CHAPTER 8

Deuteronomy

This chapter examines the final book in the Pentateuch, Deuteronomy. More than any other part of the Bible, Deuteronomy resembles the treaty model known from other ancient Near Eastern cultures. We will look at the distinctive laws in Deteronomy, inquire about the authors who crafted the book, and consider the effects of the Deuteronomic reform that it. Finally we will consider the relationship between Deuteronomy and the Priestly Code.

The book of Deuteronomy takes its name from the Greek translation of the phrase "a copy of the law" in Deut 17:18: *deuteros nomos,* "a second law." It is presented as the farewell address of Moses in which he recalls the giving of the law. There are two introductions, which probably reflect two stages in the composition of the book: 1:1, "These are the words that Moses spoke to all Israel," and 4:44-49, "This is the law that Moses set before the Israelites." The word for "law," *torah,* can also mean "instruction," but the translation "law" is justified in the case of Deuteronomy. The two introductions nicely capture the composite character of the book. It is a collection of laws (primarily in chaps. 12–26), but it also has a strongly homiletical character, especially in chapters 1–11.

The structure of Deuteronomy as a whole may be summarized as follows:

1. Motivational speeches, including some recollection of Israel's history (1–11)
2. The laws (12–26)
3. Curses and blessings (27–28)
4. Concluding materials, some of which have the character of appendices (29–34)

Apart from the closing chapters, the book has a consistent and distinctive style.

THE TREATY MODEL

King Esarhaddon of Assyria and his mother Naqi'a-Zakutu. Relief commemorating the restoration of Babylon by Esarhaddon. Bronze from the temple of Marduk, Babylon, ca. 681-669 B.C.E.; now in the Louvre, Paris, France.

In chapter 6 I noted the debate about the relevance of Hittite treaties from the second millennium to the biblical idea of covenant. In the case of Deuteronomy, much closer parallels are found in the Vassal Treaties of Esarhaddon (VTE), an Assyrian king who ruled in the seventh century B.C.E. (681–669).

The basic structure of Deuteronomy, which draws on history as a motivational tool and reinforces the commandments with curses and blessings, corresponds to that of the ancient vassal treaties. The recollection of history is not as prominent in the Assyrian treaties as in the older Hittite examples, but it is not entirely absent. The most distinctive element of these treaties is the curses. The Assyrian treaties were essentially loyalty oaths imposed by the king of Assyria to ensure submission to his successor. In Deuteronomy, Moses is handing on authority to Joshua, but the loyalty of the people is pledged to their God, YHWH. Other elements in Deuteronomy that recall the treaty form include the invocation of heaven and earth as witnesses (4:26; 30:19; 31:28; cf. VTE §3 [line 25], *ANET,* 534); the deposition of the document (Deut 10:1-5; 31:24-26) and provision for periodic reading (31:9-13), and the making of copies (17:18-19).

The most striking correspondences between Deuteronomy and the treaties concern vocabulary and idiom. In both documents, the word "love" means loyalty, and subjects are commanded to love their lord with all their heart and soul (cf. VTE §24 [line 266]: "If you do not love the crown prince designate Ashurbanipal . . . as you do your own lives . . ."). Other standard terms for loyalty, both in Deuteronomy and in the treaties, are "to go after," "to fear," and "to listen to the voice of. . . ."

VTE §10 (108) warns of seditious talk by "a prophet, an ecstatic, a dream interpreter," among other people. Deuteronomy 13 warns against "prophets or those who divine by dreams" who try to induce people "to go after" other gods. The series of curses in Deut 28:23-35 is paralleled in VTE §§39–42 [419–30]. Even the order of the curses of leprosy and blindness is the same in both.

Deuteronomy is not structured as a treaty text. Rather it is an address that is informed by the treaty analogy. It appeals to history as a motivating factor more often than is the case in the Assyrian treaties (see especially Deuteronomy 26).

Deuteronomy provides an alternative to the Assyrian loyalty oaths: the people of Judah are to pledge their loyalty and "love" to YHWH. Hence the key formulation in Deut 6:4-5: "Hear, O Israel: The Lord is our God, the Lord alone. You shall love the Lord your God with all your heart and with all your soul and with all your might." This is not a theoretical assertion of monotheism. It is an assertion of allegiance. Other gods may exist, but the loyalty of the Israelite is pledged to YHWH alone.

The Date of Deuteronomy

The parallels with the Assyrian vassal treaties constitute a powerful argument that the book of Deuteronomy was not formulated in the time of Moses but in the seventh century B.C.E. The date of Deuteronomy had become apparent long before the Vassal Treaties were discovered, because of the correspondence between Deuteronomy and the "book of the law" that was allegedly found in the temple in 621 B.C.E. (2 Kings 22–23). Josiah assembled the people and "read in their hearing all the words of the book of the covenant that had been found in the house of the Lord." All the people subscribed to

The Tel Dan altar and high place, Israel.

this covenant. Then he proceeded to purge the temple of the vessels made for Baal and Asherah, and to tear down the "high places" or rural shrines all over the country. Then the king celebrated the Passover "as prescribed in this book of the covenant. No such passover had been kept since the days of the judges who judged Israel." The novelty of this Passover is that it was not a family observance in the home, but a pilgrimage festival celebrated in Jerusalem.

Not only did Josiah prohibit the worship of deities other than YHWH, but he banned sacrificial worship outside Jerusalem, by tearing down the "high places." According to 2 Kgs 18:4 a similar reform had been tried unsuccessfully by King Hezekiah about a hundred years earlier.

According to Deuteronomy 12, "You must demolish completely all the places where the nations whom you are about to dispossess served their gods on the mountain heights, on the hills and under every leafy tree. Break down their altars, smash their pillars, burn their sacred poles with fire, and hew down the idols of their gods." This was the program of Josiah's reform. Moreover, the Israelites are told, "When you cross the Jordan . . . then you shall bring everything that I command you to the place that the LORD your God will choose as a dwelling for his name." It is apparent that the restriction of sacrificial worship to a single location was an innovation in the time of Josiah (except for the alleged but unsuccessful attempt of Hezekiah).

These analogies suggest that Deuteronomy is related to Josiah's reform. It is possible, of course, that Deuteronomy also includes some older laws but, if so, they were reformulated in Deuteronomic idiom. It should also be noted that Deut 29:28 ("the LORD uprooted them from their land in anger, fury, and great wrath") presupposes the exile of the northern tribes to Assyria in 722 B.C.E.

THE LAWS OF DEUTERONOMY

The Recollection of Horeb

The laws in Deuteronomy are presented as divine revelation, originally received by Moses on the mountain. In this case the mountain is called Horeb, which means simply "the wilderness." It would seem that the identification of the mountain of the law with Sinai was not yet universally accepted when Deuteronomy was written.

Moses reminds the Israelites "how you once stood before the LORD God at Horeb" (4:10). The direct address in Deuteronomy is an attempt to re-create the experience. Moses emphasizes the verbal character of the revelation: "You heard the sound of words, but saw no form; there was only a voice" (4:12). The content is summarized as "his covenant," "the ten words," and "statutes and ordinances" that Moses should give them to observe when they enter the land. The Ten Commandments in Deuteronomy correspond closely to Exodus 20. One significant variation concerns the motivation for keeping the Sabbath day. Where Exod 20:11 grounded this commandment by recalling how God rested on the seventh day of creation, Deuteronomy puts the emphasis on compassion. Not only should the Israelites rest, but so also their slaves and their livestock, for "remember that

you were a slave in the land of Egypt." The recollection of the experience of slavery as a reason to be compassionate is typical of the rhetoric of Deuteronomy.

The Statutes and Ordinances

The concerns of Deuteronomy are much broader than the centralization of the cult. Some of the distinctive emphases can be appreciated by comparison with the Book of the Covenant (Exodus 21–23).

Deuteronomy 15:1-11 picks up the laws of sabbatical release. Every seventh year, there is an occasion of remission of debts. The remission did not apply to foreigners, who might otherwise take advantage of it. It is primarily a way of reinforcing the cohesion of the people of Israel, but Deuteronomy urges an open and generous attitude.

A more direct comparison with the Book of the Covenant is provided by the law for the release of slaves in Deut 15:12-18. Exodus 21 prescribed that male Hebrew slaves must be set free after six years. Deuteronomy applies this law to all slaves, whether male or female. It retains the provision that a slave may elect to stay with his master, but the slave is no longer faced with the choice between his own freedom and remaining with his wife and children, as was the case in Exodus. Deuteronomy also goes beyond the older code in its exhortation to "provide liberally" for the liberated slave, because "you were a slave in the land of Egypt."

Similar concern for the poor and the marginal appears in several other laws. The corpse of an executed criminal must not be left all night on a gibbet (21:22-23). People have responsibility for a neighbor's livestock (22:1-4). One must not take a mother bird with its young (22:6). Slaves who have escaped from their owners should not be given back (23:6). Deuteronomy 24 contains provisions protecting the rights of poor wage earners, aliens, and orphans. Some of these concerns are already found in the Book of the Covenant in Exodus, but they are more developed in Deuteronomy.

Chapter 20 sets humanitarian restraints on war. People besieging a town should not cut down its trees. And yet the laws for treating conquered people sound barbarically harsh to modern ears. Within the land, the Israelites must not let anything that breathes remain alive. In other cities, people who submit peacefully are to be enslaved. Yet again, in 21:10-14 we find a more humane discussion of the treatment of captive women. Ancient warfare was savage, and little mercy was shown to captives. Nonetheless the Deuteronomic insistence that the Canaanites be annihilated is in jarring conflict with the generally humane attitudes of the book.

The Effects of Centralization

The prohibition of sacrificial worship outside Jerusalem radically changed the nature of Israelite religion. Up to this time there was widespread worship of Baal and Asherah. This picture is now confirmed by archaeology, which has brought to light inscriptions mentioning YHWH's Asherah and over two thousand terracotta figurines depicting a nude female figure (presumably a fertility goddess). Some of the practices suppressed by Josiah had venerable histories. The patriarchs in Genesis had consecrated places of worship that were now torn down (e.g., Bethel) and had set up pillars and planted trees by

them. Objects consecrated to the sun had allegedly been set up by "the kings of Judah" (2 Kgs 23:11). Even human sacrifice could be justified by appeal to Exod 22:29 ("the firstborn of your sons you shall give to me") and had also been practiced by Judean kings.

The worship of YHWH was also transformed. People who lived at a distance from Jerusalem could now offer sacrifice only on the rare occasions when they made a pilgrimage to the temple. Prior to this time, meat was eaten only when it had been sacrificed (except in the case of some wild animals). Deuteronomy allowed that "whenever you desire you may slaughter and eat meat within any of your towns" (12:15). Some sacral activities were now treated as profane, and cultic rituals would henceforth play a much smaller role in the lives of most of the people.

In the Book of the Covenant, Passover was not a pilgrimage feast. Deuteronomy 16:2, however, requires it be celebrated "at the place that the Lord will choose," and it is clearly combined with the Festival of Unleavened Bread. In 2 Kgs 23:21-23 we are told that King Josiah commanded the people to observe the Passover in accordance with the book of the covenant (that is, Deuteronomic law, not the Book of the Covenant in Exodus) and that they did so in Jerusalem, although no such Passover had been kept since the days of the judges.

The Levites at the country shrines were practically put out of business by the centralization of the cult. Their situation is addressed in Deut 18:6-8, which says that any Levite who chose to go up to Jerusalem could minister at the temple there and share in the priestly offerings. This provision inevitably made for tensions between the Jerusalem priesthood and the newly arrived Levites. According to 2 Kgs 23:9, "the priests of the high places did not come up to the altar of the Lord in Jerusalem." Nonetheless, we shall find in Ezekiel 44 that relations between priests and Levites in Jerusalem remained controversial after the Babylonian exile.

Centralization and Control

Deuteronomy also tends toward a more centrally controlled society in other respects. Chapter 13 contains a warning against prophets and other diviners who might offer rival claims about the will of God. A prophet who speaks in the name of gods other than YHWH is false, but Deuteronomy also recognizes that a prophet may speak falsely in the name of the Lord. Deuteronomy 18 offers one simple criterion: a prophecy that is not fulfilled is thereby shown to be false. But prophets did much more than make predictions. The more far-reaching implication of Deuteronomy 18 is that a true prophet is "a prophet like Moses." The book of Deuteronomy was an attempt to express revelation in written, definitive form, so that it would be the standard against which all other forms of revelation would be measured.

A number of laws in Deuteronomy curtail the power of the father over the affairs of his family (21:15-21). The most remarkable assertion of control, however, concerns the king, in 17:14-20. The king may not be a foreigner. He must not "acquire many horses," which would be necessary for building up an army, nor acquire many wives (as Solomon would do), nor acquire much gold and silver. Instead, he should have a copy of this book of the law, and read it all the days of his life. The king must be subject to the law. Even though Josiah was very young when he began to reign, and was presumably subject to

his advisers for a time, it is difficult to believe that he would have promulgated such a restrictive law of the kingship. Most probably, this passage was added later to the book, after the kingship had definitively failed in the Babylonian crisis.

Purity Concerns in Deuteronomy

Purity concerns are not prominent in Deuteronomy. But they are not entirely absent either. Deuteronomy 14 gives a list of forbidden foods that is very similar to what we find in Leviticus 11. In chapter 22 there are prohibitions against cross-dressing (22:5), and against plowing with an ox and an ass, or combining wool and linen in a garment (22:10-11).

Purity is also a consideration in laws concerning marriage and sexual relations. Adultery (sex with the wife of another man) is punishable by death, for both partners. The law recognizes that a woman is not at fault in case of rape but, if she is unmarried, the penalty for the man is that he has to marry her and cannot divorce her. In this case, the motivation is the woman's well-being, since she would find it difficult to find a husband if she had been defiled. The discussion of divorce in Deuteronomy 24, however, seems to be concerned more with purity. If a man divorces his wife, and she becomes the wife of another but is divorced a second time, then the first husband may not marry her again. There is no legislation concerning divorce in the Hebrew Bible. The practice is simply assumed. Deuteronomy 24:1-4 became the focal text for discussions of divorce in later tradition. Verse 1 envisions the case of a man who divorces a woman "because he finds something objectionable about her"—most probably impurity or sexual misconduct. There was a famous debate about the meaning of the phrase between the schools of Shammai and Hillel in the first century B.C.E. The Shammaites attempted to restrict the man's power of divorce to cases of adultery, but the school of Hillel ruled that divorce was permitted "even if she spoiled a dish for him" (Mishnah *Gittin* 9–10). Rabbi Akiba went further: "Even if he found another fairer than she."

THE AUTHORS OF DEUTERONOMY

The language of the book, which is influenced by the Assyrian treaties, does not permit a date much earlier than the time of Josiah. Moreover, the policy of centralization, which is central to the book, was Josiah's policy, and the book seems to have been either composed or edited to support it. The elements that deal with centralization, either of the cult or of authority, were surely the work of Josiah's scribes. Other elements in the book, however, such as the discussion of divorce, are not obviously related to centralization. They suggest that the scribes drew on a legal tradition, which included, but was not limited to, the Book of the Covenant that is now found in Exodus 21–23. The description of a covenant ceremony at Shechem in Deuteronomy 27–28 is also independent of Josiah's policies, and can hardly have been composed by people who wanted to centralize worship in Jerusalem. Some of these traditions had their origin in northern Israel (e.g., the covenant at Shechem). Despite the fact that the place that the LORD has chosen to centralize the cult is certainly

Jerusalem, there are no allusions in Deuteronomy to Mount Zion or to traditions that can be associated with Jerusalem. There are many affinities between Deuteronomy and the northern eighth-century prophet Hosea (exodus, love of God, rejection of other gods). In contrast, there are few points of contact between Deuteronomy and the Jerusalem prophet Isaiah. There was a huge influx of northerners into Jerusalem after the fall of the northern kingdom. (We know from archaeological evidence that the size of the city more than doubled at that time.) It is not unreasonable, then, to suppose that some of the traditions found in Deuteronomy had originated in the north. Besides prophetic circles, of which Hosea might be representative, Levitical priests may have been the carriers of these traditions. The Levites figure prominently in the covenant ceremony in chapters 27–28 and are mentioned frequently throughout the book.

There can be little doubt, however, that the primary authors of Deuteronomy were Jerusalem scribes, initially in the service of Josiah. The editing of the book presumably went on for some time after Josiah's reign. The historical books of Joshua through Kings were also edited from a Deuteronomic perspective, and so we should imagine a Deuteronomistic school whose activity continued even after the Babylonian exile. Josiah's scribes would presumably have been familiar with the Assyrian treaties that provide a model for the book in some respects.

Deuteronomy and Wisdom

Deuteronomy also has extensive affinity with wisdom literature. The "statutes and ordinances" are presented as a kind of wisdom: "You must observe them diligently, for this will show your wisdom and discernment to the peoples" (Deut 4:6). The Torah is to be Israel's counterpart to the wisdom teachings of other peoples. Similarly, the judges appointed by Moses in Deut 1:13 are described as "wise, discerning, and reputable."

Several ordinances found in Deuteronomy (against removing boundaries, or falsifying weights and measures) are paralleled in wisdom writings. Deuteronomy 23:21-23 warns that a person who makes a vow should not postpone fulfilling it, and adds, "But if you refrain from vowing you will not incur guilt." This attitude contrasts with the positive attitude to vows in Leviticus 27. The wisdom book of Qoheleth (Ecclesiastes) similarly warns against postponing the fulfillment of a vow, and says that "it is better that you should not vow than that you should vow and not fulfill it" (Qoh 5:5). Deuteronomy 23:15, which prohibits sending a runaway slave back to his master, corresponds to Prov 30:10 ("do not slander a slave to his master"). In contrast, the Laws of Hammurabi declared that sheltering a runaway slave was punishable by death (Code of Hammurabi §15; *ANET,* 166–7).

Despite these wisdom influences, Deuteronomy is unmistakably a law code, and is presented as revealed law rather than as the fruit of human experience. Nonetheless, the wisdom it presents has a human, earthly character (Deut 30:12: "it is not in heaven"). While the law itself is revealed, no further revelation is necessary in order to understand it. Deuteronomy leaves little space for prophecy or other forms of revelation.

THE EFFECTS OF THE DEUTERONOMIC REFORM

The long-term effects of the reform were more profound than anyone could have anticipated in 621 B.C.E. Less than a generation later, Jerusalem and its temple were destroyed and the leading citizens were taken into exile in Babylon. The exiles in Babylon had to live without their temple, but they had "the book of the law," which acquired new importance in this setting. Henceforth, Judaism would be to a great degree a religion of the book. Study of the law would take the place of sacrifice. The synagogue would gradually emerge as the place of worship, first for Jews outside the land of Israel, later even within Israel itself. These changes took place gradually, over centuries, but they had their origin in the Deuteronomic reform, which put a book at the center of religious observance for the first time.

The increasing emphasis on the written law brought the class of scribes to the fore as important religious personnel. They were the people who could copy the book of the law, and edit it. They were also the people who could read and interpret it. The role of the scribes would increase gradually over the centuries.

We do not know when Deuteronomy was combined with the material found in Genesis through Leviticus. According to the most influential scholarly theory, it was originally joined to the historical books, Joshua through Kings. Some time after the Babylonian exile, the book of the law was detached and linked with the other accounts of revelation of the laws. Some Deuteronomic phrases found their way into the earlier books, but the evidence for Deuteronomic redaction of these books is much less obvious than the evidence for Priestly editorial work. It seems that the books of Genesis through Leviticus were edited by Priestly writers. Deuteronomy was added to this corpus, but there was relatively little Deuteronomic editing in the first four books.

Together with the Priestly edition of the Torah, Deuteronomy was a major influence on Jewish theology in the Second Temple period. Those who kept the law would prosper and live long in the land. This theology, however, did not go unquestioned. We find a major critique of it in the book of Job. But Deuteronomic theology should not be construed too narrowly as a legalistic religion. Its core teachings were love of God and of one's neighbor. The saying attributed to Jesus in the Gospels (Matt 22:34-40; Mark 12:28-31; Luke 10:25-28) on the twofold greatest commandment sums up at least one strand of Deuteronomic theology.

APPENDIX: THE RELATIONSHIP BETWEEN DEUTERONOMY (D) AND THE PRIESTLY CODE (P)

Up to the mid-nineteenth century, scholars usually assumed that P was the oldest stratum of the Pentateuch. The classic work of Karl Heinrich Graf and Julius Wellhausen in the second half of the nineteenth century reversed the order, and argued that P presupposes Deuteronomy and is the latest stage. This order was accepted as standard through most of the twentieth century. In Wellhausen's view, the Priestly theology reflected the decline

of Israelite religion, from the spiritual heights of the prophets to the legalism of "late Judaism." The value judgment is a separate issue from the dating. One could as well argue that the later material represents a higher stage of development. Regardless of his prejudices Wellhausen offered serious arguments for the late date of P:

1. The centralization of the cult was an innovation in the time of Josiah. It is taken for granted in P.
2. Profane slaughter is introduced in D and taken for granted in P.
3. Deuteronomy does not distinguish clearly between priests and Levites, and often refers to "Levitical priests." In the Priestly source, the Levites are clearly subordinated to the priests.
4. The cultic calendar in Leviticus is more developed than that of Deuteronomy.

On the other side, various arguments have been offered for the antiquity of P. Laws dealing with ritual and purity, sin and sanction, were an integral part of Near Eastern religion in the second millennium B.C.E. Interest in such matters can no longer be regarded as late. The language of P is different from that of postexilic Judaism. Several key terms in P either fall out of use (*'edah* for community) or acquire a different meaning (*'abodah*, "work" comes to mean "worship"). This shows that the language of P was not invented in the exilic or postexilic period. But liturgical language is often archaic. (Compare the use of Latin in the Roman Catholic Mass up until the 1960s.) So the retention of archaic language in P does not necessarily prove that the composition is ancient.

Some scholars have argued that there are several cases of Priestly influence on D. For example, Deuteronomy sometimes tells the Israelites to do "as I have commanded them" when the relevant commands are found in Leviticus (e.g., Deut 24:8, with reference to scale disease, which is the subject of Leviticus 13–14). Also the dietary laws in Deuteronomy 14 are said to be adapted from Leviticus 11 (such laws are typical of Leviticus but exceptional in Deuteronomy). But it is possible that these laws were known in Israel apart from the book of Leviticus, even before the Priestly laws were written down. Also, it has often been suggested that these elements were introduced into Deuteronomy by editors who were influenced by P.

This latter point highlights an ambiguity in the entire discussion. It is generally granted that Deuteronomy was not complete in its present form at the time of Josiah's reform but was edited and expanded by scribes for many decades thereafter. It is also likely that the Priestly code evolved over a period of time. Even if we can show that one depends on the other at a specific point, this does not necessarily mean that the entire book or tradition is later.

The central issue has always been whether P presupposes the centralization of the cult. Neither P nor H ever explicitly demands that sacrificial worship be confined to one place, but P speaks of the tabernacle and the tent of meeting as one central place of worship. The question is, did the Priestly authors imply that Israel should also have one central place of worship when they came into the land? An interesting test case is provided by the Passover in Exodus 12: the lamb should be sacrificed by "the whole assembly of the

congregation of Israel." The language here is most easily taken to mean that the lamb is sacrificed in a cultic assembly. But Passover was a family celebration down to the time of Josiah's reform. It seems, then, that P presupposes the Deuteronomic transformation of Passover into a pilgrimage festival. Nonetheless, the text is not so explicit as to settle the issue beyond doubt. If indeed P was compiled after Josiah's reform, then the attempt of H to forbid profane slaughter must be seen as a reactionary move, rejecting one of the major innovations of Deuteronomy.

The changing relations between priests and Levites are also more easily explained if the Priestly legislation is later than Josiah's reforms.

Finally, Wellhausen was indisputably right that the Priestly calendar in Leviticus 23 is the most developed such calendar in the Hebrew Bible. Not only does it include the Passover among the pilgrimage feasts but it includes two important festivals that are not found even in Deuteronomy, Rosh Hashanah and Yom Kippur. Even Nehemiah 8–9, written long after the Babylonian exile, does not yet reflect the Priestly calendar for these festivals.

It would be too simple to say without qualification that P is later than Deuteronomy. Both of these sources contain ancient traditions, and both went through extensive editing over a lengthy period of time. Some of the traditions contained in P may be quite old. It seems, however, that the Priestly strand of the Pentateuch was edited after Josiah's reform, and was influenced by the centralization of the sacrificial cult.

The P material was integrated with JE to a much greater extent than was Deuteronomy, which was originally linked with the historical books that follow it. We do not know when Deuteronomy was detached from the history and integrated into the Torah, as the fifth book of Moses. Nonetheless, the climactic position eventually accorded to Deuteronomy ensured that for many people it would provide the lens through which the Pentateuch would be interpreted.

FOR FURTHER READING

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