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DEUTERONOMY

THE BOOK OF DEUTERONOMY TAKES ITS NAME FROM the Greek translation of a phrase in Deut 17:18, which prescribes that the king should have "a copy of the law" written for him by the Levitical priests. The Greek expression, *deuteros nomos*, means rather "a second law," but this designation of the book is not inappropriate. Deuteronomy is in fact a second formulation of the law, after the one that was given in Exodus. The more usual Hebrew name for the book is taken, as is customary, from the opening phrase: "These are the words. . . ."

Deuteronomy is presented as the farewell address of Moses, before the Israelites crossed the Jordan to enter the promised land. Moses recalls the giving of the law on the mountain of revelation, which in Deuteronomy is consistently called Horeb. There are two introductions, which probably reflect two stages in the composition of the book. The first, in 1:1, says "these are the words that Moses spoke to all Israel." The second, in 4:44-49, says "this is the law that Moses set before the Israelites." The word for "law," *tôrāh*, 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 the long introductory section in chapters 1-11. Accordingly, it has often been characterized as "preached law." It lends itself readily to use in a context of worship.

The book also contains other kinds of material. Chapters 27-28 describe a ceremony in which half the tribes of Israel stand on Mount Gerizim and recite blessings, while the other half stand on Mount Ebal and recite curses. (The two mountains overlook the town of Shechem. Joshua 24 describes a covenant renewal ceremony at Shechem after the Israelites had occupied the land.) Deuteronomy 29:1 marks the beginning of a new speech of Moses: "These are the words of the covenant that the Lord commanded Moses to make

with the Israelites in the land of Moab, in addition to the covenant that he had made with them at Horeb." After he has completed this speech, he informs the Israelites that he will not cross the Jordan with them, and appoints Joshua, son of Nun, as his successor. Deuteronomy 32 contains a lengthy song of Moses, which summarizes the Deuteronomistic view of Israel's early history. Deuteronomy 33, which is formally introduced as "the blessing with which Moses, the man of God, blessed the Israelites before his death," is an old poem, about the tribes, comparable to the Blessing of Jacob in Genesis 49. Deuteronomy closes with a brief account of the death of Moses in chapter 34, which is sometimes attributed to the Elohist source.

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 far more consistent and distinctive style than the other books of the Pentateuch. Even if it was composed in stages, the scribes who contributed to its growth must have come from the same school or tradition. The style is distinctive in the use of direct address, and a highly personal tone. There is vacillation between the use of the second person singular and the second person plural (a good example can be found in chap. 12). This has sometimes been taken as a sign of composite authorship, but this is not necessarily so. The variation may be for stylistic reasons, to heighten the sense of personal address in some sections.

The Treaty Model

More clearly than any other biblical book, Deuteronomy is influenced by ancient Near Eastern treaties. We have already noted the debate about the relevance of Hittite treaties from the second millennium to the biblical idea of covenant, in connection with the revelation at Sinai in the book of Exodus. In the case of Deuteronomy, however, 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), that were discovered in 1956. (Vassal treaties are those between a superior power and its subjects.) Assyria was the dominant power in the Near East in this era. Esarhaddon's father, Sennacherib, had ravaged Judah and taken tribute, and there is some evidence that Judah was still a vassal of Assyria in Esarhaddon's time.

The influence of the treaty model can be seen on various levels in Deuteronomy. 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. Perhaps the most distinctive element of these treaties is that great emphasis is placed on curses. The Assyrian treaties were essentially loyalty oaths imposed by the king of Assyria to ensure submission to his successor. (In Esarhaddon's case, this was his son Ashurbanipal.) Deuteronomy is similar, in that Moses is handing on authority to Joshua, but the biblical text differs in that 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]: "you are adjured by the gods of heaven and earth," 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 paragraph 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 . . ."

There are further correspondences in detail. 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. In the Assyrian texts this order is determined by the hierarchy of the responsible deities, Sin and Shamash, respectively. Since this hierarchy is irrelevant in the Israelite context, it is clear that Deuteronomy is directly influenced by the treaty texts.

It would not be correct to say that Deuteronomy is formally structured as a treaty text. Rather, it is an address, or homily, that is informed by the treaty analogy and contains many elements of the treaty form. It appeals to history as a motivating factor more often than is the case in the Assyrian treaties. The appeal to history is typified by a passage in chapter 26 that is supposed to be recited in connection with the offering of firstfruits of the land: "My father was a wandering Aramean. He went down to Egypt and lived there as an alien. . . . The Lord brought us out of Egypt with a mighty arm and an outstretched hand . . . and he brought us into this place, and gave us this land, a land flowing with milk and honey." An earlier generation of scholars, typified by Gerhard von Rad, regarded this

passage as the *credo*, or confession of faith, of early Israel, and thought it was a cultic recitation from an early period. More recent scholarship, however, recognizes this passage as typically Deuteronomic, and assumes that it was composed for its present context in Deuteronomy.

It has been suggested, quite plausibly, that Deuteronomy is meant to provide an alternative to the Assyrian loyalty oaths: the people of Judah are being told to pledge their loyalty and "love," not to the king of Assyria but 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. In fact, the date of Deuteronomy had become apparent long before the Vassal Treaties were discovered. In 1805 a young German scholar, W. M. L. de Wette, revolutionized scholarship by pointing out the correspondence between Deuteronomy and the "book of the law" that was allegedly found in the temple in 621 B.C.E., in the reign of King Josiah of Judah. The incident is described as follows in 2 Kings 22-23. In the course of repairs that were being carried out on the temple, the high priest Hilkiah reported: "I have found the book of the law in the house of the Lord." When this book was read to the king, he tore his clothes as a sign of distress, and made inquiry of a prophetess named Huldah, "for great is the wrath of the Lord that is kindled against us, because our ancestors did not obey the words of this book, to do according to all that is written concerning us." Huldah confirmed the authenticity of the book, and prophesied, moreover: "I will indeed bring disaster on this place and on its inhabitants—all the words that the king of Judah has read." From this much we may infer that the book contained curses, or threats of destruction.

Further indication of the contents of "the book of the law of the Lord" can be found in the actions taken by Josiah in 2 Kings 23. We are told that he 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 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, where priests had traditionally offered sacrifice. 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, even dur-

ing all the days of the kings of Israel and of the kings of Judah." The novelty of this Passover is that it was not a family observance in the home, but a pilgrimage festival celebrated in Jerusalem.

The drift of Josiah's reforms is clear enough. Not only did he prohibit the worship of deities other than YHWH, but he banned sacrificial worship, even sacrifices offered to YHWH, outside Jerusalem, by tearing down the "high places." In effect, he centralized worship in Jerusalem. According to 2 Kgs 18:4, a similar reform had been tried unsuccessfully by King Hezekiah about a hundred years before the time of Josiah. Hezekiah apparently did not have a book to lend divine authority to his reform (2 Chronicles 29-31 attributes a much more elaborate reform to Hezekiah, but its historicity is doubtful).

It was the contribution of de Wette to recognize that the book that was allegedly found in Josiah's time was Deuteronomy, or at least a part thereof. 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: "You shall not act as we are acting here today, all of us according to our own desires, for you have not yet come into the rest and possession that the Lord your God is giving you. 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; your burnt offerings and your sacrifices, your tithes and your donations, and all your choice votive gifts that you vow to the Lord." Eventually, the place that the Lord would choose was identified as Jerusalem, a site not occupied by the Israelites until the time of David, some two centuries after Moses, according to the biblical account. De Wette inferred 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).

The account of Josiah's reform in 2 Kings is part of what we call the Deuteronomistic History, which runs through the books of Joshua, Judges, Samuel, and Kings. According to the books of Kings, the first king of the northern kingdom of Israel, Jeroboam, sinned by setting up royal temples in opposition to Jerusalem, one at Bethel and one at Dan. This action is called "the sin of Jeroboam," and it is treated as the original sin of the northern kingdom of Israel. In this Deuteronomistic History, Josiah and Hezekiah (to a lesser extent) are heroes. Accordingly, the account of Josiah's reform must be suspected of being tendentious: it is told to glorify Josiah, with no consideration for other points of view. But the insistence of this history that the law of centralization had not been observed before Josiah's reform is highly significant. It strongly suggests that Deuteronomistic law was not an old law that was now rediscovered, but was an innovation in the

late seventh century B.C.E. This suspicion is supported by the observation of the close parallels between Deuteronomy and the Vassal Treaties of Esarhaddon. 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 law of centralization makes good sense in the political context of the late seventh century B.C.E. The northern kingdom of Israel had fallen to the Assyrians a hundred years before. At that time Hezekiah had tried, with only partial success, to unify the people who worshiped YHWH around the temple in Jerusalem. By the time Josiah came of age, the Assyrian Empire was in decline, and the young king felt free to try to expand his control. The centralization of worship in Jerusalem was part of a wider effort to centralize control, and this is reflected in the laws of Deuteronomy. In one respect, the promulgation of the law of Deuteronomy was an exercise in the politics of control.

The Laws of Deuteronomy

The Recollection of Horeb

As in Exodus, 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." This name is sometimes used in Exodus (3:1; 17:6; 33:6). Traditional source criticism ascribed these passages to the E source, with the implication that the mountain of the law was not identified with Sinai in northern tradition. Some recent scholars, however, argue that all references to Horeb are Deuteronomic. It would seem, in any case, that the identification of the mountain of the law with Sinai was not yet universally accepted when Deuteronomy was written.

In Deuteronomy Moses reminds the Israelites of the original revelation: "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 of the original revelation. Moses recalls that the mountain was blazing up to the very heavens, but the primary emphasis of this account is on 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 the formulation in 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 "remem-

ber 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 reform of Josiah seems to have been predominantly concerned with the suppression of non-Yahwistic cults and of all sacrificial worship outside Jerusalem. The book of Deuteronomy as we have it, however, has much broader concerns. We might infer from this that Josiah too was engaged in wider social reform, or we might suppose that the book was expanded subsequently by scribes who had broader concerns. One significant aspect of Deuteronomy is the revision of the older code of laws known as the Book of the Covenant (Exodus 21–23). Some of the distinctive emphases of Deuteronomy can be appreciated by comparison with the older code.

Deuteronomy 15:1–11 picks up the laws of sabbatical release. It does not mention the commandment that the land should lie fallow every seventh year. The humanitarian concern for the poor that is cited as a reason for this law in Exod 23:10–11 is addressed elsewhere in Deuteronomy: 24:19–22 commands that something be left for "the alien, the orphan, and the widow" at harvest and grape gleanings. Deuteronomy 15 makes every seventh year an occasion of remission of debts. There were precedents for such amnesties in the ancient Near East. Mesopotamian kings proclaimed acts of "justice" or "equity" (Akkadian *mīšarum*) involving the remission of debt and other obligations, especially at the beginning of their reigns (see the Edict of Ammisaduqa from Babylon, seventeenth century B.C.E.; *ANET*, 526–28). Deuteronomy makes this a law, to take effect at seven-year intervals, and so makes it independent of royal policy. The remission of debts 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, "because he loves you and your household, since he is well off with you," 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 homiletical exhortation to "provide liberally" for the liberated slave, and it adds the typical Deuteronomistic motivation: "remember that you were a slave in the land of Egypt."

The laws about the remission of debt and the release of slaves underline one of the prominent features of Deuteronomy—humanitarian concern for the poor and the marginal. This kind of concern appears in several other laws. Chapter 19 requires the Israelites to designate cities of refuge, where people might flee to avoid revenge for unintentional

homicide. Verse 15 requires the word of two or three witnesses for conviction of a crime, in order to protect people who might be wrongfully accused. The humane tendency is further in evidence in the provision that the corpse of an executed criminal must not be left all night on a gibbet (21:22-23), and laws concerning a neighbor's livestock and the prohibition against taking a mother bird with its young (22:6). Deuteronomy 23:6 says that slaves who have escaped from their owners should not be given back to them. 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 may be exempted from service if they are engaged but not married (or if they are newly wed, 24:5), or if they have built a new house, or even if they are afraid. There may be some practical rationale for these exemptions. Halfhearted soldiers might undermine the morale of an army. The laws also require restraint in the conduct of 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. In "the towns of these peoples that the Lord your God is giving you as an inheritance" the Israelites must not let anything that breathes remain alive. In cities outside the promised land, people who submit peacefully are to be enslaved. If they resist, the males must be put to the sword and the women and children and livestock taken as plunder. Yet again, in 21:10-14 we find a more humane discussion of the treatment of captive women. If a man takes such a woman for himself, he may not sell her thereafter, but must let her go free if he no longer wants her. 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. We shall discuss the Deuteronomic ideal of warfare and the alleged annihilation of the Canaanites further in the following chapter.

The Effects of Centralization

Some of the legal innovations of Deuteronomy result directly from the law of centralization of the cult. Most immediately, the prohibition of sacrificial worship outside Jerusalem radically changed the nature of Israelite religion. On the one hand, the account of Josiah's reform in 2 Kings 23 makes clear that up to this time there was widespread worship of Baal and Asherah, and that there were various cultic practices that Deuteronomy now deemed improper. This picture is now confirmed by archaeology, which has brought to light inscriptions mentioning YHWH's Asherah (which is variously interpreted as a goddess or as a cultic object associated with the goddess) and over two thousand terra-cotta figurines depicting a nude female figure (presumably a fertility god-

dess). 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 Deuteronomic reform, then, entailed a purge of Judean religion that brought it much closer to monotheism than it had previously been. On the other hand, 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). In light of the difficulties created by the centralization of the cult, Deuteronomy allowed that "whenever you desire you may slaughter and eat meat within any of your towns" (12:15). This change is often described as a "secularization" of Israelite religion. The term is not quite appropriate; society as envisioned by Deuteronomic law would still be permeated by religion. But it is true that some activities that had hitherto been sacral were now treated as profane, and that cultic rituals would henceforth play a much smaller role in the lives of most of the people.

The centralization of the cult also led to the transformation of the festival of Passover. In the Book of the Covenant, Passover was not listed among the pilgrimage feasts, as it was a family festival, to be celebrated at home. Deuteronomy 16:2, however, requires that the Passover lamb be sacrificed "at the place that the Lord will choose as a dwelling for his name," 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 place of the Levites in Israelite society was also affected by centralization. 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, but ate unleavened bread among their kindred." Nonetheless, we shall find in Ezekiel 44 that relations between priests and Levites in Jerusalem remained controversial after the Babylonian exile.

Centralization and Control

The centralization of the cult is the most obvious way in which Deuteronomy brings about a concentration of power in Jerusalem, but it 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. Deuteronomy 18:15-22 allows that there are legitimate prophets, who are prophets like Moses. (The singular form, "a prophet like me," is clearly meant to indicate a type, although it was later understood to refer to an individual who would come at the end of days.) 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. The distinction between true and false prophecy would eventually become a major problem, as we shall later see. 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. If a man had two wives, and came to dislike one of them, he was not free to disinherit her children (21:15-17). If he had a rebellious son, who was not amenable to discipline, he must bring him before the elders at the city gate. They may put him to death, but the father does not have the right to do so. Similarly, disputes about the virginity of a bride must be settled in public, by the elders. In all of this Deuteronomy seeks to limit arbitrary action by the heads of families and impose standard judicial procedures on the society.

Perhaps the most remarkable assertion of control in Deuteronomy, however, concerns the king, in 17:14-20. Deuteronomy makes clear that kingship is something that develops from the people's desire to be like the neighboring peoples. Nonetheless, it is legitimate, within certain limitations. 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. Even 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. It is, however, in accordance with the general tendency of Deuteronomy to bring everything under the influence of the book of the law.

Purity Concerns in Deuteronomy

In contrast to Leviticus and the Priestly Code, 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. Whether this law was actually implemented we do not know. The prophet Hosea, a century before Deuteronomy, describes a quite different way of dealing with an adulterous wife, by shaming and divorcing her. 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. It should be noted that there is no legislation concerning divorce in the Hebrew Bible. The practice is simply assumed. Verses 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." Later tradition inferred that divorce was permitted if a man found "something objectionable" about his wife. (Normally, wives were not permitted to initiate divorce in ancient Judaism. An exception to this rule is found among Jews in the south of Egypt in the Persian period, and possibly again in the region of the Dead Sea early in the common era, but the latter case is disputed.) In Deuteronomy "something objectionable" most probably implied impurity or sexual misconduct. There was a famous debate about the meaning of the phrase between the rabbinic 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

According to the account in 2 Kings 22, the law book promulgated by Josiah had been found in the Jerusalem temple and was presumably ancient. In light of the preceding discussion, there is good reason to regard the finding of the book as a fiction, designed to ensure its ready acceptance by the people. 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. These elements too have been edited, since the book has a uniform style, but 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. The provenance of these pre-Josianic traditions has been the subject of much scholarly discussion.

That the covenantal ceremony is located at Shechem strongly suggests that some of these traditions had their origin in northern Israel, more precisely in the central highlands of Ephraim. 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. In many respects, Deuteronomy recalls the northern eighth-century prophet Hosea. Hosea also took the exodus as his primary point of reference and referred to Moses as a prophet. He vehemently rejected the worship of deities other than YHWH, especially Baal. He also used the language of love for the relationship between God and Israel, although he spoke of God's love for Israel more than of Israel's obligation to love God. 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 have been suggested as the carriers of these traditions. The Levites figure prominently in the covenant ceremony in chapters 27–28 and are mentioned frequently throughout the book. It is unlikely that northern Levites would have promoted the idea that the sacrificial cult should be restricted to Jerusalem, but they may have preserved traditions about a covenant at Shechem, and laws that had circulated in northern Israel. These traditions may have been brought south by refugees after the fall of Samaria. It is conceivable that a book containing such material was hidden in the Jerusalem temple and found in the time of Josiah, but this is not a necessary hypothesis.

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 Deuteronomic 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

One other aspect of Deuteronomy suggests a scribal origin. This is the extensive affinity with Wisdom literature. We shall discuss wisdom literature in some detail later in this book. The classic biblical example is provided by the book of Proverbs. Wisdom is essentially instructional material, which incorporates traditional proverbs and sayings and has some more lengthy didactic compositions. It was an international genre. Biblical Wisdom literature is very similar to Egyptian instructions, and there are examples of similar literature from Mesopotamia. These instructions are often addressed to the student in the second person. Typically, they are not presented as divine revelation but as the distillation of human experience. The typical Wisdom formula is: "Listen, my son, to your father's teaching." We know that in Egypt these instructions were used in the training of courtiers and bureaucrats for the royal court. They were probably used in a similar context in Israel. King Solomon was traditionally regarded as the great patron and exponent of wisdom (see especially 1 Kgs 4:29-34 = 5:9-14 in MT). One section of the book of Proverbs is said to have been copied by "the men of Hezekiah," who was king of Judah about a hundred years before Josiah (Prov 25:1).

The parallels between Deuteronomy and Wisdom teachings are of various kinds. 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, who, when they hear all these statutes, will say, 'Surely this great nation is a wise and discerning people'" (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 are paralleled in Wisdom writings. Injunctions against removing boundaries (Deut 19:14; 27:17) and falsifying weights and measures (25:13-16) are found not only in Proverbs (20:10, 23; 22:28; 23:10) but also in the Egyptian Wisdom of Amenemope. Both biblical books declare such actions "an abomination to the Lord"; Amenemope declares them an abomination to the Egyptian god Re. 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 sharply with the positive legislation about vows in Leviticus 27. The Wisdom book of Qoheleth 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*, 166–67).

Despite these Wisdom influences, Deuteronomy is unmistakably a law code, which frequently invokes the death penalty as sanction for its ordinances. It is also presented as revealed law rather than as the fruit of human experience, and it appeals to the distinctively Israelite experience of the exodus rather than to common human nature, as is customary in the older Wisdom literature. Nonetheless, it is quite emphatic that the wisdom it presents has a human, earthly character: "Surely, this commandment that I am commanding you today is not too hard for you, nor is it too far away. It is not in heaven, that you should say, 'Who will go up to heaven for us, and get it for us so that we may hear it and observe it?' Neither is it beyond the sea, that you should say, 'Who will cross to the other side of the sea for us, and get it for us, so that we may hear it and observe it?' No, the word is very near to you; it is in your mouth and in your heart for you to observe" (Deut 30:11–14). While the law itself is revealed, no further revelation is necessary in order to understand it. Deuteronomy leaves little space for prophecy or for other forms of revelation such as we will find later in the apocalyptic literature.

The Effects of the Deuteronomic Reform

We have already noted that the centralization of the cult brought about a profound change in the practice of Israelite religion outside Jerusalem. The long-term effects of the reform, however, 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 Babylonians changed Judean society in ways that Josiah never could. 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, and make insertions on occasion. They were also the people who could read and interpret it. The role of the scribes would increase gradually over the centuries, but, again, it had its root in the importance accorded to the book of the law in Josiah's reform.

We do not know when Deuteronomy was combined with the material found in Genesis through Leviticus. Scholars generally agree that Deuteronomy was originally joined to the historical books, Joshua through Kings. Some time after the Babylonian exile, the book of the law was detached from the historical books and linked with the other accounts of revelation at Mount Sinai and the presentations of the laws. Some Deuteronomistic phrases found their way into the earlier books, but the evidence for Deuteronomistic redaction of these books is not clear, and is much less obvious than the evidence for Priestly editorial work. It would seem, in short, that the books of Genesis through Leviticus were edited by Priestly writers. Deuteronomy was added to this corpus, but there was relatively little Deuteronomistic 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. The main emphasis of that theology was on the observance of the law. Those who kept the law would prosper and live long in the land. Those who did not keep the law would come to grief. This theology did not go unquestioned in Second Temple Judaism. We find a major critique of it in the book of Job. But Deuteronomistic theology should not be construed too narrowly as a legalistic religion. At the heart of it stood the command to love the Lord God with all one's heart and soul. The ordinances and commandments were concerned with human relations, with a strong emphasis on compassion for the disadvantaged in society. Jewish teachers in the Hellenistic period sometimes taught that the whole law could be summed up under two headings, love of God and love 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 Deuteronomistic theology as it developed in the Second Temple period.

Appendix: The Relationship between Deuteronomy (D) and the Priestly Code (P)

D and P obviously represent two contrasting kinds of theology. The relationship between them, and specifically the chronological relationship, has often been controversial. Up to the mid-nineteenth century, scholars usually assumed that P was the *Grundschrift*, or basic document, the oldest stratum of the Pentateuch. The classic work of Graf and Wellhausen in the second half of the nineteenth century reversed the order, and argued that P presupposes Deuteronomy and is the latest stage in the development of the Torah. 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 late dating thus became associated with a negative value judgment. Jewish scholars understandably took exception to this view. The

classic Jewish response to Wellhausen's approach was that of Yehezkel Kaufmann, who not only defended the spiritual value of the Priestly source but also its early date. The dating remains controversial, more than a century after Wellhausen wrote.

Insofar as the dispute about dating entails value judgments about the spiritual value of the Priestly source or any other material, it is misplaced. The earlier is not superior and the later is not inferior. One could as well argue that the later material represents a higher stage of development, but this again is not logically necessary. The question of chronological order is unrelated to the assessment of value.

Regardless of his prejudice against ritualistic forms of religion (Catholic as well as Jewish), Wellhausen offered serious arguments for the late date of P:

The centralization of the cult was an innovation in the time of Josiah. Deuteronomy reflects this innovation, and addresses the question of centralization directly. In contrast, centralization is taken for granted in P.

Related to this is the question of profane slaughter. Deuteronomy allows the slaughter of animals for food apart from sacrifice, and this permission is clearly related to the restriction of sacrifice to Jerusalem. Profane slaughter is taken for granted in P, but is explicitly forbidden in H (Leviticus 17). Wellhausen reasoned that the acceptance of profane slaughter in P presupposed the Deuteronomic reform.

Deuteronomy does not distinguish clearly between priests and Levites, and often refers to "Levitical priests." In the Priestly source, however, the Levites are clearly subordinated to the priests.

Finally, the cultic calendar in Leviticus is more developed than that of Deuteronomy.

On the other side of the debate, various arguments have been offered for the antiquity of P. There has been a vast increase in knowledge about the ancient Near East since Wellhausen's time, and it is now clear that laws dealing with ritual and purity, sin and sanction, were an integral part of Near Eastern religion in the second millennium B.C.E. Consequently, interest in such matters can no longer be relegated to a late, supposedly decadent, period of Israelite or Jewish religion. It is now readily admitted that P is a repository of ancient traditions. But this does not require that the document itself be ancient.

The primary argument that has been offered for the antiquity of P is based on the development of the Hebrew language. Several key terms in P either fall out of use in the postexilic period or acquire a different meaning. For example, the Priestly word for the assembly is *'ēdāh*. In postexilic books (Ezra, Nehemiah, Chronicles) the Deuteronomic term *qāhāl* is used instead. The word *'abōdāh* means "physical labor" in P; in

Chronicles it means "worship." Some have argued that the book of Ezekiel, from the time of the exile, marks a watershed in this regard. Although it shares many of the concerns of P, it often uses different terminology. (For a concise exposition of the linguistic evidence, see Milgrom, *Leviticus 1-16*, 3-13.) All of this shows that the language of P was not invented in the exilic or postexilic period. But Priestly, liturgical language is often archaic, and terminology is often preserved in ritual contexts long after it has fallen out of use in popular speech. (Compare the use of Latin in the Roman Catholic Mass up until the Second Vatican Council in the 1960s.) So the retention of archaic language in P does not necessarily prove that the composition is ancient. Indeed, some scholars have argued that P deliberately used archaic or archaizing language. For example, there is no good evidence that Israelites still worshiped at a tabernacle or tent-shrine (*miškān*) during the monarchy, at any time that P could plausibly have been composed. Also the word *nāšî'*, "prince," was meant to evoke an earlier time, before the monarchy. It should be granted that the language of P is indeed old and not an artificial construct of the post-exilic period, but this in itself does not settle the date at which the Priestly laws as now found in the Pentateuch were formulated.

Some scholars have argued that while there is no clear case of Deuteronomistic influence on P, 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 this issue too is not as straightforward as it might appear. The presence of some elements of Priestly tradition, such as dietary laws, in Deuteronomy can be explained in various ways. On the one hand, it is possible that these laws were known in Israel apart from the book of Leviticus, even before the Priestly laws were written down. On the other hand, it has often been suggested that these elements were introduced into Deuteronomy by editors who were influenced by P, but that they were not part of the original Deuteronomistic code.

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 book, or tradition, depends on the other at a specific point, this does not necessarily mean that the entire book or tradition is later. Wellhausen, in fact, was not so much concerned with the book of Deuteronomy as with the underlying historical event of Josiah's reform and the changes it brought about in Israelite religion.

Even if one grants that P is a repository of ancient tradition and uses archaic language, and that the book of Deuteronomy is influenced by Priestly tradition at some points, Wellhausen's primary arguments remain to be addressed. 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, in the manner of Deuteronomy 12. Since the Priestly legislation is presented in the context of Israel's sojourn in the wilderness, it 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? In the discussion of Leviticus 17 in the previous chapter we saw that H required that anyone offering sacrifice bring it to the entrance of the tent of meeting. It has been suggested that this only means that sacrifice must be offered at *a* sanctuary, not necessarily at one central shrine. There is little other indication in P or H, however, that they condoned sacrifice at multiple shrines. Another interesting test case is provided by the prescriptions for the celebration of the Passover in Exodus 12. There we are told that the lamb should be sacrificed by "the whole assembly of the congregation of Israel" (Exod 12:6; the words for "assembly," *qāhāl*, and "congregation," *ʿedāh*, are roughly equivalent; it may be that two variant formulations were combined into one). The language here is most easily taken to mean that the lamb is sacrificed in a cultic assembly. But we have seen that Passover was a family celebration down to the time of Josiah's reform. It would seem 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 in rejection of one of the major changes brought about by Deuteronomy. The stricter Holiness Code was idealistic, but it is unlikely that it was ever enforced.

The changing relations between priests and Levites are also more easily explained if the Priestly legislation is later than Josiah's reforms. Deuteronomy refers to the Levites as "Levitical priests." In Deut 18:1 we are told that the tribe of Levi has no allotment within Israel, but that they may eat the sacrifices that are the Lord's. After Josiah's reforms, however, there were (or were supposed to be) no sacrifices to eat outside Jerusalem. Consequently, Deuteronomy decreed that any Levite could go to "the place that the Lord will choose" whenever he wished and minister there, and receive an equal portion to eat with the other priests (Deut 17:6-8). This arrangement could hardly fail to cause tensions between the priests who were already in Jerusalem and those who came in from the countryside.

According to Deuteronomy, the Levitical priests could serve at the central sanctuary on an equal basis with other priests. The Priestly legislation, however, in Num 3:6-9 and

again in Num 18:1-7, is quite explicit: the tribe of Levi is set before Aaron the priest to assist him, but the priesthood belongs only to Aaron and his descendants. The subordinate role of the Levites is also emphasized in Ezek 44:10-14. This text, from the exilic or early postexilic period, blames the Levites for "going astray from me after their idols" and, as punishment, makes them hewers of wood and drawers of water. Ezekiel redefines the "Levitical priests" as the Zadokites, the traditional Jerusalem priesthood. Ezekiel's understanding of the relationship between priests and Levites is essentially in agreement with that of P. The relationship was still problematic at the time of the restoration of Jerusalem after the exile. It is apparent that the Zadokite priests did not welcome the Levites from the country shrines as their equals in ministry, but they did make a place for them in Jerusalem, even if it was a subordinate one.

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. "In the seventh month, on the first day of the month, you shall observe a day of complete rest, a holy convocation commemorated with trumpet blasts" (Lev 23:24). This is the festival that would be known to posterity as Rosh Hashanah, the New Year's celebration, when the year was deemed to begin in the fall. Then, "the tenth day of this seventh month is the Day of Atonement" or Yom Kippur (23:27). It is inconceivable that Deuteronomy would have omitted these festivals if they were celebrated when it was composed. Moreover, the book of Nehemiah, written no earlier than the end of the fifth century B.C.E., describes the observances of the seventh month in the time of Ezra (probably a little after the mid-fifth century). According to Nehemiah, there was a holy day, marked by a solemn assembly, on the first day of the month, but the next observance was the Feast of Booths or Tabernacles, which Leviticus dates to the fifteenth of the month. There is no mention of Yom Kippur on the tenth of the month, although there is a day of fasting on the twenty-fourth. From this it would seem that the cultic calendar of Leviticus 23 had not yet been finalized in the mid-fifth century B.C.E.

It would be too simple, however, to say that the Priestly source is later than Deuteronomy, without qualification. Both of these sources contain ancient traditions, and both went through extensive redaction over a lengthy period of time. Some of the traditions contained in the Priestly source 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 and the changes it entailed.

Finally, the Priestly material was integrated with the older pentateuchal traditions (traditionally known as J and E) to a much greater extent than was Deuteronomy. There

is good reason to think that the books of Genesis through Numbers were edited by Priestly writers. Deuteronomy, in contrast, was originally linked with the historical books that follow it. We do not know when it was detached from the history and integrated into the Torah, as the fifth book of Moses. While some Deuteronomic glosses can be identified in the first four books, there does not seem to have been a Deuteronomic redaction of the Torah on the same scale as the Priestly one. 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 in later tradition.

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