noted there that this is a special concern of Deuteronomy, which portrays the people as being on the verge of the promised land and, therefore, about to experience dramatic changes in the way in which Yahweh’s presence is experienced. In contrast to Exodus, Deuteronomy is especially concerned with instructing the people as to how

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<sup>130</sup> HASEL, “Sabbath,” 31-32.

Yahweh will continue to be present with his people after the entry and settlement in the land.

These considerations render it rather difficult to conceive of the Sabbath law in Deuteronomy 5 as having been “secularized,” since the observance of the Sabbath, in the thinking of Deuteronomy, is a means by which Yahweh’s presence may be actualized. Keeping the Sabbath is not merely a matter of humanitarian concern (though this is, of course, an important factor). Rather, there are religious implications to Sabbath observance, as *Torah* keeping generally is conceived of as a vital means of experiencing the presence of Yahweh. Thus, there are profound religious implications to the Sabbath law, such that it is difficult to see secularization as at the heart of the Deuteronomic presentation of the Sabbath.

In light of the foregoing discussion about the bases for Weinfeld’s view, it seems prudent to exercise caution in seeing in this section of Deuteronomy a tendency toward secularization and demythologization. The presence of Yahweh in Deut 5-6.9 is consistent with the presentation of his presence in Deuteronomy 4, where it was noted that Yahweh is best understood as present both in heaven and on earth. Indeed, the language used in this section points toward an understanding of Yahweh’s actual presence, and the logic of an encounter with Yahweh entails an understanding of his actual (though invisible) presence. In addition, we have seen that there are good reasons for seeing the presentation of the Sabbath law in Deut 5.12-15 as compatible with the presentation in Exodus, rather than as a repudiation of the thinking represented there. It is noteworthy that Deut 5.12 rather strikingly draws attention to the earlier law, rather than repudiating it, or, presumably, the theology underlying the law in Exodus. Indeed, in emphasizing the redemption of Israel through the events of the exodus, the presentation of the Sabbath law in Deuteronomy 5 points to the sovereignty of Yahweh and his role as creator, as, indeed, the nation of Israel is “created” in the exodus. Thus the two presentations are not diametrically opposed to one another. Both demonstrate a humanitarian concern, and both are grounded on theological conceptions of Yahweh and his power and supremacy. That they are different in some respects is not surprising as they are put forth as being addressed to different audiences. But the differences between them are not of the sort that can easily be associated with demythologization and secularization.

The unique emphases and perspective of Deuteronomy does, of course, require investigation and explanation. It is to that endeavour that we now turn.

C. AN ALTERNATIVE VIEW: YAHWEH'S *TORAH* FOR ALL GENERATIONS

I have argued above that the material presented in Deut 5-6.9 is not best understood in terms of demythologization and secularization. At the same time, there are unique aspects to this material that do, indeed, point to the particular emphases and intentions of the book that must be explored.

*Generations and Journey*

As we have noted elsewhere in this study, one important motif in Deuteronomy as a whole is the concept of a journey.<sup>131</sup> The self-presentation of the book is that of the speeches of Moses given to the people on the verge of entering the promised land. As such, it is an important moment of transition. In the narrative perspective of Deuteronomy, the people have experienced Yahweh's presence dramatically through the pillar of cloud and fire, the tent of meeting, and through the presence of Moses the mediator of Yahweh's words. Now, on the verge of entry into the land where so much will change, including the experience of Yahweh's presence, the people are reminded of their experiences. But this recitation of the past (including the presentation of *Torah*) is not simply repetition. Rather, the needs of the audience gathered on the plains of Moab are taken into account, and the presentation tailored accordingly.

The presentation in Deut 5-6.9 picks up on certain aspects of the presentation in Deuteronomy 4, as I have argued above. In emphasizing obedience to *Torah*, this section further highlights that obedience to *Torah* is a means of actualizing the presence of Yahweh. In the moment of transition, the people are told how they can continue to experience Yahweh's presence in a meaningful way.

The emphasis on the continuing journey of the people is found early in the chapter. Deut 5.2-3 says "Yahweh our God made a covenant with us at Horeb. Not with our fathers did Yahweh make this covenant, but with us, all of us here alive today." Strictly speaking, of course, this is not true, since Deut 1.34-39 and 2.16 make clear that the exodus generation (who experienced the covenant at Horeb) died out and was not allowed to enter the land. However, by emphasizing that *this* generation entered into the covenant at Horeb, the author is stressing that Israel is always, in a sense, "at Horeb," hearing the commands of Yahweh and having to choose whether or not they

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<sup>131</sup> See especially MCCONVILLE and MILLAR, *Time and Place*, 15-88, and J.G. MILLAR, *Now Choose Life: Theology and Ethics in Deuteronomy*, NSBT 6 (Leicester: Apollos, 1998). MILLER, "Sabbath," 81, maintains that "one should never lose sight of the fact that Deuteronomy is the book of Scripture most self-conscious and explicit in its character as address to different generations in different times and circumstances."

will demonstrate total allegiance to Yahweh. This blurring of generational lines is an intentional rhetorical device used to highlight the responsibility of the subsequent generations. That is, it is not enough that the ancestors<sup>132</sup> of the Moab generation entered into a covenant with Yahweh. The people of each generation must recognize their responsibility to demonstrate total loyalty to Yahweh through adherence to *Torah*.

The dynamic conception of generations may help explain the emphasis in Deuteronomy 5 on the actual presence of Yahweh. As we noted in Part B, above, it is possible to see in Deuteronomy 5 a *greater* emphasis on the actual presence of Yahweh, since in the introduction to the Decalogue in the Sinai narrative in Exodus there is no use of the term פָּנִים בְּפָנִים (“face to face”) as there is in Deut 5.4. By stressing the actual presence of Yahweh perhaps even more than does the account in Exodus, Deuteronomy 5 highlights the responsibility of each generation. *This* generation, figuratively speaking, experienced Yahweh “face to face.” Therefore, *this* generation must determine to live out loyalty to Yahweh through keeping *Torah*. It is telling, as well, that Deut 5.4 says that “Yahweh spoke with *you* face to face” at Horeb, shifting from the inclusive “us” of vv. 2-3. Elsewhere it is said that it was only Moses with whom Yahweh spoke “face to face” (cf. Exod 33.11; Deut 34.10). The emphasis on the experience of Yahweh’s presence by Israel as a whole points to the concern of the author to emphasize the responsibility of this generation to obey Yahweh.

It is important to note, however, that this experience of Yahweh’s presence is not absolute, as the next verses make clear. Deut 5.5 maintains that the people experienced Yahweh “face to face,” but with Moses standing between. As we saw in Part B, this further points to Yahweh’s actual presence at Horeb, but it also serves to demonstrate Moses’ role as mediator of Yahweh’s words. With respect to the presentation of the Sinai narrative in Exodus, commentators are divided as to what the people heard from Yahweh himself and what they heard through Moses. On the one hand, the text seems to imply that Moses alone heard Yahweh’s voice, as Moses alone

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<sup>132</sup> The term אֲבוֹת (“fathers”) is sometimes used in Deuteronomy to refer to the patriarchs (e.g. Deut 1.8; 6.3). At other points, it refers more generally to ancestors, and the rhetorical purpose of such a reference is to highlight the responsibility of the present generation. That is the case here, where the context suggests that the contrast is not between the patriarchs (who indeed were not at Horeb) but rather with the previous generation, who, though present at Horeb, failed to demonstrate total allegiance to Yahweh. This highlights the responsibility of the present generation deliberately to live out loyalty to Yahweh, especially in the form of adherence to *Torah*. For further discussion of this, see C.J.H. WRIGHT, “אָבִי,” in *NIDOTTE* 1: 219-23; T. RÖMER, “Deuteronomy in Search of Origins,” in *Reconsidering Israel and Judah: Recent Studies on the Deuteronomistic History*, SBTS 8, ed. G.N. KNOPPERS and J.G. MCCONVILLE (Winona Lake: Eisenbrauns, 2000), 121-35.



goes up the mountain and hears Yahweh speaking in thunder (Exod 20.19-20). In addition, Exod 20.18, which comes after the Decalogue, says that seeing the thunder and lightning, the sounds of the trumpets and the smoke, the people were afraid and begged Moses to serve as mediator. This could be taken to mean that they neither heard nor wished to hear the Decalogue.<sup>133</sup>

On the other hand, Exod 19.24-25 indicates that Moses descended the mountain to warn the people against approaching it, which implies that Moses was not on the mountain at the time the Decalogue was spoken. In addition, Exod 21.1 refers to the people in the third person, indicating that Moses was now acting as intermediary on their behalf, and in accordance with their request in Exod 20.18-21. This suggests that they heard the Ten Commandments but the rest of the *Torah* was presented to them by Moses, who had received it from Yahweh. The result is that it is not entirely clear from Exodus what the people heard directly and what was mediated by Moses.<sup>134</sup>

In Deuteronomy, however, things are much more explicit. With the exception of the possible ambiguity between Deut 5.4 and 5.5, the account in Deuteronomy is largely straightforward in affirming that the whole assembly (קָהָל) heard Yahweh's proclamation of the Decalogue, and nothing more (cf. Deut 5.22). Why is Deuteronomy apparently so concerned to stress the fact that all the people heard the Decalogue, particularly when the account in Exodus is, by comparison, ambiguous on this matter?

The answer, I believe, lies in the fact that one of the priorities of Deuteronomy is to convey all Israel as responsible before Yahweh for demonstrating covenant loyalty through adherence to *Torah*. The blurring of generations, discussed above, helps convey the point that every Israelite is, in a sense, part of the Horeb generation, and is consequently responsible to demonstrate loyalty to Yahweh. A similar motivation may lie behind the emphasis on the fact that all the people heard the Decalogue. The Decalogue is, of course, identified as Yahweh's covenant in Deut 4.13, stressing the

<sup>133</sup> Cf. M. NOTH, *Exodus: A Commentary*, OTL (London: SCM, 1962), 168, who maintains that the Decalogue is a later addition. Therefore, Exod 20.18-21 is not dealing with the fear of having heard the Decalogue, but of the theophany more generally. See also M. GREENBERG, "Decalogue (The Ten Commandments)," in *EncJud* 5: 1435-36, and the much more detailed discussion in B.S. CHILDS, *Exodus: A Commentary*, OTL (London: SCM, 1974), 351-60.

<sup>134</sup> There have been many attempts to explain the differences between the two presentations. Some have seen in the somewhat ambiguous account in Exodus and the perceived contradiction in Deut 5.4-5 evidence of different Sinai/Horeb traditions lying behind the various texts. (See, esp., E. NIELSEN, *The Ten Commandments in New Perspective*, SBT 2<sup>nd</sup> Series [London: SCM, 1968].) Rabbinic exegetes have said that the people heard the first two commandments, but nothing more. (See WEINFELD, *Deuteronomy 1-11*, 240-41.)

importance of the Decalogue. So, it is significant that the entire assembly hears the words of the Decalogue, as they are the basic terms of the covenant. The fact that all the people heard the terms of the covenant shows that the “whole people is directly involved in the reception of the Decalogue as the basic conditions of the covenant.”<sup>135</sup>

*The Words of Yahweh for All Generations*

In this way the responsibility of the entire Horeb/Moab generation is stressed, but so too is the responsibility of subsequent generations. This is seen, first, through the blurring of generations that we have already noticed. Though the Moab generation was not actually present at Horeb, the account of the giving of the Decalogue brings the subsequent generation into the picture. The appropriately reverent and fearful response of the people in Deut 5.23-27 (as well as Yahweh’s approval of the sentiments expressed by the people in Deut 5.28-29) is credited to the Moab generation, though that response is still, strictly speaking, the actions of the Horeb generation. At no point following the melding of generations in Deut 5.2-3 does the rhetoric shift from “you” (whether singular or plural) to “they.” It is not that “they” responded favourably, but rather “you” did.

The responsibility of future generations is further seen in the recording of the covenant and the requirement that the terms of the commandment be diligently taught to future generations. Deut 5.22 notes that Yahweh wrote the words on two stone tablets.<sup>136</sup> The recording of the terms of a covenant (בְּרִית), their deposition, and demand for public recitation are sometimes found in political treaties in the ANE. This was designed to ensure the loyalty of subsequent generations to the suzerain on the part of the vassal kings.<sup>137</sup> In Deuteronomy, the existence of a permanent record of the terms of the covenant serves as a reminder to subsequent generations of what they are obligated to do in order to demonstrate loyalty to their suzerain, Yahweh.

There is, however, even greater significance to the fact that Yahweh himself wrote the words. Sonnet notes that there is in Deut 5.22 a “tight sequence” in terms of the

<sup>135</sup> MCCONVILLE, *Deuteronomy*, 131-32.

<sup>136</sup> Deut 10.4 makes clear that the words on the tablets were the words of the Decalogue. The context of Deut 5.22 suggests as much, but it is explicit in connection with the second set of tablets.

<sup>137</sup> D.J. MCCARTHY, *Treaty and Covenant*, AnBib 21a (Rome: Pontifical Biblical Institute, 1981), 63-66; M.G. KLINE, *Treaty of the Great King: The Covenant Structure of Deuteronomy: Studies and Commentary* (Grand Rapids: Eerdmans, 1963), 75-76; J.H. WALTON, *Ancient Israelite Literature in its Cultural Context: A Survey of Parallels Between Biblical and Ancient Near Eastern Texts*, LBI (Grand Rapids: Zondervan, 1989), 103-04.

relationship between Yahweh's speaking and writing.<sup>138</sup> That is, Deuteronomy makes clear that Yahweh spoke and then wrote the words he had spoken. The account in Exodus is less clear as to when the tablets containing the Decalogue were written, but Deuteronomy seems to be emphasizing that the words were unambiguously written by Yahweh himself immediately after the words were spoken. In addition, the words written by Yahweh were later given to Moses. But it is clear from Deut 9.9-11 that the giving of the tablets occurred only later. Why, then, did the author include a reference to the giving of the tablets to Moses in Deut 5.22, when it is clear from later texts that this occurred only after a rather substantial interval? Sonnet argues that this reference to the giving of the tablets in Deut 5.22 introduces another element to the sequence, such that speaking leads to writing, which is followed by giving.<sup>139</sup> The sequence may be graphically represented in the following manner:

Speaking → writing → giving

In presenting the giving of the law in this way, Deuteronomy establishes a paradigm by which the words of Yahweh are given to the people in written form through the mediation of Moses.

But the sequence does not stop there. Following the record of divine writing in Deut 5.22 there is a command that the people write words on their heart in Deut 6.6-9.<sup>140</sup> Included in this exhortation is the command to teach the future generations of Israelites the words of Yahweh. So, the sequence is extended such that the giving of the words of Yahweh to the people (either directly or through the mediation of Moses) leads to the teaching of the words to subsequent generations. The graphic portrayal is thus extended:

Speaking → writing → giving → teaching

The paradigmatic nature of this sequence may be seen in the fact that this sequence is taken up later in the book.<sup>141</sup> Deut 10.4 is another depiction of the writing of the tablets, and this is followed, as in Deut 6.6-9, with a command for the people to write the words on their heart and teach them to subsequent generations in Deut 11.18-20.

It seems, then, that there is an important relationship between receiving the words of Yahweh and passing them on. The Israelites are expected to ensure the

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<sup>138</sup> SONNET, *Book Within the Book*, 42.

<sup>139</sup> *Ibid.*, 45.

<sup>140</sup> *Ibid.*, 51-54.

<sup>141</sup> *Ibid.*, 69-70.

dissemination to future generations by teaching diligently to the children the words that were spoken by Yahweh. This, according to Deut 6.5-9, is the means by which love for Yahweh will be demonstrated.

Before considering the significance of this for the theology of this section, we now briefly must attend to two issues related to the interpretation of Deut 6.5-9. The first has to do with the nature of “loving” Yahweh in this context, and the second is the nature of the reference to “these words” (הַדְּבָרִים הָאֵלֶּה) in Deut 6.6.

The first issue is pertinent to this examination because it has to do with the obligations of each generation to live lives in obedience to *Torah* as a means of showing allegiance to Yahweh. In ANE political treaties, words for “love” are often used to describe the relationship between vassal and suzerain. So, for example, EA 158.36-38 speaks of the Pharaoh’s love for the vassal.<sup>142</sup> In addition, the devotion of the vassal to the suzerain is described in terms of love. EA 53.40-44 says, “My lord, just as I love the king, m[y] lord, so too the king of Nuḥašše, the king of Nii, the king of Zinzar, and the king of Tunanab; all these kings are my lord’s servants.”<sup>143</sup> In this context, love is used as a means of expressing total loyalty and devotion. Moran notes that “to love the Pharaoh is to serve him and to remain faithful to the status of vassal.”<sup>144</sup>

This sheds light on the meaning of the command that “you shall love Yahweh your God” (וְאַהַבְתָּ אֶת יְהוָה אֱלֹהֶיךָ) in Deut 6.5. Given the general parallels with the ANE political treaties in Deuteronomy, it is likely that the sense of “love” as demonstrating loyalty is in view here.<sup>145</sup> This love is not primarily affective (though that is not to say that the affective sense is excluded<sup>146</sup>), but rather assumes “a personal, intimate, trusting relation.”<sup>147</sup> Moreover, it assumes that the vassal’s status as vassal is recognized and accepted. To “love” the “Great King” is to demonstrate obedience and allegiance to him.

<sup>142</sup> W.L. MORAN, *The Amarna Letters* (Baltimore: Johns Hopkins University Press, 1992), 244-45. Other examples of the love of the suzerain to the vassal are found in EA 121.61; 123.23. See also idem, “The Ancient Near Eastern Background of the Love of God in Deuteronomy,” *CBQ* 25 (1963): 77-87.

<sup>143</sup> MORAN, *Amarna Letters*, 125; idem, “Love of God,” 79.

<sup>144</sup> MORAN, “Love of God,” 79.

<sup>145</sup> NELSON, *Deuteronomy*, 91; BRUEGGEMANN, *Deuteronomy*, 84. See also the Introduction to the present study.

<sup>146</sup> Cf. WRIGHT, *Deuteronomy*, 98.

<sup>147</sup> MILLER, *Deuteronomy*, 102.

This fits well with the theological understanding of this section of Deuteronomy that we are investigating. Yahweh is the sovereign who redeemed Israel from Egyptian bondage. As a result, he alone is deserving of the loyalty of the people. In hearing and accepting the basic terms of the covenant, the Decalogue, the people are committing themselves to serving him alone, and demonstrating complete and total allegiance to him.

A second issue that needs to be addressed is the nature of the דְּבָרִים (“words”) that are to be taught to succeeding generations. There are a few options. It could refer only to Deut 6.4, to the Decalogue, or to the whole of the *Torah* taught at Moab. The phrase “which I am commanding you today” (אֲשֶׁר אֲנֹכִי מְצַוְךָ הַיּוֹם) points toward seeing the דְּבָרִים as the whole of the teaching given at Moab, since there is much in Deuteronomy that fits into the category of commands. Moreover, Deut 5.31, 6.1 refer to הַמִּצְוָה (“the commandment”), which points to the whole of what Yahweh commanded Moses to teach at Moab. It is likely, then, that the “words” in Deut 6.6 refers to the whole of Deuteronomy, as the entire book is presented as a record of Moses’ teaching at Moab.<sup>148</sup>

The significance of the last point actually brings us back to the significance of the apparent emphasis on the sequence of speaking → writing → giving → teaching. As we have seen, the people are exhorted to keep Yahweh’s דְּבָרִים (“words”) on their hearts, and, indeed, to impress them on their children. The words that are to saturate their lives are Moses’ words of instruction given at Moab, as noted above. But it is significant that Moses’ words at Moab represent a divergence from the presentation of the law at Sinai. I argued in Section B that the differences between the presentation of the theophany at Horeb in Exodus and Deuteronomy are not of the sort that Weinfeld and others posit. But they are different in some respects.

Deuteronomy presents the Horeb event as foundational to the existence of Israel as a nation and as the covenant people of Yahweh, as discussed above. Further evidence for this is found in Deuteronomy’s use of the term קָהָל (“assembly”). Deut 5.22 is explicit in noting that the whole assembly heard the words of the Decalogue. Subsequent references to the Horeb event in Deuteronomy refer to it as the “day of the Assembly” (Deut 9.10; 10.4; 18.16). It was here that the whole people, as קָהָל, enter

<sup>148</sup> SONNET, *Book Within the Book*, 52-55; NELSON, *Deuteronomy*, 91.

into the covenant with Yahweh. Thus the exodus-Horeb event is central to the foundation of Israel as the people of Yahweh.<sup>149</sup> This explains in part why the motivation for the Sabbath law is different in Deut 5.12-15 when compared to Exodus, since the emphasis on the exodus points to the establishment of the people as the people of Yahweh. But though the events at Horeb were foundational, the words of Yahweh are applicable in other times and in different situations. I argued above that the different motivations for the Sabbath law are not incompatible, nor are they of the sort that is sometimes claimed. But they do address the people of Yahweh at different times, facing different challenges and opportunities. The people addressed at Moab are, in the narrative perspective of Deuteronomy, on the verge of the land. It is, as we have seen, a significant moment of transition.<sup>150</sup> In that moment, the events at Horeb are “re-realized” for the Moab generation, in a way appropriate for them.<sup>151</sup> There are present here, as Merrill notes, “changing theological emphases for an unchanging God.”<sup>152</sup>

This may help explain further why Deuteronomy seems to be at pains to clarify exactly what the people heard directly and what was heard through the mediation of Moses. The terms of the covenant – the Decalogue – were heard directly by the people. This is because this is the foundational event for the people and nation. The rest of Yahweh’s words are shown explicitly in Deuteronomy to have been spoken through Moses. This does not, to be sure, undermine their authority, since Moses is established in Deut 5.31 as the official mediator of Yahweh’s words.<sup>153</sup> But the very fact that the statutes and ordinances (הַחֻקִּים וְהַמִּשְׁפָּטִים) are clearly shown to have been presented through the mediation of Moses points to their different quality.<sup>154</sup> The fact that Moses, the official mediator of Yahweh’s words, can interpret the law for the Moab generation points to the continuing relevance of the *Torah* in changing circumstances.

<sup>149</sup> MCCONVILLE, *Deuteronomy*, 131.

<sup>150</sup> See Chapter Two, above.

<sup>151</sup> MCCONVILLE, *Deuteronomy*, 136.

<sup>152</sup> MERRILL, *Deuteronomy*, 152.

<sup>153</sup> Moses is shown in Deuteronomy to have acted in that capacity prior to this point, of course (cf. Deut 1.6), but in the fabula of Deuteronomy, the official sanction of Moses as mediator occurs *prior* to the departure from Horeb, recorded in Deut 1.6.

<sup>154</sup> This is further seen in comparing Deut 10.1-5 with Deut 31.24-26. The tablets written by Yahweh are stored in the ark, whereas the record of Moses’ words are stored *next* to it. This suggests an important distinction between the direct and mediated words of Yahweh.

In the face of transition on the verge of the land of promise, the people of the Moab generation are instructed in the ways in which they can live out loyalty to Yahweh and continue to receive the blessings of the covenant relationship. They do so by keeping *Torah* and passing on the instruction to subsequent generations. The giving of *Torah* to the people is enshrined within Deuteronomy; it remains the foundational event for the people. But *Torah* is also shown in Deuteronomy to be capable of applicability in differing circumstances and situations. *Torah* itself does not change, but it is capable of being appropriated and applied by every generation in vastly different circumstances. The blurring of generations shows that each generation stands, figuratively speaking, "at Moab." The people of God in subsequent generations also must look to the foundational event at which *Torah* was given and the people constituted. At the same time, each generation is responsible before God to demonstrate total loyalty to him through adherence to *Torah*. And subsequent generations also have a responsibility to instruct future generations how to live a life marked by total allegiance to Yahweh.

Deliberate theological points are being made in this section, but they are not of the sort Weinfeld and others propose. In Deut 5-6.9, the supremacy of Yahweh as creator of the people of God is stressed, and demands for total loyalty are made. In addition, there is an emphasis on the relevance of *Torah*, the word of Yahweh, for all generations. The foundation of the people of Yahweh is particularly stressed in this section, as it was through the covenant at Horeb that the people accepted the responsibility of living as the people of Yahweh. Thus, in changing circumstances on the plains of Moab, a subsequent generation is presented as if they, too, were at Horeb, and had assumed the same obligations. Through the blending of generations and the emphasis on teaching the words of Yahweh, this section seeks to demonstrate that *Torah* remains the foundation for every generation of the people of Yahweh.

### III. Conclusions to Chapter Three

In this chapter we have examined the evidence adduced in favour of seeing in Deut 4-6.9 attempts at demythologization and secularization. I have argued that there are good reasons to conclude that the evidence points in a different direction.

I have argued that Deuteronomy 4 is best understood as seeing Yahweh as actually present at Horeb. The terminology used supports this contention, as does the entire premise of an encounter with Yahweh.

This, in turn, led to a reassessment of the prohibition of images. Weinfeld maintains that the prohibition of images in Deuteronomy 4 is due to the fact that no image could be created to represent a God who was not actually present. A different conception of the presence of Yahweh necessitated an alternative understanding of the prohibition of images. Rather than being an attempt to demythologize the presence of Yahweh, I argued that what occurs in Deuteronomy 4 is a theologically sophisticated understanding of the presence of Yahweh, such that his presence is actualized through the keeping of *Torah*. In addition, there is a nuanced sense of presence, as Yahweh is held in Deuteronomy 4 to be present both in heaven and on earth. The prohibition on images serves to prevent inappropriate attempts to actualize Yahweh's presence.

This understanding of Yahweh's presence has important implications for worship. Yahweh alone has the right to determine how he is to be worshipped, and Deuteronomy 4 clearly stresses the importance of proper (i.e., Yahweh-sanctioned) means of experiencing his presence. Proper worship of Yahweh, in the perspective of Deuteronomy 4, will recognize his immanence and transcendence, as well as his uniqueness.

Deut 5-6.9 continues to wrestle with the question of Yahweh's presence, but focuses more on how Yahweh's presence can be made a reality for future generations. By stressing the creation of the people of Yahweh in the exodus-Horeb event, this section serves to highlight the supremacy of Yahweh. It is he who speaks, and whose words are powerful. The assembly at Horeb serves as the moment of constitution of the people of Yahweh, as the people all hear the foundational words of Yahweh in the direct proclamation of the Decalogue. In the narrative of Deuteronomy, the people are addressed on the plains of Moab, on the verge of entry into the land. Yet in the rhetoric of this section, they are at Horeb, hearing the words of Yahweh and responding to the call for complete loyalty. In this way, Deuteronomy extends its reach to future generations, who will be like the Moab generation in hearing Yahweh's voice and having to respond.

At the same time, the people are called to pass on the words of Yahweh to future generations. For Yahweh's speaking is followed by the writing of the words, and this then leads to his giving of the words. There is, then, a record of the unique event at Horeb, that is to serve as the basis of remembrance. The reception of the words leads to teaching of future generations, who must be instructed in how to demonstrate total allegiance to Yahweh through adherence to *Torah*.



There is, too, an emphasis on the applicability of *Torah* to all generations. Deuteronomy is explicit in noting that the people heard directly only the Decalogue; the rest of the words of Yahweh were mediated through Moses. Moses' explication of the instruction, as we will see in Chapter Four, is sensitive to the changing circumstances of the people. They are about to enter the land, and will consequently experience new situations. The emphasis on the mediation of Yahweh's word, coupled with the different (though compatible) motivation for the Sabbath law, suggests that *Torah* is capable of addressing the changing circumstances of the people of an unchanging God.

Here, once again, the emphases are rather different from those proposed by Weinfeld and others. Rather than denying Yahweh's presence, this section highlights how Yahweh determines his presence is to be understood and realized, as well as how it is to be passed on to future generations. This section conceives of a God who is actually present through his word, and who wants – demands – that he alone be the object of his people's loyalty in all generations. This section highlights the exodus and pointedly extends Sabbath observance to all, not due to a secularized humanitarian motivation, but rather because acknowledgement of Yahweh as sovereign has profoundly important religious implications. It is in part through adherence to *Torah* that Yahweh's presence is experienced. Moreover, if every generation stands in some sense before Yahweh at Horeb, the foundational moment of the people of Yahweh, then it is vital that all the people be allowed to honour him through Sabbath observance.

In this chapter, I have argued that the data of Deut 5-6.9 are capable of very different interpretation from that of Weinfeld and others. If this reading is correct, then the case for demythologization and secularization is further weakened.

## CHAPTER FOUR

### DEUTERONOMY 12

In Deuteronomy 12, the three central tenets of the Deuteronomic revolution envisioned by Weinfeld are seen as being most readily apparent. In Chapter One, the broad contours of the arguments in favour of centralization, secularization, and demythologization were presented and analyzed. In this chapter, therefore, the focus will be more selective, concentrating on Deuteronomy 12 and the ways in which this chapter is seen as contributing to the Deuteronomic revolution. It is here that centralization is explicitly commanded, which necessitates alteration of previous practices in the form of the legislation permitting so-called “profane slaughter.” In addition, there is, in the view of many, a deliberate attempt at demythologization in the use of the Name theology in this chapter.

Deuteronomy 12 is the opening chapter of the legal corpus of Deuteronomy, and follows the historical remembrance and parenthesis of chapters 1-11. Like the beginning of the Covenant Code, the legal section of Deuteronomy begins with an altar law. Unlike the Covenant Code, however, the altar law in Deuteronomy is understood to demand a single place of worship, in direct contrast to the altar laws found elsewhere in the Pentateuch and in contrast to the practice of worship at the time the book is held to have been written.<sup>1</sup> This radical demand for centralization, when carried out by Josiah, resulted in the transformation of theology and practice in Israel.<sup>2</sup>

The unity of this chapter has long been questioned. While many argue that this chapter is the result of the compilation of various sources dating to various time periods, there is no consensus as to the identification of strata or how the various strata

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<sup>1</sup> M. WEINFELD, *Deuteronomy 1-11*, AB 5 (New York: Doubleday, 1991), 37-44; idem, *Deuteronomy and the Deuteronomic School* (Oxford: OUP, 1972; reprint Winona Lake: Eisenbrauns, 1992), 191-209.

<sup>2</sup> WEINFELD, *Deuteronomy 1-11*, 78-81.

are to be dated.<sup>3</sup> Indeed, the various proposals as to the prehistory of the chapter have been challenged, and none are persuasive in their entirety.<sup>4</sup> As Levinson (who maintains that the chapter is best seen as composite) notes, “The problem with many such approaches is that ... they overlook both the evidence for the secondary imposition of an editorial structure and the difficulties that such deliberate redactional reworking pose for reconstructing literary history in the first place.”<sup>5</sup> Moreover, if it is granted that the redactor(s) of the final form of the book intended to communicate a coherent message to their audience, then certain diachronic questions become less compelling as the message of the final form is analyzed.

In addition, a positive case can be made for seeing the chapter as a unity. Most recently, McConville has argued that the requirements of the supposedly earliest form of the law (12.13-19) are incoherent on their own. In addition, he notes that the different forms of the centralization formula need not be considered to be of different types, as the “short form” used elsewhere may be understood as presupposing a longer form (Deut 31.11; Josh 9.27). Finally, he argues that there is a coherent theological argument that can be discerned in the chapter, and there are stylistic features that may point to unity.<sup>6</sup>

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<sup>3</sup> Some of the more recent studies include B.M. LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: OUP, 1997), 24-50; N. LOHFINK, “Zur deuteronomischen Zentralisationformel,” in *Studien zum Deuteronomium und zur deuteronomistischen Literatur II* (Stuttgart: Verlag Katholisches Bibelwerk, 1991), 147-77; A.D.H. MAYES, *Deuteronomy*, NCB (Grand Rapids: Eerdmans; London: Marshall, Morgan & Scott, 1979), 220-21; R.D. NELSON, *Deuteronomy*, OTL (Louisville: Westminster John Knox, 2002), 150-59; E. REUTER, *Kultzentralisation: Entstehung und Theologie von Dtn 12*, BBB 87 (Frankfurt a.M.: Anton Hain, 1993); A. ROFÉ, “The Strata of the Law About the Centralization of Worship in Deuteronomy and the History of the Deuteronomic Movement,” in *Deuteronomy: Issues and Interpretation*, OTS (Edinburgh: T&T Clark, 2002), 97-101; Y. SUZUKI, “‘The Place Which Yahweh Your God Will Choose’ in Deuteronomy,” in *Problems in Biblical Theology: Essays in Honor of Rolf Knierim*, ed. H. SUN and K. EADES (Grand Rapids: Eerdmans, 1997), 338-52. For a comprehensive bibliography on this issue, including some of the more important older studies, see D.L. CHRISTENSEN, *Deuteronomy 1:1-21:9*, WBC 6a (Nashville: Thomas Nelson, 2001), 231-32.

<sup>4</sup> See J.G. MCCONVILLE, *Law and Theology in Deuteronomy*, JSOTS 33 (Sheffield: JSOT Press, 1984), 40-42, 56-57, where the approaches of Steuernagel, Horst, and von Rad are critiqued, and idem, *Deuteronomy*, AOTC 5 (Leicester: Apollos; Downers Grove: Intervarsity, 2002), 214-16.

<sup>5</sup> LEVINSON, *Legal Innovation*, 26.

<sup>6</sup> MCCONVILLE, *Deuteronomy*, 215-16. Levinson cautions that coherent literary structures do not necessarily point to literary unity, but may, rather, be the result of an attempt on the part of an editor to obscure any seams that may have existed. (LEVINSON, *Legal Innovation*, 27.) While he is correct in urging caution as to what conclusions must be drawn from the appearance of literary unity, he underestimates the possibility that rhetorical emphasis may explain certain features of the text such as repetition and the *Numeruswechsel*. While rhetorical and stylistic unity do not *prove* literary unity, they certainly do not *disprove* it, and they certainly don't prove literary compositeness.

## I. Prevailing View: Radical Reform

### A. CENTRALIZATION

The first feature of Deuteronomy 12 to be examined is the demand for centralization.<sup>7</sup> After identifying the section to follow as the “statutes and ordinances” (הַחֻקִּים וְהַמִּשְׁפָּטִים) that were anticipated since chapter four, Deuteronomy 12 then commands the destruction of alien cults, and orders (vv. 5-7) that worship be centred on the “place that Yahweh your God shall choose out of all your tribes to establish his name there as its dwelling place”<sup>8</sup> (אֶל-הַמָּקוֹם אֲשֶׁר-יִבְחַר יְהוָה אֱלֹהֵיכֶם מִכָּל-שְׁבֵטֵיכֶם לָשׂוּם אֶת-שְׁמוֹ) (שָׁם לְשַׁכְּנוֹ). The exhortation continues, with repetitions of the demand for worship only at “the place” in vv. 11 and 14, with some variation in wording.

Permission is then granted for the slaughter of animals for meat away from “the place,” with the proviso that the blood of the slaughtered animal not be eaten (vv. 8-16). This is followed by another command to take all offerings to the place (vv. 17-19). The provision for local slaughter is repeated, as is the requirement that all offerings and sacrifices be carried out at the place (vv. 26-27). The section concludes with an exhortation to worship Yahweh as he demands, repeats the command to eradicate all vestiges of Canaanite worship, and demands that no alterations be made to the commandments given.<sup>9</sup>

The radical nature of the Deuteronomic programme may be seen, it is argued, in the way in which the demand for centralization in Deuteronomy 12 stands in stark contrast to the demands of other regulations in the Pentateuch. The requirements of Deuteronomy 12 are contrasted with Exod 20.24-25 and Leviticus 17. Exod 20.24-25 is understood as permitting multiple altars, while the Leviticus 17 restricts all sacrifice in the wilderness period to the tabernacle. This has been interpreted as showing that

<sup>7</sup> For ease of analysis, the three aspects of the Deuteronomic revolution will be examined separately, though I realize that this is somewhat artificial as all three elements are perceived in the chapter as a whole, and are, indeed, interrelated.

<sup>8</sup> The translation of Deut 12.5 is problematic. The MT presupposes an otherwise unattested nominal form שָׁכַן. This is often emended to לְשַׁכְּנוֹ, and seen as a Piel of שָׁכַן. This is then seen as a doublet of לָשׂוּם (see, e.g., E. TOV, *Textual Criticism of the Hebrew Bible* [Minneapolis: Fortress, 1992], 42, and n. 19).

MCCONVILLE, *Deuteronomy*, 211, notes that there is “ambiguity concerning whether the suffix of לְשַׁכְּנוֹ refers to ‘it’, that is, the ‘name’, or to ‘him’, that is, Yahweh. But he rightly argues (ibid.) that the verb חָדַרְשֵׁנוּ is required to complete the command begun at the beginning of the verse. This suggests that the verse should be read as referring to its dwelling, and refers to the name itself. This is in line with v. 11, and I will use this translation in my analysis.

<sup>9</sup> The chapter ends at v. 31 in Hebrew, though it is generally agreed that the thought of the chapter continues to 13.1 (Hebrew; 12.32 English). See CHRISTENSEN, *Deuteronomy 1:1-21:9*, 233-35.

Deuteronomy was seeking to transform the earlier law from the Covenant Code, while the later Priestly material assumes the fact of centralization and sought to rescind the permission for profane slaughter granted by Deuteronomy 12.<sup>10</sup>

When compared to the altar law in Exodus 20.24-25, the radical nature of Deuteronomy's requirements are held to be most readily apparent. Exodus 20.24 states:

מִזְבֵּחַ אֲרָמָה תַעֲשֶׂה-לִי וְזָבַחַתָּ עָלָיו אֶת-עֹלֹתֶיךָ וְאֶת-שְׁלֵמֶיךָ אֶת-צֹאֲנֶךָ וְאֶת-בְּקָרֶךָ  
בְּכָל-הַמָּקוֹם אֲשֶׁר אֲזַכִּיר אֶת-שְׁמִי אָבוֹא אֵלֶיךָ וּבֵרַכְתִּיךָ:

("An altar of earth you shall make for me, and you shall sacrifice on it your burnt offerings and your peace offerings, your sheep and your oxen. In every place where I cause my name to be remembered I will come to you and I will bless you.") In contrast, Deuteronomy 12.5, the most restrictive form of the centralization formula in the chapter,<sup>11</sup> says:

כִּי אִם-אֶל-הַמָּקוֹם אֲשֶׁר-יִבְחַר יְהוָה אֱלֹהֵיכֶם מִכָּל-שְׁבִטֵיכֶם לְשׁוֹם אֶת-שְׁמוֹ שָׁם לְשַׁכְּנוֹ  
תִּדְרְשׁוּ וּבָאתָ שָׁמָּה:

("But you shall seek the place which Yahweh your God shall choose out of all your tribes to establish his name there as its dwelling place, and there you shall come.")

The altar law in Exodus appears to allow for a multiplicity of altars, while the law in Deuteronomy 12 restricts sacrifice to that single place which Yahweh would choose.

<sup>10</sup> J. WELLHAUSEN, *Prolegomena to the History of Israel* (New York: Meridian, 1957), 35, 50. This view is advanced more recently in M. NOTH, *Leviticus*, rev. ed. OTL (Philadelphia: Westminster, 1965), 129-30. Many commentators now reject Wellhausen's reconstruction of the relative order of the Pentateuchal source documents, and argue instead that P precedes, rather than follows, D. Thus, Milgrom concludes that D overturns the more stringent regulations of Leviticus 17 (H), not vice versa. See J. MILGROM, *Leviticus 1-16*, AB 3 (New York: Doubleday, 1991), 29, and idem, *Leviticus 17-22*, AB 3A (New York: Doubleday, 2000), 1454. Weinfeld, too, argues for seeing P as prior to, or at least concurrent with, D. See WEINFELD, *Deuteronomistic School*, 180-81. More recently, Wenham has argued for seeing P not just as prior to D, but as the earliest of the Pentateuchal sources. See G.J. WENHAM, "The Priority of P," *VT* 49 (1999): 240-58.

<sup>11</sup> Even Welch, who argues against seeing this chapter as centralizing, concedes that Deut 12.5 cannot be seen as distributive ("in any of your tribes"), as is possible with Deut 12.14. He concludes that Deut 12.5 is a later insertion. See A.C. WELCH, *The Code of Deuteronomy: A New Theory of Its Origin* (London: James Clarke, 1924), 58-62. Thus Manley, who follows Welch in seeing Deuteronomy as not requiring centralization to a single place of worship, does not even deal with Deut 12.5 in his comparison of Deuteronomy 12 and Exod 20.24-25, and instead focuses exclusively on Deut 12.14. See G.T. MANLEY, *The Book of the Law: Studies in the Date of Deuteronomy* (London: Tyndale, 1957), 131-34. On the various forms of the centralization formula in Deuteronomy see B. HALPERN, "The Centralization Formula in Deuteronomy," *VT* 31, 1 (1981): 20-38, and, more recently, R.D. NELSON, *Deuteronomy*, OTL (Louisville: Westminster John Knox, 2002), 152-53.

Levinson argues that Deuteronomy 12 represents a careful reworking of the altar law in Exodus 20, such that the very syntax and lexemes of the earlier law are used in Deuteronomy 12 to promote its agenda.<sup>12</sup> His conception may be seen in the following diagram<sup>13</sup>:

Exodus 20.24	A	You shall sacrifice	וזבחת
		upon it	עליו
		your <i>burnt offerings</i> . . .	את עלתך
	B	<i>In every place</i> where . . .	בכל המקום אשר
Deut 12.14	B <sup>1</sup>	<i>In the place</i>	במקום
		Which Yahweh shall choose . . .	אשר יבחר יהוה
	A <sup>1</sup>	there you shall offer	שם תעלה
		<i>your burnt offerings</i>	עלתך

Levinson argues that in using the very words of the earlier altar law, the authors of Deuteronomy have “tendentiously reworked [the earlier law] by means of studied, transformative exegesis, appropriating its very wording to express their own innovative agenda. Their implicit argument is that their innovation represents the actual force of that altar law, which they nevertheless replace by turning its own syntax and lexemes against it.”<sup>14</sup>

#### B. SECULARIZATION

Deuteronomy 12 is also seen as an important text in advancing the programme of secularization. The broad approach to secularization was discussed and evaluated in Chapter One. Attention will be focused here on how secularization is supported from Deuteronomy 12.

One of the most important examples of secularization in Deuteronomy for Weinfeld and others is the law of profane slaughter presented in this chapter. As we have seen, following the demand for centralization of worship to “the place” is a concession that animals may be slaughtered freely in the towns in which the people live. This is, first of all, seen as a practical concession, since prior to the Deuteronomic reform all slaughter of non-game animals was to be carried out at an

<sup>12</sup> LEVINSON, *Legal Innovation*, 32-33.

<sup>13</sup> *Ibid.*, 35.

<sup>14</sup> *Ibid.*, 34.

altar. The elimination of local sanctuaries meant that no altars were available to people living at a distance from the central sanctuary, so Deuteronomy allows for the non-sacrificial slaughter of domesticated animals. This contributed to secularization, in Weinfeld's view, as "a significant aspect of Israelite daily life [was freed] from its ties to the cultus."<sup>15</sup>

More important, however, is the notion that non-sacrificial slaughter is seen as a rejection of the earlier conception that the blood of an animal possessed an inherently sacred quality. Weinfeld notes that Lev 17.6 demands that the blood of *all* slain non-game animals is to be brought to the tent of meeting, and the blood sprinkled on the altar. The blood of game animals is to be poured out and covered with earth (Lev 17.13). The reason for this, he argues, is that all spilled blood demands "vengeance and satisfaction," and since the blood of game animals cannot be atoned for by pouring it on the altar, it must be covered up.<sup>16</sup> But Deuteronomy presents a vastly different picture. Weinfeld argues that Deuteronomy 12 repudiates the notion of the sanctity of the blood, doing so by legislating that the blood of all animals slaughtered away from the sanctuary is to be poured out "like water" (Deut 12.16, 24). Demanding that the blood of animals slaughtered for non-sacrificial purposes be poured out like water asserts that the blood "has no more a sacral value than water has."<sup>17</sup>

Levinson supports this position by once again noting the apparently deliberate way in which the very words of the earlier law are reworked in Deuteronomy 12 in support of the radical innovation of secular slaughter. He notes that certain key words are repeated in the Deuteronomic legislation, but in a way that has subtly shifted their meaning. Thus, where Exod 20.24 says וְזָבַחְתָּ עָלָיו אֶת-עֹלֹתֶיךָ וְאֶת-שְׁלֹמֶיךָ אֶת-צֹאֲנֶךָ וְזָבַחְתָּ מִבְּקָרֶךָ (and you shall sacrifice on it [i.e., an earthen altar] your burnt offerings and your peace offerings, your sheep and your oxen"), Deut 12.21 says וְזָבַחְתָּ מִבְּקָרֶךָ וּמִצֹּאֲנֶךָ (And you may slaughter [זָבַח] from your cattle and from your sheep"). The changes in Deuteronomy are due to the fact that the law here is dealing with non-sacrificial slaughter. Levinson notes that

local secular slaughter by definition cannot take place עָלָיו 'upon it'—upon an altar—because Deuteronomy sanctions only the single altar at the cultic center. For the same reason, the lemma's reference to the cultic sacrifices אֶת עֹלֹתֶיךָ

<sup>15</sup> WEINFELD, *Deuteronomic School*, 214.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

ואת שלמך 'your burnt offerings and your well-being offerings' is deleted from this noncultic context.<sup>18</sup>

He goes on to note that the elements omitted from the Exodus law are found in Deut 12.26-27, which deals with sacrifice and ritual at the central sanctuary, and so would be appropriate there.<sup>19</sup> He maintains that the authors of Deuteronomy have very carefully reworked the earlier law, even to the point of using the same words, even where problematic (such as the use of זָבַח to refer to non-sacrificial killing). This leads Levinson to conclude that the "author struggles to justify the innovation of secular slaughter in terms of prior textual authority, almost as if the older Exodus altar law itself lexically sanctioned the very innovation that overturns it."<sup>20</sup>

The legal justification for profane slaughter is debated. Deut 12.21 says that if the place "is too far away from you, then you may slaughter from your cattle and from your sheep . . . just as I commanded you (כַּאֲשֶׁר צִוִּיתִךָ)." It is unclear just what commandment is referred to here. Many commentators see this as referring back to verse 15, where profane slaughter is first dealt with.<sup>21</sup> But this raises certain questions as v. 15 is not a command, but rather grants permission.<sup>22</sup> Moreover, there are no commands in the Pentateuch that specify the exact manner in which animals are to be slaughtered, and profane slaughter is not "commanded" anywhere else. This has led some to conclude that the citation in Deut 12.21 is a pseudo-ascription designed to harmonize Deut 12.13-19 with Leviticus 17,<sup>23</sup> a pseudocitation in which the authors of Deuteronomy attempt to give their innovations "the necessary textual pedigree,"<sup>24</sup> or a specific means of carrying out the slaughter.<sup>25</sup>

### C. DEMYTHOLOGIZATION

The final facet of the Deuteronomic revolution that is seen in this chapter is demythologization. Deuteronomy 12 is often seen as providing evidence for the view that Deuteronomy seeks to repudiate earlier conceptions of the presence of Yahweh through the use of the "Name" theology. Weinfeld notes that Deuteronomy

<sup>18</sup> LEVINSON, *Legal Innovation*, 37.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid., 38.

<sup>21</sup> See, e.g., NELSON, *Deuteronomy*, 161; S.R. DRIVER, *A Critical and Exegetical Commentary on Deuteronomy*, 3<sup>rd</sup> ed., ICC (Edinburgh: T&T Clark, 1901), 148.

<sup>22</sup> As noted by J. MILGROM, "Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy," *HUCA* 47 (1976): 1-17, and LEVINSON, *Legal Innovation*, 41-42.

<sup>23</sup> M. FISHBANE, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 534.

<sup>24</sup> LEVINSON, *Legal Innovation*, 42-43.

<sup>25</sup> MILGROM, "Profane Slaughter," 13-15.



consistently defines the sanctuary not as the place in which Yahweh dwells, but rather where his Name is established. The purpose of this deliberate reference to the establishment of the “name” of Yahweh is to “combat the ancient popular belief that the Deity actually dwelled within the sanctuary.”<sup>26</sup>

Weinfeld maintains that this attempt at transforming earlier conceptions of the presence of Yahweh may be seen in the use of the phrase *לְשֵׁכֵן שְׁמוֹ* in Deuteronomy. This phrase originally had nothing to do with an abstract notion of the presence of God, but was used by the authors of Deuteronomy in such a way as to imbue the term with such connotations.<sup>27</sup> The fact that Deuteronomy and the Deuteronomi(sti)c literature never use *שֵׁכֵן שְׁמוֹ* to make reference to Yahweh dwelling in the temple is seen to demonstrate the intention of the authors to demythologize earlier concepts of Yahweh, which held that he was actually present.<sup>28</sup>

## II. Evaluation

As we have noted, Deuteronomy 12 is seen as a crucial chapter in support of the prevailing consensus that Deuteronomy represents a radical programme of reform. It is useful at this point to evaluate the arguments adduced in favour of this view. As the general arguments for centralization, secularization, and demythologization were dealt with at some length in Chapter One, I will be focusing here on the analysis of the interpretations of Deuteronomy 12 as presented above in an effort to determine if the prevailing view is the best interpretation of the data of the text.

### A. CENTRALIZATION

One of the tenets of the prevailing view is that Deuteronomy 12, at least in some important respects, modifies earlier law and practice, most notably the altar law of Exod 20.24-25, as we have seen. But recent investigation has raised the possibility that the differences between the two sources are not as stark as Weinfeld and others maintain.

#### *The Nature of the Altar Law in Exodus*

Questions have been raised as to whether or not the altar law in Exod 20.24-25 should be read as standing in stark contrast to the law in Deuteronomy 12. Crüsemann, for

<sup>26</sup> WEINFELD, *Deuteronomistic School*, 193. This view was advocated earlier by G. VON RAD, *Studies in Deuteronomy*, trans. D.M.G. Stalker (Chicago: Henry Regnery; London: SCM, 1953), 37-44.

<sup>27</sup> WEINFELD, *Deuteronomistic School*, 193-94.

<sup>28</sup> *Ibid.*

example, notes that the similarities between the altar laws in the Covenant Code and Deuteronomy 12 are more striking than is usually noted. Like Deuteronomy 12, the altar law in Exod 20.24 says that a legitimate site is one that is associated with Yahweh's name. More importantly, Exod 20.24 specifies that it is the place (or places) where Yahweh causes his name to be remembered that may be seen as legitimate. Crüsemann notes that Yahweh

does not promise his presence at even all sites with associated (ancient) traditions, but only on those where his name is still proclaimed. This is not a critique of the deuteronomic understanding, but rather an – incomplete – parallel to it. If we draw a correlation using the fact that the divine *name* is what constitutes a true shrine, then we are justified in speaking of a pre- or early form of the deuteronomic demand for centralization together with its underlying theology.<sup>29</sup>

In both altar laws, the legitimacy of a worship site has to do, first, with its association with Yahweh's name. Second, a legitimate worship site must be based on Yahweh's choice of it, either in causing his name to be "remembered" there (Exod 20.24) or in establishing his name there to dwell (Deut 12.5). So although they are, of course, different, they nevertheless share some important characteristics.

Others have questioned whether the altar law in Exod 20.24-25 should be read as dealing with a multiplicity of altars. Cassuto argues that the context of the passage suggests that a multiplicity of altars is *not* in view. From the narrative perspective of Exodus, the Israelites are leaving Sinai, where the people had experienced Yahweh's presence in profound ways. They may have felt that Yahweh was uniquely present at Sinai, and their departure was also a departure from Yahweh. The altar law of Exod 20.24, in this view, stresses that Yahweh will continue to be with his people wherever he causes his name to be remembered, not just at Sinai. Moreover, the specific provisions of the altar law refer to a single altar ("*an* altar of earth," not "altars of earth"), and so may be seen as being compatible with a single altar, as suggested by Deut 12.5.<sup>30</sup> Bakon similarly sees the emphasis in the Exodus altar law as on the

<sup>29</sup> F. CRÜSEMANN, *The Torah: Theology and Social History of Old Testament Law* (Minneapolis: Fortress, 1996), 173.

<sup>30</sup> U. CASSUTO, *A Commentary on the Book of Exodus*, trans. I. Abrahams (Jerusalem: Magnes, 1967), 256-57. A similar view is presented in B. JACOB, *The Second Book of the Bible: Exodus*, trans. W. Jacob (Hoboken: KTAV, 1992), 752-53. This is, of course, not the mainstream view. See B.S. CHILDS, *Exodus*, OTL (London: SCM, 1974), 447 for an analysis of this view and a defense of the prevailing view that sees Exod 20.24 as dealing with a multiplicity of altars. See also the analysis of J.M. SPRINKLE, *'The Book of the Covenant': A Literary Approach*, JSOTS 174 (Sheffield: JSOT Press, 1994), 47. The Samaritan Pentateuch on Exod 20.24b reads "in the place," which suggests that the requirements of the law were understood in terms of a single (Shechem) sanctuary.

choice of Yahweh of the place, and maintains that the Pentateuchal literature is consistent in demanding a single place of sacrifice.<sup>31</sup> Finally, Van Seters argues that “it is entirely possible, if not preferable, to interpret this whole law as having reference to a single altar.”<sup>32</sup>

Of greater importance, however, is the fact that in the narrative context of the book of Exodus, the focus of Exod 20.24-25 is *not* on the number of altars. Rather, the emphasis is on how Yahweh is to be properly worshipped. Exod 20.22-23, immediately preceding the altar law, draws a contrast between Yahweh’s revelation of himself at Sinai and iconic worship. The exact nature of the relationship between the fact of Yahweh’s speaking and the prohibition of idols is not provided here. But there is a contrast drawn between worshipping Yahweh with gods of silver and gold and the rather simple, unadorned altar called for in vv. 24-25. The focus, then, is on proper Yahweh worship in relationship to idols, not on the number of altars. It is simply not the purpose of this text to establish the number of altars that could be considered legitimate. It is not the case, therefore, that the text unambiguously permits multiple altars at one time.

#### *The Nature of the Altar Law in Deuteronomy 12*

In addition, recent studies have argued that Deuteronomy 12 itself is not necessarily to be seen as limiting all worship to one sanctuary. Wenham has argued that Deuteronomy envisions a central, but not sole, sanctuary for Israel. That is, the legislation in Deuteronomy provides for a central sanctuary, but this does not preclude the possibility of other legitimate Yahweh sanctuaries elsewhere.<sup>33</sup> Evidence for this view is found in the fact that Deuteronomy 27 explicitly commands the construction of

<sup>31</sup> S. BAKON, “Centralization of Worship,” *Jewish Biblical Quarterly* 26, 1 (1988): 26-27.

<sup>32</sup> J. VAN SETERS, “Cultic Laws in the Covenant Code and Their Relationship to Deuteronomy and the Holiness Code,” in *Studies in the Book of Exodus: Redaction-Reception-Interpretation*, ed. M. VERVENNE (Leuven: Leuven University Press, 1996), 325. See also idem, *The Life of Moses: The Yahwist as Historian in Exodus-Numbers* (Louisville: Westminster John Knox, 1994), 280-82. In maintaining that the altar law in Exod 20.24-25 refers to a single sanctuary, Van Seters concludes that v. 24b is best conceived of as referring to a multiplicity of places where Yahweh’s name will be invoked, though not where sacrifice will be carried out. The point here is simply that it is not *necessary* to conclude that the Exodus altar law envisions a multiplicity of altars.

<sup>33</sup> G.J. WENHAM, “Deuteronomy and the Central Sanctuary,” *TB* 22 (1971): 103-18, especially 109-16; E.H. MERRILL, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 223-24, follows Wenham in seeing this distinction. A similar view is advocated in MCCONVILLE, *Law and Theology*, 28-29. Later, however, McConville (J.G. MCCONVILLE and J.G. MILLAR, *Time and Place in Deuteronomy*, JSOTS 179 (Sheffield: SAP, 1994), 117-23) altered his views in favour of seeing the legislation in Deuteronomy as demanding a sole sanctuary, but one which could be met in a succession of places (see below).

an altar on Mount Ebal, and that burnt offerings and peace offerings are to be offered there. Furthermore, Wenham notes, Deuteronomy 27 calls for the inscription of the law at the site on Mount Ebal, which is appropriate for a sanctuary.<sup>34</sup>

It has been noted that the wording of the command in Deut 27.5 regarding the construction of the altar is similar to the wording of the altar law in Exod 20.24. This has led some to argue that the command in Deut 27.5 is earlier than the altar law in Deuteronomy 12, and is, therefore, not Deuteronomic.<sup>35</sup> Others have seen this as a late addition.<sup>36</sup> But these proposed solutions do not explain how a final compiler could have included Deuteronomy 12 and Deuteronomy 27 in the same composition, particularly if, as is usually argued, Deuteronomy was written to advance the interests of Jerusalem and the royal administration. Moreover, the fact that Joshua 8 records the construction of such an altar at Mount Ebal suggests that this is not an afterthought, but is, rather, deliberately included.<sup>37</sup> In any event, the presence of both chapters 12 and 27 in the final form of Deuteronomy raises the question as to whether the book in its present form should be seen as demanding a single sanctuary without exception.

This question has been addressed in other ways as well. McConville<sup>38</sup> and Niehaus<sup>39</sup> have argued that Deuteronomy 12 demands a sole sanctuary, but argue that the legislation provides that the location of that sanctuary could change. The ceremony at Shechem described in Deuteronomy 27, then, is seen as being one of the sites that serves as “the place” that Yahweh chose, and was, therefore, a legitimate place of Yahweh worship. So, Deuteronomy 12 demands a single sanctuary, but this requirement could be met in a succession of places, each of which is chosen by Yahweh. If this is the case, then the altar law of Deuteronomy 12 is once again not as radically different than the altar law in Exod 20.24-25.

Another view has been advocated as well. Looking at the final form of Deuteronomy 12, Pitkänen argues that the chapter advocates centralization as an ideal to be lived out only when the nation has fully conquered the land and entered into the rest and safety that are promised (for the future, according to the narrative perspective

<sup>34</sup> WENHAM, “Central Sanctuary,” 114.

<sup>35</sup> See, e.g., G. VON RAD, *Deuteronomy: A Commentary*, OTL (London: SCM, 1966), 165, and M. ANBAR, “The Story About the Building of an Altar on Mount Ebal: The History of Its Composition and the Question of the Centralization of the Cult,” in *Das Deuteronomium: Entstehung, Gestalt und Botschaft*, BETL 68, ed. N. LOHFINK (Leuven: Leuven University Press, 1985), 309.

<sup>36</sup> MAYES, *Deuteronomy*, 342.

<sup>37</sup> SPRINKLE, *Book of the Covenant*, 43.

<sup>38</sup> MCCONVILLE and MILLAR, *Time and Place*, 117-23. See also MCCONVILLE, *Deuteronomy*, 230-32.

<sup>39</sup> J.J. NIEHAUS, “The Central Sanctuary: Where and When?” *TB* 43, 1 (1992): 3-30.

of the book) in Deut 12.10.<sup>40</sup> He further notes that the “promise in v. 10 about the settlement, rest and safety is followed by the commandment in v. 11 that the people go and bring their offerings to the place Yahweh will choose.”<sup>41</sup> Support for this view is found in Deut 26.1-2, where the requirement to bring firstfruits to the chosen place is subsequent to conquest of the land and settling in it. Prior to the point at which the people have conquered the land and obtained rest, and for those living at a great distance from the central sanctuary after that, additional Yahweh altars are permitted.<sup>42</sup>

We now need to take up Levinson’s argument in favour of centralization. As noted, he maintains that Deuteronomy 12 radically changes the altar law of Exodus 20.24 by using the very words of the earlier law but in such a way that the meaning is almost exactly the opposite of what the original law intended. We have already seen that the two fundamental premises of his approach (viz. that the Exodus altar law permits multiple altars and that Deuteronomy 12 envisions only a single one) are not as clear as he suggests. There is, however, an additional objection to be raised.

Levinson’s argument is based on the perceived reuse of vocabulary and syntax of the earlier law. He sees in the use of the words of the earlier law a radical hermeneutical “transformation,” such that the “lemma is viewed atomistically: legal or textual authority operates at the level of individual words that, even when recontextualized, retain their operative force.”<sup>43</sup> But serious concerns may be raised as to whether or not language functions in this way, and, more importantly, whether the authors of Deuteronomy really had such a theory of language. Levinson himself sees a transformation of the word *זֶבֶח* in Deuteronomy 12. That is, he notes that the word *always* has sacral connotations, except in Deut 12.5, 21 (including elsewhere in Deuteronomy as well as in the Book of the Covenant). But if he is correct in suggesting that in the hermeneutical approach of the authors of Deuteronomy words function with their original “operative force” even when recontextualized, then *זֶבֶח* must be seen as a sacral term, the rewording of the earlier law notwithstanding.

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<sup>40</sup> P.M.A. PITKÄNEN, *Central Sanctuary and the Centralization of Worship in Ancient Israel: From the Settlement to the Building of Solomon’s Temple*, Gorgias Dissertations Near Eastern Studies 5 (Piscataway, NJ: Gorgias, 2003), 97-98. CHRISTENSEN, *Deuteronomy 1:1-21:9*, 249, notes that according to “some [unnamed] scholars through the years, the text suggests some kind of intermediate step on the way to complete centralization of worship in ancient Israel.” He maintains (without elaboration) that “it is better to take the text at face value and to see here instructions from Moses for a people about to enter a new world....”

<sup>41</sup> PITKÄNEN, *Central Sanctuary*, 99.

<sup>42</sup> *Ibid.*, 104-09.

<sup>43</sup> LEVINSON, *Legal Innovation*, 46.

It is simply not clear that the authors of Deuteronomy understood language to function in this way. The parallels between the altar law in Exod 20.24 and Deuteronomy 12 do not necessarily demonstrate what Levinson thinks they do. The topic of both texts is an altar law. Both texts are dealing with issues related to sacrifice. Therefore, it is not surprising that the same terminology is used in both instances. Levinson sees evidence for his theory in the fact that terms such as מִזְבֵּחַ, מִבְּקָרָךְ וּמִצְאֲנָךְ, and עַל־תֵּיךְ וְאֶת־שְׁלֵמֶיךָ appear in both texts but in different ways.<sup>44</sup> From this he concludes that the earlier text is being tendentiously reworked to radically alter its effect, as we have seen. But these terms are expected in such a context; it would be astonishing (to say the least) if they didn't appear. The use of the terminology from the earlier law does not necessarily indicate that the later author(s) were recognizing an inherent "operative force." Rather, they may have been using words to convey their intentions in keeping with the overall context of their argument.

The fact that the terms appear in reverse order in Deuteronomy 12 than they do in Exod 20.24 is cited as evidence of textual reuse in accordance with Seidel's law.<sup>45</sup> But some instances in which inverted quotations appear to be present may simply indicate common terminology and context. For example, Gen 27.29 and Num 24.9 are cited by Beentjes as an example of inverted quotation due to the fact that the elements are reversed.<sup>46</sup> But the contexts of each are similar (blessing of Jacob/Israel), so it is not surprising that the terms "blessed" and "cursed" appear.<sup>47</sup> It may not even be that the one is actually quoting the other. Levinson concedes that repetitive resumption (another potential indicator of textual reuse) may "function as a compositional device and need not point to editorial activity or textual reworking."<sup>48</sup> It is likewise possible

<sup>44</sup> Ibid., 36-37.

<sup>45</sup> Ibid., 35. The theory is named for its first proponent, M. SEIDEL, "Parallels Between Isaiah and Psalms," *Sinai* 38 (1955-56), 149-72, 229-40, 272-80, 335-55, as cited by LEVINSON, *Legal Innovation*, 18 n. 51. Other works that incorporate this theory into their analysis are P.C. BEENTJES, "Inverted Quotations in the Bible: A Neglected Stylistic Pattern," *Biblica* 63, 4 (1963): 506-23, and M.Z. BRETTLER, "Jud 1,1-2,10: From Appendix to Prologue," *ZAW* 101, 3 (1989): 433-35.

<sup>46</sup> BEENTJES, "Inverted Quotations," 509-10. Curiously, the examples cited by Levinson in his explanation of Seidel's law (*Legal Innovation*, 19-20) deal with a chiasmic framing of an interpolation, rather than a quote in which the elements of one source are reversed in a subsequent source, as he sees in Deuteronomy 12. So, he cites as examples Exod 6.12-30, where the genealogy of 14-25 is framed chiasmically by the repetition (in vv. 27-30, following the interpolation) of elements in the verses preceding it (vv. 12-13). The other example he cites is Lev 23.1-4, where the interpolation of the Sabbath law in v. 3 is framed chiasmically through the repetition of elements from verse 2, which precedes the interpolation. Neither example is a particularly strong parallel to what he sees occurring in Deuteronomy 12, where the source material is cited in reverse order in the new text.

<sup>47</sup> Some of the other examples cited by Beentjes may be similarly explained.

<sup>48</sup> LEVINSON, *Legal Innovation*, 19; he maintains that it is "more generally" the case that repetitive

that some instances of apparent “inverted quotation” may be explained on contextual or rhetorical grounds as well.

My primary concern with Levinson’s contention that legal authority rests in individual words and phrases that retain their “operative force” even when recontextualized is that it doesn’t seem to do justice to the significance of recontextualization. In terms of speech-act theory, when words from another context are used in a new one, this constitutes a new speech-act.<sup>49</sup> How the speaker/author of the later speech-act intends the “operative force” of the words used to be understood is a matter of interpretation based on the circumstances of the new speech-act. As Lohfink notes, “Der jeweilige Sprechakt [ist] nicht allein durch Wörter und Syntax bestimmt, sondern hängt genau so an gesellschaftlich, situativ und textlich vorgegebenen Umständen.”<sup>50</sup> It cannot be assumed that the operative force of words from a different speech-act applies in the new one. Rather, it must be shown that this is the case, and reuse of certain words—even if marked by inverted quotation—is insufficient proof, since the reuse of terminology may be explained on other grounds (contextual, rhetorical, etc.).

An additional objection may be raised. As we have seen above (see also Chapter One), Levinson envisions a programme that is based on careful reworking of existing legal texts, using even the lemmas of the earlier works. This would seem to presuppose great familiarity with the existing texts. In addition, he notes that these texts “may not yet have had the status of actual public law; they may have been only prestigious texts, part of the curriculum of scribal schools.”<sup>51</sup> Thus the texts being modified were, in some instances, familiar only to the scribes, so it is that audience (initially, at least) to which Deuteronomy addresses its hermeneutical and legal innovation. But as we noted in Chapter One it is never adequately explained why this group would need to have the texts so tendentiously reworked, if the texts being modified were not public law. The scribal audience, presumably themselves intimately familiar with the earlier law, would be readily aware that the new law is a radical departure from the requirements of the earlier law. Lemmatic reuse cannot disguise the fact that in this reconstruction the two laws are fundamentally at odds with

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resumption indicates redactional activity or interpolation.

<sup>49</sup> See, e.g., J. R. SEARLE, *Speech Acts: An Essay on the Philosophy of Language* (Cambridge: CUP, 1969), esp. 22-53.

<sup>50</sup> N. LOHFINK, “Bund als Vertrag im Deuteronomium,” *ZAW* 107, 2 (1995): 221.

<sup>51</sup> LEVINSON, *Legal Innovation*, 5.

one another. No one familiar with the earlier laws in question is likely to have been taken in simply by the fact that there is, due to lemmatic reuse, the appearance of continuity. Moreover, even if the revised laws were well-known, the change in practical terms would be unmistakable, regardless of the extent to which there appears to be continuity between the laws.

The preceding discussion demonstrates that the data of the text are capable of being read in a variety of ways, and it is not clear that the differences between Deuteronomy 12 and the altar law in Exodus are as stark or necessarily of the kind that Weinfeld and others suggest. The fact that Deuteronomy 12 is not as clear on this issue as is sometimes maintained may suggest that the issue of the number of altars is not the primary emphasis of the chapter. If that is so, we must begin to examine what is primarily in view here.

In its present form, Deuteronomy 12 has important ties with the preceding material from chapters 1-11. In the section immediately preceding chapter 12, there is the call not to “go after other gods” (11.28), a topic which is at the fore of chapter 12. There is, moreover, in this conclusion to the framework of the legal material a connection between loyalty to Yahweh and blessing on the one hand, and disloyalty through disobedience and curse on the other. The emphasis in the preceding chapters has been on the need for loyalty to Yahweh in response to his acts on behalf of Israel, especially in the act of electing her. Wright notes that

all the sections of laws in chapters 12-26 are presented in the light of, or more precisely, in response to, the great truths and principles that have been so eloquently expounded in chapters 1-11.... There is a mirror-like effect in the way the earlier chapters present what God had done for Israel, while the later chapters present what Israel must do in response, often employing the same vocabulary to show this reciprocal relationship.<sup>52</sup>

The rhetorical effect is to raise the expectation that the means by which this can be done will be expounded.

The emphasis of the chapter may perhaps be seen when considering the structure of it. As we have seen, there is considerable debate as to whether this chapter should be seen as a literary unity, or as a compilation from various sources. For the present study, however, this question is less relevant. Rather, the focus here is on what the theological and ideological implications are of the text as it presently exists, regardless of the means by which it came to be in its present form. There is, clearly, a thematic

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<sup>52</sup> C.J.H. WRIGHT, *Deuteronomy*, NIBC 4 (Peabody: Hendrickson; Carlisle: Paternoster, 1996), 158.



unity to the chapter, and the fact that certain themes are repeated in vv. 1-4 and 29-13.1 (Eng. 12.32) in the form of an *inclusio* suggests that the chapter reflects careful literary integration. The chapter may be seen as reflecting the following structure:<sup>53</sup>

A	Introductory Statement: "These are the laws you shall observe"	v. 1
B	No God But Yahweh: destroy worship centres of false gods	vv. 2-4
X	Demonstrate loyalty to Yahweh alone in all aspects of worship	vv. 5-28
B'	No God But Yahweh: do not imitate worship of false gods	vv. 29-31
A'	Closing Statement: "Observe all that is commanded"	13.1

It appears, then, that one of the major issues is the contrast with practices depicted as Canaanite.

Following the introductory statement in v. 1, the Israelites are commanded to destroy all the places (מִקְדָּוֹת) where the nations serve their gods. There seems to be a polemical thrust directed at the multiplicity of pagan worship sites in v. 2, as worship is said to be "on the high mountains, and on the hills, and under *every* green tree." That is, the multiplicity of worship sites among the Canaanites is testimony to the lack of discrimination and discernment in selecting sites;<sup>54</sup> they simply are found all over the place. The implication, according to v. 3, is that the Canaanite sites must be destroyed and all vestiges of their worship eliminated. The intention is to destroy their name (שֵׁם) from that place (מִקְדָּוֹם<sup>55</sup>). All this, according to verse 4, is in contrast to the kind of worship demanded by Yahweh.<sup>56</sup>

<sup>53</sup> Cf. CHRISTENSEN, *Deuteronomy 1.1-21.9*, 234-35; J.G. MILLAR, *Now Choose Life: Theology and Ethics in Deuteronomy*, NSBT 4 (Leicester: Apollos, 1998), 109. Many interpreters see a more elaborate (though still chiasmic) structure for the chapter in which profane slaughter is seen as a separate category. As I will argue below, however, it is my contention that so-called profane slaughter may actually be seen as being an act of worship, though not sacrifice. Accordingly, vv. 5-28 are seen as a single section, dealing with the need for demonstrating loyalty to Yahweh in worship of every kind. For an alternative conception of the structure of this chapter that sees profane slaughter as a separate element, see NELSON, *Deuteronomy*, 150.

<sup>54</sup> MERRILL, *Deuteronomy*, 220; MCCONVILLE, *Deuteronomy*, 218. M. GREENBERG, "Religion: Stability and Ferment," in *The World History of the Jewish People*, vol. 4 part 2, *The Age of the Monarchies: Culture and Society*, ed. A. MALAMAT (Jerusalem: Massada, 1979), 119, argues that in Deuteronomy 12 worship at multiple sites is considered to be an inherently pagan practice, and was, therefore, to be avoided.

<sup>55</sup> The use of the singular here, where the plural has been used in v. 2, shows that the singular can be used distributively and refer to a number of places. See below.

<sup>56</sup> NELSON, *Deuteronomy*, 159, argues that כֵּן in v. 4 refers back to v. 2. It seems more likely, however, that both verses 2 and 3 are included as ways in which Yahweh is not to be worshipped, as the presence of pillars, Asherim, and images are all contrary to proper Yahweh worship, which, according to the preceding chapters, is to be marked by (1) total devotion to Yahweh alone and (2) the absence of images (e.g. Deut 6.4; 4.15-24). A similar view to the one I am positing is advocated by J.H. TIGAY, *Deuteronomy דברים: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: JPS, 1996), 120.

There is a clear rhetorical emphasis in these verses on the contrast between the worship of the gods of the nations and the worship of Yahweh. Thus, there is a contrast between the “places” (מְקוֹמוֹת) in which the nations serve their gods (v. 2) and the “place” (מְקוֹם) which Yahweh would choose (v. 5). There is, moreover, a juxtaposition between the presence of the “names” of the gods at their holy sites, and the “name” of Yahweh at his chosen site. The Israelites are commanded to eliminate every last vestige of the worship of the gods of the nations (vv. 2-3), and are commanded to obliterate the names of the gods from the places of worship. The Israelites are then told (v. 5) that they shall “seek the place Yahweh your God will choose ... to set his name.” The emphasis of this passage is on the way Yahweh is to be worshipped by his people. The text is unequivocal that the Israelites are not to worship Yahweh in the same manner in which the nations worshipped their gods. Instead, they are to worship Yahweh in the manner and at the place he chooses. So the destruction of the “names” of the gods of the nations implies eradication of all their claims to legitimacy over the people of the land (including the Israelites). Similarly, the establishment of Yahweh’s “name” at the place of his choosing demonstrates that he has the right to establish his place, by virtue of his sovereignty and his ownership of the land.<sup>57</sup> As Wright notes, “To remove the names of Canaan’s gods was to remove *their* presence and *their* power, just as the putting of Yahweh’s name in a place was to fill it with *his* availability and *his* nearness.”<sup>58</sup>

All of this suggests that perhaps the much-debated question of how many worship sites is not primarily in view in this chapter. Rather, the emphasis is on the contrast between the false worship of Canaanite religion and the proper worship of Yahweh. Worship of Yahweh may be considered proper, according to Deuteronomy 12, only when it is carried out in accordance with his instructions and at the place of his choosing. Miller correctly notes that the emphasis in Deuteronomy 12

is not upon *one* place so much as it is upon the place *the Lord chooses*.... The central activity of Israel’s life, the worship of the Lord, is fully shaped and determined by the Lord.... The point is that there is an appropriate place where the Lord may be found and worshiped, but that place is not arbitrary and anywhere. In the Lord’s order, the Lord will choose and reveal the locus of dwelling and encounter with human life and with God’s people.<sup>59</sup>

<sup>57</sup> The issue of the use of “name” is dealt with in Section C, below.

<sup>58</sup> WRIGHT, *Deuteronomy*, 159. See Section C, below, for more on the issue of the “name” of Yahweh in contrast to the “names” of the Canaanite gods.

<sup>59</sup> P.D. MILLER, JR., *Deuteronomy*, Interp (Louisville: John Knox, 1990), 131-32.

Unity of Israel's worship is achieved through the exclusive veneration of him as sovereign Lord as opposed to any other gods, rather than through worship being offered at one place.

Seen in this light, the differences between the altar laws of Exod 20.24-25 and Deuteronomy 12 are not of the sort that is usually claimed. Both texts acknowledge that the validity of a place of worship is determined not by the inherent sanctity of a place as a result of longstanding tradition, previous veneration, or any other reason, but is due to the endorsement of the site by Yahweh. The crucial issue is Yahweh's sovereignty in both altar laws. Whatever place was to be "the place" had to be one that Yahweh chose. Sacrifice was legitimate there because Yahweh had determined it to be so.

Whether Deuteronomy 12 refers to a central (but not sole) sanctuary, or a succession of single sanctuaries that, in their day, were the only legitimate ones is, in my estimation, an open question as it is not the focus of the text. The centralization formula in Deut 12.5 is usually considered to be the most restrictive of the demands for a central sanctuary.<sup>60</sup> Even Welch, who, as I noted above, argued for a distributive understanding of *בְּאַחַד שְׁבָטֶיךָ* in Deut 12.14 and was opposed to the idea of centralization generally, felt that Deut 12.5 could not be taken distributively and therefore demanded a sole sanctuary.<sup>61</sup> Thus it is argued that while Deut 12.14 *could* be taken distributively, the fact that in the present form Deut 12.5 precedes Deut 12.14 means that the more restrictive sense of v. 5 will rule out the distributive sense that is possible in v. 14.<sup>62</sup>

<sup>60</sup> See, e.g., NELSON, *Deuteronomy*, 158; MAYES, *Deuteronomy*, 223.

<sup>61</sup> WELCH, *Code*, 58-62.

<sup>62</sup> NELSON, *Deuteronomy*, 158; MCCONVILLE, *Deuteronomy*, 225; MAYES, *Deuteronomy*, 223. E.W. NICHOLSON, *Deuteronomy and Tradition* (Philadelphia: Fortress, 1967), 53-54, argues that a distributive sense is *not* possible for Deut 12.14. He notes that the basis for seeing Deut 12.14 distributively is often argued on the basis of a comparison to the fugitive slave law in Deut 23.17, which says that a fugitive slave is to be allowed to dwell in *בְּמִקוֹם אֲשֶׁר יִבְחַר בְּאַחַד שְׁעָרֶיךָ* ("the place that he shall choose in any one of your towns"). This, he says, is simply an incorrect translation of the verse, and the correct translation can only be "in one of your gates." (p. 54) But he provides no evidence whatsoever for this assertion.

He concedes, moreover, that since Deut 23.17 is clearly referring to a class of people, the sense, if not the literal words, can be taken distributively. That is, a fugitive slave may live in any town he chooses, even if, in Nicholson's view, the law itself *must* be translated "in one of your gates." But since the text in Deut 12.14 has a sanctuary in view and Yahweh for its subject, the distributive sense is impossible there, even if it is possible in Deut 23.17. But as I note below, in Deuteronomy 12 there is an example of *מִקוֹם* being used in a generic sense to designate a class (of places). If that is the case, then the meaning of the phrase in Deut 12.14 would be "in every place which Yahweh will choose in any of your tribes," and the fact that the subject of the verb is not distributive (as Nicholson rightly notes) is less compelling.

What is less well recognized, however, is the fact that in this very pericope there is the use of *מִקְוֹם* to refer to multiple sanctuaries.<sup>63</sup> As we have noted, v. 2 calls for the destruction of the places (*מִקְוֹמוֹת*) of Canaanite worship. This is often seen as being used to draw a contrast between the multiple places of worship of pagan gods and the single place (*מִקְוֹם*) of Yahweh worship.<sup>64</sup> But the final clause of v. 3 says “and you shall destroy their name from that place (*מִמֵּקוֹם*).” As Wright notes, *מִמֵּקוֹם* here is “just as *singular* as v. 5, and yet it clearly refers generically” to the Canaanite places of worship that are to be destroyed.<sup>65</sup> Since there is in the immediate context a precedent for the singular *מִקְוֹם* to be taken distributively to refer to multiple sanctuaries, it is possible to take the singular in v. 5 in the generic sense, referring to a class or category.

If that is the case, then could the phrase *מִכָּל-שִׁבְטֵיכֶם* “out of all your tribes” in Deut 12.5 suggest that there is to be a Yahweh-chosen sanctuary in each of the territorial locations of the tribes of Israel? This is unlikely in light of subsequent legislation. Deut 17.8-13 seems to imply that there is just one central tribunal, not one in each tribal territory (note the comparison with Deut 1.17, where Moses is seen as the single person to whom appeal can be made). In addition, Deut 18.6-8 suggests that the rights of Levites to minister at a central sanctuary is in view, again not simply to minister at one of many regional centres.<sup>66</sup>

On balance, I believe the evidence overall favours the view that Deuteronomy 12 envisions a single sanctuary, chosen by Yahweh, at which the Israelites could legitimately offer sacrifices. This requirement could be met in a series of places in succession, which accounts for the presence in the final form of the book the command in Deuteronomy 27 to erect an altar on Mount Ebal. (This also best accounts for the presentation of worship in the historical books, which seems to conceive of a succession of sole sanctuaries.) It should be stressed again, however,

<sup>63</sup> WRIGHT, *Deuteronomy*, 170.

<sup>64</sup> E.g., NELSON, *Deuteronomy*, 159-60.

<sup>65</sup> WRIGHT, *Deuteronomy*, 170. Other examples of generic reference to a class of things cited by Wright include Deut 17.14-20, where the singular *מֶלֶךְ* is apparently used to refer to a succession of kings, or even a divided kingdom. Also, Deut 18.15-22 refers to a prophet like Moses, but is referring to a class of prophets that can be considered true as opposed to false ones. Most telling for comparison to Deuteronomy 12 is the fact that what makes a prophet true or legitimate is his faithfulness to his calling to speak in Yahweh's name. Similarly, “the king” (meaning more than one king) who is legitimate is one that is chosen by Yahweh. MCCONVILLE, *Deuteronomy*, 219, also notes that the singular at the end of v. 3 must be taken distributively.

<sup>66</sup> See WENHAM, “Central Sanctuary,” 111-12.

that the primary emphasis is *not* on the number of sanctuaries, but rather is on the fact that Yahweh is to choose the location of legitimate places of sacrifice, and that this stands in stark contrast to the practices depicted as Canaanite.

It appears, then, that centralization in Deuteronomy 12 can plausibly be conceived of in a way that is much different than is usually done. We will present a more comprehensive interpretation of the chapter in Section III, below. We now turn our attention to the evaluation of the idea of secularization in the prevailing view.

#### B. SECULARIZATION

A corollary of the idea of centralization, as we have seen, is the idea of secularization. The abolition of local sanctuaries meant that local sacrifice was no longer possible, so non-sacrificial (profane) slaughter was instituted.

##### *Sacral Nature of Pre-Deuteronomiac Slaughter*

The first aspect of the prevailing view of secularization is the idea that prior to Deuteronomy 12, all slaughter was carried out at an altar and was, therefore, sacrificial. This is usually argued primarily on the basis of 1 Sam 14.32-35. In that text, the people are said to be eating with the blood, to which Saul responds by bringing in a large stone and orders the people to slaughter their animals on the stone. Verse 35 concludes the section by describing that Saul built an altar to Yahweh. The stone is understood to be an altar of the sort described in the altar law in Exod 20.25. The sin, then, was that the people were eating animals that had not been properly sacrificed, marked by their failure to give Yahweh his portion and by their failure to sprinkle the blood on an altar. This was rectified when Saul constructed an altar and sacrificed the animals properly. Accordingly, this text is seen as demonstrating that all slaughter was to be carried out at an altar and was considered to be sacrificial.<sup>67</sup>

There are, however, good reasons to question this interpretation. First, the text is explicit in identifying the sin of the people as eating the meat with the blood.<sup>68</sup> There

<sup>67</sup> R.W. KLEIN, *1 Samuel*, WBC 10 (Waco: Word, 1983), 139; H.W. HERTZBERG, *I & II Samuel*, OTL (Philadelphia: Westminster, 1964), 115-16; M.J. EVANS, *1 and 2 Samuel*, NIBC 6 (Peabody, MA: Hendrickson; Carlisle: Paternoster, 2000), 69-70; B.C. BIRCH, "The First and Second Books of Samuel: Introduction, Commentary, and Reflections," in *NIB* 2: 1080. See also WEINFELD, *Deuteronomiac School*, 213-14.

<sup>68</sup> HERTZBERG, *Samuel*, 115-16, and WEINFELD, *Deuteronomiac School*, 187, argue that the use of the phrase *עַל-הַדָּם* should be understood as "on the blood" rather than "with the blood." In their view, the sin was that the people failed to sprinkle the blood on the altar as required. But Exod 12.8 employs a similar construction, as the people are instructed to eat the flesh *with* bitter herbs (*עַל-מַרְרִים*). It is rather unlikely that the command in Exod 12.8 is for the people to eat the meat *on* the herbs, so it is better to

is no mention of any failure to withhold a portion for Yahweh or to have sprinkled the altar with the blood. Weinfeld sees the use of the phrase *עַל־הַדָּם* as a circumlocution for eating without first sprinkling the blood, and cites Lev 19.26 as evidence.<sup>69</sup> But the prohibition in Lev 19.26 is simply about not eating the flesh with the blood. The law is not presented in the context of sacrifice, so it is not necessary to conclude that sacrifice, as opposed to blood manipulation, is in view in that text. In addition, Gen 9.4 prohibits eating meat with blood, again in a general, not sacrificial, context, as does Lev 17.10-14. Thus it seems likely that there is a more general principle about not eating blood (apart from any sacrificial implications), and it is likely that this principle is in view in 1 Sam 14.32-35. That this is a serious offense on its own terms, apart from any violations of sacrificial regulations, is beyond question based on the association of blood and life made in both Gen 9.4 and Lev 17.11, as well as in the fact that the disposal of blood is important even in the case of non-sacrificial game animals. It is therefore not unreasonable to think that the sin of the people in 1 Sam 14.32-35 was a failure to dispose of the blood properly, and is not related to sacrifice.

Second, it is not clear that the stone brought by Saul and used for slaughter by the people should be seen as an altar. The construction of the altar is mentioned in v. 35. But if the stone brought by Saul in v. 33 is seen as an altar, then it is unclear why a second altar would need to be built. Some have said that the original stone was incorporated into the altar described in v. 35,<sup>70</sup> but this is highly speculative. The text indicates that the people were sacrificing on the ground (v. 32). This would make it impossible for the blood to drain properly, with the result that people would be eating meat with the blood. Bringing in a large stone would allow for the blood to drain, thus ensuring that the commandments prohibiting the eating of blood were properly followed.<sup>71</sup> It is therefore unnecessary to conclude that the stone in v. 32 is intended to be seen as an altar.<sup>72</sup>

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conclude, with P.K. MCCARTER, JR., *1 Samuel*, AB 8 (New York: Doubleday, 1980), 249, that the expression *עַל אֲכַל* “means simply ‘eat with,’ the prepositional phrase referring to something eaten along with the main food....”

<sup>69</sup> WEINFELD, *Deuteronomic School*, 187.

<sup>70</sup> HERTZBERG, *Samuel*, 116.

<sup>71</sup> Cf. J.M. GRINTZ, “‘Do Not Eat On the Blood’: Reconsiderations in Setting and Dating of the Priestly Code,” *ASTI* 8 (1972): 78-105.

<sup>72</sup> HERTZBERG, *Samuel*, 116, maintains that the use of a large stone for sacrifice in 1 Sam 6.14 suggests that the stone here should be similarly viewed. In that case, however, the text is explicit in stating that a sacrifice – a burnt offering – was made to Yahweh on the stone. The sacrificial connection is therefore explicit there, whereas it is at best implied in the present text, if indeed it is there at all.

The significance of this for the interpretation of Deuteronomy 12 is due to the fact that 1 Sam 14.32-35 is normally understood as preceding the composition of Deuteronomy 12. The fact that 1 Sam 14.32-35 may plausibly be read as dealing with blood manipulation, not sacrifice, suggests that slaughter was not always considered sacrificial. If that is so, then the case for secularization in Deuteronomy 12, where what was previously sacral is radically altered and removed from the realm of the cult, is weakened significantly.

### *Profane or Sacral Slaughter?*

#### Use of זָבַח in Deuteronomy 12

In addition, an argument can be made for seeing Deuteronomy 12 as expanding the realm of the sacred, not curtailing it. In Deut 12.15, 21 it is permitted that in the towns (i.e., away from the central sanctuary) the people may slaughter and eat meat. What is unusual, however, is the fact that the term זָבַח is used in connection with this ostensibly profane slaughter. The word זָבַח is used consistently throughout the Old Testament in connection with sacrifice. Of the 134 times the word appears, all but eight<sup>73</sup> are indisputably related to sacrifice and, therefore, there are sacral connotations to the term. Apart from the verses in question, all the remaining exceptions have been seen as likely bearing sacrificial connotations, or as emulating or asserting a sacrificial sense.<sup>74</sup> That leaves only Deut 12.15, 21 as having perhaps a non-sacral sense.

The fact that all the other uses of זָבַח in the Old Testament (including in Deuteronomy) have a sacral connotation raises the question as to whether some sacral implication may be present in its uses in Deuteronomy 12 as well. Milgrom concludes that the use of the term זָבַח in Deut 12.15, 21 was to specify that the manner in which the animal was to be killed was to be the same for profane slaughter as in the case of sacrifices, namely by slitting the throat.<sup>75</sup> In favour of this view, Milgrom notes that there are three terms related to slaughter in the Old Testament: זָבַח, טָבַח, and שָׁחַט. As noted, זָבַח always refers to slaughter in a sacred context. On the other hand, טָבַח always refers to profane slaughter. The third term, שָׁחַט, is used in much the same

<sup>73</sup> Num 22.40; Deut 12.15, 21; 1 Sam 28.24; 1 Kg 19.16, 21; Ezek 34.3; 2 Chr 18.2

<sup>74</sup> See MILGROM, "Profane Slaughter," 2; LEVINSON, *Legal Innovation*, 38, n. 29; R.E. AVERBECK, "זָבַח," in *NIDOTTE*, 1: 1069. Ezek 34.3 is the one case that is seen as being a true example of a non-sacral use of the term. However, as Milgrom (*op. cit.*) notes, the exilic setting of this text, where true sacrifice was impossible, makes it difficult to say with certainty whether any sacral connotation is implied.

<sup>75</sup> MILGROM, "Profane Slaughter," 13-15.

manner as זָבַח to designate sacrificial slaughter. Thus, he concludes, Hebrew is unique among its cognate languages in having two terms that are identical in designating sacred slaughter, unless שָׁחַט actually had a more technical meaning of slaughtering by cutting the throat.<sup>76</sup> This is in line with the Arabic verb saḥaṭa, meaning “to slit the throat,” and a corresponding noun meaning “throat.”<sup>77</sup> Moreover, Deut 12.21 indicates that sacrifice is to be done as Yahweh commanded (כַּאֲשֶׁר צִוִּיתָךְ). Since there are no commands in the Pentateuch that specify the exact manner in which animals are to be slaughtered, Milgrom concludes that this citation is not to a specific command, but rather refers to the verb שָׁחַט and specifies that all slaughter is to be carried out through the slitting of the throat. In this view, then, Deut 12.15, 21 would be specifying that in every case in which an animal is slaughtered, the same procedure (the slitting of the throat) is to be used whether the slaughter is in a cultic context or not.

Levinson, following Hoffman, objects that this reconstruction is untenable because there are no specific rules provided in the Old Testament for the slaughter of animals in sacrifice. The ritual procedures for sacrificial slaughter are found only in later rabbinic materials.<sup>78</sup> This is, of course, correct. But it is also the case that many of the problems related to the interpretation of sacrificial ritual has to do with the fact that many of the details that would lend clarity to a later audience are left unsaid since they were readily apparent and familiar to the original audience.<sup>79</sup> That specific procedures were spelled out in Jewish law much later certainly does not mean that the procedures were known in the time of Deuteronomy's composition. At the same time, however, the fact that specific procedures were made explicit only later does not mean there weren't any known procedures, either.<sup>80</sup> The fact that such procedural details aren't

<sup>76</sup> Ibid., 14.

<sup>77</sup> Ibid. See also R.E. AVERBECK, “שָׁחַט,” in *NIDOTTE*, 4: 78.

<sup>78</sup> B.M. LEVINSON, “The Hermeneutics of Innovation: The Impact of Centralization Upon the Structure, Sequence, and Reformulation of Legal Materials in Deuteronomy,” (Ph.D. thesis, Brandeis University, 1991), 181; idem, *Legal Innovation*, 42, n. 46. He cites D.Z. HOFFMANN, *Das Buch Deuteronomium*, Vols. 1-2 (Berlin: Poppelauer, 1913-22), 1.167-68.

<sup>79</sup> G.J. WENHAM, “The Theology of Old Testament Sacrifice,” in *Sacrifice in the Bible*, ed. R.T. BECKWITH and M.J. SELMAN (Grand Rapids: Baker; Carlisle: Paternoster, 1995), 76-77.

<sup>80</sup> While Milgrom maintains that the procedure in view in Deut 12.15, 21 is the slitting of the throat, he acknowledges that this does not mean that “the rabbinic technique of ritual slaughter, i.e. a clean, transverse cut of both the oesophagus and the trachea so that all the main blood vessels are severed ... stems from biblical times.” (MILGROM, “Profane Slaughter,” 15, n. 48.)



spelled out in the texts may simply mean that they were familiar to the audience to whom the text was addressed.

So, caution should be exercised in determining what is intended by the use of זָבַח. Milgrom's hypothesis that זָבַח refers to slitting the throat is a tantalizing and intriguing possibility, but is not certain. What seems much more likely, in my estimation, is that the use of זָבַח in Deut 12.15, 21 points to a sacral, not secular, connotation for the procedure. The fact that זָבַח always (including elsewhere in Deuteronomy itself) has a sacral connotation, coupled with the fact that the verb טָבַח, which is always used of profane slaughter, is not used suggests that the author(s) were not describing a ritual that was considered profane.

To be sure, one cannot base a conclusion on this matter solely on the basis of the vocabulary used (or not used). Such a conclusion would need to be supported by additional evidence suggesting that in the present context of the chapter as a whole a sacral connotation is likely. That is, the determination of the meaning of זָבַח will depend greatly on the view of Deuteronomy 12 as a whole, not just on an examination of the word itself. I believe that the evidence of the chapter in its context supports an understanding of זָבַח as a sacral term.

#### Holiness of the Land in Deuteronomy

As we have seen in Chapter One, a case has been made for seeing in Deuteronomy an *expansion* of the concept of holiness, in contrast to the idea of secularization.<sup>81</sup> While the general outline of the argument is presented there, and therefore does not need to be repeated here, it is necessary to consider how certain aspects of that view are germane to the issue of secularization in Deuteronomy 12.

In Lohfink's important analysis, there are two instances of expansion of holiness in Deuteronomy generally that may assist in the interpretation of Deuteronomy 12. First, he notes that in Deuteronomy there is a particular emphasis on the holiness of the entire people, not just the priests.<sup>82</sup> This is seen in the way in which statements of the holiness of Israel appear in contrast to the people of the world as a whole. So, Deut 7.6 says of Israel אֱלֹהֶיךָ אֶתָּה לִיהוָה ("you are a people holy to Yahweh

<sup>81</sup> N. LOHFINK, "Opfer und Säkularisierung im Deuteronomium," in *Studien zu Opfer und Kult im Alten Testament: mit einer Bibliographie 1969-1991 zum Opfer in der Bibel*, ed. A. SCHENKER (Tübingen: J.C.B. Mohr [Paul Siebeck], 1992), 15-43.

<sup>82</sup> *Ibid.*, 35.

your God”). But this is followed by the phrase לְעַם סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאֲדָמָה (“a people for himself, a treasured possession out of all the peoples who are on the face of the earth”). No mention is made anywhere in Deuteronomy of the people being a “kingdom of priests,” as the Israelites are designated in Exod 19.6. Priests are not set apart in Deuteronomy as models of holiness. Rather, holiness is a quality of Israel as a whole (not just king or priest) in contrast to the peoples of the earth.<sup>83</sup> Other texts draw similar distinctions between the holiness of Israel in contrast to the nations (e.g. Deut 14.2; 26.18-19; 28.9-10).

Second, it can be argued that there is in Deuteronomy an expansion of holiness such that it encompasses the land as a whole, not just the sanctuary. There is, first of all, the command in Deut 12.1-2 to destroy *all* pagan worship sites throughout the whole land. This implies that the entire land is to be considered the realm of Yahweh (as only his duly-designated site(s) is to be sought). Moreover, Deuteronomy 7 as a whole makes the case for the incompatibility of pagan worship with Yahweh worship, and explicitly notes that the vestiges of pagan worship throughout the land must be destroyed due to the fact that the Israelites are a holy people (Deut 7.6). Pagan worship practices are described as תועֵבָה in Deut 7.25-26, which is a negative sacral term in Deuteronomy.<sup>84</sup> The presence of pagan worship anywhere in the land is incompatible with the presence of the holy people of Yahweh.

Laws of warfare may point in a similar direction. Deuteronomy 20 differentiates between the treatment of cities far off and those near by. Deut 20.13-15 says that when cities far away (i.e., outside the land) are conquered, the Israelites may allow the women to live and may take the conquered people’s property as booty. But in the case of cities near by, within the land, the חֵרֶם (ban) is to apply. Accordingly, nothing is to be allowed to live. The rationale provided (Deut 20.18) is so that they may not corrupt Israelite worship with their abominable practices. It is likely, however, that the war

<sup>83</sup> Cf. E. REGEV, “Priestly Dynamic Holiness and Deuteronomistic Static Holiness,” *VT* 51 (2001): 246-47; W. EICHRD, *Theology of the Old Testament*, vol. 1 (London: SCM, 1961), 412.

<sup>84</sup> LOHFINK, “Säkularisierung,” 36-37. REGEV, “Holiness,” 249-50, argues that abomination in Deuteronomy is “something faulty or flawed, but since its implications are not given, it is possible that it does not really affect the sacred or endanger the holy.” In contrast, he argues that תועֵבָה in P “pollutes the land of Israel and destroys the sinner himself.” But this doesn’t really do justice to the fact that things that are תועֵבָה in Deuteronomy are almost all actions that either demonstrate disloyalty to Yahweh through association with pagan worship, or violate his commandments, or both. This places the nation as a whole in danger of being expelled from the land, which in turn suggests a disruption of the relationship between Yahweh and Israel. So, the implications of תועֵבָה in Deuteronomy are severe, and have a tremendous impact on the access of the people to the land and, therefore, the holy presence of Yahweh.

envisioned beginning in Deut 20.10 is a war of conquest. Therefore, the women and children taken as booty would be subject to the Israelites, and also in a position to entice them to follow other gods. There is no apparent qualitative difference between the people far away (who could, perhaps, entice the Israelites to follow after other gods but are not subject to the ban) and those nearby (who are subject to the ban) except that the latter reside in the land while the former do not. It could be countered that women and children are not in a position to entice the Israelites to follow after other gods, and therefore the captured women from far away are not a threat to the purity of Yahweh worship. But the same could be argued vis-à-vis the women and children captured within the land, yet they are commanded to be annihilated with the men. This suggests that the land itself is considered somehow to be holy.

More explicit statements of the holiness of the land itself are found in: Deut 21.23, where the body of an executed criminal is to be taken down so as not to defile (טָמֵא) the land; in 24.4, where the remarriage of a divorced woman by her first husband is said to be an abomination (תּוֹעֵבָה) before Yahweh, and the practice is forbidden lest it bring sin upon the *land*, not the people involved.<sup>85</sup> Finally, Deut 21.1-9 mandates that the ceremony of the broken-necked heifer is to be carried out in the case of an unsolved murder. Weinfeld rightly notes that in that text, expiation is for the people, not the land.<sup>86</sup> But according to Deut 21.1 it is in the land that this law becomes important,<sup>87</sup> and Milgrom notes that the ceremony is “incomprehensible without the assumption that blood does contaminate the land on which it is spilt and that this ritual transfers the contamination to untillable land.”<sup>88</sup> Since the three cases in which Deuteronomy speaks of the defilement of the land are not found in P, it is difficult to conclude that Deuteronomy seeks to curtail the realm of the holy, and could be said to expand it.<sup>89</sup>

<sup>85</sup> LOHFINK, “Säkularisierung,” 37; J. MILGROM, “The Alleged ‘Demythologization and Secularization’ in Deuteronomy (Review Article),” *IEJ* 23, 3 (1973): 157.

<sup>86</sup> WEINFELD, *Deuteronomistic School*, 210-11.

<sup>87</sup> LOHFINK, “Säkularisierung,” 37. Note, as well, how the expression “the land” frames the chapter (vv. 1, 23).

<sup>88</sup> MILGROM, “Alleged ‘Demythologization and Secularization,’” 157.

<sup>89</sup> *Ibid.* In his response to Milgrom’s review article, M. WEINFELD, “On ‘Demythologization and Secularization’ in Deuteronomy,” *IEJ* 23, 4 (1973): 232, maintains that the presence in Deuteronomy 21 of laws dealing with the contamination of the land is due to the fact that these laws constitute “an ancient layer preserved in the Deuteronomistic code.” Weinfeld further maintains (*ibid.*) that the Deuteronomistic interpretation of these laws betrays the authors’ true ambivalence toward the idea, in that only one expression (טָמֵא) from P is used to convey the idea of the contamination of the land, and that only once (21.23). But this doesn’t address the issue of why a Deuteronomistic redactor, ostensibly

The extension of holiness to the land may be seen in other instances as well. The law of Passover and the Feast of Unleavened Bread in Deut 16.1-8 contains elements that may point toward the holiness of the land as a whole. As is well known, the presentation of the combined feast in Deuteronomy emphasizes the participation of the people at “the place” (16.2, 6), in apparent contradiction to the earlier practice of celebrating Passover in the home (Exodus 12).<sup>90</sup> But Deut 16.4 mandates that leaven is to be removed from the entire territory (גְּבוּל), that is, from the whole land. This suggests that while the focal point of the festival is, of course, the central sanctuary, where sacrifices are carried out (Deut 16.2), the whole land is somehow understood as being within the realm of the feast, and accordingly must be cleansed of leaven. In addition, there is some ambiguity as to what is intended by the use of the word אֹהֶל (tent) in v. 7. It may be used in the sense of “to go home,” implying that following the sacrifice, the people were to return to their homes (cf. Josh 22.4, 6; 1 Kgs 8.66).<sup>91</sup> A problem with this understanding is that Deuteronomy consistently envisions the people as living in houses, and uses the term אֹהֶל to refer to their temporary dwellings in the desert (Deut 1.27; 5.30; 11.6). Some have therefore concluded that this refers to temporary shelters erected in the vicinity of the central sanctuary in which the participants would live during the week of the festival.<sup>92</sup> Both interpretations are possible. Regardless of which is the case, there is the sense in which the celebration of the festival is not limited to the boundaries of the central sanctuary, but rather extends (as demonstrated by v. 4) into the whole of the land and so even includes the women and children who need not make the pilgrimage to the central sanctuary according to Deut 16.16, as well as those men who may not have made the journey.<sup>93</sup>

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attempting to radically alter the conception of earlier texts in favour of a new understanding, would permit such ancient concepts to remain unaltered. Neither does it address Deut 24.4 in which the contamination of the land is also in view.

<sup>90</sup> The issues surrounding the interpretation of Deut 16.1-8 are many, and complex. Among the debated elements are the literary sources that may lie behind the text, the relationship of these texts to other Pentateuchal legislation, and the religio-historical question as to the relationship between the festivals of Passover and the Feast of Unleavened Bread. For the purposes of this study it is not necessary to attempt to weigh in on these issues. For an extensive bibliography on these issues, see CHRISTENSEN, *Deuteronomy 1:1-21:9*, 326-28. See also J.G. MCCONVILLE, “Deuteronomy’s Unification of Passover and Maṣṣôt: A Response to Bernard M. Levinson,” *JBL* 119, 1 (2000): 47-58 and the reply of B.M. LEVINSON, “The Hermeneutics of Tradition in Deuteronomy: A Reply to J.G. McConville,” *JBL* 119, 2 (2000): 269-86.

<sup>91</sup> Adopting this view is TIGAY, *Deuteronomy*, 155.

<sup>92</sup> P.C. CRAIGIE, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 244; MERRILL, *Deuteronomy*, 253.

<sup>93</sup> Deut 16.16 makes clear that only males are required to attend the thrice yearly festivals at the chosen

The ambiguity surrounding the sense of אֱהָל is seen by McConville as a deliberate effort to convey the “extension of the worship life of Israel into the land.”<sup>94</sup>

Deut 16.8 may point in the same direction. On the seventh day there is to be an עֲצֻרָה (sacred assembly) to Yahweh. At issue is the location of this assembly. If the tents in v. 7 are understood as being the homes of the people throughout the land, then the law apparently would require the people to return to the מְקוֹם at the end of the week for the assembly.<sup>95</sup> This seems rather implausible in practical terms, as for some the journey could be quite long. This may point toward the view that the pilgrims live in tents at the central sanctuary for the week, participate in the assembly, and then return home. There is, however, another possibility.

I have argued above that it is possible to read this section as seeking to extend the worship of Israel into the land itself. Deut 16.8 may be another example of this, as the location of the עֲצֻרָה is not entirely clear. If the tents in verse 7 are understood as being the people’s homes, it is unlikely that they would be required to return to the מְקוֹם later in the week, as we have seen. It is possible, therefore, that what is envisioned is the holding of an assembly in the towns throughout the land.<sup>96</sup> If this is so, the celebration of the festival would be carried out in the whole of the land, though clearly sacrifice would be carried out only at the central sanctuary. This is somewhat problematic, however, as the term עֲצֻרָה is usually used in connection with the central sanctuary.<sup>97</sup> The final clause of v. 8, however, may help clarify the situation. That clause commands that no work is to be done on the day of the assembly. This can, of course, apply to pilgrims “dwelling” temporarily at the sanctuary, but has greater relevance for people who either did not go the sanctuary in the first place or who have returned home prior to the seventh day. Those who have made the journey to the

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place. Given the emphasis in Deuteronomy on the inclusion of women in the religious life of the nation (cf. Deut 12.12, 15; 15.12, 17; 16.11, 14) it seems best to conclude that women were not required to participate in the pilgrimage festivals, but may have done so.

<sup>94</sup> MCCONVILLE, “Unification,” 56. LEVINSON, “Reply,” 276-77, argues that this hypothesis is untenable due to the fact that sacrificial worship is restricted to the temple, according to Deut 16.5-6. But this misses the point entirely, since what McConville (rightly, in my estimation) argues is not that *sacrifice* is intended here to be carried out throughout the land, but rather that the *worship* is not limited to the central sanctuary and therefore may be seen as extending into the land as a whole. A similar point is made by TIGAY, *Deuteronomy*, 156, and W.S. MORROW, *Scribing the Center: Organization and Redaction in Deuteronomy 14:1-17:13*, SBLMS 49 (Atlanta: Scholars, 1995), 145, n. 44.

<sup>95</sup> LEVINSON, *Legal Innovation*, 79-80.

<sup>96</sup> TIGAY, *Deuteronomy*, 156.

<sup>97</sup> Lev 23.26; Num 29.35; 2 Chr 7.9; Neh 8.18; Joel 1.14; 2.15-17

sanctuary are, more or less by definition, unable to carry out their normal work.<sup>98</sup> Those in the towns, however, could conduct normal work throughout the week (while abstaining from leaven, as required by v. 4), but they would observe the conclusion of the festival by abstention from work on the seventh day.

So, regardless of whether or not the tents are envisioned as homes or as actual tents at the sanctuary or whether the assembly is local or centralized, the celebration of the feast is not limited to the confines of the *מִקְדָּשׁ* but is, rather, extended into the land, at least through the cessation from work on the seventh day and through abstention from leaven in the entire land.<sup>99</sup> If the tents should be thought of as homes and the assembly is carried out locally, the extension of holiness to the entire land is even more pronounced. In any event, the religious celebration at the *מִקְדָּשׁ* extends into and is paralleled by actions taken throughout the land. This suggests that sanctity in Deuteronomy is not limited to the *מִקְדָּשׁ* but is a quality of the entire land.<sup>100</sup>

A final text in Deuteronomy that may point toward an extension of holiness to the land is Deut 14.28-29.<sup>101</sup> There it is commanded that at the end of three years, the tithe is to be maintained in the towns. In this way the celebration of the blessings of Yahweh is carried out throughout the land, and not just at the sanctuary, as is the case for the other years. It could be argued that this law is an example of the humanitarian concerns of Deuteronomy, in that it specifically calls for the sharing of this tithe with

<sup>98</sup> MORROW, *Scribing the Center*, 145.

<sup>99</sup> It is quite likely that there were a number of people who did not journey to the sanctuary. Women and children, as we noted, are not required to attend, but may have done so (Deut 16.16). In addition, it is probable that an assembly consisted of representatives of the entire nation in practice, given the problems associated with all the men journeying to a potentially distant sanctuary and remaining for seven days. See TIGAY, *Deuteronomy*, 372, n. 24, and B. HALPERN, *The Constitution of the Monarchy in Israel*, HSM 25 (Chico, CA: Scholars, 1981), 190. Thus the requirement for cessation of labour on that day would allow for non-pilgrims to nevertheless participate in the end of the festival.

<sup>100</sup> The relationship between the "centre" and the "periphery" has been evaluated from a sociological perspective by S. GROSBY, "Sociological Implications of the Distinction Between 'Locality' and Extended 'Territory' With Particular Reference to the Old Testament," in *Biblical Ideas of Nationality: Ancient and Modern* (Winona Lake: Eisenbrauns, 2002), 69-91. Grosby notes that concepts of territoriality include the existence of a centre and a periphery, and the recognition of the sovereignty of the territorial deity throughout the area of the land. This may support the idea that the worship and presence of Yahweh is to be localized in a "place," but nevertheless extends throughout the entire territory that is seen as belonging to him.

<sup>101</sup> There are other texts outside of Deuteronomy that seem to point in a similar direction. Josh 22.19, for example, draws a contrast between the "uncleanness" of the Transjordanian regions and the cleanness of the entire Cisjordanian land, based explicitly on the presence of the tabernacle. Thus, Yahweh's presence (associated with the tabernacle) has the effect of rendering the entire land clean. So, sanctity is not limited to the precincts of the tabernacle. Similarly, Is 11.9 refers to the holy mountain of Yahweh, but also refers to the fact that the land/earth (*אֶרֶץ*) is filled with the knowledge of Yahweh, pointing to the parallels between the centre and the periphery. See, again, GROSBY, "Implications," 76-78.

the Levite, alien, orphan, and widow (v. 29).<sup>102</sup> But this overlooks the fact that the tithe law in Deut 14.22-27 also contains in it a humanitarian concern for the Levite (v. 27). More important, however, is the fact that Deut 26.12-15 highlights the sanctity of this portion (v. 13) and the inherently religious nature of the requirements of this law. Thus, something that is seen as inherently sacred and normally associated with the central sanctuary is shared throughout the land as a religious observance. The profound religious significance of this action, as well as the complex interrelationship between sanctuary and land, is seen in the fact that faithfulness to the law in Deut 14.28-29 must be declared before Yahweh at the central sanctuary (26.2, 13).<sup>103</sup> This, as ever in Deuteronomy, results in blessing of both people and land (Deut 26.15).

The foregoing discussion of texts in Deuteronomy 14 and 16 demonstrates that it is plausible to conceive of an expansion of holiness in Deuteronomy. It is all the more telling that this expansion is found in two chapters that are among those seen as most heavily influenced by centralization.<sup>104</sup> Since other texts in Deuteronomy show an expansion of holiness, it is reasonable to evaluate the data of Deuteronomy 12 in this light.

As I argued above, the use of  $\text{זָבַח}$  to refer to a profane practice is anomalous in Deuteronomy 12. Since at least some other texts in Deuteronomy, including those most apparently dealing with centralization, appear to point toward an expanded concept of holiness, it is possible that  $\text{זָבַח}$  in Deuteronomy 12 is intended to point toward a sacred, not profane, practice. The exact nature of that practice is not entirely clear. I further argued that caution should be exercised in concluding that  $\text{זָבַח}$  in Deuteronomy 12 refers to the slitting of the throat. At the same time, it is apparent that the practice is not to be equated with sacrifice, since Deut 12.15, 22 make clear that both the unclean and clean may eat of it.

What seems most likely, then, is that the use of the sacral term  $\text{זָבַח}$  is deliberately used to highlight the religious significance of the act of slaughter by the Israelites in

<sup>102</sup> WEINFELD, *Deuteronomistic School*, 290.

<sup>103</sup> MCCONVILLE, *Deuteronomy*, 252. W. BRUEGGEMANN, *Deuteronomy*, AbOTC (Nashville: Abingdon, 2001), 162, maintains that this legislation represents “a profound secularization of the practice in which the owner, YHWH, does not even insist on the visible gesture of presentation at the sanctuary, but wants the 10 percent set aside in the community for its use. Thus the religious rite is transposed into an act that concerns the local economy, a 10 percent infusion of extra goods into the community.” This overlooks the religious implications of Deut 14.28-29 and the integral relationship between it and Deut 26.12-15.

<sup>104</sup> As noted in Chapter One, VON RAD, *Commentary*, argues that the effects of centralization may be seen most clearly in chapters 12, 14, 15, 16, 17, 18, and 19 in the Deuteronomistic law code.

the land, and therefore that Deuteronomy 12 is pointing to the religious significance of all of life lived in the land before Yahweh. The texts examined from Deuteronomy 14 and 16 have pointed toward an expansion of holiness in Deuteronomy such that the entire people and the land are within the realm of the holy, and holiness in Deuteronomy, as has long been recognized, is not limited to the central sanctuary and its environs. Deuteronomy 12, in my estimation, contributes to that understanding by stressing the inherent holiness of all actions lived out before Yahweh, and the non-sacrificial slaughter of animals is to be understood in this way. Lohfink maintains that “im Sinne des Deuteronomiums wird nichts ins Profane lassen....Irgendwie gibt es in Israel nichts mehr, was nicht heilig wäre.”<sup>105</sup>

Support for this view may be seen in the fact that elsewhere in Deuteronomy the term זָבַח refers to sacrificial actions, as we have seen. But it is also telling that Deut 28.31 uses the term טָבַח to refer to actions taken by enemies of Israel. As we have noted, טָבַח always refers to profane slaughter. Its use in Deut 28.31 is expected, since the actions of Israel's enemies would not be of religious significance before Yahweh as are the actions of Israelites. Thus, even in the land, the slaughter of animals by the enemies of Israel is profane. For Israel as the סְגֻלָּה of Yahweh and subject to the terms of the covenant in order to demonstrate total loyalty to him, all of life has religious implications. This is not true for others, so the normal term for profane slaughter is used.

That זָבַח and non-sacrificial slaughter generally have sacrificial implications is further seen when the prohibition on eating the blood is considered. As we have seen, Weinfeld and others have maintained that in Deuteronomy there is no sacrificial significance to the blood, such that it can be poured out like water in the context of non-sacrificial slaughter (Deut 12.16, 24). But this overlooks the fundamental religious basis for the blood prohibition and the fact that even in the context of non-sacrificial slaughter an absolute prohibition on eating blood is maintained.

It has been noted that the absolute prohibition on eating blood is unique to Israel among the cultures of the ANE, and only Israel maintained that the “life” of a creature was in its blood.<sup>106</sup> Thus, Milgrom concludes that the blood prohibition “cannot be

<sup>105</sup> LOHFINK, “Säkularisierung,” 36.

<sup>106</sup> D.J. MCCARTHY, “The Symbolism of Blood and Sacrifice,” *JBL* 88, 2 (1969): 166-76; idem, “Further Notes on the Symbolism of Blood and Sacrifice,” *JBL* 92, 2 (1973): 205-10; J. MILGROM, “Ethics and Ritual: The Foundations of the Biblical Dietary Laws,” in *Religion and Law: Biblical-*



passed off as an outlandish vestige of some primitive taboo; it must be viewed as the product of a rational, deliberate opposition to the prevailing practice of its environment.”<sup>107</sup> If this is the case, then the rejection of the practice of eating blood has theological and religious significance, as the Israelites sought to distance themselves from the thinking and practice of the surrounding cultures. The fact that the blood prohibition is maintained in Deuteronomy 12 and is emphatically stated suggests that this practice is not religiously insignificant. The pouring of the blood on the ground “like water” (which is stated in terms reminiscent of the pouring of the blood on the altar) may be designed to highlight the contrast between the sacrificial blood manipulation and the manipulation of the blood in the non-sacrificial context, rather than to say anything about the sanctity of the blood itself. What is emphasized is not the non-sacral character of blood, but rather the importance of properly disposing of it in every instance. The fact that the blood prohibition appears three times in Deuteronomy 12, as well as elsewhere in the book (Deut 15.23, and perhaps implied in 14.21 as the basis for the prohibition on the consumption of the נִבְלָה, since an animal that died on its own would not have had the blood drained properly) suggests that this is not incidental or devoid of religious significance. It is hard to conceive of secularization in the context of the blood prohibition that is grounded on the uniquely Israelite religious association of blood and life, particularly since the author(s) of Deuteronomy could easily have purged any elements of earlier theology that did not conform to their thinking, as has been argued is the case elsewhere in Deuteronomy.

All of this suggests that in Deuteronomy 12 there is an emphasis on the profoundly religious nature of life lived before Yahweh in the land. Levinson argues that Deuteronomy 12 creates a “new, noncultic procedure” for non-sacrificial slaughter that is in some ways reminiscent of the ritual carried out at the altar. It is religious, though noncultic.<sup>108</sup> In this, I believe, he is entirely correct. But rather than see a lemmatic transformation of the earlier altar law, I believe it is more likely that Deuteronomy 12 is highlighting the religious nature of this noncultic action through the blood manipulation and the use of the sacral term נִבְלָה. In this way, Deuteronomy

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*Judaic and Islamic Perspectives*, ed. E.B. FIRMAGE, B.G. WEISS, and J.W. WELCH (Winona Lake: Eisenbrauns, 1990), 159-91.

<sup>107</sup> MILGROM, “Ethics and Ritual,” 161-62.

<sup>108</sup> LEVINSON, *Legal Innovation*, 49.

12 supports the understanding of other parts of the book, which highlight the fact that all of life lived in the land is in the realm of the holy and is, therefore, religiously significant.

We will return to the topic of non-sacrificial slaughter when a more comprehensive interpretation of the chapter is provided in Section III, below. We will now examine the arguments in favour of demythologization in Deuteronomy 12.

### C. DEMYTHOLOGIZATION

The final element of the Deuteronomic revolution as envisioned by Weinfeld to be evaluated is demythologization. Once again, the general thesis of demythologization was evaluated in Chapter One, so here we will focus more intently on the particulars of Deuteronomy 12.

As noted above, a crucial aspect of the theory of demythologization is the idea of the use of  $\text{שׁוֹמֵר}$  in Deuteronomy 12. This is seen as part of a deliberate effort to repudiate the idea that Yahweh was actually present with his people. Instead, his “name” is present at the central sanctuary, as a sort of hypostasis.

We noted in Chapter One (see pp. 85ff.) that the use of  $\text{שׁוֹמֵר}$  has been shown to be connected with ordinary worship, in contrast to the term  $\text{כְּבוֹד}$ , which is used for special manifestations of God’s presence. This undermines Weinfeld’s general premise that the earlier sources were inherently anthropomorphic and that Deuteronomy seeks to repudiate the earlier conceptions of Yahweh’s presence in the midst of his people. Moreover, the use of  $\text{שׁוֹמֵר}$  in the centralization formula in Deuteronomy often appears in the phrase  $\text{לְשֵׁכֵן שְׁמוֹ}$ . But since this phrase *always* appears in the same form in Deuteronomy (a Piel infinitive construct of  $\text{שָׁכַן}$  with  $\text{שׁוֹמֵר}$  as the direct object), it should be regarded as an idiom.<sup>109</sup> As such, the meaning of the phrase may be greater than the sum of its constituent parts. So, “to pull one component of an idiomatic phrase (in this case *name*), reassign to that component a broader meaning because of its occurrence in other contexts ... and to reinsert that redefined component into what should be a closed syntactical unit ... is simply grammatically untenable.”<sup>110</sup>

<sup>109</sup> S. RICHTER, “The Deuteronomistic History and the Place of the Name” (PhD thesis, Harvard University, 2001), 46.

<sup>110</sup> Ibid.

The name theology has been challenged on other grounds as well. Mayes, for example, argues that the use of  $\text{שׁוּב}$  is best understood as affirming Yahweh's actual presence in the midst of his people, and maintains that "when Yahweh is said to have caused his name to dwell at a sanctuary the intention is to indicate the real and effective presence of Yahweh himself at that sanctuary."<sup>111</sup> This may be seen at least in part due to the fact that the phrase  $\text{לְפָנַי יְהוָה}$  appears frequently in connection with the establishment of Yahweh's name (Deut 12.7).<sup>112</sup> Earlier, examination of Akkadian parallels led several exegetes to reject the notion of a "name theology," at least in Deuteronomy itself. Wenham has demonstrated parallels between the Hebrew phrase  $\text{לְשֵׁכֵן שְׁמוֹ}$  and the Akkadian phrase *šakan šumšu*.<sup>113</sup> He notes that the Akkadian phrase, as used in other documents from the ANE, stresses ownership, and often includes overtones of conquest. The Akkadian phrase appears in the Amarna letters in the context of a king or an overlord in the ANE. In EA 287, for example, the prince of Jerusalem, Abdu-Heba, says that the king, Akh-en-Aton, "has set his name in the land of Jerusalem forever."<sup>114</sup> Similarly, the same prince writes that the king "has set his name at the rising of the sun and at the setting of the sun."<sup>115</sup> Wenham notes, further, that the term appears in ANE literature in connection with the inscription of a name on a foundation stone of a sanctuary, a practice which was "essential to the validity of the temple."<sup>116</sup>

Building on that argument, van der Woude maintained that the name formulas in Deuteronomy stress the proclamation of Yahweh's name at the chosen place, on the basis of Akkadian parallels that use cognate words to describe the proclamation/pronunciation of a name.<sup>117</sup> He also criticized the thesis of the "name

<sup>111</sup> MAYES, *Deuteronomy*, 59-60.

<sup>112</sup> Cf. I. WILSON, *Out of the Midst of the Fire: Divine Presence in Deuteronomy*, SBLDS 151 (Atlanta: Scholars, 1995), esp. 164-65, 191-97.

<sup>113</sup> WENHAM, "Central Sanctuary," 112-13. See also idem, "The Structure and Date of Deuteronomy: A Consideration of Aspects of the History of Deuteronomy Criticism and a Re-examination of the Question of Structure and Date in the Light of that History and of the Near Eastern Treaties" (PhD thesis, University of London, 1970), 248-50. Wenham is here following R. DE VAUX, "Le lieu que Yahvé a choisi pour y établir son nom," in *Das ferne und nahe Wort: FS L. Rost*, ed. F. MAASS (Berlin: Walter de Gruyter, 1967), 219-28; idem, review of *God and Temple*, by R.E. Clements, *Revue Biblique* 73 (1966): 447-49. This understanding of  $\text{שְׁכֵן}$  is supported further by F.M. CROSS, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge, MA: HUP, 1973), 245-46.

<sup>114</sup> EA 287: 60-63, in *ANET*, 488.

<sup>115</sup> EA 288: 5-7, in *ANET*, 488.

<sup>116</sup> WENHAM, "Central Sanctuary," 114. This observation is based on the work of S.D. MCBRIDE, "The Deuteronomic Name Theology" (PhD thesis, Harvard University, 1969).

<sup>117</sup> A.S. VAN DER WOUDE, "שׁוּב," in *TLOT*, 3: 1361-62.

theology” on the grounds that it presupposed a universal ANE concept of “name” such that it always defined the entity named,<sup>118</sup> and due to the fact that the theory presupposes rather than proves a dichotomy between Yahweh’s immanence and transcendence.<sup>119</sup>

Further evidence for this view comes from Richter. She maintains that the idiom *לְשָׂכַן שְׁמוֹ* was used in ANE parallels to demonstrate that one has inscribed his name on a victory stele or a foundation stone for a temple. The purpose of such an inscription was to demonstrate ownership, “victory,” or even “to be come famous by heroic deeds.”<sup>120</sup> In the context of temples, the use of the phrase *šuma šakānu* indicated that the construction of the place of worship was not the result of human initiative, but rather was in obedience to a divine command. This ensured that the place of worship was regarded as a legitimate cult site. Thus, Richter argues, the “establishment of the name” in Mesopotamian temple foundation deposits has nothing to do with the nature of divine presence at the cult site, but rather is concerned with the legitimacy of the site as determined by the deity’s choice of it.<sup>121</sup>

It is important to note, however, that the ANE parallels, while shedding light on how the idiom *לְשָׂכַן שְׁמוֹ* could be understood, cannot be determinative in themselves. Barr notes that “lexicographic research should be directed towards the semantics of words in their particular occurrences and not towards the assembly of a stock of pervasive and distinctive terms which could be regarded as a linguistic reflection of the theological realities.”<sup>122</sup> The failure to consider the particular context of the centralization formula and the idiom *לְשָׂכַן שְׁמוֹ* has been a problem with many earlier efforts at interpreting Deuteronomy 12. Similarly, caution must be exercised so as to avoid reading parallel Akkadian usage into the text of Deuteronomy unless there is sufficient textual warrant for doing so.<sup>123</sup>

In terms of Deut 12.1-7, there are important exegetical considerations that raise the question as to whether or not a “name theology” (and therefore demythologization) is the best understanding of the text. The term *אֱלֹהִים* first appears in v. 3 in connection with the gods of the Canaanites. That verse commands the Israelites to “tear down

<sup>118</sup> Ibid., 1350-51.

<sup>119</sup> Ibid., 1360-62.

<sup>120</sup> RICHTER, “Place of the Name,” 243.

<sup>121</sup> Ibid., 165-70.

<sup>122</sup> J. BARR, *The Semantics of Biblical Language* (Oxford: OUP, 1961), 274.

<sup>123</sup> Cf. J.H. WALTON, “Principles for Effective Word Study,” *NIDOTTE* 1:163.

their altars and smash their pillars and burn their Asherim with fire. You shall chop down the carved images of their gods and destroy their name (אֱשֵׁרִים) out of that place.” Following the command that the Israelites shall not worship Yahweh in that way (v. 4), there is the command that the Israelites shall “seek the place which Yahweh your God shall choose out of all your tribes to establish his name (אֱשֵׁרִים) there to dwell” (v. 5). The juxtaposition of the term אֱשֵׁרִים in vv. 3 and 5 points to a deliberate contrast being drawn between the presence of Canaanite gods and the presence of Yahweh following the destruction of the Canaanite worship sites. This is an integral part of the rhetoric of contrast that was noted in conjunction with the use of מִקוֹם in our examination of centralization above.

The contrast may be seen further when the structure of Deut 12.2-7 is noted. This section may be seen as having the following structure:

- |    |   |         |
|----|---|---------|
| A  | Eliminate the places and name of Canaanite gods     | vv. 2-3 |
| X  | “You shall not worship Yahweh your God in that way” | v. 4    |
| A’ | Seek the place and name of Yahweh for worship       | vv. 5-7 |

In this section, there is a sharp contrast being drawn between the worship of Canaanite gods and the proper worship of Yahweh. The Israelites are not to seek the places and names of the indigenous gods; that is contrary to proper Yahweh worship (v. 4, the central element). Rather, they are to seek Yahweh at the place he chooses, as evidenced by his establishment of his name there.<sup>124</sup>

The contrast may be further seen when considering the purpose of the elimination of Canaanite cultic sites. The destruction of the Canaanite sites serves to eliminate the claims of legitimacy over the people of the land (and the land itself). The name of the gods of Canaan is to be replaced by the name of Yahweh in the place he chooses. For Israel, Yahweh, the giver of the land, is to be worshipped according to his own desires, and at the place of his choosing. Miller rightly notes that

replacing one divine name with another serves two functions. First, it indicates that here we deal with the functioning reality of the other gods. Their names are gone; one may no longer call upon the name of any of those gods. They may not be acknowledged or worshiped and are thus rendered ineffectual as far as Israel is concerned.... Further, negating one group of names and establishing another name in effect calls for a new order, a transformation: a shift from an order where there are multiple claims for human allegiance and where the worship of god or gods is done in arbitrary and accidental fashion.

<sup>124</sup> Cf. CRAIGIE, *Deuteronomy*, 217.

... This order is to give way to another, wherein divine control is placed over human worship and one name replaces all other names.<sup>125</sup>

In this respect, then, the use of  $\text{דָּשָׁ}$  in Deuteronomy 12 should be seen as part of the rhetorical emphasis of the chapter in which the supremacy of Yahweh in contrast to the gods of Canaan is highlighted.

This same argument is taken up in Deut 12.29-13.1. We noted above (p. 182) that the structure of the chapter as a whole demonstrates a chiasmic pattern. Thus there are parallels between vv. 2-4 and 29-31. In the latter section, the need for eliminating all vestiges of Canaanite worship is again at the fore, and the justification for it is so that the religious practices of the Canaanites do not serve to lure the Israelites away from exclusive loyalty to Yahweh. So, though the term  $\text{דָּשָׁ}$  is not used in this section, the rhetorical emphasis is the same. The point in each section is that Canaanite worship is to be eliminated because it is incompatible with exclusive loyalty to and veneration of Yahweh. The competing claims of the foreign gods (represented in vv. 2-4 through the use of  $\text{דָּשָׁ}$  and in the latter section through a description of the ways in which their influence could be felt) must be eliminated.

There is, then, a deliberate theological point being made here, but it is not about the nature of the presence of Yahweh, as Weinfeld and others maintain. The point is that Yahweh alone is to be worshipped in the place and manner he chooses, and anything that could serve as competing claims for the loyalty of the people was to be eliminated.

It is possible, too, to see in the use of the term “name” a profound emphasis on who Yahweh is. McConville has argued that the name of Yahweh is associated with “who he truly is.”<sup>126</sup> Who Yahweh is may be known only in the context of his acts in relationship and in response to his creation and, more specifically, Israel.<sup>127</sup> McConville concludes that “the relationship between the name of God and his saving actions means that there is something ongoing about it. His name can be fully known

<sup>125</sup> MILLER, *Deuteronomy*, 131.

<sup>126</sup> MCCONVILLE, *Deuteronomy*, 230.

<sup>127</sup> C.R. SEITZ, “The Call of Moses and the ‘Revelation’ of the Divine Name: Source-Critical Logic and Its Legacy,” in *Word Without End: The Old Testament as Abiding Theological Witness* (Grand Rapids: Eerdmans, 1998), 229-47, argues that Yahweh’s enigmatic revelation of his name to Moses in Exod 3.14 and 6.3 is best understood in the context of the subsequent acts of deliverance and power, culminating in the exodus. That is, Yahweh is known more fully as “Yahweh” only in his deliverance of his people from Egypt and in the destruction of those who oppose him (p. 243-44).

only in the context of the unfolding biblical story.”<sup>128</sup> So, the emphasis in Deuteronomy 12 on the name of Yahweh may point toward a stress on his continuing relationship with his people as he reveals more of who he is in the context of the ongoing history (especially in the conquest) as well as in the covenantal terms being described in this very chapter.

The preceding discussion suggests that the view of Weinfeld and others that sees in Deuteronomy 12 a demythologization such that the actual presence of Yahweh is repudiated fails to adequately account for the data of the text. Nelson notes that “any concept of Yahweh’s ‘real absence’ seems to be excluded by Deuteronomy’s repeated references to the performance of sacral acts ‘before Yahweh,’ that is, in Yahweh’s presence.”<sup>129</sup> In addition, the contrast between the names of the gods of Canaan and the name of Yahweh, coupled with the strong statement that Yahweh is not to be worshipped in the manner of the Canaanite gods, suggests that the emphasis in this chapter is not on the presence of Yahweh *per se*, but is, rather, on the necessity of demonstrating loyalty to Yahweh alone by worshipping him at the place and manner of his choosing.

#### D. CONCLUSIONS TO SECTION II

In this section, we have examined the data of the text to see if the prevailing understanding of the book as representing a radical programme of centralization, secularization, and demythologization best accounts for the textual evidence. We have seen that there are good reasons to question the conclusions of Weinfeld and others in many respects.

I have shown that the relationship between Deuteronomy 12 and the altar law of Exod 20.24-25 is far more complex than is usually allowed. Both texts emphasize the sovereignty of Yahweh in choosing where and how he is to be worshipped. I have also argued that the number of altars is not primarily in view in either altar law, but that it is not necessary to see them as in conflict with one another in any event. So, the Exodus altar law may be interpreted as dealing with one or more altars, and the altar law in Deuteronomy 12 may refer to a central, but not sole, sanctuary and altar, or it may refer to a succession of sanctuaries that were to be considered exclusive. Thus the distinctions between the two laws are not of the sort usually envisioned. At a

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<sup>128</sup> MCCONVILLE, *Deuteronomy*, 230.

<sup>129</sup> NELSON, *Deuteronomy*, 153.

minimum, it is unnecessary to conceive of the altar law in Deuteronomy 12 as a radical rejection or transformation of the altar law in Exodus.

With regard to secularization, I have attempted to demonstrate that the practice of non-sacrificial slaughter is best understood as a religiously significant, but not a cultic or sacrificial, practice. I have argued that there is in Deuteronomy a conception of the entire land as holy, and a corresponding emphasis on the religious significance of the actions of the Israelites within it. Within the narrative of the book of Deuteronomy the people are about to enter the land, and life will be dramatically altered. In addressing the audience of Israelites gathered on the plains of Moab, Deuteronomy is stressing the need to demonstrate loyalty to Yahweh in every aspect of life. Though the symbols of Yahweh's presence may be far away, the people nevertheless live their whole lives in the realm of the holy, and therefore they must recognize the religious significance of all their actions. Deuteronomy establishes a non-sacrificial procedure for slaughter that is reminiscent in some way of slaughter at the altar, which serves to remind the Israelites that all of life is religiously significant. This view is, in many ways, diametrically opposed to the thesis of secularization, since I maintain that there are no actions of Israelites in the land that are in the realm of the profane.

Finally, I have also argued that there is in Deuteronomy 12 a deliberate juxtaposition of the worship of the Canaanite gods on the one hand, and proper Yahweh worship on the other. Proper worship appears to be at the heart of the chapter, and has been seen to be a reasonable explanation for the use of the terms מִקְדָּשׁ and מִקְוֵה. Seen in the light of the contrast between the names and places of the Canaanite gods, and the name and place of Yahweh, the use of these terms may be understood as pointing to the necessity of Yahweh centred worship, which necessarily entails the elimination of Canaanite worship sites and practices that would demonstrate loyalty to other gods. This corresponds well to ANE texts in which parallels to the idiom לְשֵׁבֶן שְׂמוֹ are associated with claims of ownership and legitimacy, not divine presence. In light of this, the existence of a radically demythologizing "name theology" in Deuteronomy is unlikely.

Having argued that the theses of centralization, secularization, and demythologization are not particularly well supported by the data of the text, it is now necessary to articulate an alternative understanding of the chapter. We now turn to that endeavour.



### III. The Theology of Deuteronomy 12: Supremacy of Yahweh

In Sections 1 and 2 above, I have argued that there are important questions as to whether the prevailing view of Deuteronomy 12 should be accepted, or whether an alternative understanding of the text should be sought. We have seen that the data of the text are capable of very different interpretation. I will now suggest an alternative to the prevailing view, one that I believe is more consistent with the data of the text and takes into serious consideration the chapter in the context of the book as a whole.

Deuteronomy 12 marks an important transition in the rhetoric of the book as a whole. Deuteronomy 1-3 deal with the historical experience of the nation, and highlight the faithfulness of Yahweh toward Israel, as well as Israel's failure to properly trust him and receive the fulfillment of his promises. Deuteronomy 4 highlights the need for complete loyalty to Yahweh, and builds on the historical reflections of the earlier chapters. The presentation of the Decalogue follows, and is presented as the terms of the covenant (Deut 5.2). In that moment, as we have seen in Chapter 3, Yahweh is establishing the terms of the covenant relationship between Israel and himself. Yahweh, the "Great King," is dictating the terms of the relationship, the terms by which Israel must live and the only means by which she can experience Yahweh's continued blessing and favour. The exhortation following in Deuteronomy 6-11 focuses primarily on the need for living out that relationship properly, which in those chapters means showing exclusive loyalty to Yahweh. Accordingly, these chapters have been seen as an extended exposition of the first commandment.<sup>130</sup>

Within the chapters prior to Deuteronomy 12, there is an anticipation of the law that is to be revealed. Deut 4.1, for example, commands the Israelites to listen to the *הַחֲקִים וְהַמִּשְׁפָּטִים* (statutes and ordinances) that Moses teaches. But as Millar rightly notes, there is nothing in Deuteronomy 4 that would seem to qualify for the description *הַחֲקִים וְהַמִּשְׁפָּטִים*.<sup>131</sup> Despite this, the phrase appears five times in Deuteronomy 4,<sup>132</sup> which suggests that its use is deliberate, and contributes to the rhetorical or communicative intention of the author. It occurs again in Deut 5.1, 31, which is understandable given the presentation of the Decalogue in Deuteronomy 5.

<sup>130</sup> J.H. WALTON, "Deuteronomy: An Exposition of the Spirit of the Law," *Grace Theological Journal* 8, 2 (1987): 214-15.

<sup>131</sup> MCCONVILLE and MILLAR, *Time and Place*, 37.

<sup>132</sup> Deut 4.1, 5, 8, 14, 45

But the re-appearance of the phrase in Deut 6.1, 20; 7.11; and 11.31, all with the sense of something yet to come, serves to create a sense of anticipation on the part of the reader/listener. That is, the first three chapters have confronted the Israelites with their failures, and highlights the need for the present Moab generation to make better choices than their forebears. The introduction of the **וְהַמְשָׁפְטִים וְהַחֲקִים** in Deut 4.1, coupled with its frequent use in that chapter, points to the fact that the nature of Israel's response will be in keeping the statutes and ordinances that will come. The use of the phrase following the Decalogue in the context of the exhortation to demonstrate complete loyalty to Yahweh points further to the connection between living a life of loyalty to Yahweh and keeping the **וְהַמְשָׁפְטִים וְהַחֲקִים**.

There is, then, an emphasis in these chapters on the need for demonstrating total allegiance to Yahweh, and the anticipation of the **וְהַמְשָׁפְטִים וְהַחֲקִים** that will be the means by which that will be done.<sup>133</sup> Through the rhetoric of Deuteronomy 1-11, the reader is anticipating the means by which loyalty to Yahweh may be lived out, so as to live and receive the blessings promised to the Israelites.

In Deuteronomy 12, the presentation of the specific terms of the *Torah* begins. In light of the context just discussed, it is telling that the very first command given (following the identifying statement in Deut 12.1 that “these are the **וְהַמְשָׁפְטִים וְהַחֲקִים**” that have been anticipated) is to destroy all vestiges of worship depicted as Canaanite. Canaanite worship is incompatible with demonstrating exclusive allegiance to Yahweh, as v. 4 indicates. There is, moreover, a deliberate contrast drawn between the worship of the gods of Canaan on the one hand, and Yahweh on the other, as we have seen. This suggests that the primary means of demonstrating loyalty to Yahweh is in the context of proper worship of Yahweh.

The importance of demonstrating loyalty to Yahweh in worship is seen in the command in v. 5 to seek the place Yahweh will choose in order to worship. But the use of **וְהָרָשׁ** with the preposition **אֶל** has the sense of “turning to,” or “choosing,” and often entails the choosing of God or “false religious intermediaries.”<sup>134</sup> This implies

<sup>133</sup> The phrase **וְהַמְשָׁפְטִים וְהַחֲקִים** should not be taken to refer *only* to the legal material in chapters 12-26. Rather, as G. BRAULIK, “Die Ausdrücke für ‘Gesetz’ im Buch Deuteronomium,” *Biblica* 51 (1970): 40-66, has shown, the phrase refers to the whole of Mosaic preaching in chapters 5-26. But the legal material of chapters 12-26 are, of course, a vital part of the preaching of Moses, so the use of the phrase would still contribute to the sense of anticipation of the means by which Israel is to demonstrate total covenant loyalty to Yahweh.

<sup>134</sup> MCCONVILLE, *Deuteronomy*, 219. Examples of its use in this way include Deut 18.11; Job 5.8; Isa 8.19; 19.3.

that what is commanded here is not simply to identify the place (or even the number of places), but rather that the Israelites are to choose to worship only at the place Yahweh determines he will be worshipped, and in so doing, they reject the places and names of the gods of Canaan.

A major focus, then, is on Yahweh's right to determine where and how he will be worshipped. The location of the place is not specified here, primarily because it is unimportant compared to the fact that Yahweh alone has the right to say where he is to be worshipped. In the view of Deuteronomy 12, there is nothing especially sacred about the site of the *מָקוֹם* (place). Its sanctity and legitimacy derive from the fact that Yahweh has chosen it. Indeed, in commanding the destruction of Canaanite worship sites, Deuteronomy is maintaining that there is no inherent sacred quality about those sites, and they can be destroyed without fear of repercussions from those gods (who, in the view of Deuteronomy, are non-existent anyway). They are not to be maintained as cultic sites for Yahweh, since sanctity of a Yahweh worship site is based only on his election of it, and because maintaining those sites could become a snare for the Israelites (Deut 12.30).

The interpretation of the text itself points to the fact that Yahweh's sovereignty in choosing the place of worship is being emphasized in this chapter. This, in turn, suggests that there may be warrant for understanding the use of *לְשֵׁבֶן שְׁמוֹ* in light of the ANE parallels. That is, the author may have had in mind the implications of the parallel Akkadian idiom in using the phrase *לְשֵׁבֶן שְׁמוֹ* in Deuteronomy 12. Richter notes that the use of this idiom is quite appropriate in this context, despite the difficulties involved in using a foreign phrase of this sort. She maintains that it is appropriate to this context

because it emphasizes YHWH's role as conquering king by communicating hegemony in the context of kingship, allegiance in the context of sovereignty, and fame due to battles won. Moreover, in many ways this idiom serves as a shorthand reference to the historical prologue of Israel's covenant with her God which served as the theological catalyst for the proper cultic behavior detailed in the old law code.<sup>135</sup>

It is conceivable that the author chose this difficult idiom and used it consistently because it helped convey the nature of Yahweh's sovereignty so effectively in this context.

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<sup>135</sup> RICHTER, "Place of the Name," 256.

We saw above that there is a contrast being drawn in Deuteronomy 12 between rightful Yahweh worship and the false worship of Canaanite gods. This serves to highlight the main concern of the chapter, which is with the demonstration of total loyalty to Yahweh. This may be seen when considering the structure of the chapter, as noted in Section 2, above:

A	Introductory Statement: "These are the laws you shall observe"	v. 1
B	No God But Yahweh: destroy worship centres of false gods	vv. 2-4
X	Demonstrate loyalty to Yahweh alone in all aspects of worship	vv. 5-28
B'	No God But Yahweh: do not imitate worship of false gods	vv. 29-31
A'	Closing Statement: "Observe all that is commanded"	13.1

Allegiance is expressed, first, through seeking Yahweh at the place he will choose. Sacrifices and offerings are to be carried out only at the place that Yahweh will designate. That is to be the focus of corporate worship, as the people gather there. The worship at the central sanctuary is to be marked by inclusiveness, as all Israel is envisioned as gathering there (male and female, slaves [both male and female], and the Levites) according to Deut 12.12. In addition, worship at the place is to be marked by joy.

But while sacrifice is restricted to the central sanctuary, worship is not. Instead, the whole of life in the land is to be seen as being lived before Yahweh, and is, therefore, religiously significant and, to some degree, in the realm of worship. This is, I believe, the significance of the regulations concerning non-sacrificial slaughter. In the narrative of Deuteronomy, Moses is addressing the people on the plains of Moab, on the verge of the promised land. Most of the generation gathered there have never known any life other than the nomadic life of the people, in which worship was centred on the tent of meeting and in which the people experienced Yahweh's presence in remarkable and dramatic ways (Deut 2.14-16; 31.14-15). Now, however, the people are about to enter into the land itself, and corporate worship is to be carried out at the central sanctuary. This would mean that for those living some distance from the sanctuary, their opportunities to participate in corporate worship were limited, perhaps just to the thrice-yearly festivals. For all the people, moreover, entry into the land meant a shift in their experience of the presence of Yahweh. The symbols of Yahweh's presence would no longer be visible to the vast majority of them on a daily

basis. This had the effect, as Weinfeld notes, of separating a significant portion of life from ties to the cult.<sup>136</sup>

Weinfeld, as we have seen, argues that this means that Deuteronomy is seeking to secularize life that is freed from its ties to the cult. I maintain, rather, that in the practice of non-sacrificial slaughter, Deuteronomy is seeking to remind the people that though they are perhaps far from the visible symbols of Yahweh's presence, their presence in the land of promise is a tangible reminder of Yahweh's faithfulness. As people in covenant with Yahweh, the people are to live every aspect of their lives in demonstration of loyalty to him. So even when slaughtering meat for consumption in the towns throughout the land, the people are to demonstrate their loyalty to Yahweh. This is achieved first by conceiving of it as a religiously significant act, accomplished in Deuteronomy through the use of the sacral term זָבַח. Second, it is accomplished through the disposal of the blood, which may never be eaten (Deut 12.16, 23-25).

In this way, Deuteronomy creates a non-sacrificial ritual that highlights the religious significance of life lived in the land in allegiance to Yahweh. It is, to be sure, not a sacrifice, as both clean and unclean may eat of it (Deut 12.15, 22). In addition, the author is at pains to make clear the distinction between sacrifice and non-sacrificial slaughter in vv. 25-26. But in my estimation, the author is also trying to highlight the religious significance of non-sacrificial slaughter. This becomes a means by which even those living far from the central sanctuary and the visible reminders of Yahweh's presence are able to demonstrate loyalty to Yahweh on a daily basis and be mindful of his sovereignty and presence.

It is also in keeping with the Deuteronomic conception of the holiness of the land, as discussed above. In a similar way that the entire land becomes a site of the Passover celebration through the elimination of leaven throughout the land, non-sacrificial slaughter reflects the holiness of the entire land and is a parallel to the sacrifices carried out at the sanctuary. This may be seen perhaps in the parallel expressions used to describe the blood manipulation in the sacrificial and non-sacrificial contexts. Deut 12.16, 24 for example, command that the blood be "poured out" on the earth (עַל-הָאָרֶץ תִּשְׁפֹּכֶנּוּ) in the practice of non-sacrificial slaughter. Later, in v. 27 in the context of sacrificial slaughter, the people are told that the blood of their sacrifices are to be "poured out" on the altar (יִשְׁפֹּךְ עַל-מִזְבֵּחַ). The parallel actions (if

<sup>136</sup> WEINFELD, *Deuteronomic School*, 214.

admittedly not an exactly parallel grammatical construction) suggests that the author intended to see the two spheres similarly. Levinson argues that Deut 12.27 represents a tendentious reuse of lemmas from Exod 20.24, based on the fact that certain terms appear in both laws, as we have seen above. But in its present form it is possible to see a parallel between the pouring of the blood on the ground in non-sacrificial slaughter and on the altar in sacrificial slaughter. The fact of the blood prohibition points, again, to the religious significance of the former.

This non-sacrificial ritual, moreover, is intimately connected with Yahweh's blessing. Deut 12.15 states that the people are allowed to eat meat in the towns "according to the blessing of Yahweh your God which he is giving you" (כְּבִרְכַת יְהוָה (אֱלֹהֶיךָ אֲשֶׁר נָתַן-לְךָ)). Thus the provision of the meat itself, as well as the permission to eat it in a non-sacrificial setting, is seen as part of Yahweh's blessing of the people and the land. The conception of this slaughter as religiously significant and the prohibition on eating blood may be designed in part to remind the consumer of the fact of Yahweh's blessing, and that every aspect of life is under his sovereignty. Reverent slaughter and abstinence from eating blood are part, then, of the response of the people to the blessings Yahweh has given, just as is the consumption of the tithe, sacrifices, and offerings at the central sanctuary.

Once again, there is an emphasis on changing circumstances at a moment of transition in Deuteronomy's presentation. As we saw in Chapter Two, above, the inclusion of Deut 1.9-18 in the historical narrative served in part to highlight the constancy of *Torah* in the midst of changing circumstances. Here, at the beginning of the legal section of Deuteronomy, is further emphasis on the need for constancy in the midst of changing situations. As we noted, the narrative of Deuteronomy portrays the people as entering the land and settling in it. This has important implications for how the people were to experience Yahweh's presence and live out loyalty to him, as required as people in covenant relationship with him. Once again, Deuteronomy emphasizes that no matter how the circumstances change, Yahweh's faithfulness in blessing will be constant (vv. 7, 15). More important, however, is the need for demonstrating loyalty to Yahweh in every aspect of life. Deuteronomy's conception of non-sacrificial slaughter provides a means by which the people throughout the land may do so, even in the radically altered circumstances of settlement presupposed by the narrative.

### V. Conclusions to Chapter Four

In this chapter, we have examined the evidence in favour of seeing Deuteronomy 12 as supporting a radical programme of centralization, secularization, and demythologization. The evidence, I have argued, may be interpreted differently and points in a different direction from that which Weinfeld and others maintain.

I have argued that rather than pointing toward centralization of all worship to a single sanctuary, the evidence favours seeing Deuteronomy 12 as emphasizing the supremacy of Yahweh in choosing where and how he is to be worshipped. A careful reading of the text in its context shows that the number of altars is not primarily in view in Deuteronomy 12, so it is not necessary to see conflict with Exod 20.24-25 on this point. The textual evidence emphasizing Yahweh's sovereignty and the contrast between proper Yahweh worship and the false worship of Canaanite gods means that choosing Yahweh means a fundamental rejection of the Canaanite gods and the worship practices depicted as Canaanite.

Rejecting the Canaanite gods must be followed by an embrace of Yahweh and demonstrated by living lives of total loyalty to him. In the narrative world of the text, the people are about to experience a change in how they experience Yahweh's presence and how they can demonstrate allegiance to him. For Deuteronomy, all of life lived in the land is of religious significance, as evidenced by the extension of holiness to the land itself, not just the environs of the central sanctuary. So, the law of non-sacrificial slaughter establishes a means by which the people can conceive of life as religiously significant and demonstrate loyalty to Yahweh. But it is not to be considered "profane," since in the view of Deuteronomy there are no actions carried out by the people in the land that are to be considered profane. All the actions of the people of Israel in the land have covenantal and religious significance.

Worship, then, emerges as a fundamental theme in this chapter. Heading the laws of the legal section is concern for proper Yahweh worship. If the entire legal section may be seen as the means by which the people respond to Yahweh's blessings and gracious acts on their behalf, Deuteronomy 12 makes clear that proper worship is at the heart of that response. The first means by which allegiance to Yahweh may be shown is through the rejection of all false worship, and dedication to worshipping Yahweh as he has commanded.

The emphasis here is not on the nature of Yahweh's presence or absence from the central sanctuary. Rather, the emphasis is on the need for the people to demonstrate

loyalty to Yahweh by rejecting false worship and living lives of obedience to him and to *Torah*. If this is correct, then the case for seeing in Deuteronomy centralization, secularization, and demythologization as usually conceived is considerably weakened.



## CHAPTER FIVE

### DEUTERONOMY 16.18-18.22

The final section of Deuteronomy we will be considering in this study is Deut 16.18-18.22. Like the previous texts we have examined, Deut 16.18-18.22 is often seen as contributing to a radical programme of centralization, secularization, and demythologization. In this text, the offices of judge, king, priest, and prophet are dealt with, and this section is often considered to be one of the most significant for advancing the Deuteronomic programme. It is here that some of the unique emphases of Deuteronomic theology may be most clearly discerned.

This section served as the basis for our broad consideration of centralization in Chapter One. There, five views of centralization were presented and analyzed on the basis of these laws regarding offices. It is not necessary, therefore, to repeat that discussion here. Rather, I will summarize here the contours of the arguments in favour of seeing in Deut 16.18-18.22 elements of centralization, secularization, and demythologization and some concerns raised with regard to that understanding. The bulk of this chapter will consist of my presentation of an alternative understanding of this section.

#### I. Prevailing View: Centralization and Secularization

As we saw in Chapter One, Deut 16.18-18.22 has been seen as demonstrating Deuteronomy's programme of centralization. Though they conceive of it differently, all five of the representative exegetes considered there see centralization as being an important aspect of this part of the book.

This section is widely recognized as a separate unit.<sup>1</sup> It deals with the political and religious organization of life in Israel, which has led many to see here a "constitution"

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<sup>1</sup> See, e.g., R.D. NELSON, *Deuteronomy*, OTL (Louisville: Westminster John Knox, 2002), 213; J. G. MCCONVILLE, *Deuteronomy*, AOTC 5 (Leicester: Apollos; Downers Grove: Intervarsity, 2002), 280-81; W. BRUEGGEMANN, *Deuteronomy*, AbOTC (Nashville: Abingdon, 2001), 178-79; R.E. CLEMENTS, "The Book of Deuteronomy: Introduction, Commentary, and Reflections," *NIB*, 2: 416-18.

for Israel.<sup>2</sup> While this is an apt description to some extent, as this section clearly provides instruction in the major offices and institutions that will serve to govern the nation, the section is nevertheless a part of the overall book, and so must be interpreted in light of its broader context. There is no evidence that suggests that Deut 16.18-18.22 was ever an independent text.<sup>3</sup> Regardless of the origin of these laws, they are now presented in Deuteronomy in the context of Moses' address to the people gathered on the plains of Moab, on the verge of entering the land.

The topics of this section are addressed in the following manner:

Judges and Legal Administration	16.18-17.13
The Law of the King	17.14-20
Levitical Priests	18.1-8
Prophets	18.9-22

As we have seen, many perceive in this section evidence of centralization and secularization. We will now examine again briefly the arguments in favour of this view, and highlight some concerns with that interpretation.

The appointment of judges in Deut 16.18-20 is often seen as a direct result of centralization. Prior to Deuteronomy, it is usually argued, priests in local sanctuaries served to adjudicate certain cases. With the elimination of local sanctuaries as a result of the Deuteronomic reform under Josiah, local priests were no longer available to serve in this capacity. As a result, two transformations take place in the legislation in Deuteronomy. First, professional judges are to be appointed to adjudicate local cases according to Deut 16.18-20. Second, appeals are to be brought to the central tribunal, where priests and judges would render a verdict (Deut 17.8-13). This, too, is due to centralization, as prior to Deuteronomy cases would be resolved by priests in the local sanctuaries.<sup>4</sup> Thus the law related to judges points to centralization. It also points to secularization, as the role of priests at a local sanctuary is replaced by a professional judiciary, and that area of life is removed from the realm of the cult. Thus it is

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<sup>2</sup> S.D. MCBRIDE, "Polity of the Covenant People: The Book of Deuteronomy," *Interpretation* 41, 3 (1987): 229-44; B. HALPERN, *The Constitution of the Monarchy in Israel*, HSM 25 (Chico, CA: Scholars, 1981), esp. 226-33.

<sup>3</sup> MCCONVILLE, *Deuteronomy*, 281. McConville rightly notes that the "separate existence of the laws, and even their pre-deuteronomic grouping as a body of laws governing aspects of the constitution of Israel, cannot be ruled out." The fact remains, however, that the precise origins are unknown, and the section has been integrated into the rhetoric and argument of the book as a whole.

<sup>4</sup> See M. WEINFELD, *Deuteronomy and the Deuteronomic School* (Oxford: OUP, 1972; repr. Winona Lake: Eisenbrauns, 1992), 233-36; B.M. LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: OUP, 1997), 98-143.

considered significant that despite the inclusion of a priest at the central tribunal, no mention of sacral media is made with reference to the resolution of difficult cases.<sup>5</sup>

The law of the king (Deut 17.14-20) is also understood to point to the unique nature of the Deuteronomic programme. The limitations on the role of the king are seen as radical, though there is no consensus as to the significance of these limitations. Some see in the law of the king an elevation of the central tribunal,<sup>6</sup> while others see in the law of the king a rejection of certain abuses of kingship (on the part of specific kings) but an emphasis on the importance of the institution of the monarchy itself.<sup>7</sup> Still others see in the law of the king a reflection on the institution of the monarchy and a reduction in the significance of the king.<sup>8</sup>

The law related to priests in Deut 18.1-8 is seen as pointing further to centralization. This may be seen especially in the regulation about priests serving at the place in Deut 18.6-8. This law is often seen as resulting from centralization, where the elimination of local sanctuaries results in a displacement of the local priests. This law is seen as ensuring their participation in the ministry of the central sanctuary.<sup>9</sup> This law, then, like the law requiring the appointment of judges, is directly related to the centralization of worship in Jerusalem and the associated elimination of all altars in other locations. As such, it points to centralization as being a far-reaching aspect of the Deuteronomic programme.

As noted above, some objections to this view were raised in Chapter One. I argued there that Weinfeld's interpretation of the law about judges (Deut 16.18-20) is based on assumptions about the role of elders that are not supported by the data of the text.

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<sup>5</sup> WEINFELD, *Deuteronomic School*, 233-34.

<sup>6</sup> LEVINSON, *Legal Innovation*, 142.

<sup>7</sup> WEINFELD, *Deuteronomic School*, 169-71.

<sup>8</sup> N. 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*, SBTS 3, ed. D.L. CHRISTENSEN (Winona Lake: Eisenbrauns, 1993), 346-48.

<sup>9</sup> I. CAIRNS, *Word and Presence: A Commentary on the Book of Deuteronomy*, ITC (Grand Rapids: Eerdmans; Edinburgh: Handsel, 1992), 170. Since J. WELLHAUSEN, *Prolegomena to the History of Ancient Israel* (New York: Meridian, 1957), 121-51, esp. 139-40, some have seen in Deut 18.6-8 a reflection of 2 Kg 23.8-9, and see the Levite in Deut 18.6 as being a priest of one of the high places who was denied a role at the Temple in Jerusalem according to 2 Kg 23.8-9. However, the relationship between Deut 18.1-8 and 2 Kg 23.8-9 is far from clear. Deut 18.6-8 reads more like a description of an occasional movement to the central sanctuary, not a major migration. In addition, it is unlikely that the author of DtH, who holds Josiah up as a model Israelite and king, would portray him as disobeying a law from Deuteronomy, which is seen as the book of the law that served as the basis for his reforms. On this, see R.D. NELSON, "The Role of the Priesthood in the Deuteronomistic History," in *Congress Volume: Leuven 1989*, VTSup 43, ed. J.A. EMERTON (Leiden: Brill, 1991), 132-47; J.G. MCCONVILLE, *Law and Theology in Deuteronomy*, JSOTS 33 (Sheffield: JSOT Press, 1984), 132-35; R. ABBA, "Priests and Levites in Deuteronomy," *VT* 27, 3 (1977): 257-67.

That is, Weinfeld maintains that the judicial reform advocated by Deuteronomy leaves only “patriarchal and family litigation” within the sphere of influence of the elders, and mandates that all cases requiring the establishment of guilt or innocence be brought to the newly-appointed professional jurists.<sup>10</sup> But Deut 19.11-12 gives the elders responsibility for determining the guilt or innocence of the manslayer, and other cases assigned to elders (Deut 21.19-20; 22.15-21; 25.8-9) also deal with the establishment of guilt or innocence.

This leads to a further concern about Weinfeld’s reconstruction. Weinfeld believes that centralization created a judicial vacuum due to the elimination of local altars.<sup>11</sup> But Weinfeld himself recognizes that prior to Josiah’s reform there existed a local civil judiciary officiated at by elders and judges.<sup>12</sup> This interpretation does not deal with the possibility that the local officials (elders and judges) could have continued to adjudicate matters that arose despite the elimination of the local altars. Weinfeld’s contention that the Deuteronomic reforms combined the two institutions of the judiciary (sacral and civil) at the central tribunal is possible, but still leaves unexplained why judges are to be appointed in the city gates when, in his own view, judges previously had officiated there and could have continued to do so.

The law of the king in Deut 17.14-20 raises additional questions as to whether or not centralization and secularization are the primary concerns of this section. As we noted in Chapter One, there is at present no consensus as to whether this text, and Deuteronomy as a whole, should be seen as supportive of or in opposition to the institution of the monarchy. At the same time, most interpreters see the book of Deuteronomy as originating in or near the time of Josiah, and associate the book with his reforms. But the law in Deut 17.14-20 may plausibly be read as presenting kingship as an option for governance, not a necessity. Kingship, after all, is not commanded by the law of the king, but is, rather, permitted. If kingship is in fact vital to the centralizing programme envisioned by Deuteronomy,<sup>13</sup> it is surprising that kingship is not more directly supported or required. In addition, the presentation of the powers of the king are dramatically circumscribed when compared to the powers of

<sup>10</sup> WEINFELD, *Deuteronomic School*, 234; idem, “Elder,” *EncJud* 6: 578-80.

<sup>11</sup> Weinfeld, *Deuteronomic School*, 234. See also B.M. LEVINSON, “The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History’s Transformation of Torah,” *VT* 51, 4 (2001): 520.

<sup>12</sup> *Ibid.*, 235-36.

<sup>13</sup> M. WEINFELD, *Deuteronomy 1-11*, AB 5 (New York: Doubleday, 1991), 55; idem, *Deuteronomic School*, 298-306.

ANE kings as well as the actual powers exercised by Judahite and Israelite kings (see below). This raises the question as to whether or not the law of the king is best associated with the kinds of reforms carried out by Josiah who, if he followed the letter of the law of the king, would find himself in a remarkably less powerful position. In its present form, at least, the Deuteronomic law code, with its inclusion of the law of the king, does not seem to fit squarely with the centralizing reforms of Josiah.<sup>14</sup> This does not, of course, prove that the law should not be associated with the Josianic reforms, but it does raise the possibility that at the heart of this section in its present form is something other than the centralizing and secularizing reform posited by Weinfeld and others.

This apparent problem has led some to conclude that the law of the king is not a part of the law book that served as the basis of Josiah's reforms, and that it is, rather, a deuteronomistic addition to the earlier work.<sup>15</sup> This solution, however, is hard to reconcile with the fact that DtH portrays kings in Israel and Judah as exercising the powers denied them in the law of the king.<sup>16</sup> It is hard to conceive of a deuteronomistic editor who would include in the final form of Deuteronomy stipulations in the law of the king that would serve, at least in part, to undermine that same editor's posited efforts to highlight the positive aspects of the monarchy.

With regard to the law of priests in Deut 18.1-8, it should be noted that the law does not indicate that any major influx of priests is in view here. Rather, it seems at best to envision an occasional, "voluntary movement of Levites to serve at the central sanctuary,"<sup>17</sup> perhaps along the lines of a "temporary tour of duty at the sanctuary by a

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<sup>14</sup> A.D.H. MAYES, "Deuteronomistic Ideology and the Theology of the Old Testament," *JSOT* 82 (1999): 68-69 notes that the reforms of Josiah also tended to bypass the social law of the Deuteronomic code. This further raises questions as to whether the book in its present form is best seen as supporting the type of reforms carried out by Josiah, and consequently whether the kind of radical programme posited by Weinfeld and others is really the best interpretation of the text as it presently exists.

<sup>15</sup> See, e.g., A.D.H. MAYES, *Deuteronomy*, NCB (Grand Rapids: Eerdmans; London: Marshall, Morgan & Scott, 1979), 273; U. RÜTERSWORDEN, *Von der politischen Gemeinschaft zur Gemeinde: Studien zu Dt 16,18-18,22* (Frankfurt am Main: Athenäum, 1987), 94-111; and E. OTTO, "Von der Programmschrift einer Rechtsreform zum Verfassungsentwurf des Neuen Israel: Die Stellung des Deuteronomiums in der Rechtsgeschichte Israels," in *Bundesdokument und Gesetz: Studien zum Deuteronomium*, HBS 4, ed. G. BRAULIK (Freiburg: Herder, 1995), 93-104.

<sup>16</sup> G.N. KNOPPERS, "The Deuteronomist and the Deuteronomic Law of the King: A Reexamination of the Relationship," *ZAW* 108, 3 (1996): 336-44; idem, "Rethinking the Relationship between Deuteronomy and the Deuteronomistic History: The Case of Kings," *CBQ* 63 (2001): 393-415.

<sup>17</sup> NELSON, *Deuteronomy*, 232.

Levite who comes from one of the cities set aside for him in any part of the land.”<sup>18</sup> Accordingly, caution should be exercised in seeing effects of centralization here.

Moreover, the question as to whether Deut 18.1-8 knows of the distinction between priests and Levites, and, indeed, whether this text is referring to priests of the high places is misplaced. The emphasis in this section is not on the nature of the priesthood *per se*, but rather is on the means by which the Levitical tribe, having no allotment of land, will be supported. Thus, McConville rightly notes that the emphasis here is to ensure that the Levites are not offered “mere crumbs,” but instead are actually allowed to accumulate wealth.<sup>19</sup> Deut 18.6-8, then, emphasizes the rights of all members of the tribe of Levi to enjoy the wealth that Yahweh will provide when serving at the central sanctuary. In this way, the Levites, along with the alien, orphan, and widows, serve as a measure of the extent to which Israel is truly living as the people of Yahweh, where the abundant blessings promised by Yahweh are shared with all the people.<sup>20</sup>

The preceding discussion, coupled with the concerns raised in Chapter One about centralization and secularization in this section, suggests that what is at the heart of the theology of this section is not centralization and secularization, but something else. We will now turn our attention to considering an alternative understanding of the material in this section.

## II. An Alternative View: Supremacy of Yahweh and *Torah*

In my estimation, interpreters of Deut 16.18-18.22 such as Weinfeld and others are correct in their assertion that there is in this section a radical, even revolutionary, programme. The nature of that programme, however, is rather different from what is usually maintained. In this section, I will present an alternative interpretation of the text in an effort to identify what may be at the heart of the radical Deuteronomic programme. The various subsections that make up this section will be examined separately.

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<sup>18</sup> McCONVILLE, *Deuteronomy*, 299.

<sup>19</sup> *Ibid.*, 297.

<sup>20</sup> See McCONVILLE, *Law and Theology*, 151; N. LOHFINK, “The Laws of Deuteronomy: A Utopian Project for a World Without Any Poor?” Lattey Lecture 1995 (Cambridge: St. Edmund’s College, 1995), and *idem*, “Das deuteronomische Gesetz in der Endgestalt: Entwurf einer Gesellschaft ohne marginale Gruppen,” *BN* 51 (1990): 25-40. Cf. also C.J.H. WRIGHT, *Deuteronomy*, NIBC 4 (Peabody: Hendrickson; Carlisle: Paternoster, 1996), 213-15.

## A. JUDGES AND LEGAL ADMINISTRATION (DEUT 16.18-17.13)

The section dealing with offices opens with the command that judges and officers (שֹׁטְרִים וְשֹׁפְטִים) are to be appointed in all the towns in the land.<sup>21</sup> Following the instruction to appoint judges, there is an exhortation to pursue justice, and to avoid partiality and bribes (Deut 16.19-20).

In the interpretation of this text, it is important to note at this point just who is addressed here. There is general recognition of the fact that the community as a whole is instructed to appoint judges.<sup>22</sup> But the significance of this, as well its consistency throughout the section on offices in Deut 16.18-18.22, has not been as readily appreciated.

Deut 16.18 commands the people to appoint judges and officers using the second person singular, which is usually understood in Deuteronomy as addressing the whole people.<sup>23</sup> In the next verses, Deut 16.19-20, most commentators argue that the individual judges, not the community as a whole, are being addressed.<sup>24</sup> But there is no change in the form of address, as the second person singular is used in these verses as well. I think it more likely, therefore, that the entire community is still being addressed.<sup>25</sup> As members of the wider community, those who would serve as judges

<sup>21</sup> The expression שֹׁפְטִים וְשֹׁטְרִים may simply be a hendiadys referring to judges (“judging officials”), since the only activity in question here is judicial in nature. See E.H. MERRILL, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 257-58. On the other hand, it may refer to two different offices, where שֹׁטֵר is a reference to some type of scribal activity. See NELSON, *Deuteronomy*, 217, and MCCONVILLE, *Deuteronomy*, 286, and the more elaborate treatment of the offices in M. WEINFELD, “Judge and Officer in Ancient Israel and in the Ancient Near East,” *Israel Oriental Studies* 7 (1977): 65-88.

<sup>22</sup> See, e.g., CLEMENTS, “The Book of Deuteronomy,” 419; J.H. TIGAY, *Deuteronomy* רַבְרִים: *The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: JPS, 1996), 160; P.D. MILLER, *Deuteronomy*, Interp (Louisville: John Knox, 1990), 143; R. BROWN, *The Message of Deuteronomy: Not By Bread Alone*, BST (Leicester: Intervarsity, 1993), 176. Others, however, hold that some other entity is being addressed. G. VON RAD, *Deuteronomy: A Commentary* (London: SCM, 1966), 118, maintains that the king is to appoint the judges. MAYES, *Deuteronomy*, 264, posits that an unspecified “centralized authority” has responsibility to make the appointment. Similarly, Y. SUZUKI, “Deuteronomic Reformation in View of the Centralization of the Administration of Justice,” *Annual of the Japanese Biblical Institute* 13 (1987): 34, maintains that the addressee here is “an organization of the administration.”

<sup>23</sup> On the use of second person singular and plural in Deuteronomy, see T.A. LENCHAK, “Choose Life!”: *A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20*, AnBib 129 (Rome: Pontifical Biblical Institute, 1993), 12-16, and the references there.

<sup>24</sup> E.g., MILLER, *Deuteronomy*, 143; P.C. CRAIGIE, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 247; MERRILL, *Deuteronomy*, 258; WRIGHT, *Deuteronomy*, 204; I. CAIRNS, *Word and Presence: A Commentary on the Book of Deuteronomy*, ITC (Grand Rapids: Eerdmans; Edinburgh: Handsel, 1992), 159-60; VON RAD, *Commentary*, 114-15; S.R. DRIVER, *Deuteronomy*, ICC (Edinburgh: T&T Clark, 1895), 200-01.

<sup>25</sup> This view is supported by TIGAY, *Deuteronomy*, 160; NELSON, *Deuteronomy*, 218; F. CRÜSEMANN, *The Torah: Theology and Social History of Old Testament Law* (Minneapolis: Fortress, 1996), 238-40

are, of course, addressed. But the primary addressee in these verses is Israel as a whole.<sup>26</sup>

This view is supported by the fact that verse 18 ends with a reference to the judges in the third person plural: וְשִׁפְטוּ אֶת־הָעָם מִשְׁפַּט־צֶדֶק (“and they shall judge the people with righteous judgement”). This clearly shows that the entire community, not the judges, is being addressed in verse 18. That there is no alteration in the form of address in verses 19-20 suggests that the same audience, the community as a whole, is in view there as well. This is all the more likely in view of the well-established fact that Deuteronomy frequently alternates between the singular and plural forms of the second person. That is, if the judges were being addressed, one might expect a shift to the plural form of the second person, which is often used to address a collection of individuals.<sup>27</sup>

The LXX reading at this point supports the view that the community is still addressed in verses 19 and 20 (though it does, admittedly, suggest that the primary referent here is the judges themselves rather than the people as a whole). LXX shifts into the third person plural, stating that “*They* (i.e., the judges) shall not distort justice...*They* shall not take bribes.” This is, perhaps, an attempt to harmonize v. 19 with the last phrase of v. 18, which is also in the third person singular.

The question as to who is being exhorted in vv. 19-20 is an important one in understanding what is at the heart of the theology of this section. Those who see the judges as being addressed rightly see that justice is being emphasized, and that this is clearly important to life lived in relationship with Yahweh. Frequently, however, the admonition to the judges is seen as evidence of a secularization programme in Deuteronomy. In this view, it is significant that *judges* are being addressed here. Prior to the centralization of worship in Jerusalem and the abolition of local sanctuaries, it is argued, local disputes would often have been resolved through the mediation of priests in the local sanctuaries. The abolition of sanctuaries mandated that secular judges be appointed to adjudicate. This, it is argued, is what is happening in Deuteronomy, as we have seen. Accordingly, the fact that judges, rather than priests, are being

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(ET of *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* [Munich: Chr. Kaiser, 1992]).

<sup>26</sup> Contra CRAIGIE, *Deuteronomy*, 247, who argues the opposite, viz. that these verses “although applying in principle to all men, are addressed particularly to the officers of the law.”

<sup>27</sup> LENCHAK, “*Choose Life*,” 13.



addressed highlights the revolutionary nature of Deuteronomy's programme of centralization and secularization.

If, however, the people as a whole are being addressed, a different picture begins to emerge. In this reading, the entire community is responsible to ensure that justice is done in Israel. This represents a truly revolutionary aspect of the Deuteronomic programme. Whereas throughout the Ancient Near East the king is responsible for the administration of justice, Deuteronomy places that responsibility squarely in the hands of the community as a whole. Moreover, the pursuit of justice (or perhaps, better, "righteousness"; see below) is of supreme importance, for it will allow the people to "live and possess the land" which Yahweh is giving the people (v. 20). Those who will be judges are, to be sure, included in this exhortation, but the entire community is responsible before Yahweh for the maintenance of justice.<sup>28</sup>

But what does it mean to "pursue righteousness" (v. 20)? Most translations translate the Hebrew word צֶדֶק as "justice" in this verse. That, of course, is part of the semantic range of the word. But careful examination of the term as it is used here suggests that the judicial sense is not primarily in view.

As we saw in Chapter Two, in most cases the nominal forms צֶדֶק and צִדְקָה in Deuteronomy do not appear in a judicial context. Rather, the broader sense of "righteousness" appears to be in view.<sup>29</sup> It has further been noted that צֶדֶק entails adherence to some fixed standard known to the community.<sup>30</sup> Thus, for example, Deut 25.15 calls for weights and measures that are וְצִדְקָה וְיִצְרָאֵל, that is, in conformity with a known standard and not compromised in any way. Similarly, Deut 33.19 speaks of וּבְחֵי-צֶדֶק, meaning sacrifices that conform to some known standard. The use of the adjectival form צִדְיִק in Deut 16.18 refers to people whose lives and behavior conform to certain standards. Finally, Deut 16.18 further says that the newly-appointed judges are to judge the people with מִשְׁפַּט־צֶדֶק, which refers to judgement that is in conformity to a standard. Reimer concludes that צֶדֶק "terminology indicates right behavior or status in relation to some standard of behavior expected in the community.

<sup>28</sup> NELSON, *Deuteronomy*, 218.

<sup>29</sup> See above, pp. 103-04.

<sup>30</sup> D. PATRICK, *Old Testament Law* (Atlanta: John Knox, 1985), 117; D.J. REIMER, "צֶדֶק," in *NIDOTTE*, 3: 750; H.G. STIGERS, "צֶדֶק," in *TWOT* 2:753; N. SNAITH, *The Distinctive Ideas of the Old Testament* (London: Epworth, 1944), 73.

It also entails the adjudication of such behavior or status as well as the more abstract sense of some claim to it.”<sup>31</sup>

The fact that the people as a whole are addressed in Deut 16.19-20 suggests that “righteousness” (in a broader sense) rather than “justice” (in the forensic/legal sense) is in view here.<sup>32</sup> Few of the people being addressed are likely to engage in the adjudication of cases as judges. But all the people have opportunity to pursue צְדָקָה in the course of their lives.<sup>33</sup> This is accomplished by living out every aspect of their lives in conformity to a known standard.

The standard to which Israel is expected to conform begins to be explicated in the next verse. Scholars have often regarded these verses as an abrupt interpolation that has little to do with the context. Levinson, for example, argues that Deut 16.21-17.1 “bear no relationship whatsoever to justice. They deal with cultic issues—the topic of the previous section of the legal corpus.”<sup>34</sup> But the charge of irrelevance can be sustained only if judges are addressed in Deut 16.19-20 and if the narrower, judicial sense of צְדָקָה is assumed in verse 20. If, however, one sees the entire community as being involved in the pursuit of righteousness (in the broader sense), then these verses are not an interruption. Rather, they provide a vivid description as to what unrighteousness would look like: syncretism in the form of the construction of an אֲשֵׁרָה and the withholding of sacrifices that rightfully belonged to Yahweh. In short, unrighteousness is portrayed as a violation of Yahweh’s commandments (both in the Decalogue and the commandments already given in Deut 15.19-23). This, according to Deuteronomy, is unrighteousness *par excellence*.

The non-judicial sense of צְדָקָה may be seen further in other places in the Deuteronomic law. Deut 15.9 warns against failing to lend to a needy brother because

<sup>31</sup> REIMER, “צְדָקָה,” 750.

<sup>32</sup> Weinfeld rightly notes that the broader understanding of righteousness “does not exclude the juridical sense of the expression. . . . ‘[J]ustice and righteousness’ is not a concept that belongs to the jurisdiction alone, but is much more relevant for the social-political leaders who create the laws and are responsible for their execution.” (M. WEINFELD, *Social Justice in Ancient Israel and in the Ancient Near East* [Jerusalem: Magnes, 1995], 44.) In Weinfeld’s view, however, the responsibility for the maintenance of a “righteous” society lies with the king.

<sup>33</sup> A similar perspective may be seen in Lev 19.11-18, where commands relating to the pursuit of righteousness/justice are contained within commands having nothing to do with the judicial sphere. As in Deuteronomy 16, the people as a whole are called upon to see that every aspect of life, including the maintenance of the legal system, is carried out in conformity to Yahweh’s standards of righteousness.

<sup>34</sup> LEVINSON, *Legal Innovation*, 100. Similarly, DRIVER, *Deuteronomy*, 201, argued that this section has no connection to the preceding material and suggests that Deut 16.21-17.7 may originally have been found prior to Deut 13.2.

the year of release is near. The consequences of such action is that the needy person will cry out to Yahweh against the would-be lender. It is striking that it is not to judges or the judicial sphere that the needy person will seek justice, but to Yahweh. Since generosity of this sort cannot be legislated or its absence adjudicated, this suggests that the concern is greater than the confines of forensic justice and is with righteousness more broadly.<sup>35</sup>

Some of the laws of Deuteronomy 24 point in a similar direction. Included in this section are laws about going back to recover the forgotten sheaf or olive while harvesting (Deut 24.19-22), paying wages on time (vv. 14-15), and not keeping the pledge when making a loan, or even entering the home to collect the pledge (vv. 10-13). None of these are laws that are likely to be effectively enforced through appeal to judges, as is evident by the fact that it is to Yahweh that the needy person deprived of his pledge overnight appeals (v. 15). But they could be dealt with through the informal mechanism of the community bringing pressure to bear on the violator, and so ensuring that צְדָקָה is maintained. It is particularly telling that Deut 24.13 specifically identifies proper actions with respect to a needy person as צְדָקָה (“righteousness”). It seems, then, that צְדָקָה is more than simply forensic justice, but includes a broader sense of righteousness.

This understanding of righteousness is consistent with a general perspective in Deuteronomy toward collective responsibility.<sup>36</sup> Deut 21.1-9 is a case in point. There, the actions of the elders and priests are described in the third person (“they shall go”), while the addressee remains Israel as a whole, as seen through the use of the second person singular (“your elders [אֲנִיִּי]”). The prayer of the elders of the nearest city is that the guilt would be removed from *Israel*, not just their locale (v. 8). There is a distinct sense in which the actions of individuals (or small groups within the whole) affects the well-being of the whole. Accordingly, the community as a whole has a responsibility to maintain justice. The rhetoric of Deuteronomy, including its unique emphasis on the role of the people as a whole, serves to “[construct] the consciousness of the people and [situate] them in their ‘world.’”<sup>37</sup> Similarly, Deuteronomy 12

<sup>35</sup> Cf. NELSON, *Deuteronomy*, 196.

<sup>36</sup> D. PATRICK, “The Rhetoric of Collective Responsibility in the Deuteronomic Law,” in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, ed. D.P. WRIGHT, D.N. FREEDMAN, and A. HURVITZ (Winona Lake: Eisenbrauns, 1995), 421-36.

<sup>37</sup> *Ibid.*, 435.

addresses the need for total allegiance to Yahweh in worship to the people as a whole, not to a subgroup within it. By including the entire community in its exhortation, the people as a whole are shown to be responsible for the maintenance of purity in worship.

In light of this, it is reasonable to see Deut 16.21-17.1 not as an interruption, but as part of the rhetorical thrust of Moses' speech. By following a plea for the pursuit of צִדִּיק with a description of actions contrary to the desired goal, the contrast between loyalty and obedience to Yahweh and the dark alternative (behavior described in stark terms as things Yahweh hates [שִׂנְאָה] and as abominations [תּוֹעֵבָה]) is thrown into sharp relief. The purpose is to persuade the audience to pursue righteousness zealously, and the use of negative examples serves to both illustrate the nature of צִדִּיק by showing what it is not, and to motivate the hearers to avoid its opposite.

In the same way, Deut 17.2-13 demonstrates what it means for the people to pursue righteousness. Here, as in Deut 16.18-20, it is the people as a whole who are addressed, through the use of the second person singular. Deut 17.2-7 has been understood to be an example of the type of case that the newly-appointed judges might face.<sup>38</sup> Instead, I believe it describes a situation in which the community is to uphold standards of justice and righteousness. Here, as in Deut 16.21-17.1, the offense involves violation of the first commandment in the worshipping of other gods.<sup>39</sup> The entire community is to be diligent in ensuring that loyalty to Yahweh is demonstrated in every facet of life. In addition, the procedures outlined in this section demonstrate that, while the community is expected to uphold standards of righteousness and to prosecute those who fail to demonstrate loyalty to Yahweh, they are expected to do so in a way that demonstrates fundamental fairness (vv. 4-6). This interpretation renders unnecessary both the "standard solution" (in which Deut 17.2-7 is moved to the context of Deuteronomy 13) as well as Levinson's hypothesis that sees the reformulation of Deut 13.7-12 in 17.2-7 through lemmatic reuse.<sup>40</sup>

The standard of righteousness that the community is to uphold is further seen in Deut 17.11. There, the authority of the judges is affirmed in the strongest of terms, as the death penalty is prescribed for a person who fails to abide by the decisions of the

<sup>38</sup> See MILLER, *Deuteronomy*, 143-44; WRIGHT, *Deuteronomy*, 205-06.

<sup>39</sup> This is suggested by the fact that the verbs "serve" (עָבַד) and "worship" (חָוָה) are used here in reverse order from that in which they appear in Deut 5.9. See MERRILL, *Deuteronomy*, 260.

<sup>40</sup> See LEVINSON, *Legal Innovation*, 104-07; 119-20. Levinson's arguments are presented and critiqued more fully in Chapter One.

court. It is interesting to note, however, the terms that are used. Verse 11 says that parties to a court case are to “do according to the terms of the law (תּוֹרָה) which they teach you and according to the decisions (מִשְׁפָּט) which they say to you, you are to do....” The juxtaposition of these terms highlights the fact that both תּוֹרָה and מִשְׁפָּט are understood to be part of the revealed will of Yahweh, and therefore must be strictly adhered to.<sup>41</sup> As Millar has argued, the Ten Commandments, given directly by Yahweh to the people, the specific stipulations of chapters 12-26, given through the mediation of Moses, and even the parenesis in Deuteronomy are conceived of as “law” for Israel, and represent the standards to which the entire community is expected to conform.<sup>42</sup>

In light of this, it is reasonable to conclude that a central concern of the law regarding judges is the explication of how the entire community is to uphold righteousness and those things that may threaten it, and not to promote a secular institution due to changes wrought by centralization. Indeed, the fact that false worship is cited as an example of unrighteousness *par excellence* and righteousness is conceived of more broadly than simply forensic justice points to the religious significance of this legislation. If my interpretation is correct, the revolutionary nature of Deuteronomy’s programme as discussed here lies not in the secularization of the judiciary as a result of centralization, but in the rejection of Ancient Near Eastern models of government (especially in terms of kingship) in favour of the elevation of *Torah*.

#### B. THE LAW OF THE KING (DEUT 17.14-20)

The truly revolutionary nature of the Deuteronomic programme is seen most clearly in the law of the king, in Deut 17.14-20. Deuteronomy presents a king with greatly circumscribed powers. Indeed, the very office of the king is not required, but is permitted when the people desire it. In contrast, the offices of judges (Deut 16.18-20, 17.9), priests (Deut 17.9, 18.1-8), and the prophet (Deut 18.9-22) are required by

<sup>41</sup> Cf. SNAITH, *Distinctive Ideas*, 75; B. LINDARS, “Torah in Deuteronomy,” in *Words and Meanings: Essays Presented to David Winton Thomas*, ed. P.R. ACKROYD and B. LINDARS (Cambridge: CUP, 1968), 128-31.

<sup>42</sup> See MCCONVILLE and MILLAR, *Time and Place*, 36-57. The nature of what constitutes “law” in Deuteronomy is also taken up in N. LOHFINK, “Die ‘*huqqim umispatim*’ im Buch Deuteronomium und ihre Neubegrenzung durch Dtn. 12.1,” *Biblica* 70 (1989): 1-27 and G. BRAULIK, “Die Ausdrücke für ‘Gesetz’ im Buch Deuteronomium,” *Biblica* 51 (1970): 40-66. This is similar to the use of דְּבָרִים (“words”) that was posited in Chapter Three of the present study.

Deuteronomy.<sup>43</sup> Moreover, those offices may be seen as being more significant in the life of the nation than the king, according to Deuteronomy.<sup>44</sup>

The role assigned to the king in Deuteronomy is rather remarkable. He is prohibited from accumulating large numbers of horses (Deut 17.16). This is best understood as limiting the power of the king in establishing a large standing army equipped with a powerful chariot force.<sup>45</sup> Thus, a role as military leader in the common ANE sense is denied the king. In addition, he is prohibited from amassing great wealth and a harem (Deut 17.17). This, McConville argues, may best be understood as “opposing a centralized royal administration, which concentrates a nation’s wealth by means of a tax system, and which uses royal marriage as a tool of international diplomacy.”<sup>46</sup> In addition, he is denied a judicial function.<sup>47</sup>

Equally telling is what this law, and Deuteronomy generally, *doesn’t* say about the king. Nowhere is the king referred to as the son of God, as ANE kings were sometimes understood, and as he was understood in the context of the so-called “Jerusalem Cult Tradition,” or Zion theology.<sup>48</sup> In Deuteronomy, Israel as a whole is compared to sons of God (Deut 1.31). The king is specifically presented as a “brother Israelite” (17.15, 20) for whom there is danger in elevating his heart above his brothers. Adherence to *Torah* is presented as the means by which the king is kept humble and a part of the community of brothers.

This stands in stark contrast to the role of kings in the ANE, and, indeed, the role actually played by Israelite monarchs. The centrality of the king in ANE political systems is highlighted by Whitelam, who notes that

the king’s role in the protection of society as warrior, the guarantor of justice as judge and the right ordering of worship as priest are the fundamental roles which cover all aspects of the well-being of society. It is well known that this triple function of kingship, with particular emphasis on the roles of the king as judge and warrior, is common throughout the ancient Near East and is

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<sup>43</sup> Cf. MILLER, *Deuteronomy*, 147.

<sup>44</sup> MCBRIDE, “Polity,” 241.

<sup>45</sup> See CRAIGIE, *Deuteronomy*, 255; LOHFINK, “Functions of Power,” 345.

<sup>46</sup> J.G. 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*, JSOTS 270, ed. J. DAY (Sheffield: SAP, 1998), 276.

<sup>47</sup> LOHFINK, “Functions of Power,” 340; See also RÜTERSWORDEN, *Gemeinschaft zur Gemeinde*, 90-91.

<sup>48</sup> On the Zion tradition, see G. VON RAD, *Old Testament Theology*, vol. 1, *The Theology of Israel’s Historical Traditions*, trans. D.M.G. Stalker (New York: Harper & Row, 1962), 46-48; R.E. CLEMENTS, “Deuteronomy and the Jerusalem Cult Tradition,” *VT* 15, 3 (1965): 300-12. For a critique of this understanding see J.G. MCCONVILLE, “Jerusalem in the Old Testament,” in *Jerusalem Past and Present in the Purposes of God*, ed. P.W.L. WALKER (Carlisle: Paternoster; Grand Rapids: Baker, 1994), 21-51.

expressed in a great deal of royal literature from Mesopotamia through the Levant to Egypt.<sup>49</sup>

While there were, undoubtedly, practical limitations on the power of a king, and political realities surely necessitated the sharing of the responsibilities of power, the fact remains that nowhere in the ANE is the power of the king limited by a written document, as the power of the Israelite king is limited by the regulations in Deuteronomy. The Code of Hammurabi, for example, is clearly directed from the king to his people and seeks to regulate their conduct, not his.

The only positive function assigned to the king in Deuteronomy is to read a copy of “this law” (הַחֹרֶה הַזֹּאת) and be guided by its precepts. This will allow the king to learn to fear Yahweh and live a life of obedience (Deut 17.19-20). The result will be a secure future for himself and his sons (Deut 17.20). In this way, according to Deuteronomy, the king serves not as a representative of the people before their god, as is the case in some ANE contexts,<sup>50</sup> but rather serves most as an example of the model Israelite.<sup>51</sup>

The significance of this exemplary role of the king warrants further consideration. As we noted, the law of the king presents a very limited role for the king. The only positive function for the king is to write a copy of the law, and to live in adherence to that law. The purpose of this is לְבִלְתִּי רוּם־לְבָבוֹ מֵאֶחָיו (“so that he might not be lifted up above his brothers”). This warning against pride follows a caution against the multiplication of possessions, as Deut 17.16-17 prohibits the king from acquiring (רָכָה) for himself horses, money, or wives. This echoes the warnings in Deut 8.11-14 in a remarkable fashion.<sup>52</sup> There the people are exhorted to keep the *Torah* lest the hearts of the people be lifted up (רוּם) as a result of their having acquired (רָכָה) for themselves livestock, silver and gold, and other material possessions. The triple

<sup>49</sup> K.W. WHITELAM, “Israelite Kingship: The Royal Ideology and its Opponents,” in *The World of Ancient Israel: Sociological, Anthropological and Political Perspectives: Essays by Members of the Society for Old Testament Study*, ed. R.E. Clements (Cambridge: CUP, 1989), 130. Cf. also W. VON SODEN, *The Ancient Orient: An Introduction to the Study of the Ancient Near East* (Grand Rapids: Eerdmans, 1994), 63-71; W.W. HALLO and W.K. SIMPSON, *The Ancient Near East: A History* (San Diego: Harcourt, Brace, Jovanovich, 1971), 172-78; and W.G. LAMBERT, “Kingship in Ancient Mesopotamia,” in *King and Messiah in Israel and the Ancient Near East: Proceedings of the Oxford Old Testament Seminar*, JSOTS 270, ed. J. DAY (Sheffield: SAP, 1998), 54-70.

<sup>50</sup> HALLO and SIMPSON, *Ancient Near East*, 175.

<sup>51</sup> MILLER, *Deuteronomy*, 147.

<sup>52</sup> J.P. SONNET, *The Book Within the Book: Writing in Deuteronomy*, Biblical Interpretation Series 14 (Leiden: Brill, 1997), 81-82.

mention of רָבָה and the presence of the “silver and gold” motif in both locations suggests that the echo is deliberate.<sup>53</sup>

The parallel between the king and the people is further seen in the command in Deut 17.20 that the king not “depart from the commandment either to the right or to the left” (סֹר מִן־הַמִּצְוָה יָמִין וְשְׂמֹאל). This echoes the command to the entire people at the beginning of the giving of the law that they are to do all that Yahweh commanded them, and that they are not to depart from it either to the right or to the left (Deut 5.32).

These deliberate echoes serve to highlight the exemplary role of the king. Just as the people received the oral *Torah* that is the means by which they demonstrate loyalty to Yahweh and receive the blessings of the land, the king receives the written *Torah* that highlights his loyalty to Yahweh (since the law of the king requires a rejection of the normal role played by an ANE king, pointing to Yahweh’s kingship over Israel<sup>54</sup>) and secures blessing for his house and nation. The king thus serves as a model Israelite in his adherence to *Torah* as a means of acknowledging Yahweh’s supremacy and receiving the blessings of being the elect of Yahweh.

The importance of *Torah* is further demonstrated by the law of the king. As we noted, there is no parallel in ANE legal texts to the law of the king, in which a king’s power is limited by a written text. Thus the Deuteronomic law is unprecedented in its intended effects. Whereas in ANE societies the king was supreme, the vision of Deuteronomy is a king who is limited in power and is, as are all Israelites, subject to *Torah* as a means of demonstrating loyalty to Yahweh. Moreover, Yahweh is the “fountainhead” of law, and *Torah* is an expression of his will.<sup>55</sup>

Finally, the role of the people as a whole must be mentioned once again. Here, as in the case of judges, the people, addressed still in the second person singular, have an important role to play. Although Yahweh is the one who will choose the king (Deut 17.15), there will be no king until the people decide they want one. When they do, they are further given a role in “setting the king” (תָּשִׂים עָלֶיךָ מֶלֶךְ; Deut 17.15) over themselves. That is, in accordance with the decision they have made, they set Yahweh’s choice over them, and in so doing relinquish certain aspects of their

<sup>53</sup> Ibid.

<sup>54</sup> G.V. SMITH, “The Concept of God/The Gods as King in the Ancient Near East and the Bible,” *Trinity Journal* 3 NS (1982): 36-38. See also MILLER, *Deuteronomy*, 148.

<sup>55</sup> M. GREENBERG, “Some Postulates of Biblical Criminal Law,” in *Studies in the Bible and Jewish Thought*, JPS Scholars of Distinction Series (Philadelphia: JPS, 1995), 28.



communal power to the king. Whereas in the ANE “kingship descended from heaven,” in Deuteronomy it derives from the desire of the people and the permissive will of Yahweh.<sup>56</sup>

In this interpretation, the radical nature of Deuteronomy’s programme is highlighted in this section. As seen above, there is a radical difference between the role of the king in ANE royal ideology and that of Deuteronomy. Indeed, Deuteronomy consistently and carefully highlights the role of the people as a whole, and it is telling that this group is uniformly addressed. The result is that Deuteronomy emerges as a powerfully counter-cultural text.<sup>57</sup> In its opposition to prevailing models of political leadership, seen especially through its emphasis on the role of the people in assembly,<sup>58</sup> Deuteronomy demonstrates itself to be a truly revolutionary text.

But the revolutionary programme cannot be separated from the emphasis on *Torah*. First of all, the revolutionary programme is described and developed in the midst of a text that claims for itself authoritative status. More important, however, is the emphasis on sustaining the relationship with Yahweh. The people are chosen by Yahweh to be his people, but with that great privilege comes the responsibility to demonstrate Yahweh’s supremacy in every aspect of their lives. This lies at the very heart of the message of Deuteronomy.

### C. LEVITICAL PRIESTS AND PROPHETS (DEUT 18.1-22)

The final portion of this section of the book takes up the offices of priest and prophet. Like that of judge and king, the offices of priest and prophet contribute to a society marked by the unique vision of Deuteronomy.

#### *Priests (Deut 18.1-8)*

The next office dealt with is that of the priest. Deut 18.1-8 specifies that the Levitical priests, who have no inheritance of land as a tribe, are to be supported from the offerings and sacrifices of the people as a whole. Verses 6-8 also provide that the Levite is to be provided for at “the place” when he chooses to go there to minister. As

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<sup>56</sup> H. FRANKFORT, *Kingship and the Gods: A Study of Ancient Near Eastern Religion as the Integration of Society and Nature* (Chicago: University of Chicago Press, 1948), 237. See also W.E. EVANS, “An Historical Reconstruction of the Emergence of Israelite Kingship and the Reign of Saul,” in *Scripture in Context II: More Essays on the Comparative Method*, ed. W.W. HALLO, J.C. MOYER, and L.C. PERDUE (Winona Lake: Eisenbrauns, 1983), 72.

<sup>57</sup> WRIGHT, *Deuteronomy*, 210. Cf. also M. GREENBERG, “Biblical Attitudes Toward Power: Ideal and Reality in Law and Prophets,” in *Studies in the Bible and Jewish Thought*, JPS Scholar of Distinction Series (Philadelphia: JPS, 1995), 56-58.

<sup>58</sup> See Chapter Three.

we noted above, this is often seen as a direct result of the centralization of worship, in which local altars were abolished and the priests who served there were displaced. In Part I of the present chapter, I argued that there were good reasons to question the interpretation that an influx of priests at the central sanctuary due to centralization lies behind this section.

This section contributes to the articulation of the radical vision of Deuteronomy in which the normal structures of ANE polity (which emphasizes the role of the king) are rejected. The office of priest is here identified as having an important role to play in the life of the nation. Priests have already been mentioned in connection with the central tribunal (Deut 17.9), and here their role comes up again. The radical nature of Deuteronomy's vision becomes apparent when it is noted that in this section on offices, the priest is explicitly given a role to play in the administration of justice, while the king is not. That is not, however, their only function.

The role of the priests in society is, clearly, a religious one, as they minister in the name of Yahweh at the place he chooses (Deut 18.6-7). But it is important to note that priests are rather pointedly said to have no inheritance in Israel. The term נַחֲלָה ("inheritance") in Deuteronomy usually refers to the land itself. There is a sense, however, of allocations to individual tribes, as Deut 29.7 speaks of the giving of transjordanian land to Reubenites, Gadites, and the half-tribe of Manasseh as an inheritance. It is also used to refer to allocations to individual families within the tribal divisions.<sup>59</sup> Moreover, other texts in Deuteronomy speak of the Levites having no inheritance in the sense of an allotment of land (e.g. 10.9; 14.27, 29).

In contrast to the other tribes, Deut 18.2 says of the Levites that "Yahweh is their inheritance" (יְהוָה הוּא נַחֲלָתוֹ). Wright notes that this expression

was not a pious spiritualization of a life of ascetic poverty but a statement of the principle that they would receive the full material blessing of their inheritance to the extent that the people of Yahweh were faithful in their worship of him and in covenant commitment to one another.<sup>60</sup>

Thus in addition to their religious service, the Levites have a role to play as a measure of the obedience of the people. McConville notes that the Levite is intended in Deuteronomy to be prosperous, not poor. He notes that "a poor Levite could not be an ideal figure, for his poverty, far from portraying devotion to Yahweh, would actually

<sup>59</sup> C.J.H. WRIGHT, "נַחֲלָה," in *NIDOTTE* 3: 77.

<sup>60</sup> WRIGHT, *Deuteronomy*, 213.

be a consequence of disobedience and godless independence on the part of the whole people, and a harbinger of their deprivation of the benefits of the land.”<sup>61</sup> Thus the condition of the Levites is a direct measure of the obedience of the people in living out their relationship to Yahweh in the land. If the people obeyed the commandments Yahweh gave them and shared the bounty of the land with them, the Levites would not be poor, for Yahweh promised to bless the land. It is only if the people failed to obey that the Levites would be poor.

In addition, Deuteronomy envisions the priests as teachers of *Torah*. It is they who are keepers of *Torah* (Deut 17.18; 31.9), and it is they who are to read the law to the people every seven years (Deut 31.10-13). The religious priorities of Deuteronomy may be seen in the fact that the priest is portrayed as an integral part of the administration of the nation as it is dealt with in this section of the book. As teachers of *Torah*, the priests foster awareness on the part of all people of their obligation to live lives that demonstrate total allegiance to Yahweh. As a tribe without inheritance and dependent on the willingness of others to share the bounty as commanded in *Torah*, the Levitical priests serve as a measure of the extent to which that loyalty is lived out in the everyday lives of the people. Brueggemann notes that “the anticipated covenant community requires priests at its center in order to resist the profanation of life.”<sup>62</sup> In this way, the fundamentally religious concerns of the Deuteronomic programme are seen.

#### *Prophets (Deut 18.9-22)*

The final office dealt with in terms of administration is that of the prophet. Deut 18.9-22 begins with a rather lengthy description of practices carried out by the inhabitants of the land, but are forbidden for Israel in Deut 18.9 on the grounds that they are “abominations” (תועבות). This is followed by the promise that Yahweh will raise up a prophet for the people, and a discussion of the role of Yahweh’s word in the ministry of the prophet (Deut 18.15-22).

The list of prohibited practices is extensive, and appears to cover a host of practices known to have been carried out in the ancient world. The practices that are forbidden for the Israelites have in common the attempt to gain “knowledge or guidance, or to

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<sup>61</sup> MCCONVILLE, *Law and Theology*, 151.

<sup>62</sup> BRUEGGEMANN, *Deuteronomy*, 190.

exercise power over the deity or other people by magic and secret procedures.”<sup>63</sup> Thus, child sacrifice here should be seen not merely as the sacrifice of the child, but also an attempt to direct events or obtain guidance. An example of such use of child sacrifice is seen in 2 Kg 3.26-27.<sup>64</sup>

These “abominations” are said to be the reason the Canaanites were to be driven out of the land (Deut 18.12). In light of this, it is significant that there are references to Yahweh’s gift of the land in vv. 9 and 14, framing the discussion of forbidden practices. In this way, the importance of proper worship is emphasized. Attempts to manipulate Yahweh or to obtain guidance in unauthorized ways are considered to be an abomination, and resulted in the expulsion of the Canaanites from the land. The implication is that improper worship will lead to the expulsion of the Israelites as well.

In contrast to the Canaanites, the Israelites are to be blameless (תָּמִים) before Yahweh (18.13). This term is usually used in sacrificial contexts to note the condition of animals that are acceptable for sacrifice. But it also may be used to denote truth more generally, or to refer to ethical qualities.<sup>65</sup> Through the use of terms such as תָּמִים and תוֹעֵבָה, the religious foundation of the issue is demonstrated.<sup>66</sup> Yahweh alone has the right to dictate how he is to be worshipped, and proper worship must acknowledge his sovereignty. For the people to engage in the worship practices of the Canaanites would be to demonstrate disloyalty to Yahweh, and would result in their being expelled from the land as well.

The office of prophet is presented as the Yahweh-ordained means by which his voice will continue to be heard. The emphasis on Yahweh’s voice is seen in the contrast between the “listening” (שָׁמַע) to the fortune tellers on the part of the Canaanites (Deut 18.14) and the command to “listen” (שָׁמַע) to the Yahweh chosen prophet (v. 15).<sup>67</sup> This is further seen in the parallels between the prophet to come and Moses, as vv. 16-18 makes clear that the coming prophet will be “like Moses” in terms of being the authorized mediator of Yahweh’s words.<sup>68</sup>

<sup>63</sup> MCCONVILLE, *Deuteronomy*, 300.

<sup>64</sup> CRAIGIE, *Deuteronomy*, 260.

<sup>65</sup> MCCONVILLE, *Deuteronomy*, 301-02.

<sup>66</sup> Cf. MERRILL, *Deuteronomy*, 270.

<sup>67</sup> MCCONVILLE, *Deuteronomy*, 302.

<sup>68</sup> There is no real contrast between the statement in Deut 18.15 that the coming prophets would be “like Moses” and the statement in Deut 34.10, which says that no prophet has arisen since who was “like Moses.” The latter text is emphasizing the unique nature of Moses relationship with Yahweh (“whom Yahweh knew face to face,” Deut 34.10). The emphasis in Deuteronomy 18 is on Moses’ mediatory

Here again, the significance of the addressees of Moses' speech becomes apparent. The audience of Moses' speech in the narrative of Deuteronomy is on the verge of the promised land. This is, as we have seen in our examination of other texts, a moment of transition. As in other cases, provision is made for a dramatically different life lived in the land. Moses will not enter the land with the people. But Yahweh will raise up a prophet to serve as mediator of his words. Given the already observed tendency in Deuteronomy to look to the distant future while addressing the Moab generation, it is likely that what is envisioned here is a succession of prophets who will serve to mediate Yahweh's word to the people, rather than a single individual. This may be seen in comparing the reference to a prophet in Deut 18.15ff with the references to a king in Deut 17.14, where more than one is clearly intended.<sup>69</sup> Thus, in addressing the audience at Moab, Moses' speech provides for continued, Yahweh-sanctioned mediation of Yahweh's words. Unlike the office of judges and the king, however, the office of prophet is one that will exist completely at the initiative of Yahweh. The people have no role in choosing the prophet himself or whether or not there will be a prophet. In the moment of transition, Yahweh provides a means by which his words will continue to be heard.

The importance of Yahweh's words is seen in the discussion of true and false prophets. The true prophet is one who speaks what Yahweh commands him to speak, and that prophet has the authority of Yahweh (18.18-19). In contrast, the false prophet is one who presumes to speak in Yahweh's name but says things Yahweh has not commanded. Alternatively, a false prophet is one who speaks in the name of a God other than Yahweh. In either case, the offense is punishable by death, presumably since such actions serve to make it more difficult for the people to hear the words of Yahweh and demonstrate covenant loyalty to him by obeying his commands.

The office of prophet, then, has an important role to play in Israelite society. Within Deuteronomy is the recognition that while Yahweh and *Torah* do not change, situations and circumstances do. The prophets serve as interpreters of *Torah* in changing circumstances. The fact that their office is instituted within the *Torah* suggests that an expansion of *Torah* should not be expected. Rather, the prophets

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role, and it is in this respect that the future prophets may be described as "like Moses." At the same time, it is clear that Moses' role was unique (not least because of the statement to that effect in Deut 34.10) in that he was mediator of the initial giving of *Torah* and the establishment of the people as the people of Yahweh.

<sup>69</sup> NELSON, *Deuteronomy*, 234.

serve as a “means of concretizing and actualizing the will of God, as set out in general terms in the Torah.”<sup>70</sup> In addition, the fact that the *Torah* itself (including the basic terms of the covenant, the Decalogue) is given at Horeb, the foundational event for Israel as the people of Yahweh, points toward the subordination of future prophets to *Torah*. So, the prophets serve the vital function of mediating and interpreting the word of Yahweh for future generations who live in times and situations vastly different from the generation gathered on the plains of Moab. At the same time, they are subservient to *Torah* and to Yahweh. The true prophet speaks only at Yahweh’s initiative and only his words.<sup>71</sup>

### III. Conclusions to Chapter Five

In this chapter, we have considered Deut 16.18-18.22, and have seen that there are reasons for questioning those interpretations that see in this text a programme based in large measure on centralization and the changes wrought by the abolition of local sanctuaries. I have argued that there are problems with seeing the text in this manner, and that an alternative interpretation of the data of the text should be sought.

I have argued here that Deuteronomy is revolutionary, but not in the way understood by Weinfeld and others. Rather than being radical in its centralization and associated secularization, Deut 16.18-18.22 is radical in its opposition to ANE models of administration that emphasize the role of the king.

In Deut 16.18-22 a radically different political administration is presented. In it, the people in assembly have remarkable powers. It is the people who appoint judges, and it is only when they desire one that Yahweh will appoint a king. Moreover, in this model, the community as a whole is responsible before Yahweh for ensuring righteousness. As we have seen, righteousness here is more than “justice” (though it includes that). Rather, through the examples of false worship it is shown that righteousness begins, first, with proper worship of Yahweh. It is only by giving Yahweh his due, starting with worship, that the people are able to demonstrate total loyalty to Yahweh as required. This is a religious, no less than ethical, requirement.

The revolutionary nature of the administration envisioned here is seen perhaps most dramatically in the law of the king. The king is described as having remarkably limited powers in comparison to the power wielded both by ANE monarchs and the

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<sup>70</sup> LOHFINK, “Functions of Power,” 351.

<sup>71</sup> NELSON, *Deuteronomy*, 236.

actual kings of Israel and Judah. The king according to Deut 17.14-20 is to be a model Israelite, and is to study *Torah*. He is not even first among equals among his brother Israelites, but is, like all the people, subject to *Torah*. None of the usual roles of an ANE king are given to the king in Deut 17.14-20. By vastly circumscribing the powers of the king, Deuteronomy is highlighting the supremacy of the true king, Yahweh, and demonstrating that success as a nation will not be achieved through any of the means used by surrounding nations (such as, for example, military might), but only through the demonstration of total allegiance to Yahweh.

The offices of priest and prophet round out the presentation of how to administer the life of the nation lived in dedication to Yahweh. The Levitical priests, having no land inheritance, are dependent on the obedience of their countrymen for their survival. Yahweh has promised to bless the people abundantly. If the people obey him and give the Levites (as well as the alien, orphan, and widow) their due, there will be no poor Levites. (Indeed, if the people take seriously their obligations to their neighbours, there should be no poor at all, according to Deut 15.4.)

Priests, however, are more than religious servants and the measure of the obedience of the people. They also are the keepers of *Torah*, which implies that they have a responsibility to teach the people the terms of *Torah*. To a remarkable degree, their success (or even survival) depends on the extent to which the people as a whole know and obey *Torah*.

The office of prophet is also an important one in this revolutionary vision for life lived under Yahweh. If the priests have the responsibility to keep and teach *Torah*, the prophet is called to interpret *Torah* and the word of Yahweh in the face of changing situations. In the midst of change and the human desire for control and knowledge, Israel is called to eschew divination and magic in favour of heeding *Torah* and the words of the true (i.e., Yahweh-sanctioned) prophet. The prophet is given the responsibility of calling the people to live out their obligations to Yahweh in changing situations. At Horeb, the people entered into relationship with Yahweh and committed themselves to demonstrating loyalty to Yahweh. At Moab, that commitment is reaffirmed, and the *Torah* is emphasized as a means of living out that commitment. The prophet serves to remind the people of their obligations and call them to account, in Yahweh's name, when they fail.

This section of Deuteronomy, then, highlights what I believe is at the heart of the Deuteronomic programme. The supremacy of Yahweh is firmly established, as it is he

who gives *Torah*, commands its obedience, enforces its terms, and chooses king and prophet. This section highlights the ways in which the people of Yahweh are to live and govern themselves in order to show complete loyalty to Yahweh.

At the same time, *Torah* is emphasized. It is *Torah* that contains the standards of righteousness to which the people are expected to aspire. *Torah* provides for the offices which will assist the community in attaining those standards. Even the king, who is the highest authority under the gods in ANE cultures, is subordinate to *Torah*, as seen by the fact that he must read of it daily, and in that he is not the recipient or promulgator of it. No one in Israel is greater than *Torah*, for all are held to its standards.

It is significant that *Torah* is emphasized precisely to the Moab generation, on the verge of transition. For in that moment of transition, *Torah* is emphasized as the means by which the people will experience Yahweh's presence and be able to appropriately honour him. Moses, the mediator of Yahweh's words to this point, will not go into the land with the people. Significantly, there is no single replacement for Moses, since the role of prophet, even one said to be "like Moses," does not serve all the functions Moses did. Instead, the successor to Moses is *Torah* itself, as *Torah* provides for the various roles Moses filled.

This vision for life lived in relationship to Yahweh is truly radical. There is here a fusion of the political and religious such that it is truly hard to see here an attempt at "secularization" as Weinfeld maintains. Indeed, the life of every Israelite is infused with religious import as the entire community is responsible for the maintenance of righteousness. Rather than being a programme of centralization and secularization as usually conceived, it appears that Deut 16.18-18.22 represents a truly radical rejection of ANE models of administration in favour of a political administration that emphasizes the supremacy of Yahweh, and his *Torah* as obligatory for all the people of Yahweh.



## IMPLICATIONS AND CONCLUSIONS

We began this study by noting that, while there is widespread agreement that at the heart of Deuteronomy is a radical programme of centralization, secularization, and demythologization, there remains a lack of consensus on the implications of this. This widespread disagreement on several crucial matters (such as setting, audience, and nature of the programme) calls into question whether or not centralization, secularization, and demythologization as often understood should be seen as the central tenets of the theology of the book.

Because of the lack of consensus with respect to the implications of centralization, I argued that it is not necessary to conclude that centralization leads inevitably to the royal-scribal reform programme envisioned by Weinfeld and others, in which centralization, secularization, and demythologization are inextricably linked. Rather, I have maintained that the data of the text are capable of very different interpretation.

The nature of centralization and its relationship to the vision espoused by Deuteronomy is an important issue, for the understanding of the nature of the programme necessarily has an impact on the interpretation of the book. I have argued that centralization in Deuteronomy is best conceived of as centralization of sacrifice, while the expansion of holiness represented in the book suggests that all of life is lived before Yahweh and is, therefore, religiously significant. Thus, while sacrifice is centralized, worship is not. Moreover, I have maintained here that Deuteronomy is radical in its rejection of ANE conceptions of administration, which have at their centre an all-powerful king. Instead, Deuteronomy presents a vision of a community in which the people in assembly are given tremendous responsibility. This view represents an alternative to the five views of centralization surveyed in Chapter One. Like Driver, I see here a realistic programme for the administration of the nation. I see, however, elements in the Deuteronomic vision that are utopian. It is thus different from Lohfink's view as well, as the vision as I see it is not strictly utopian.

I then articulated an alternative interpretation to the prevailing view for several key texts in Deuteronomy. I have argued that many of the texts adduced as evidence in favour of the view that Deuteronomy represents a radical programme marked by centralization, secularization, and demythologization are capable of very different interpretation. That alternative interpretation represents, in my estimation, a better and more consistent account of the data of the text.

I argued in the Introduction that texts reflect ideology (which was understood as largely synonymous with worldview). Deuteronomy, of course, is no different. What remains to be considered in this final chapter are the theological and ideological implications of the alternative conception of Deuteronomy presented in the preceding chapters. I will be considering how my perspective on Deuteronomy suggests a rather different worldview reflected in the book from that posited by Weinfeld and others.

At the heart of the Deuteronomic worldview is the supremacy of Yahweh. One of the primary goals of the book is to inculcate a sense of total loyalty to him. The emphasis on Yahweh's unicity leads to the conclusion that he alone is able to bless the people and guarantee their security and prosperity. The rhetoric of Deuteronomy consistently conceives of Yahweh as unique among other gods (whose very existence is denied in Deut 4.39). This rhetorical emphasis serves to highlight the need for demonstrating total allegiance to Yahweh. He alone is God; therefore he must be obeyed and honoured.

The supremacy of Yahweh may be seen as well in the fact that it is Yahweh who commands. He is able to dictate the terms of the covenant relationship between himself and Israel. Indeed, as we saw in the Introduction, the parallels with the ANE political treaties highlight the supremacy of Yahweh. In the ANE suzerain-vassal treaties, the "Great King" did not negotiate terms with the vassal. In the same way, Yahweh does not negotiate terms with Israel. Rather, he sets forth the stipulations by which loyalty to him is to be lived out. That Deuteronomy, like some ANE political treaties, includes a historical prologue in which Yahweh's generous actions on behalf of Israel are described further highlights the supremacy of Yahweh. He has shown himself willing and able to act on Israel's behalf. The blessings of covenant relationship with Yahweh will be achieved only through obedience to the terms of the covenant.

Yahweh's supremacy extends beyond the establishment of the covenant relationship and its implications, significant as they are. Rather, Deuteronomy

portrays Yahweh as a God who is present with his people. We have seen that Deuteronomy guards Yahweh's transcendence while at the same time highlighting his presence with his people Israel. The unique God is present with his people. The people experienced Yahweh in profound ways at Horeb, but another of Deuteronomy's concerns is to note that this presence does not cease when the people enter the land of promise. Rather, they will continue to live out their relationship with Yahweh in his presence in the land. Through obedience to *Torah*, the people will be able somehow to experience and actualize Yahweh's presence. Deuteronomy is at pains to stress the aniconic nature of Yahweh worship, because worship incorporating images would be to deny his singularity and also serve to realize Yahweh's presence in ways contrary to his desires. Yahweh is a God who will be present with his people, but only in the ways that he chooses. Living as the people of God means realizing Yahweh's presence as he determines.

This is the significance of the "place that Yahweh your God will choose." The emphasis is on Yahweh's right to choose where he will be worshipped, and how. Deuteronomy consistently requires the people to repudiate practices depicted as Canaanite, in part because worshipping Yahweh in that way would be to deny his supremacy and sovereignty in determining how he is to be worshipped. Yahweh may be experienced as a present God, but only in the ways and at the place(s) he determines. The supremacy of Yahweh must be acknowledged in every facet of life.

The idea of the supreme and present God leads to an expansion of holiness in Deuteronomy. All of life in the land is lived "before Yahweh," and is, therefore, of religious significance. The emphasis on non-forensic "righteousness" as the responsibility of the community as a whole points to the conception that all of life is lived before Yahweh. In addition, the extension of the celebration of the Passover into the land points to the religious significance of every aspect of life. This is seen most clearly in Deuteronomy's treatment of non-sacrificial slaughter. As we saw in Chapter Four, the slaughter of all animals is conceived of as religiously significant and a means by which allegiance to Yahweh may be demonstrated. In the Deuteronomic worldview, there are no actions of the people in the land that are not of covenantal and religious significance. In every action of the people of Yahweh, they will demonstrate either allegiance to Yahweh or their lack of commitment to him.

The supremacy of Yahweh thus is at the very heart of the theology and ideology of Deuteronomy. Equally important, however, is the role of *Torah*, as it represents the

means by which Yahweh's supremacy is lived out in the lives of the people of Yahweh.

*Torah* serves to provide the people of Yahweh with instruction as to how they can live as a holy people given over to Yahweh's service. It describes a way of life: a life lived in total devotion to Yahweh.

It is significant, therefore, that both the Decalogue in Deuteronomy 5 and the explication of *Torah* in Deuteronomy 12-26 begin with how to worship Yahweh properly. This suggests that the first step toward living a prosperous and secure life is to worship Yahweh properly. Only when Yahweh is properly honoured through worship in accordance with his commands can the rest of the *Torah* be carried out, for proper worship means, first, acknowledging the absolute supremacy and sovereignty of Yahweh. The danger of improper worship is that it necessarily directs attention and loyalty to a deity other than the one true God, or to a false conception of the true God. Thus, the supremacy of Yahweh and the importance of *Torah* are inextricably linked. If the means by which Yahweh's supremacy may be lived out generally is through adherence to *Torah*, worship is at the heart of *Torah*.

More generally, *Torah* describes a mode of living. As such, it presents a vision for the people of Yahweh living in harmony with one another and in dedication to their God. This vision is remarkably egalitarian, as Deuteronomy provides for just and righteous treatment for all people, including, even, slaves. Deuteronomy, and the *Torah* at its heart, envisions a society in which the whole of the people of God are considered "brothers" to one another. Slaves, the marginalized, women, and even the king are conceived of as brothers, as all members of the society strive to live out loyalty to Yahweh. The extent to which the community is able to live out the mode of living described in *Torah* determines the success – and even survival – of the people in the land.

The mode of living described in Deuteronomy is capable of great flexibility and adaptation in the face of changing circumstances. Indeed, the rhetoric of Deuteronomy is, in many respects, timeless as it addresses the Moab generation as if it were at Horeb. In this way, subsequent generations of the people of Yahweh are included in Deuteronomy's appeal to demonstrate total allegiance to Yahweh through adherence to *Torah*. The same urgency of the exhortation to the Moab generation applies to subsequent generations, who, though facing different challenges and threats, nevertheless are called to demonstrate total loyalty to Yahweh.

Equally significant is the fact that the whole of Deuteronomy is presented as an address to the Israelites gathered on the verge of the promised land. At this moment of transition, the assembled people are told how they will experience Yahweh's continued presence and how they are to live so as to obtain prosperity and security. In the narrative of Deuteronomy the audience is moving from one situation to a vastly different one. Even the presentation of the law at Moab differs in some ways from its presentation at Horeb, due to the changing needs of the audience of Deuteronomy. In the face of changes, however, the need for demonstrating loyalty to Yahweh does not change.

Deuteronomy provides for the continuing applicability of its vision to future generations. The great mediator of Yahweh's words will not accompany the people into the land. But Yahweh's words will go with them, in the form of the tablets of the Decalogue and the written *Torah*. At the same time, Deuteronomy provides for the office of the prophet who is tasked with interpreting the *Torah* in changing circumstances. Thus the mediated voice of Yahweh will be heard among the people of God, despite Moses' death outside the land. Through the prophet who is called and speaks at Yahweh's initiative, the words of Yahweh will continue to be interpreted and applied in the community of the people of Yahweh. At the same time, the Levitical priests are called to be keepers of *Torah* and are to teach the law to the people, thus ensuring that every generation is aware of the requirements of covenant loyalty. In this way, the unchanging *Torah* remains relevant in the midst of changing circumstances.

The significance of *Torah* is further seen in the fact that there is no single successor to Moses. Rather, *Torah* itself emerges as the successor to Moses, as the *Torah* provides for the offices that will in part fulfil the various roles filled by Moses. The ideology of Deuteronomy is thus one that envisions and embraces change. No single person, office, or institutional arrangement is absolutely essential to living life in relationship to Yahweh. Rather, the people of Yahweh must seek to live their lives in accordance with *Torah* as it is revealed and interpreted by Yahweh-sanctioned interpreters. Deuteronomy's worldview includes a God who is greater than all others, and who is not limited by the circumstances of the present. Accordingly, Yahweh and his *Torah* alone are the constants for the people of God.

The emphasis on the supremacy of Yahweh expressed through adherence to *Torah* leads to a remarkably counter-cultural ideology in Deuteronomy. Against the

backdrop of ANE cultures, the Deuteronomic programme stands in stark relief. In contrast to the centralized power structures of the ANE monarchies, Deuteronomy provides for a system in which powers are distributed and in which the people in assembly have a real and responsible role to play.<sup>1</sup> The king, so central to political administration in ANE societies, is not even required in the political administration envisioned by Deuteronomy, and, if the people choose to have a king, he is greatly limited in his powers. He is subject to (and is to be a student of) *Torah*, and he is not to exalt himself above his brother Israelites. The function of this dramatically limited kingship is to highlight the fact that Yahweh is the true king in Israel, and to ensure that the success of the nation is credited to Yahweh and not to the abilities of the king to carry out the usual ANE functions of power. In the very structures of political and legal administration, the supremacy of Yahweh and *Torah* are again emphasized.

Deuteronomy presents a mode of living that is radical in its rejection of ANE models of administration and demanding in its scope, as the supremacy of Yahweh must be lived out in every aspect of life. But how should this model for living be understood? Is it a realistic programme for living, or is it a utopian ideal that was never meant to be implemented?

In Deuteronomy there is a vision of what the ideal community of the people of Yahweh should look like. At the same time, it is fully cognizant of the reality of human nature. Chapters 27 and 28 sets forth blessings and curses, but it is clear in subsequent chapters that the curses are likely, if not certain, to be experienced by the nation. Even prior to chapters 27-28 there is an awareness of the likelihood that the people will fail to live out their responsibilities to Yahweh. The expulsion of the people from the land of promise is spoken of as a near-certainty in Deuteronomy 4, and the portrait of the people in Deuteronomy 9 as “stiff-necked” and “stubborn” is not a flattering one, and will hardly inspire confidence that the people were willing and able to obey Moses’ commands.<sup>2</sup> Thus, Deuteronomy is, in a sense, “eschatological”<sup>3</sup> in its outlook. That is, it envisages a society as it ought to be. At the same time it is

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<sup>1</sup> B.M. LEVINSON, “The Conceptualization of Kingship in Deuteronomy and the Deuteronomistic History’s Transformation of *Torah*,” *VT* 51, 4 (2001): 532-33, notes that the literature of the Bible and the ANE is usually overlooked when examining the influences that led to Western judicial thought and concepts of limited government.

<sup>2</sup> For further development of this idea, see J.G. MCCONVILLE, “Deuteronomy: Torah for the Church of Christ,” *European Journal of Theology* 9, 1 (2000): 39-42.

<sup>3</sup> Cf. C.J.H. WRIGHT, *Deuteronomy*, NIBC 4 (Peabody: Hendrickson, 1996), 189; J.G. MCCONVILLE, *Deuteronomy*, AOTC 5 (Leicester: Apollos; Downers Grove: Intervarsity, 2002), 35-36.

fully cognizant of the realities of human life and all the difficulties that arise in human society. There is a tension that is maintained between the ideal and the present reality. Thus, Deuteronomy is *both* realistic and utopian.

This interpretation differs rather markedly from many of the prevailing ways of seeing Deuteronomy. As I argued throughout the exegetical analyses of the texts adduced in favour of centralization, secularization, and demythologization (as understood by the various proponents), the data of the text are less supportive of those views than is often acknowledged. The understanding of the ideology of the book outlined here is consistent with the data of the text.

In this view, Deuteronomy can hardly be seen to be supportive of the kind of royal reforms that Weinfeld and others propose. In its elevation of the people in assembly and their responsibility before Yahweh, the limited role of the king, and the distribution of the functions of power, Deuteronomy cannot be seen as seeking to advance the power and role of the monarchy. Indeed, Deuteronomy is radical precisely in its *rejection* of models of administration that have at their centre an all-powerful king.

The understanding of the tendency toward centralization must be nuanced. While the altar law in Deuteronomy 12 does require a central (or even sole) sanctuary at which sacrifices may be offered, there is at the same time an expansion of holiness such that every aspect of life is seen as being lived “before Yahweh,” and has religious significance. Thus, while it is correct to note that sacrifice is centralized in Deuteronomy to the central/sole sanctuary, worship is extended into the whole of the land and encompasses the whole of life lived in the land. In addition, centralization as usually understood means advancing the interests of the central administration (though this may entail a critical evaluation of the institution of kingship). But as we have seen, worship in Deuteronomy is conceived of as extending to activities away from the central sanctuary, which serves to undermine the importance of the sanctuary somewhat (though, again, it is the only legitimate place in which sacrifice may be carried out). In addition, Deuteronomy’s emphasis on the role of the people in assembly serves to undermine the claims of a central administration. Indeed, even the officials that make up a “central administration” are subject to *Torah*, and their responsibilities are carefully delineated. Instead of centralizing power to monarchical administration, Deuteronomy focuses on Yahweh and his *Torah*, and concentrates power on the people in assembly.

Similarly, the concept of secularization as usually understood does not seem to be at the heart of the theology of Deuteronomy. Indeed, “sacralization” may be more accurate, since Deuteronomy invests all slaughter with religious significance, and it appears that Deuteronomy conceives of the whole land as holy, not just the central sanctuary and its environs. In addition, holiness in Deuteronomy is a condition of the whole people of Israel (in contrast to the peoples of the earth), not just the king or priest. It is hard to conceive of secularization as at the heart of a book that advances such a profoundly religious programme in which all of life is imbued with religious significance.

Finally, demythologization does not appear to describe accurately Deuteronomy’s presentation of God. Deuteronomy presents Yahweh as the sovereign, transcendent God who alone is to be worshipped, and who alone can provide security and prosperity for Israel. At the same time, he is portrayed as uniquely present with his people, and one of the primary concerns of the book is to show how Yahweh’s presence will continue to be experienced once the people enter into the land. Rather than rejecting the idea of Yahweh’s actual presence, Deuteronomy seeks to show how his presence may be maintained and actualized in the face of changing circumstances. The unchanging fact of Yahweh’s presence in the midst of ever-changing conditions is part of the Deuteronomic worldview.

This interpretation of the data of the text and its implications has raised serious questions as to whether the usual ways of understanding the book represent the best interpretation of the data, and I have sought to articulate an alternative to the usual ways of conceiving of the book. In this understanding, Deuteronomy *does* in fact represent a revolutionary programme, but not in the way that programme is usually understood. In its deliberate rejection of ANE models of kingship and institutional permanence, its emphasis on the holiness of all life lived out before Yahweh, and its elevation of the supremacy of Yahweh and his *Torah*, Deuteronomy reveals itself to be a truly revolutionary text, but in a much different way than usually understood.



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