

STUDIES IN BIBLICAL THEOLOGY No. 9

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**Studies  
in Deuteronomy**

**Gerhard von Rad**

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Studies in Deuteronomy



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STUDIES IN BIBLICAL THEOLOGY

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DEUTERONOMY

GERHARD VON RAD

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SCM PRESS LTD  
56 BLOOMSBURY STREET  
LONDON

*This English translation was prepared from the  
revised edition of DEUTERONOMIUM-STUDIEN  
published in 1948 by Vandenhoeck and Ruprecht, Göttingen*

*First published February 1953*

*Reprinted June 1956*

*Reprinted April 1961*

*Printed in Great Britain by  
Robert Cunningham and Sons Ltd  
Longbank Works, Alva*

To  
OTTO EISSFELDT HALLE  
for 1st September, 1947  
with grateful respect





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## AUTHOR'S FOREWORD

It is with some diffidence that I see this little book appear again unchanged. The study of the Book of Deuteronomy has advanced both in the Anglo-Saxon world and in Germany and, moreover, in the winter of 1945-6, when I was preparing these pages, I was cut off from nearly all the more recent foreign literature on the subject. I regret particularly that I was not then able to consult the important work of Adam Welch. Nevertheless I should be glad if this little book, in spite of its deficiencies, could make some contribution to the interaction in Old Testament studies in both lands.

G. v. R.

*Heidelberg,*  
*11th December, 1952*



## CHAPTER ONE

# THE CHARACTER OF DEUTERONOMY AND ITS SACRAL TRADITIONS FROM THE POINT OF VIEW OF FORM-CRITICISM

IF we are to make a fresh attack on the problem of Deuteronomy, it will best serve our purpose to begin with a quite general statement: Deuteronomy is composed as a speech of Moses to the people.<sup>1</sup> That is something striking and, in fact, unique, in the law books of the Old Testament. Both the Book of the Covenant and the Holiness Code, as well as the laws of the Priestly Document, purport to be utterances of God to Moses. Disregarding the Book of the Covenant, since it was obviously not composed as an utterance of God, and the subsequent adaptation has had absolutely no effect on the *corpus* itself, the picture of the Priestly Document, viewed as a whole, is as follows: 1. Jahweh addresses Moses. 2. The decrees received are then transmitted by Moses either (*a*) to the Israelites or (*b*) to Aaron. In the latter case, which is less frequent, it is normally a question of instructions pertaining to ritual celebration, the observance of which is incumbent upon the priesthood alone.<sup>2</sup> Here too, of course, only the minority

<sup>1</sup> As far as literary criticism is concerned, we too regard the parts in the singular number from 6.4 onwards as the oldest constituent of Deuteronomy. But the way in which the question of the original form of the book (*Urdeuteronomium*) is often put seems to us much too exclusive (quite apart from any confidence in the possibility of sifting out this *corpus* down to verse and half verse by literary means). This question involves a conception of 'redaction', which it then equates with a complete state (and then, where possible, with the law-book of Josiah); but this draws far too much upon our western ways of authorship. We still know very little about the origin and the stages of expansion of such old sacral works. Can we then really maintain that *Urdeuteronomium* arose as a 'private writing' (Steuernagel: *Das Deuteronomium*, 2nd ed., p. 15)?

<sup>2</sup> e.g., Lev. 6.8 ff; 10.8 ff; 16; Num. 8.1 ff—An utterance of God

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of the individual units themselves are actually composed as direct speech of God, that is, in the I-style and with the designation Ye. The greater part are statutes couched in the impersonal style and speaking of Jahweh in the third person. In the Holiness Code, viewed as a whole, Jahweh likewise addresses Moses. But in detail the situation is rather complicated here. One part of the statutes is direct speech of God in the I-style, while other units are formulated impersonally and speak of Jahweh in the third person. The *Sitz im Leben* of these two classes is also obviously radically different. On the one hand, there are ordinances that can at once be recognised as technical instructions for priests: they are drawn up for consideration in special cases only; on the other, commandments broken up by parenesis (i.e. by hortatory material) and arranged in series reveal the cult assembly, where they were presented to the people, as their place of origin. In divergence from Deuteronomy, however, these commandments broken up by parenesis also appear as direct speech of God.

In this sketch is involved a number of questions that have to do with the criticism of classes of material (*gattungsgeschichtliche Fragen*), and they would require to be followed up. Let the sketch suffice here in the first instance to demonstrate the contrast, for Deuteronomy is different: it is definitely not an utterance of God.<sup>1</sup> We saw a moment ago in the Priestly Document and the Holiness Code that Jahweh gave instructions to Moses (and Aaron) as the proper recipients of cultic revelation. But then the divine decrees were transmitted to the laity. (Transmission came

to Aaron is found only in Lev. 10.8; Num. 18.1 ff, 8 ff, 20 ff. On occasion an injunction is given to Moses and Aaron together without the command to transmit it: Lev. 13; 14.33 ff; Num. 19. Here too it is, of course, only matters of purely priestly observance.

<sup>1</sup> The few exceptions, already noticed by Klostermann (*Pentateuch*, N.F., pp. 186 ff) in which Jahweh and not Moses is the speaker—7.4; 11.13-15; 17.3; 28.20; 29.4 f—are to be regarded as something like stylistic aberrations and carry absolutely no weight in face of the whole.

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in question, of course, only with specific subject-matters.) Now the method of transmission varied greatly. Sometimes—possibly at the proclamation of the commandments at the Feast of Tabernacles—the priest simply acted as the spokesman of the Godhead and transmitted the injunctions to the listening community as direct speech of God. But that will only have happened now and again at the high points of cultic celebrations and, moreover, only in a later period. There was a different form of address to the community used when the divine decrees were issued through the medium of priestly interpretation—that is, when they were broken up to a certain extent by priestly parenesis. Now Deuteronomy is obviously of this nature; it is a divine charge of the kind given to the lay community at second hand. That in itself explains why all that is ritual in the technical sense, so far as it concerns only the cult personnel, is absent.

As is the case with so many manifestations of Israel's cultic life, information in the records about the way in which such instruction in the law was carried out is almost completely wanting. One passage, however, deserves particular attention, namely Neh. 8.7 f. In it we have the two things: the direct proclamation of the will of Jahweh as it was made on special occasions, before the whole cultic community too, and then the instruction at second hand:

‘But Jeshua, Bani, Sherebiah . . . *the* Levites instructed (וְהַלְוִיִּם) the people in the law, while the people stood in their place. And they read from the book of *the* law of God interpreted(?) and explained (וְשִׁימוּ שְׂפָרָה) it, so that they understood what was read.’

Unfortunately two difficulties stand in the way of the understanding of the passage. In spite of Schaefer's brilliant argument,<sup>1</sup> it is still a question whether the expression

<sup>1</sup> H. H. Schaefer: *Esra der Schreiber*, Tübingen, 1930, pp. 51 ff.

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מְפָרֵשׁ is to be understood, like מְפָרֵשׁ in Ezra 4.18, as the Hebraised form of the King's Aramaic term used in the Persian diplomatic language.<sup>1</sup> If it is, then the meaning would be that the Hebrew original was rendered into Aramaic. But who did the reading? 'Whether Ezra (v. 3) or the Levites (v. 8) is not perfectly clear.'<sup>2</sup> The text is heavily overloaded, and even to assume interpolation by the Chronicler does not remove all the roughnesses. And even if the passage about the Levites' work of instruction is an addition by the Chronicler, who was specially interested in the Levites' duties, we still cannot be expected to believe that the *ad hoc* invention of something completely novel is implied. On the contrary, this was certainly not the first occasion, or the only one, on which the Levites gave instruction in the Law in the way here represented. After all, for a function of the kind an approved technique and a special tradition are required, and it is not to be presumed that a beginning was made with these only in the time of Ezra. Besides, we have to bear in mind that there are other passages in the Chronicler's history where the Levites are designated as 'those who instructed the people' (מְבַרְרֵי הָעָם).<sup>3</sup> But I admit that if we are to have any right to understand Deuteronomy along the lines of an interpretation on the Law for the laity, that would have to be demonstrated in the first instance from the book itself.

We shall begin this aspect of our investigation by observing the class of material to which Deuteronomy, viewed as a whole, belongs. The remarkable way in which parenesis, laws, binding by covenant, blessing and cursing follow upon one another points (just like the Sinai pericope in Ex. 19-24) to the course of a great cultic celebration, namely, the old festival of the renewal of the Covenant at Shechem. Deuteronomy in its present form is undoubtedly

<sup>1</sup> O. Eissfeldt: *Theol. Lit.-Ztg.*, 1931, pp. 243 f.

<sup>2</sup> A. Bertholet: *Die Bücher Esra und Nehemia*, Tübingen, 1902, *in loc.*

<sup>3</sup> 2 Chron. 35.3.



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a literary production, but it still bears the stamp of a cultic form that has exercised an extraordinary influence on its style.<sup>1</sup> Now this suggests a definite line of interpretation for the component parts as well. Only to-day are we beginning to see how accurate Klostermann's diagnosis of the situation was years ago, when he declared that Deut. 12 ff was not a 'law book', but a 'collection of material for the public proclamation of the Law'.<sup>2</sup> So our task is to take the laws in Deuteronomy too and consider them still more critically from the standpoint of rhetoric and homiletics—as, indeed, is particularly appropriate to the parenetic form in which even the so-called law-code itself in chapters 12-26 appears. For, actually, the most elementary difference between the Book of the Covenant and Deuteronomy—a difference that is particularly striking just because the two books do contain so much common material—lies in the fact that Deuteronomy is not divine law in codified form, but preaching about the commandments—at least, the commandments appear in a form where they are very much interspersed with parenesis.

Let us take for an example the passage about the Release.<sup>3</sup>

'At the end of seven years thou shalt make a release' (15.1). That is an ordinance belonging to the very oldest divine law; its validity is not under discussion. But it requires to be interpreted, it needs to be made relevant to the special needs of the audience. So we now see how, in what follows, the institution which, as such, is taken for granted as known, is immediately given a new form and adapted to new conditions. At the same time, we can take

v. 2

'And this is the manner of the release . . .'

in the way Horst does, as pre-deuteronomic 'legal inter-

<sup>1</sup> von Rad: *Das formgeschichtliche Problem des Hexateuch*, Stuttgart, 1938, pp. 23 f.

<sup>2</sup> A. Klostermann: *Pentateuch*, N.F. (1907) p. 344.

<sup>3</sup> Horst: *Das Privilegrecht Jahwes*, Göttingen, 1930, pp. 59, 65.

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pretation'. The impersonal formulation of the clause would favour that. But the manner in which, from v. 3 onwards, the single points in question are unfolded and explained is clear enough:

5. 'Only if thou hearken unto the voice of Jahweh thy God, to observe to do all these commandments which I command thee this day, then Jahweh thy God will bless thee, as he hath promised thee. . . . ' 7. 'If there be among you a poor man . . . thou shalt not harden thine heart and shut thine hand from thy poor brother; 8. But thou shalt open thine hand wide and shalt gladly lend to him. . . . ' 9. 'Beware that the wicked thought come not up in thy heart. . . . ' 10. 'But thou shalt surely give him, and when thou givest him, thine heart shall not be grieved, for because of this thing Jahweh thy God shall bless thee', etc.

Are we to take this as legal diction, these words of exhortation, warning and promise, which drive the demands home upon the hearer's conscience in the most personal way? It is law preached. It was in some such way as this that the statutes of the old divine law which Nehemiah had at first only read out were brought home and expounded to the people by the Levites. At the same time, the passage still makes it apparent that the actual new application of the old law of the release to the sphere of the law of debt is not the work of the preachers; v. 2 is certainly pre-deuteronomic. When old commandments were thus brought up to date, the work was certainly done by people of higher authority than preaching Levites. The latter's special achievement lay solely in the deliberate intensifying of the meaning, and the definite application to the individual conscience. Thus, a certain loss of sublimity which the commandment suffered through being applied to the sphere of law of debt,<sup>1</sup> was compensated in another direction.

<sup>1</sup> The fundamental norm lying behind the demand for a sacral fallow year—'the land is mine' (Lev. 25.23)—cannot be applied *mutatis mutandis* to loans, etc.

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Deuteronomic criticism has, of course, for long been working at the separation of the older material from the later. But Horst recently introduced a fruitful viewpoint with his distinction between the old statutes on the one hand and the later legal interpretations on the other. Admittedly, the fact that statutes with a definite centralising tendency stand side by side with others that are completely unaffected by this aim was a difficulty to which Oestreicher and Welch were the first really to draw attention.<sup>1</sup> Now, however, it is as clear as noonday that the apodeictic sanctifying of the firstlings demanded by Jahweh in Deut. 15.19, for example, has no knowledge of the demand for centralisation. But vv. 20-23 interpret the commandment from the point of view of the new demand. A similar state of affairs is found in the passage concerning the tithe: 14.22 is the old statute, vv. 23-27 the interpretation.<sup>2</sup> It has already been emphasised that these interpretations are not to be understood as legal sections or supplementary laws, but as homiletics. The definite preaching style, the urgent form of address, as well as the whole style of the argument point, in respect of class of material, to a different sphere from that of law.<sup>3</sup> Horst, however, draws too fine a distinction with his division into single literary strands, and the criteria which he names for determining the age of a strand in question are often not at all convincing. But above all else, his derivation of Deuteronomy from a single series of commandments only can hardly be right. Now that Alt has shown us how these apodeictic series are to be taken,<sup>4</sup> a keen eye can still penetrate behind the homiletic dress and sort out materials of many different kinds.

Between the order to appoint judges and officers in 16.18

<sup>1</sup> A. Welch: *The Code of Deuteronomy*, London, 1924.

<sup>2</sup> Horst: *op. cit.*, pp. 87, 99.

<sup>3</sup> On this preaching style cp. L. Köhler: *Die hebräische Rechts-gemeinde. Jahresbericht der Universität Zürich*, 1930/31, pp. 17 f. J. Hempel: *Die althebräische Literatur*, p. 140.

<sup>4</sup> A. Alt.: *Die Ursprünge des israelitischen Rechts*, Leipzig, 1934.

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and the admonition to execute righteous judgement in 16.20 is inserted a small section obviously derived from an old exemplar for judges:

לֹא־תִטֶּה מִשְׁפָּט Dt. 16, 19  
לֹא תִפְיֵר פָּנִים  
לֹא־תִקַּח שֹׁד

Thou shalt not wrest judgement.  
Thou shalt not respect persons.  
Thou shalt not take a bribe.

The fragment immediately takes its place alongside the short apodeictic series in Ex. 23.1 ff and is certainly not an independent coinage of the author of Deuteronomy.<sup>1</sup>

Immediately thereafter follow cultic ordinances; if we detach the unimportant parenetic phraseology, we have the following:

לֹא תִטַּע־לְךָ אֲשֶׁרָה כָּל־עֵץ אֲצֵל מִזְבַּח יְהוָה 16,21  
לֹא־תָקִים לְךָ מַצֵּבָה אֲשֶׁר שָׂאָה יְהוָה 22  
לֹא־תִזְבַּח לַיהוָה שׁוֹר וְשֵׂה אֲשֶׁר יְהִיָּה בּוֹ מוּם 17,1

Thou shalt not plant thee any *ashera*, any tree near unto the altar of Jahweh.

Thou shalt not set up unto thee any *masseba*, which Jahweh hateth.

Thou shalt not sacrifice unto Jahweh any bullock or sheep wherein is blemish.

It has always excited comment that Deuteronomy contains a command not to plant an *ashera* beside Jahweh's altar.<sup>2</sup> It is obviously pre-deuteronomic, and not as yet discarded because the demand for centralisation is pre-supposed. Of the three statutes Horst would allow only

<sup>1</sup> For the exemplar for judges in Ex. 23.1 ff: cp. Alt, *op. cit.*, p. 51.

<sup>2</sup> e.g. Steuernagel: *Komm.* (2nd ed.), *in loco*: Sternberg: *Z.D.M.G.*, 1928, pp. 125 f.

17.1 to rank as old.<sup>1</sup> But the reasons he alleges against a pre-deuteronomic origin are unconvincing. Besides, the statutes are homogeneous to a degree that makes it impossible to separate them; what is true of one is true of the others as well. In respect of subject, it is a fragment of an apodeictic series inculcating cultic obligations. It reaches back apparently to old times when individuals were still allowed very considerable freedom in the form they gave their cult. In the time of Deuteronomy that form had been long universally removed from individuals' free disposition, and consequently from the arbitrament of their caprice, by the priesthood.

Another series can certainly be detached from 22.5-11:

לֹא-יִהְיֶה כְּלִי-גִבֹר עַל-אִשָּׁה	22,5a
לֹא-יִלְבֹּשׁ גִּבֹר שְׂמֹלֶת אִשָּׁה	5b
לֹא-תִזְרַע כְּרֵמְךָ בְּלֶאָיִם	9
לֹא-תִחַרֵּשׁ בְּשׂוֹר-וּבַחֲמֹר יַחְדָּו	10
לֹא תִלְבַּשׁ שְׂעִטָּנוּ צִמָּר וּפְשָׁתִים יַחְדָּו	11

A woman shall not wear men's clothes.

A man shall not put on women's garments.

Thou shalt not sow thy vineyard with two kinds.

Thou shalt not yoke ox and ass together in the plough.

Thou shalt not clothe thyself with a garment made of wool and flax.

The statutes are separated from one another to some extent by regulations of a different kind, but their uniformity in style and content argues that they originally formed a self-contained series, the more so in that the regulations which come between have a different style. But above all else, the series is strictly self-contained in theme; it checks all *perturbatio sacrorum*. It is not, of course, possible to say that such laws had lost all objectivity for the writer of

<sup>1</sup> Horst: *op. cit.*, pp. 98 f.

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Deuteronomy, for cultic norms of the kind retain an astonishing vitality even in times that are very changed. But a time in which statutes like these are grouped in special apodeictic series—for this formation of series is certainly not the outcome of later collection by a redactor—is obviously a time in which men are still conscious of serious cultic risks in this sphere, and, whenever else it was, it was certainly not that of the writer of Deuteronomy.

Without exhausting the material, let us take one more series from 23.1 ff:<sup>1</sup>

לֹא־יִקַּח אִישׁ אֶת־אִשְׁתּוֹ אָבִיו	23,1
לֹא־יָבוֹא פְּצוּע־דָּפָה וְכָרוֹת שְׁפָכָה בְּקִהְל יְהוָה	2
לֹא־יָבוֹא מְמֹר בְּקִהְל יְהוָה	3
לֹא־יָבוֹא עַמּוֹנִי וּמוֹאָבִי בְּקִהְל יְהוָה	4
לֹא־תִתְעַב אֲדָמִי כִּי אֶחָיוֹ הוּא	8a
לֹא־תִתְעַב מִצְרִי כִּי־גֵר הָיִיתָ בְּאֶרְצוֹ	8b

(A man shall not marry his father's wife.)

A man who is wounded in the stones, or has his privy member cut off, shall not enter into the congregation of Jahweh.

A bastard shall not enter into the congregation of Jahweh.

An Ammonite or a Moabite shall not enter into the congregation of Jahweh.

Thou shalt not abhor an Edomite, for he is thy brother.

Thou shalt not abhor an Egyptian, for thou wast a stranger in his land.

It is questionable if 23.1 (E.V., 22.30) belonged to what follows it; the verse is rather out of line with the rest of the group in theme. Still, it opens the series now. There is no doubt, however, that vv. 2, 3, 4 and 8 (E.V., 1, 2, 3

<sup>1</sup> The numbering is from the Hebrew, not the English, Bible.

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and 7) present a self-contained group that is certainly very old. The series sets authoritative limits to the *Kahal*, the assembly of full citizens,<sup>1</sup> and defines its relation to the neighbouring peoples. So much for the apodeictic series of which the writer of Deuteronomy makes use.

In contrast with them, the number of conditional statutes broken up in the preaching style is insignificant. That is understandable, for the *Mishpatim* were anything but a traditional material used by the priests. The only actual case where the procedure has been adopted and comparison with an older formulation is possible, is the law concerning the Hebrew in 15.12-18. A comparison with the precise and strictly objective formulation found in the Book of the Covenant (Ex. 21.2-11) shows that in Deuteronomy it is no longer a matter of a 'law', a legal definition. The very composition as personal address gives the whole thing a completely different stamp. And then:

'Remember that thou too wast a slave in the land of Egypt.' '... thou shalt not think it hard when thou sendest him away from thee free', '... and Jahweh thy God will bless thee in all that thou doest.'

What place is there for language like that in a law? This is the style used in addressing a 'thou' who is present and listening.

On the other hand, there are not a few conditional laws<sup>2</sup> that have been adapted to suit the whole simply by being turned into the personal style characteristic of Deuteronomy, the only further alteration being the introduction throughout of little homiletic flourishes. Examples are 21.22-23 (death by hanging), 22.6-7 (taking of birds' nests), 22.8 (providing balustrades on roofs), 23.22-24 (E.V., 21-23) (payment of vows), 23.25-26 (E.V., 24-25) (eating in vine-

<sup>1</sup> L. Rost: *Die Vorstufe von Kirche und Synagoge im A.T.*, Stuttgart, pp. 31 f.

<sup>2</sup> On the distinction between apodeictic and conditional statutes see A. Alt: *Die Ursprünge des israelitischen Rechts*, Leipzig, 1934.

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yards and cornfields), 24.10-12 (retention of the pledge), 24.19 (forgotten sheaves). In these instances, the fact that the cases are trivial or of rare occurrence may have been the justification for presenting the material so briefly. It is to be noticed, however, that we also come across pure conditional laws in Deuteronomy—that is, legal formulations where there is no breaking up with parenesis. Examples are 21.15-17 (rights of inheritance of sons), 21.18-22 (the death penalty for a disobedient son), 22.13-29 (commandments concerning sexual matters), 24.1-4 (divorce), 25.1-3 (beating by the magistrate),<sup>1</sup> 25.5-10 (the law concerning levirate marriage). The fact that odd statutes have been taken into Deuteronomy and left without interpretation need not cause surprise. But since they appear exclusively towards the end of Deuteronomy, and since, further, what is characteristic of the main part of the book are the great homiletic passages, we may certainly conclude that the whole has been submitted to a process of redaction.

But two further specifically deuteronomical classes of material fall to be mentioned. We find the one again in those parenetic 'laws' which offer a broad thematic treatment of a subject without having a discernible basis in any old legal statute. The law concerning the prophet in 13.1-6 (E.V., 1-5) and the law of the king in 17.14-20 would fall to be reckoned amongst them; but the decrees concerning defection to idolatry in 13.7-19 (E.V., 6-18) and the prohibition of Canaanite divination and the promise of the mediating prophet in 18.9-22 belong to them also; probably, too, the section about the cities of refuge in 19.1-13, which cannot be taken as the interpretation of an old legal statute. Now these are the sections in Deuteronomy which are at farthest remove from what is legal and for which the conventional designation of 'laws' is utterly unsuitable. The subjects are also to some extent—e.g., the king, pro-

<sup>1</sup> The laws comprised by 24.1-4 and 25.1-3 issue somewhat inaptly in a personal parenetic phrase in their last sentence.



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phets—subjects concerning which old norms could not possibly have been extant. What we have in these cases is sermon-like utterances of the writer of Deuteronomy upon questions which were vital in his own time.

The second group of laws which we still want briefly to delimit is essentially of a different kind. Old traditional material certainly lies at their root, but it is not material of a legal kind, at any rate not of the kind composed in conditional or apodeictic form. The section dealing with the procedure in the case of an unknown murder, 29.1-9, unquestionably contains very old traditional material; the same is true of the regulation in 26.1-11 dealing with the cultic celebration at the offering of the first-fruits. Verses 1-9 of chapter 20 form a group by themselves: in them the writer of Deuteronomy has taken up what are obviously very old norms from the Holy War and made them relevant to his own time. The transmitters of these traditions were certainly not the law-courts which sat at the gate; we could sooner think of the shrines as the custodians of such old prescriptions coming down from early times. For what the units here mentioned have in common is that, in parenetic form, they make obligatory on the present not any norms of a legal kind, but old cultic usages.

If we review the series of homiletic interpretations which Deuteronomy offers—and the list could certainly still be expanded and improved—then the wide range of the book emerges. In this respect Deuteronomy bears a strong eclectic stamp—again in striking contrast with P., which is compendious: apodeictic series of commandments and cultic and ritual *toroth* of the priests deriving from the specifically priestly tradition; legal material, the transmitters of which were the courts of lay judges who sat at the gates; ancient traditions and customs once observed by the army in the Holy War—all this and much else was available for the Deuteronomic preacher, and at his disposal for homiletic use. In face of this, the complete Deuteronomy must

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be regarded as a comparatively late document. It is true that the Book of the Covenant had already brought apodeictic and conditional statutes into literary co-ordination, thus relating two cycles of material which lay far apart in actual life. But the basis of the traditions which Deuteronomy took up is very much broader. The comprehensive way in which it revives the old norms of the Holy War is itself sufficient to show that Deuteronomy lays claim to departments of the people's life that lay quite outside what the Book of the Covenant set its seal upon.<sup>1</sup> But more than anything else, it is the perfect freedom with which it handles the old traditions and intersperses them with homiletics that is something completely new compared with the Book of the Covenant.<sup>2</sup> At all events, the writer of Deuteronomy is in a position where he had access to traditions of extremely varied provenance, and where he had an authoritative interpretation of them and a presentation adapted to the times. Where may that have been?

<sup>1</sup> That makes it very questionable if D. can be designated simply 'the most considerable . . . priestly collection of laws' (G. Hölscher, *Z.A.W.*, 1922, p. 255).

<sup>2</sup> This activity of the Levites is therefore to be clearly distinguished from the priestly giving of *toroth*, as Begrich explains the latter (in *Werden und Wesen des A.T.*, 1936, pp. 63 ff), and of which P. speaks in Lev. 10.10 f. Giving of *toroth* comprises instruction in the distinction between sacred and secular, and clean and unclean. Its general form is that of a command in which God speaks in the first person.

CHAPTER TWO  
FORM-CRITICISM OF THE  
HOLINESS CODE

BEFORE tackling the Deuteronomic question proper, let us now, with a view to broadening the basis of our discussion, survey the Holiness Code, though only in regard to the question just touched upon. It is perfectly clear that, because of its pronounced parenetic character, the Holiness Code stands much nearer to Deuteronomy than does the Priestly Document. On closer inspection, however, there at once appear two differences which we would first of all simply record as such.

1. The Holiness Code is not, like Deuteronomy, instruction for the community throughout, but it comprises a constant alternation of instruction for the community and instruction for priests. The introductory formulae—on the one hand: ‘speak to the children of Israel and say to them’, on the other: ‘speak to Aaron and say’—clearly differentiate the materials according to their content. The greater part of them are addressed to the Israelites, a smaller part concerns the priests only. For example, Lev. 22.2 ff contains all kinds of ritual matter having to do with the eating of the gifts brought by the community, Lev. 21.1 ff instruction about the cleanness and uncleanness of priests—matters, that is, which obviously did not require to be brought to the notice of the general public. In a few instances only Aaron and Israel are addressed together, and that happens in the case of ordinances, the observance of which is obligatory alike for clergy and community.

2. In its present form the Holiness Code taken as a whole is presented as an utterance of God and not an address of Moses. On closer inspection, however, a most complicated picture emerges in this respect. Sections seen to be in actual fact utterances of God from the beginning do not at all predominate. Rather is it plain to see that very many

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texts have only been given the form of divine utterance at a later date. If we disregard the form of address, which constantly alternates between 'thou' and 'ye', we find that the real facts are these. On the one hand, such passages as were originally composed as sermons have been redrafted as utterances of God. On the other, it is ordinances which were originally couched in perfectly impersonal terms which have been subjected to this transformation; and this has in fact been done mostly simply by making God speak in the first person in the introductory and concluding sentences. Indeed, it is the repeated 'I am Jahweh' that helps the Holiness Code to give the now dominant impression of being direct speech of God.

The degree of parenetic interspersion varies, of course, in detail. Lev. 18 exhibits a form which is already well known to us from Deuteronomy: vv. 2-5 contain a general formal admonition to keep commandments, the substance of which, to start with, is not more closely defined. At v. 6 we come to the *corpus* itself. Its content is a rather long series of commandments concerning sexual matters, now formulated tersely and objectively in the 'thou' form. The conclusion in vv. 24-30 makes another exhortation in general terms to keep these commandments. Chapter 18 is therefore clearly a liturgical whole, or, to put it better, it is still couched in the form used for liturgical celebrations of the kind. This is not gainsaid by the fact that the parenetic sections at the beginning and the end are in the 'ye' form, while the *corpus* itself is in the 'thou' form. The *corpus* is to be interpreted in the sense that the statute in v. 6, which alone is written in the 'ye' form, presents the chief commandment, properly speaking—

'None shall approach any that is nearly related to him by blood, to have sexual relations.'

But the statutes in v. 7 ff are particular regulations explaining this summary statute in detail in all its aspects.

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The situation is somewhat different with the well-known cult law in chapter 17. Here v. 3 f sets forth the chief regulation, properly speaking. Verses 5-7 add nothing in the way of real amplification; they only give its reason and add points of detail. A new commandment comes only with v. 8 f. If v. 3 deals with killing of animals in general, v. 8 deals with a specific sacrificial act: both make it necessary to go to the shrine. Verse 10 brings a further chief norm, forbidding any manner of eating of blood. In the very next verses, 11-12, this is explained and expanded. The last cultic commandment in the more restricted sense appears in v. 13, (concerning beasts or fowl taken in hunting); v. 14 even is no longer on the same plane; it substantiates, and in v. 15 f there is a further expansion.

Chapter 19 introduces us to an entirely different department of instruction for the community. The passage is particularly well known because of the high 'ethical' demands with which it regulates the relationship of man to man within the community. Although it is a rather formless utterance of God as it stands before us now, well-defined forms lying behind it are nevertheless easy to recognise. They probably looked something like this:

לֹא תִכְלֶה פֶּאת שְׂדֵךְ	19,9a
לֹא תִלְקֹט לְקֹט קִצְרֵךְ	9b
לֹא תַעֲוִלֵּל בְּרִמָּה	10a
לֹא תִלְקֹט פְּרֹט בְּרִמָּה	10b

Thou shalt not reap thy field into the corners.

Thou shalt not glean after thy harvest.

Thou shalt not gather thy vineyard bare.

Thou shalt not gather the fallen grapes of thy vineyard.

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A slightly different series appears to begin at 19.11:

לא-תגנבו	19,11a
לא תכחשו	11b
לא תשקרו	11c
לא תשבֵעו לשקר	12a

Ye shall not steal.

Ye shall not disavow.

Ye shall not lie.

Ye shall not swear falsely.

אָנִי יְהוָה	לא-תעשק את-רעך	19,13aa
”	לא תגזל	13a $\beta$
”	לא-תלין פְּעֹלֶת שְׂכִיר אִתָּךְ עַד-בֹּקֶר	13b
”	לא-תקלל חרש	14a
”	לא תתן מְכֹשׁוֹל לְפָנַי עֲגוֹר	14b
”	לא-תעשׂ עוֹל בְּמִשְׁפָּט	15a
”	לא-תשא פְּנֵי-דָל	15ba
”	לא תהדר פְּנֵי גָדוֹל	15b $\beta$
”	לא-תלך רְכִיל בְּעַמֶּיךָ	16a
”	לא תעמד עַל-דַּם רֵעֶךָ	16b
”	לא-תשנא אֶת-אָחִיךָ בְּלִבְבְּךָ	17
”	לא-תקם (לא תטר) אֶת בְּנֵי עַמֶּךָ	18a

Thou shalt not oppress thy neighbour.

Thou shalt not rob.

Thou shalt not keep the wages of a hireling with thee till the morning.

Thou shalt not curse a deaf man.

Thou shalt not put anything in a blind man's way,  
(but thou shalt fear thy God).

Thou shalt not do unjustly in judgement.

### *Form-Criticism of the Holiness Code*

Thou shalt not respect the person of the unimportant.  
Thou shalt not favour the powerful, (thou shalt judge thy neighbour justly).

Thou shalt not go about as a slanderer among thy people.

Thou shalt not proceed against thy neighbour's life.  
Thou shalt not hate thy brother in thine heart, (thou shalt set thy neighbour right, so that thou bringest not sin upon thee because of him).

Thou shalt not avenge, nor bear any grudge against thy fellow-countryman, (but thou shalt love thy neighbour as thyself).

It is fascinating to watch how the preacher, like Luther in his expositions of the Commandments, has sometimes on his own account given the prohibitions positive form, and so intensified them. The procedure as such is already familiar to us from the fourth and fifth commandments in the Decalogue. It means that there was an age which the negative style no longer satisfied, because to the more mature understanding of the later generations it was not adequate to describe the whole compass of Jahweh's will for man. The whole section is rounded off with a parenetic statute in general terms, (v. 19a), with which clearly any such recital of commandments ended.

Another series where the emphasis is exclusively cultic can easily be extracted from vv. 19.26-28. We take 19b with it because of its similarity:

לֹא-תִרְבֵּיעַ בְּהֵמָתֶךָ כְּלָאִים 19,19a $\beta$

לֹא-תִזְרַע שָׂדֶךָ כְּלָאִים 19b

לֹא יַעֲלֶה עָלֶיךָ בְּגָד כְּלָאִים שְׁעֵטָו 19b $\beta$

Thou shalt not let two kinds of cattle gender.

Thou shalt not sow thy field with two kinds of seed.

Thou shalt not put on a garment woven of two different kinds of thread.

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לא תאכלו על-הדם	26a
לא תנחשו	26b
לא תעונו	26c
לא תקפו פאת ראשכם	27a
לא תשחיתו את פאת זקנכם	27b
לא תתנו שרט לגפש בבשרכם	28a
לא תתנו בכם כתבת קצקע	28b

Ye shall not eat anything together with the blood.

Ye shall not practise soothsaying.

Ye shall not practise augury.

Ye shall not cut off the corners of the hair of your head.

Ye shall not trim the corners of your beard.

Ye shall not make cuttings in your flesh for the dead.

Ye shall not print a mark upon you.

In vv. 29-36 of chapter 19 too we clearly find miscellaneous fragments of such series of commandments. Verse 37 then brings once again the usual concluding formula: Keep my statutes and do according to them.

These statutes may or may not have had some such form as this originally; they may be parts of several series which have been compiled here; the **אני יהוה** which sounds especially frequently in them may be due to the redactor of the Holiness Code, or it may well have belonged to the original form and then spread from here throughout the Holiness Code: but there can certainly be no doubt about the fundamental conclusion.

One question may however be asked. Is what we have here really series in the old sense as in Deut. 27.15 ff or Ex. 20.2 ff, or is it not rather a case of an undoubtedly old form being employed by a more or less late generation? If that were so, then the *Sitz im Leben* for these units would



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not be the rare cultic festival following its grand liturgical course, but rather the occasions of community-instruction of a popular character carried out by the Levites. There is in favour of this assumption first and foremost the fact that, as regards contents, it is not a question here of the few elementary commandments which constitute the community's life, but of standards of a non-differentiated nature, which are also, in part, very lofty. Nevertheless it must be observed that the style as utterance of God is retained, and this circumstance dissuades us in turn from making too wide a separation of these series from the old classical liturgical form. Nevertheless, there is a difference between the Decalogue and Dodecalogue series on the one hand and these series taken from Deuteronomy and the Holiness Code on the other, and this enriches our knowledge of the old Jahweh cult. Alongside the basic series of commandments which outline the sum total of Jahweh's demands upon the individual in as few statutes as possible, there are others which refer only to definite spheres of life, and which accordingly have an essentially narrower range of subjects. Thus, we found in Deut. 23 a series concerned with the membership of the  $\text{קָהָל}$ , and in Deut. 22 a series, which gives the impression of being particularly old, concerned with the forbidden *perturbatio sacrorum*. In Lev. 19 there were ancient regulations concerning the harvest, etc. It is impossible to deny their cultic character; only these units would not have had such an extraordinary cultic setting as we may assume for the Decalogue and the Dodecalogue.

Lev. 20.1-8 is probably to be taken as a unit; it deals with sacrifice to Moloch. Verse 2 contains the chief commandment, properly speaking. It is followed by a long admonition making clear to the community Jahweh's relentless severity towards transgressors of this commandment; v. 8 gives the usual conclusion, Keep my statutes . . . , etc.

Verse 9 begins what is in fact something new, namely, a succession of commandments of very diverse kinds which

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are shown in turn to be members of a series by their similarity in style (they begin *אִישׁ אֲשֶׁר* and end *מֹת יוֹמָת*). In the analysis no word has been added on in principle, and only the expansions which break the regular pattern left out.

(מוֹמְ יוֹמָת)	אִישׁ אֲשֶׁר יִקְלַל אֶת-אָבִיו וְאֶת-אִמּוֹ	20,9
מֹת יוֹמָת	אִישׁ אֲשֶׁר יִנְאָף אֶת-אִשְׁתּוֹ רֵעֵהוּ	10
מֹת יוֹמָת	אִישׁ אֲשֶׁר יִשְׁכַּב אֶת-אִשְׁתּוֹ אָבִיו	11
'מֹת יוֹמָת'	אִישׁ אֲשֶׁר יִשְׁכַּב אֶת-כַּלְתּוֹ	12
'מֹת יוֹמָת'	אִישׁ אֲשֶׁר יִשְׁכַּב אֶת-זֶכֶר מִשְׁכַּבֵי אִשָּׁה	13
(מֹת יוֹמָת)	אִישׁ אֲשֶׁר יִקַּח אֶת-אִשְׁתּוֹ וְאֶת-אִמָּהּ	14
מֹת יוֹמָת	אִישׁ אֲשֶׁר יִתֵּן שְׂכָבְתּוֹ בְּבֵהֱמָה	15
	אִישׁ אֲשֶׁר יִקַּח אֶת-אֲחֹתוֹ בֵּת-אָבִיו	17
(מֹת יוֹמָת)	אוֹ-בֵת-אִמּוֹ	
(מֹת יוֹמָת)	אִישׁ אֲשֶׁר יִשְׁכַּב אֶת-אִשְׁתּוֹ דָּגָהּ	18
מֹת יוֹמָת	אִישׁ אֲשֶׁר יִשְׁכַּב אֶת-דֹּדְתּוֹ	20
מֹת יוֹמָת	אִישׁ אֲשֶׁר יִקַּח אֶת-אִשְׁתּוֹ אֲחִיו	21

(Whoso curseth his father or his mother shall die the death.)

Whoso committeth adultery with his neighbour's wife shall die the death.

Whoso lieth with the wife of his father shall die the death.

Whoso lieth with his daughter-in-law shall die the death.

Whoso lieth with a man as one lieth with a woman shall die the death.

Whoso marrieth a wife and her mother as well shall die the death.

Whoso hath intercourse with a beast shall die the death.

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Whoso marrieth his sister, the daughter of his father or his mother, shall die the death.

Whoso lieth with a wife at the time of her uncleanness shall die the death.

Whoso lieth with the wife of his uncle shall die the death.

Whoso marrieth the wife of his brother shall die the death.

Over against the present text, only a few amplifying observations are omitted, and further, in a few instances, the מות יומת which had fallen out when the strict series formation was broken up, has been restored; finally, in vv. 12 and 13 the penalty clause has been turned into the singular. The text at present puts the woman on the same footing of responsibility: that clearly corresponds with the outlook of a more mature period.

Thus we have once more a block of old commandments concerning sexual matters.<sup>1</sup> Then as conclusion—in this case more extensive—vv. 22-24 give a final parenthesis, which in this instance clearly takes its key from the preceding series of commandments—uncleanness makes the land unclean; it was because of such sins that the Canaanites lost their land. Verses 25-27 are some further isolated commandments which have been tacked on.

Lev. 21 presents instructions for priests: vv. 1b-4 is a unit by itself dealing with defilement for the dead. The series of prohibitions which follows in vv. 5-7 is in a rather different style. In neither section is there the divine I nor an address. Not till v. 8 do we have an admonition (addressed to the community) to regard the priest as holy. Verse 9 is an addition dealing with the case of unchastity in the daughter of a priest. The directions for the high priest in vv. 10-15 are once more wholly in the impersonal 'he' form. The

<sup>1</sup> Is it by chance that the series comprises ten commandments concerning sexual matters?

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verses concerning the bodily defects which debar a man from active service as a priest (vv. 16-23) are in the same form. The 'thou' in the first half of the first verse and the personal conclusion in the second half of the last verse ('... that he profane not my sanctuaries') quite obviously betray themselves as later adaptation.

The analysis of chapter 22 has little to contribute to our purpose either. Verses 2-16 are again pure teaching for priests, and the composition as an utterance of God in the first and last sentences, (as well as in vv. 3 and 8 f), comes from a later hand. Verses 17-25, laying down that animals offered in sacrifice must be free from blemish, are addressed to Aaron and the community. Here the 'ye' form is probably original. Jahweh is only spoken of in the third person. The same holds true for the decrees in vv. 26-30. Finally, these instructions too for the priests and the community close with a general parenesis which, in keeping with the main contents of the whole passage, is addressed here to the priests. This was clearly an integral part—the communication of divine regulations issues in a parenesis.

We can deal with the rest of the chapters of the Holiness Code quite briefly. None of the various units in chapter 23 dealing with regulations concerning the festivals was originally composed as utterance of Jahweh; there are still too obvious traces of the older form which spoke of Jahweh in the third person. But they were teaching for the community, although we do not find, as was not infrequently the case elsewhere, a main statute of community teaching set down to be expounded and explained. In chapter 24, the section made up of vv. 1-14 and v. 23 has for long now been separated off as belonging to P. In vv. 15-22 there are some old apodeictic statutes turned into the parenetic form.

The sabbath of the seventh year is the subject of 25.2-7, (though the section may be composite)<sup>1</sup>; vv. 18-24 add a general admonition, the purpose of which is to do away

<sup>1</sup> Both sections contain not 'laws' but parenetic addresses.

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with sceptical scruples. The regulation about the year of jubilee in vv. 8-13 fits badly into the present context, which is the sabbath of the seventh year; that suggests that this was not its original setting. In vv. 25-28 and 29-34 we have two separate laws concerning the year of jubilee, both of them casuistic and impersonal: their terse formulation recalls the best examples of the old conditional form. But we could hardly bring ourselves to range them alongside these as regards either age or subject. And, in any case, vv. 25-28 and 29-34 are not teaching for the community. But teaching for the community does follow in vv. 35-38, which deal quite generally with the prohibition against taking interest from an Israelite. Any special connection with the sabbath of the seventh year or the year of jubilee is certainly not apparent here.

There is much to be said for the conjecture which has often been made that in the two last sections, vv. 39-46 and 47-55, the adaptation to the year of jubilee arises only from a late redaction. If that is so, then we would have two sermonic sections of teaching, (*a*) for the case in which an Israelite has sold himself into slavery with another Israelite because of debt, and (*b*) for the case in which an Israelite is in the same condition with a stranger. Both pieces of teaching were originally derived from the institution of the sabbath of the seventh year.

When we review our results, we discover that the Holiness Code contains for the most part teaching for the community in parenetic form, and that this teaching is based on various older statutes. The most conspicuous part of this given material was the various apodeictic commandment series which sometimes issued in a final parenesis. (It is not easy to account for their later transformation into direct utterance of Jahweh, a transformation imposed upon the parenetic material too, and even upon material that was in the impersonal style to begin with. In this respect Deuteronomy has obviously preserved the purer form,

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which was perhaps the older, for parenesis only uses what is given, which, as such, is not direct speech of Jahweh.) None the less, as a collection of older statutes which have been interspersed with parenesis, the Holiness Code is very closely akin to Deuteronomy. The parenetic style is thus not peculiar to Deuteronomy, and so it is not a suitable starting-point for an investigation of the special nature of Deuteronomy and its provenance. Nevertheless, there are, of course, plenty of differences to be found.

### CHAPTER THREE

## DEUTERONOMY'S 'NAME' THEOLOGY AND THE PRIESTLY DOCUMENT'S 'KABOD' THEOLOGY

DEUTERONOMY makes its appearance at a definite point in the history of Israel's faith. It makes its appearance as a finished, mature, beautifully proportioned and theologically clear work. Because of these characteristics it is in all circumstances to be taken as, in one respect, the final product of a long and extremely complex development. At a relatively late date it gathers together practically the whole of the assets of the faith of Israel, re-sifting them and purifying them theologically. The most varied groups of traditions are harmonised to one another in it, and welded together into as complete and perfect unity as can well be conceived. (In this respect, as in others, it is comparable with John's Gospel in the New Testament *corpus*.) On the other side, incalculable influences have proceeded from it; we can indeed follow the broad stream of Deuteronomic tradition in the exilic and post-exilic age much more clearly than that which issues ostensibly from the Priestly Document.<sup>1</sup> Deuteronomy is the beginning of a completely new epoch in Israel. In every respect, therefore, Deuteronomy is to be designated as the middle point of the Old Testament. The question of its derivation is possibly the most difficult in the history of the Old Testament traditions. We said that it was to be understood as a final product. And yet, in view of its sudden appearance in history, it has been correctly described as apparently *ἀπάτωρ ἀμήτωρ καὶ ἀγενεαλόγητος*.<sup>2</sup> In seeking to answer the question of its provenance, we must proceed with great caution; on the one side, we must bring ourselves to cut loose from all

<sup>1</sup> Von Rad: *Das Geschichtsbild des chronistischen Werkes*, Stuttgart, 1930, *passim*.

<sup>2</sup> W. Eichrodt: *Neue Kirchliche Zeitschrift*, 3, 1921, p. 41.

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traditional and fixed views, and yet avoid all arbitrary reconstructions. We shall attempt in what follows to note briefly the most outstanding characteristics of Deuteronomy which are, in our view, certain and palpable.

How and where will Israel, which is, in fact, only approaching her own consolidation, have communion with Jahweh? How and where will her intercourse with the God by whom she was conscious of being chosen, be consummated? It is well known that Deuteronomy gives this question, on which plainly the whole existence of Israel depended, a definite answer—Jahweh will choose a place to 'cause' his name to 'dwell there' (לִשְׁכֵן) or to 'put' (לִשׂוּם) his name there. In contrast with the later Deuteronomistic histories,<sup>1</sup> Deuteronomy never speaks of the city of Jerusalem, but only of the place (מָקוֹם) at which the name will dwell. It has often been assumed that by the latter term Jerusalem was thought of from the very beginning; that is, however, only one possibility. The idea of the name as the characteristic form in which Jahweh reveals himself is not in itself anything new—we have only to think of the law of the altar in Ex. 20.24. But what is decidedly new is the assumption of a constant and almost material presence of the name at the shrine. Earlier references speak more loosely of the name, in such a way that its relationship with the human world is much less easy to define—'it cometh from afar', it has a place of its 'recording' upon earth, it is present in the מִלְאֵךְ יְהוָה, etc.<sup>2</sup> As we see it in Deuteronomy, it may be established in a particular place, the conception is definite and within fixed limits; it verges closely upon a hypostasis. The Deuteronomic theologumenon of the name of Jahweh clearly holds a polemic element, or, to put it better, is a theological corrective. It is not Jahweh himself who is present at the shrine, but only

<sup>1</sup> 1 Kings 11.36; 14.21; 2 Kings 21.4, 7.

<sup>2</sup> Isa. 30.27; Ex. 20.24; 23.21.



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his name as the guarantee of his will to save; to it and it only Israel has to hold fast as the sufficient form in which Jahweh reveals himself. Deuteronomy is replacing the old crude idea of Jahweh's presence and dwelling at the shrine by a theologically sublimated idea. Can we show the traditions which Deuteronomy is taking up in so doing, and the traditions from which it is dissociating itself?

The conception of Jahweh's presence at the shrine is so well attested for us in the pre-deuteronomic period that there is no need to give references in detail here. We know it chiefly in connection with the Ark. Where the Ark is, Jahweh is too; in the older period the Ark was understood as the throne of the invisibly present God.<sup>1</sup> But this conception is vouched for so often elsewhere that it could be thought of as the one and only conception obtaining in ancient Israel. And yet that cannot have been the case. The Priestly Document represents a totally different theology here. 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. אֹהֶל מוֹעֵד, Tent of Meeting, is the proper designation most corresponding with the facts. This conception is carried through with great consistency in the Priestly Document; the stories of the wanderings in the wilderness give several accounts of this wonderful way in which Jahweh kept coming down.<sup>2</sup> What constitutes it is, first, the descent of the כְּבוֹד יְהוָה upon the Tent, second, the phenomenon of the cloud which accompanies it. The fire phenomenon of the כְּבוֹד, which emits a brightness too great for the human eye to look upon, is enveloped by the cloud by means of which Jahweh himself graciously protects men from being destroyed by the form in which he appears. We may say that this Kabod-Moed conception is

<sup>1</sup> Num. 10.35 f; 1 Sam. 4.4 ff; 2 Kings 19.14 f; Jer. 3.16 f.

<sup>2</sup> Ex. 16.10; 29.43; Num. 14.10; 16.19; 17.7; 20.6.

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in very marked contrast to any conception of the dwelling of a  $\square\psi$  (even of the divine  $\square\psi$ ). But we must go on to say that traces of a view presupposing Jahweh as present and dwelling at the shrine are found within the Priestly Document also. Within the individual rituals there are exceedingly frequent indications that cult activities were performed 'before Jahweh'; indeed, on occasion there is mention of an actual dwelling of Jahweh.<sup>1</sup> Obviously these are cases where older views have had a view derived from theological reflection, which now claims to be standard, superimposed upon them. At the same time, this Kabod-Moed conception is in no wise a new creation of the Priestly Document, but only the reintroduction, in the interests of greater spirituality, of a very old sacral tradition, the same thing, indeed, as Deuteronomy did on its part when it purified the theology of old cultic traditions. In respect of these traditions the provenance of Deuteronomy should be clear; it can hardly be judged as standing apart from the main stream of the sacral traditions of Israel. This stream of tradition springs for its part from the old Israelite amphictyony; its sacral centre was the cult of the holy Ark. Now it is significant that Deuteronomy knows and mentions the Ark. Even if its conception of the Ark is considerably different—Deuteronomy's view of it as a receptacle for the tables of the law is an obvious 'demythologising' and rationalising of the old view—still, that very fact allows it to be seen how bound Deuteronomy was to the Ark tradition, and how obliged it was somehow or other to come to terms with it. Another consideration leads to the same result. We have already mentioned in what has gone before the fact that, to judge by form, the sequence of the single units in Deuteronomy—parenthesis, commandments, the making of a covenant, blessing and cursing—points back to a great liturgical celebration, and a comparison between the formal charac-

<sup>1</sup> Ex. 29.45; Num. 16.3.

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teristics of the Jehovistic Sinai pericope, on the one hand, and Deut. 27.12 ff on the other, shows us that that cultic celebration, the *Gattung* of which can be fairly exactly reconstructed, was the great Covenant Festival of the Jahweh amphictyony at Shechem. We thus arrive at the first firm conclusion which we can make in regard to the provenance of the Deuteronomic traditions. Deuteronomy stands in the tradition of the old Jahweh amphictyony of Shechem. Or rather, it proposes to re-introduce this old cultic tradition in its own advanced period and to set it forth as the form obligatory upon Israel for its life before Jahweh.

The same cannot be maintained for the Priestly Document. In the form in which that work now lies before us, it is, of course, of late date, and therefore a very comprehensive production, in which traditional elements of many kinds, some, too, of very varied origin, are fused together. Thus, for instance, P., too, has given the Ark no unimportant function in its cultic arrangements. But the view taken of the Ark has really been changed considerably in relation to earlier conceptions because of the dominant Kabod-Moed theology. The mercy seat of the Ark is now the most holy place, in which the mysterious meeting of Jahweh with Moses takes place, and out of which Jahweh speaks to Moses when he has appeared in the Kabod.<sup>1</sup> A further indication that the theological point of view which P. wished to promote—and with it alone are we concerned here—clearly derives from a different stream of tradition, lies in the fact that, from the point of view of form-criticism, the construction of the Sinai pericope has no recognisable relations with the Covenant Festival at Shechem. The question of the provenance of P. resolves itself, in our opinion, fundamentally into the question of the provenance of this Kabod-Moed theology which is dominant in it. One

<sup>1</sup> Ex. 25.22; Num. 7.89. How different the conception of the revelation of Jahweh's will to Israel in Deut.: Deut. was received by Moses on the mountain.

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immediately thinks of Ezekiel, for we again meet with the conception of the coming down of the *Kabod* from heaven in him<sup>1</sup>; there is also mention of the enveloping cloud.<sup>2</sup> The prophet goes beyond P.'s presentation and is bold enough to describe the appearance of the *כְּבוֹד יְהוָה* more closely: he sees it as a light phenomenon with almost human contours. It is remarkable how this 'appearance' theology issues at the very end into a conception of 'dwelling': the 'glory' comes to the new eschatological Jerusalem 'to dwell there for ever'<sup>3</sup>; then the name of the city will be *יְהוָה שָׁמָּה*.<sup>4</sup> Perhaps only an exact analysis of the traditions contained in the individual elements of the Priestly Document will clarify the question as to the ultimate origin of the '*Kabod*' and 'appearance' theology, which was quite obviously represented and evolved by the high-church priestly circles in Jerusalem. Solomon's temple was built as a so-called 'dwelling temple' and was also understood as such by Israel.<sup>5</sup> That is not at all surprising when we consider that it was intended to conceal in its Holy of Holies the Ark with which, as the old sources unanimously attest, the presence of Jahweh was so closely bound up. The old accounts about the Tent are scanty and far from easy to understand.<sup>6</sup> All that is clear is that they do not fit in with this 'dwelling' conception. The Tent stands outside the camp, while the Ark was always within the camp. It is not to be assumed that the Ark stood in the Tent. One's general impression is that this Tent only served as an oracular shrine for the reception of the divine decisions. From time to time the cloud descends upon the Tent, in which the then old narrator imagines Jahweh to be present. The distinctively alien character of the few passages about the Tent of Meeting

<sup>1</sup> Ezek. 1.25 ff; 8.4, 9.3.

<sup>2</sup> Ezek. 1.4; 10.4.

<sup>3</sup> Ezek. 43.4, 7.

<sup>4</sup> Ezek. 48.35.

<sup>5</sup> K. Möhlenbrink: *Der Tempel Salomos*, p. 136. 1 Kings 8.12;

<sup>6</sup> 2 Kings 19.15.

<sup>6</sup> Ex. 33.7 ff; Num. 11.24 ff; Deut. 31.14 f (E).

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within the other old Hexateuch traditions prompts the question whether an addition from some quite different sphere of tradition is not present here. Is it not possible that the Tent, which was obviously foreign to the Shechem amphictyony, belonged originally to the South, perhaps as the sanctuary of the old amphictyony of the six tribes in or near Hebron?<sup>1</sup> Hempel has postulated the presence of Hebron traditions in P. on other grounds.<sup>2</sup> At that rate it would therefore be an old tradition observed in South Israel which appears resuscitated in Ezekiel and P. The reason why research into these matters is so difficult is that we know so little about the old specifically southern Israelite institutions. The traditions about them were first of all completely overlaid by the much more puissant traditions of the Shechem amphictyony, and then, later, the written tradition was once more subjected to criticism and interpreted by the school of Deuteronomy. What a thorough Deuteronomistic re-editing there has been, for instance, of the accounts of the building, furnishings and consecration of Solomon's temple, and what a different picture would conceivably rise before us, were we to succeed in removing the weight of this all-powerful later tradition! Is it not significant that we hear a clear rejection of the Temple in favour of the Tent from the mouth of the prophet Nathan, that is, once more, a south Israelite?<sup>3</sup> This protest cannot have been made on the basis of the actual practice of the amphictyony, since the Ark had been resting, as we know, in a temple for generations. We find in the Psalms, on a relatively broad basis, a well-nigh mystical spiritualisation of the place of refuge concept:

<sup>1</sup> Similarly Löhr has maintained that the empty Tent belongs to 'South Israel' as sanctuary, the Ark to North Israel. *O.L.Z.*, 1926, pp. 5 f; cp. further R. Kittel, *Religion des Volkes Israel*, (2nd ed.), p. 45. On the amphictyony of the six tribes see M. Noth: *Das System der zwölf Stämme Israels*, pp. 75 ff.

<sup>2</sup> J. Hempel: *Die althebräische Literatur*, pp. 152 f.

<sup>3</sup> 2 Sam. 7.6.

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'He hides me in his pavilion in the day of trouble;  
Let me hide in the covert of thy wings.'

And then, in what is obviously canonical language, comes mention of the Tent:

'He shields me in the shield of his tent;  
Let me be a guest in thy tent for evermore!'<sup>1</sup>

What is the source of the mention of the Tent? Is reference intended to the Tent in which the Ark was housed in the time of David until the building of the Temple?<sup>2</sup> It is hard to believe that this short-term temporary provision could have given rise to such important cultic terminology. Is it not more likely that an essentially more firmly established tradition stands behind it, the one with which the symbolic name of Oholibah for Jerusalem is still linked?<sup>3</sup> But in contrast to our previous researches into Deuteronomy, in this investigation into the traditional backgrounds of the Priestly Document we do not yet move on solid enough ground.

<sup>1</sup> Ps. 27.5; 61.4: the Psalms are, as the addition in Ps. 61.7 f shows, pre-exilic and therefore pre-P.

<sup>2</sup> 2 Sam. 6.17; 1 Kings 2.28, 30.

<sup>3</sup> Ezek. 23.4.

## CHAPTER FOUR

### DEUTERONOMY AND THE HOLY WAR

WE were able in what has gone before to maintain with confidence that, in respect of its broad legal basis, its whole form and, last, its conception of the dwelling of Jahweh in Israel, Deuteronomy renews the cultic tradition of the old Shechem amphictyony. But an important question now arises. These elements restored by Deuteronomy, of which we have so far spoken, are far from comprehending the whole character of the amphictyony and its institutions. The amphictyony was not, in the last analysis, a religious union assembling simply for the communal performance of sacrifice and for hearing the rules which God gave it for its life. Rather was it a band of tribes which, besides engaging in cultic activities in the narrower sense, also safeguarded and defended its whole political existence, sword in hand. Now, of course, this second side of its activity was not secular, but cultic just like the other, and subject to definite laws and ideas. We refer to the institution to which we give the name, the Holy War. Perhaps it was in the Holy War even more than the Covenant Festival at Shechem that ancient Israel really first entered into her grand form.

We need not here enter into detail on points of cultural and religious development. Nor need we be concerned with the difficulty that all manner of old and extremely primitive *tabu* and *mana* conceptions lie behind the stories of the Holy War, which, as we have them now, have undoubtedly been spiritualised in the telling. This much, however, should be said. In his well-known monograph, Schwally puts the religious level of ancient Israel much too low.<sup>1</sup> Gideon's Israelites were no Fiji islanders; their sacral usages in war, with their background of primitive *tabus*, point, in turn,

<sup>1</sup> Fr. Schwally, *Semitische Kriegeraltertümer. 1. Der heilige Krieg im alten Israel*. Leipzig, 1901.

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further back to a much older stage of religious cultural development. However, since our only concern with this subject is in so far as the question of a survival of such sacral conceptions arises, we may apply ourselves without more ado to the references, even if they in their turn already represent a higher or more spiritual perception.

The proper period of the Holy War was the period of the old Israelite Amphictyony, that is, the period of the Judges. Caspari was right in reading into the cry, 'Jahweh is a man of war,'<sup>1</sup> the moment of astonishment called forth by a discovery, a new experience of Jahweh which Israel had been allowed to make; for the wilderness does not know the Holy War in its proper form. The end of this institution was irrevocably sealed by the formation of the state. From then onwards the wars were no longer waged under a charismatic leader but, in Judah, under an hereditary king, and they were fought by him at the head of an army which became more and more mercenary in character, a new development in Israel. That meant, naturally, the undermining of the old organisation. The old wars had been waged by the militias of the tribes raised from levies of the free citizens possessed of property. None the less, we see the concept of the Holy War still thoroughly alive in the time of David. But after that the old sacral form of warfare apparently broke down under the impact of rational and tactical, that is, secular, considerations. This does not mean, of course, that odd elements of this old institution did not persist for long enough. But as a totality in its great obligatory sacral form it was obsolete. To deal with the inexorable 'utopian' demands of the prophets who, regardless of all the changes that had taken place, declared that old patriarchal form of defence binding for their own time too, would require a chapter for itself.

Not every recourse to arms in the older time was a Holy War. It is obvious that a very clear distinction was drawn

<sup>1</sup> Ex. 15.3.



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between a דְּרִיךְ חוֹלַי, which was a secular undertaking, and such a one as took place under cultic auspices.<sup>1</sup> In the Holy War, the first action, it would seem, was regularly consultation of the deity, whereby Israel or the tribe concerned made certain of Jahweh's readiness to help and save<sup>2</sup>; then the trumpets were blown and the reassuring cry which anticipated victory was raised, 'Jahweh hath delivered the enemy into our hands'.<sup>3</sup> The men themselves submitted to certain restrictions, they were 'consecrated',<sup>4</sup> and it was specially essential to put away anything that might offend Jahweh.<sup>5</sup> For those taking part in a Holy War were immediately in the sphere of the divine activity: Jahweh goes before the host; he dwells with them in the camp.<sup>6</sup> The leader in such a war acted under the compulsion of a definite charisma, which invested him with full powers for the office, but the 'willing offering of himself' by the individual warrior was also praised as a special gift from Jahweh.<sup>7</sup> If the initiative lay wholly with Jahweh, he also determined what actually happened in the action. That is the reason why the numbers engaged in the Holy War are never a decisive factor.<sup>8</sup> The stories intentionally exaggerate the numerical disparity in order to give the honour of the victory to Jahweh alone. In the Gideon story that consideration is so much in the forefront that it concedes no participation to the fighters themselves; they stay directly before the enemy's camp making the strangest gestures to accompany the divine action which sets in. The climax of the Holy War is that terror sent by God—the regular term is קְהָמָה מְהוּמָה, קְהָמָה—comes upon the enemy, a numinous panic in which they

<sup>1</sup> 1 Sam. 21.6. David's sending back of the Ark in 2 Sam. 15.24 ff belongs here too. Holy Wars proper are called 'Jahweh's wars', 1 Sam. 18.17; 25.28.

<sup>2</sup> 1 Sam. 28.6; 30.7; 2 Sam. 5.19, 23.

<sup>3</sup> Judg. 3.27; 6.3; 1 Sam. 13.3; Judg. 7.15.

<sup>4</sup> 1 Sam. 21.6; 2 Sam. 11.11; Isa. 13.3; Jer. 6.4.

<sup>5</sup> Deut. 23.10-15. (E.V., 9-14.) <sup>6</sup> Deut. 23.14; Judg. 4.14.

<sup>7</sup> Judg. 5.2, 9. <sup>8</sup> Judg. 7.2 ff; 1 Sam. 13.15 ff; 14.6, 17.

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act blindly and accomplish their own destruction.<sup>1</sup> Thus, at the culminating point of the engagement the action is wrested from the leader's hands without his knowing it, and a miracle from Jahweh drops as it were into empty space from which all human activity has been scrupulously removed. Unquestionably in the Gideon stories there is already a certain theologising tendency, but they do emphasise and throw into only slightly bolder relief what faith regarded as absolutely inalienable from the conception of the Holy War, namely, that the sole agent in it was Jahweh; the fighters' chief duty was to submit confidently to Jahweh's sway and not to be afraid in face of the enemy's superior numbers—in a word, to have faith. A proper subjective attitude of spirit in the individual which would enable him to play his part in the undertaking was apparently more important than arms or military skill. The conjecture that the exclusion of those who were afraid took its origin in demonistic ideas will prove that the measure was a means of self-protection for the league-at-arms. But we must assume that this demand was at a very early date re-interpreted by the Jahweh faith in the light of its specific assumptions; and amongst the most noticeable characteristics of that faith is the absence of a demonology. The result was that the demand was given a positive turn: it became a Be not afraid, a 'Hold your peace',<sup>2</sup> and in all probability the biblical demand for faith has its proper origin here in the Holy War of ancient Israel.

The spoil taken in such a war was  $\square\text{ך}\text{ן}$ , 'under the ban', that is, the exclusive property of Jahweh, and in consequence completely outwith human disposal. As to the range of what fell under the ban, the accounts vary. On occasion the enemy's men, women and children, their cattle and all their valuables are mentioned,<sup>3</sup> on occasion the women or

<sup>1</sup> Josh. 10.10; Judg. 4.15; 1 Sam. 7.10; 5.11, etc.

<sup>2</sup> Num. 14.9; Judg. 7.3; Ex. 14.14.

<sup>3</sup> Josh. 6.17 ff; 1 Sam. 15.3.

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the cattle are excepted. It is doubtful whether the usage as a whole can be brought within the category of the vow; if it can, then that would certainly be a more mature conception<sup>1</sup>; it presupposes also that men are free to choose whether they will perform the ban or not. The conception in 1 Sam. 15.3, where the banning originates in a demand from Jahweh and where it appears as the real purpose of the war, is certainly more ancient. The most important thing for us is that the obligation to put under the ban was conceived by the Jahweh faith as an act of acknowledgement of Jahweh and his help. How Saul was thereby brought into a *status confessionis* and then resiled, is shown in the story in 1 Sam. 15.

We have given this brief synopsis of the basic conceptions of the Holy War almost without references to it from Deuteronomy. The question is all the more urgent now; is not this a sacral institution and concept with which the traditions contained in Deuteronomy stand in essential relationship? Deuteronomy is the one *corpus* in the Old Testament containing numerous laws about war, regulations about the investment of cities, prisoners of war, etc., at the back of which stand traditions which are without doubt old. But in our opinion it is of as great import that the whole parenetic diction is sustained in the strongest possible way by an ideology inspired by war. Let it not be said that these are ordinary Israelite articles of faith and that, therefore, it is no wonder if we come across them also in Deuteronomy so much later in time. A glance at the Priestly Code shows us a very different world, pointing back for the origin of its traditions and institutions to quite other spheres of the life of ancient Israel. We cannot help but notice the difference from the Holiness Code, which we have, after all, approximated so closely to Deuteronomy in another respect. The cultic peasant life of that Code has absolutely no trace of the things of war in it. And yet how

<sup>1</sup> Stade: *Bibl. Theologie des A.T.*, p. 155; Num. 21.2.

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dominating it is in Deuteronomy! It can be comprised under three heads in Deuteronomy:

- (a) The Deuteronomic laws concerning war:  
laws concerning war, 20.1-9;  
investment of cities, 20.10-18, 19-20;  
female prisoners of war, 21.10-14;  
the law concerning the camp, 23.10-14;  
exemption for the newly-married, 24.5;  
the law concerning Amalek, 25.17-19.

There is complete agreement to-day that these laws are not the composition of the author of Deuteronomy, and that fairly old, indeed in part very old, material is present in them. Individually they certainly vary in age. The law concerning the camp will be older than that forbidding the cutting down of fruit trees. But all of them presuppose the settlement in Canaan—they reckon with cities, siegecraft, alien labourers and so on. But for our purpose here the most important thing to notice about them is that, like the cultic regulations in Deuteronomy, they leave us with two different impressions. On the one hand, they contain what is very ancient; indeed, we can still trace in them the outlines of ideas that reach back into the pre-jahwistic period. On the other hand, this has all been re-interpreted: it is permeated with the conceptions characteristic of Deuteronomy and so brought up to date. We cannot enter into detail here to show how this re-interpretation has led, to some extent, to a humanising and, to some extent, to a rational dematerialising of the old ordinances. But even in regard to what touches the institution itself there is much changed. For example, in the old Holy Wars of the amphictyonic period it was obviously the armies of the tribes that carried matters through, as the levy of the whole amphictyony did not go into action on every particular occasion, but often enough only individual tribes. In Deuteronomy there is no longer any trace of this; there

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Israel is thought of as a unity, taking the field, if at all, as a body. This reflects military conditions which came into being, at the earliest, with the formation of the kingdom, but probably, as we shall see further on, considerably later. On the other hand, it is noticeable that none of these laws give the king the role of authority in the conduct of war which he had in fact. This gives the impression that, in all these ordinances which Deuteronomy re-introduced, there is at work a strong tendency towards the re-institution of what obtained in the past. In detail the question of the age of the material taken up has to be answered differently from case to case. But only the law concerning Amalek (25.17-19) admits of the suspicion of being pure doctrine.

(b) The Deuteronomic speeches concerning war: the law concerning war in 20.1-9 is composite. It begins with an address in the singular in v. 1: when Israel goes into battle, it is not to be afraid if the enemy is numerically stronger or better equipped. At v. 2 commences a passage with the plural form of address: immediately before the battle, the priest is to address the host thus:

‘Hear, Israel, ye approach now unto battle with your enemies. Let not your hearts faint, fear not, do not tremble and be not terrified because of them, for Jahweh your God is he that goeth with you, to fight for you against your enemies, to save you.’

Then at v. 5 follows the speech of the ‘officers’,<sup>1</sup> exempting such as have built a house or planted a vineyard, or those who have just married. Those, too, that are fearful are to leave the host. Then the officers are to go to the head of the troops.

The redundancies are obvious. The order not to be

<sup>1</sup> On the officers (שׂוֹרְטֵי) as the officials charged with the recruitment of the levy, see most recently E. Junge: *Der Wiederaufbau des Heerwesens des Reiches Juda unter Josia*, 1937, pp. 48 ff.

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afraid is given three times: first by the Deuteronomic 'law-giver' (v. 1), second by the priest (v. 3), and thirdly by the officers (v. 8). The easiest to remove as secondary is the section giving the priest's address, vv. 2-4. But v. 8, too, the officers' admonition not to be afraid, looks very like an addition, since it is introduced anew as a speech of the officers to the warriors. There are therefore three strands. The oldest is the officers' address in vv. 5-7; this speech, which is strictly concerned with objective ritual facts, has been expanded in v. 8 by a question concerning the subjective condition of the warriors. The question about fear is really already akin here to a question about the warriors' faith. Finally, the priest's address is added, completing the impregnation of the whole with the ideology of the Holy War. Here then we can very easily mark the stages in the growth of a religious revival, which was also, in this case, a spiritualisation.

Our concern is with the last strand, in which, of course, Deuteronomy's aim to conceive war as a Holy War in the sense of the old institution is quite clearly expressed. The procedure is in principle exactly the same as we recognised it to be in the case of the cultic 'laws' of Deuteronomy: old ordinances were taken up by Deuteronomy, and remoulded in parenetic form and brought up to date in the light of its peculiar theology. We found further that, in respect of *Gattung*, this parenetic form goes back to a definite homiletic method of instruction used by the priests. Can we find something of the same sort being done in the case of the speeches about war, too? The actual literary form in which we find the law does not in itself favour any such assumption. But the conjecture that the priest's address in this passage is not a pure invention of Deuteronomy's has some antecedent justification. For we have at last learned to differentiate between a purely literary judgment and one arrived at on the basis of form-criticism, for even decidedly late texts representing theoretical theo-

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logical standpoints can be made to disclose cultic usages which actually did obtain.<sup>1</sup>

Let us look at the great parenetic introduction to Deuteronomy, chapters 1-11. It can be taken as certain that this section is not to be claimed as a homogeneous structure either from the form-critical or the literary point of view, but it represents a compilation of several liturgical 'formularies' for the festival of the reading of the law. This is particularly clear, for example, in chapter 7.1-15: vv. 1-11 are parenesis, vv. 12-15 promises of blessing; between the two sections we are to imagine the reading of the law. The case is the same in chapter 11.1-21: the parenesis in vv. 1-12 keeps closer to history; vv. 13-21 are blessing and cursing. Chapter 10.12-22 (with some verses in the plural inserted) and 8.1-20 also appear to have been parenetic sections. Similarly chapter 11.22-28: vv. 22-25 are parenesis, vv. 26-28 blessing and cursing. Now, no doubt, the beginnings and the ends of the sections are frequently blurred, for in its present form the whole has become literature and divorced from its *Sitz im Leben*, the actual usages of the cult. But in spite of that this analysis is undoubtedly correct.<sup>2</sup>

There are, however, some passages in the great block made up of chapters 6-11 which are extremely difficult to fit in with the sketch just given. For example, 7.16-26:

'Thou shalt exterminate all the peoples which Jahweh thy God delivers up to thee. Thou shalt not spare them and shalt not serve their gods, but that would be a snare to thee. Shouldest thou say to thyself: these peoples are greater in number than I, how can I drive them out?—be not afraid of them, but remember what Jahweh thy God did to Pharaoh and all Egypt, the great proofs which thou sawest with thine eyes, the strong hand and the outstretched arm

<sup>1</sup> Consider Deut. 31.10-13, and the custom of reading the law at the Feast of Tabernacles; A. Alt, *op. cit.*, pp. 53 f.

<sup>2</sup> A. Klostermann: *Der Pentateuch*, N.F., p. 273. v. Rad, *Das formgeschichtliche Problem des Hexateuch*, pp. 27 ff.

with which Jahweh thy God led thee out. So will Jahweh thy God deal with all the peoples of whom thou art afraid. Moreover Jahweh thy God will send disheartening<sup>1</sup> against them, until they that are left and hide themselves from thee are perished. Be not in dread of them, for Jahweh thy God is in thy midst, a mighty and terrible God. And Jahweh thy God will drive out these peoples before thee bit by bit; thou canst not destroy them quickly, else the wild beasts would become too many. Jahweh thy God will deliver them to thee. He will cause a great panic (מְהִימָה), until they are destroyed, and he will put their kings into thy hand and thou shalt obliterate their name under heaven. None will be able to hold their own before thee, until thou hast destroyed them. The images of their gods shall ye burn with fire, thou shalt not desire the silver and gold that is upon them, and shalt not take it unto thee, that it may not become a snare to thee, for it is an abomination for Jahweh thy God. And an abomination shalt thou not bring into thy house, lest thou fall forthwith under the ban (חֲרָם). Thou shalt banish it from thee with abhorrence and loathing, for it is fallen under the ban (בְּיַחֲרָם הוּא).

The passage is a unit in itself. It was preceded by the proclamation of blessing in vv. 12-15, the conclusion, that is, of the parenetic unit mentioned above. A fresh warning to obey the divine commandments begins at 8.1. But the most marked difference in the warning with which we have to do here lies in the fact that there is absolutely no mention of commandments, the 'law which I command thee this day', obedience, etc. Not the slightest account is taken of Jahweh's will as revealed in law. On the contrary, what is proclaimed exclusively here is the fundamental principles of the Holy War: thou shalt not be afraid even in face of superior numbers—Jahweh himself fighteth—he is in the midst of thee in battle—he will bring the divine panic upon

<sup>1</sup> L. Köhler: *Z.A.W.*, 1936, p. 291.



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the enemy—abstain from what is under the ban. Do not these completely delineate the whole range of the conceptions connected with the Holy War? And further: is it not conceivable that this is the kind of language which would actually have been used in a period whose chief aim it was to re-introduce sacral regulations of periods long past? One is all the more inclined to answer this question in the affirmative when it is seen that this passage of ours is not the only one of its kind in Deuteronomy, but that there are several similar 'formularies' as speeches concerning war.

'Hear, Israel, thou art this day to pass over the Jordan, to go in and overthrow peoples that are greater and stronger than thyself, great cities that are fortified up to heaven, a great and tall people, the Anakim, whom thou knowest and of whom thou hast heard said, Who can stand before the Anakim? But thou wilt this day know that it is Jahweh thy God who goeth before thee as a consuming fire. He will destroy them, he will cast them down before thee, that thou mayest drive them out and quickly destroy them, as Jahweh hath promised thee. Think not to thyself, when Jahweh thy God dispossesseth them before thee, for my desert hath Jahweh brought me in, to take this land in possession, whereas Jahweh driveth out these peoples because of their wickedness. Not for thy desert or thy pure heart dost thou come in, to take their land in possession, but because of their wickedness Jahweh thy God driveth out these people before thee, to fulfil the word that Jahweh sware to thy fathers Abraham, Isaac and Jacob. Know therefore, that Jahweh thy God giveth thee this fair land in possession not for thy desert, for thou art a stiff-necked people' Deut. 9.1-6.

Here, too, the law given by Moses and the question of obedience lies completely outwith the range of the speech. It, too, seems to us to have its place within the framework of the ideology of the Holy War which Deuteronomy brought to life again. Even if it does not comprehend the concep-

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tions of the Holy War so completely as the previous passage, it does revolve emphatically round what is most important—it is Jahweh who does the fighting and gains the victory, so that any self-glorification and any boasting about their own achievement would be a great sin. We must not fail to appreciate here the speaker's position in a more advanced stage in history: he is reckoning with the possibility that his audience may have a very different conception of warlike events—they may regard them from a very human standpoint; his attitude is accordingly apologetic; and he does not hesitate to slip over into what is rationalising argumentation ('not for thy desert, but because of their wickedness').

'Jahweh thy God, he will go over before thee; he will destroy these peoples before thee, that thou overcomest them. (Joshua will go over before thee, as Jahweh hath commanded) and Jahweh will deal with them as he dealt with Sihon and Og, the kings of the Amorites, and their land, whom he destroyed. And when Jahweh giveth them over to you, ye shall deal with them exactly according to the commandment which I have given you. Be ye strong and of good courage, fear them not and be not in dread of them, for Jahweh thy God goeth with thee; he will not fail thee nor forsake thee.' And Moses called to Joshua and spake to him before the whole of Israel: 'Be strong and of good courage, for thou shalt *bring* the people into the land which Jahweh sware to their fathers to give them, and thou wilt allot it to them as an inheritance. But Jahweh, he goeth before thee; he will not fail thee nor forsake thee. Fear not and be not dismayed!' Deut. 31.3-6, 7-8.

These are clearly two formularies, which are well nigh parallel in content and phraseology. Such passages inevitably raise the form-critical question of their derivation. In our opinion, we have here and in the previously quoted texts Deuteronomic war speeches in a fair degree of originality, adapted with only very slight revision to the

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historical situation which Deuteronomy is supposed to have before the conquest of the land. The assumption that priests assisted at military operations presents no difficulties. In the older period it was probably the regular practice for a man of God to seek to determine the issue of military operations by blessing his own people and putting the enemy under sacral proscription<sup>1</sup>; and the subsequent spiritualising and theologising of an old usage would correspond perfectly with the author of Deuteronomy's practice.<sup>2</sup>

(c) Deuteronomy's atmosphere of war is, however, far from coming to expression only in the so-called laws concerning war and the speeches concerning war, but it stands on a much broader basis: it permeates the whole *corpus* as an unmistakable adjunct and gives it a very specific impress. There are examples on every hand in Deuteronomy:

6.18: '... ye shall keep the commandments of Jahweh ... that thou mayest come into the fair land ... and take it in possession, driving out all thine enemies before thee, as Jahweh hath promised thee.'

7.1 f: 'When Jahweh thy God bringeth thee into the land, to which thou goest now, to possess it, and casteth out many peoples before thee ... and Jahweh thy God putteth

<sup>1</sup> Ex. 17.11: Judg. 5.12; Num. 22 ff.

<sup>2</sup> It would not be difficult to extract some material on the subject of such war speeches, or at least elements which, as far as language goes, derive from such speeches, from the Deuteronomistic histories as well: 'Every place whereon the sole of your feet shall tread, give I unto you ... no one is to be able to stand before thee thy whole life long. As I was with Moses, so will I be with thee. ...' Josh. 1.3, 5. 'Jahweh your God will himself expel them before you and drive them out before you, and ye shall take possession of their land, as Jahweh your God hath promised you ... a single man of you chases a thousand before you; for Jahweh your God himself fighteth for you, as he hath promised you'. Josh. 23.5, 10. We find the direct continuation of this tradition in the war speeches of the Chronicler's work: 2 CHRON. 15.1 ff; 16.7 ff; 20.15 ff; 32.7 ff. Cp. von Rad, 'Die levitische Predigt in den Büchern der Chronik', *Festschrift Otto Procksch*, 1934, pp. 113 ff.

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them into thy hand, thou shalt utterly put them under the ban (הַתְּרַם תִּתְּרֵם).

11.23 ff (E.V., 22 ff): 'If ye fulfil this whole law . . . , Jahweh will drive out all these peoples before you, and ye will overcome peoples that are greater and stronger than you. . . . No one will be able to stand against you; fear and dread of you will Jahweh your God lay upon all the land that ye tread upon.'

12.29: 'When Jahweh thy God cutteth off the peoples to whom thou wilt go, to overcome them, and thou overcomest them, to settle in their land. . . .'

19.1: 'When Jahweh thy God cutteth off the peoples, whose land Jahweh thy God will give thee, and thou overcomest. . . .'

20.16 f: 'But in the cities of these people, which Jahweh thy God shall give thee for an inheritance, thou shalt not leave alive anything that hath breath, but thou shalt utterly put them under the ban (הַתְּרַם תִּתְּרֵם).

We are not to take these and similar statutes as meaningless adjuncts, but must understand them as a leading and tolerably characteristic element in Deuteronomy. Behind this phraseology stands a perfectly definite ideology and behind the ideology stand, as its representatives and champions, perfectly definite groups in the nation. Glancing again for comparison at the Priestly Document or the Holiness Code, we see that we have obviously to look for these amongst quite different groups from those in which both these works emanated. A much more marked political atmosphere permeates Deuteronomy. One evidence of it is the large part which the consideration of the other peoples plays in the thought of Deuteronomy. The being and duty of Israel are constantly brought into relation with the existence of other peoples, and with the judgement passed upon them, and their customs and sins.<sup>1</sup> Men speak to us

<sup>1</sup> e.g., 8.20; 12.2; 15.6; 18.9, 14; 23.20; 25.19; 26.19; 28.10; 29.24.

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from the pages of Deuteronomy who have a very pressing concern with Israel's existence over against foreign nations; it is for that reason that the question too of delimitation outward plays so great a role,<sup>1</sup> that the possibility of an extension of the territory occupied by Israel is envisaged,<sup>2</sup> etc. Deuteronomy is making a bold bid for the unification of all departments of life in Israel. In a previous work I have tried to show how this was effected by means of stressing the idea of a national community, an idea which comes to expression throughout and which has been subsequently imposed even upon the very much older legal material.<sup>3</sup>

<sup>1</sup> 23.1 ff; 7.1 ff.

<sup>2</sup> 12.20; 19.8.

<sup>3</sup> v. Rad: *Das Gottesvolk im Deuteronomium*, Stuttgart, 1929. The present work may however be regarded as, in substantial points, a correction of that earlier production.

## CHAPTER FIVE

### THE PROVENANCE OF DEUTERONOMY

So far, the results of our whole examination are by no means unambiguous. We saw in Deuteronomy a great deal of old cultic material worked over and presented homiletically. Who were the people who had access to such a wide range of this matter and who possessed, further, the full right to make so incisive and striking an interpretation of these cultic traditions? They can only have been priests. On the other hand, we met a decidedly martial spirit in Deuteronomy. Its whole parenetic content was, so to speak, saturated with the ideas associated with the Holy War; behind the Deuteronomic parenthesis we can descry an audience with weapons in its hands as it listens to the divine injunctions. In respect of this national and warlike spirit, we might look for the originators of Deuteronomy amongst the militia. This Janus-like quality we take to be *the* real problem of Deuteronomy: and any answer to the question of its provenance must prove true for this peculiar double form.

As to the very decided martial spirit in Deuteronomy, our own conclusions agree significantly with the results arrived at in E. Junge's work on the *Wiederaufbau des Heerwesens des Reiches Juda unter Josia*.<sup>1</sup> Junge sees in the events of the year 701 the decisive break in the evolution of the army of Judah. The disciplined mercenary troops had been surrendered to the Assyrian king. During the period when the Assyrian power was in decline, the state had absolutely no resources from which to re-form troops of the kind, including chariots and horses.<sup>2</sup> "There was probably then only one single other way for the kingdom of Judah to overcome the lack of financial resources and build up a new military force, namely, to raise no troops

<sup>1</sup> *Beiträge zur Wissenschaft vom A.T. und N.T.*, Stuttgart, 1936.

<sup>2</sup> Junge, *op. cit.*, pp. 26, 97.

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and make no purchases from abroad, but to build up from what the country itself offered. That means, the population capable of bearing arms had to be called up for military service. Such service could be demanded of every subject as a civil liability, and allowed of the formation of an army that was adequate in strength and yet not costly. In other words, the old militia which had passed into oblivion had to be recalled to life.<sup>1</sup> Those especially who have no doubt about the close connection of Deuteronomy with the time of Josiah must give special consideration to this thesis, demonstrated as it clearly is by much in the sources, especially those of the time of Josiah. We took a different line of approach above and enquired about the representatives of Deuteronomy's martial ideology. But the institution of the Holy War, which we saw so determinedly re-introduced by Deuteronomy, is something directly connected with the old militia, and only fell victim to dissolution and secularisation with the emergence of the mercenary army in the period of the kings.<sup>2</sup> So, we suggest, the circle is to some extent now closed: we have to look within Judah's revived militia for the representatives of the religious ideas expressed in Deuteronomy. It is certainly very likely that when the old tribes and amphictyonies became active, religious forces, too, moved into the centre which had been either eliminated for centuries, or at least drastically pushed to the circumference under the ascendancy of the capital. Of course, while maintaining this, we wish to leave the question of cause and effect open: was it the conservative circles of the country nobility, whose religious outlook was still largely patriarchal, who saw that their hour had struck after 701 and envisaged regeneration from within as the only possible way of salvation, or did this patriarchal element only attain to new influence in the wake of the military reform? Obviously these circles were the representatives of a determination to reconstruct over against the desultory political experiments

<sup>1</sup> Junge, *op. cit.*, p. 29.

<sup>2</sup> See above p. 60.

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of the capital. They were still orthodox according to the standards of the patriarchal calling-out of the Jahweh amphictyony, or, rather, they wished so to be. That Deuteronomy is the product of a revival movement is beyond question. And so it is easily established that it was not in actual fact the genuinely old, the restoration of which was effected in Deuteronomy. On the one hand, really important elements of the old institution (e.g., the charismatic leadership) were not resurrected, while on the other, many later features (e.g., the kingship and prophecy) have asserted themselves in Deuteronomy.

This determination of Deuteronomy's to reconstruct moved wholly within the ambit of the traditions of the old Jahweh amphictyony. The amphictyony was the original of the new order for Israel, and its goal. That was not a matter of course. Theoretically it would have been perfectly conceivable for a revival movement to envisage the hey-day of national prosperity under David as its standard. But it is quite impossible to construe Deuteronomy along these lines. The extremely insignificant position that the king occupies, nay more, the complete absence of the tradition of the Davidic covenant with all its Messianic consequences, and, finally, Deuteronomy's noticeable silence on important political functions of the king, can only be taken to mean that Deuteronomy originated in circles where sacral conceptions of the 'anointed of Jahweh' had perhaps never really gained a footing. But above all, there is positive proof of Deuteronomy's provenance from the amphictyonic traditions in its form and content. As far as concerns content, Deuteronomy's general adherence to the amphictyonic traditions is shown chiefly in the fact that when, in the later regal period, Israel's life had become drastically broken down and disintegrated, the book makes a comprehensive attempt to gather her into new unity by designating her as the people of God. But this very expression *עַם יְהוָה* is given in the older period as a designation for the



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amphictyonic militia, and that in connection with the militia in the field: Judg. 5.11; 20.2; 2 Sam. 1.12.<sup>1</sup>

That brings us now to one final consideration. The accounts of what took place at the removal of Athaliah and the raising of Joash to the throne contain one or two particulars which are of value now for helping us to answer the question about the provenance of Deuteronomy. One at least of the forces which took a hand in affairs then was manifestly the עַם הַאֲרֶזִים. We may take it as certain that the term means the free, property-owning, full citizens of Judah, that is, the section of the people which we have already mentioned above as the proper people liable for military service, who in the event of war made their appearance in the levy of the militia.<sup>2</sup> The accounts furnish a clear enough picture of what took place, and they are thoroughly trustworthy, even the parallel account which Stade calls later, 2 Kings 11.13-18a.<sup>3</sup> The initiative lay no doubt with the high priest Jehoiada, but he alone with the palace guard cannot have set things in motion without a previous understanding with some influential political group, and that group was the property-owning citizens of the country districts. Their presence in the Temple while the dramatic events were enacted was certainly no accident. 'The city was quiet', but, 'the עַם הַאֲרֶזִים rejoiced',<sup>4</sup> that is, it was they who through their acclamation set the young king on the throne. Then came the making of a solemn covenant between Jahweh on the one side and the king and the people on the other לְהִיּוֹת לָעַם לַיהוָה (2 Kings 11.17). A covenant in these terms certainly implied far-reaching policies to be put into effect, for the conclusion of a covenant between Jahweh, the king and the people was certainly no everyday

<sup>1</sup> M. Noth: *Das System der zwölf Stämme Israels*, pp. 120 f.

<sup>2</sup> E. Würthwein: *Der 'amm ha'arez im A.T., Beiträge zur Wissenschaft vom A.u.N.T.* IV, p. 17, 1936.

<sup>3</sup> *Z.A.W.* 1885, pp. 280 ff.

<sup>4</sup> 2 Kings 11.20.

occurrence: clearly, a break was to be made with the past and a new beginning entered upon with Jahweh.<sup>1</sup> Unfortunately the sources have very little to tell us at this very point, but we think it certain that what took place even on that occasion was a reform in the sense of a harking back to the ordinances of the old Jahweh amphictyony.<sup>2</sup> That the obligations which the king and people then took on were in the main cultic can probably be inferred from the fact that a covenant was made at all, for in those times when the cult was already so drastically disintegrated a covenant with Jahweh implied an adherence to religious aims. For the same reason, we cannot seriously call in question the genuineness of the notice about the destruction of the temple

<sup>1</sup> Unfortunately the text in 2 Kings 11.17 is not certain, and its originality is suspect. Is it, as Kittel (*Com., in loco*) thinks, a matter of two covenants, on the one hand between Jahweh, the king and the people, and on the other between the king and the people? But וַיִּבְרַח

וַיִּבְרַח הַמֶּלֶךְ וַיִּבְרַח הָעָם in v. 17b is rather to be regarded as simply ditto-graphy. But then the passage is different in Chronicles; Chronicles gives an account not of a covenant of the king and the people with Jahweh (וַיִּבְרַח יְהוָה), but of one made by Jehoiada between himself (וַיִּבְרַח) and the king and people. Benzinger (*Com., in loco*) and others

regarded this account as older and original, but they can hardly be right. With Chronicles it is a case of a theological correction due to bias—this covenant making was to be set apart from the great canonical covenants. In comparison, 2 Kings 11.17 is decidedly more ancient.

<sup>2</sup> M. Noth has represented the view, in *Die Gesetze im Pentateuch, Schriften der Königsberger Gelehrten-Gesellschaft, 17. Jahr, Geisteswiss. Klasse, Heft 2*, pp. 22 ff, that the sacral union of the tribes was neither replaced nor brought to an end by the formation of the state, but that even in the period of the monarchy the Temple with the Ark remained the Amphictyonic central shrine of the tribes till the end. The account of the making of the covenant in 2 Kings 11.17 appears to justify this interpretation. But I am still not certain whether, in the references and arguments adduced by Noth, it is not a case of an Amphictyonic *intention* breaking out here and there, which was to some extent consciously archaising, rather than an actually existent and functioning institution. Applied to Deuteronomy, that would mean that Deuteronomy desires—by a 'utopian' anachronism—to impose the old order of the Amphictyony upon the state of the later monarchical period.

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of Baal. It is perfectly credible that the Judeans of the country districts took a stand against the syncretism prevailing in the capital. What political consequences the reform had we are not told, but they were seemingly a drastic curtailment of the king's absolute powers.

Taken all in all, the accounts reveal a serious crisis in the life of the Judean state, which did not develop fully because of the active intervention in politics of the עַם הַאֲרָץ. And when we now go on to add that king Joash, too, later turned his attention to the Temple,<sup>1</sup> the whole thing looks, does it not, like a little prelude to what took place afterwards under Josiah? Even by this time the political tension between Jerusalem with its court and officials on the one hand, and the peasant full-citizens of the country districts on the other, was already considerable, and in the two centuries following it can only have been still further intensified.

The parallels between the two incidents compel attention when we call to mind the part played by the peasant proprietors in the time of Josiah. Josiah's father, Amon, fell victim to a palace revolution, the background of which we do not know. Here, too, the עַם הַאֲרָץ intervened. They set aside the Jerusalem clique of traitors, that is, they baulked their political programme (which is not known to us) and raised Josiah to the throne.<sup>2</sup> Now, it is manifestly impossible to miss the connection between this elevation of Josiah to the throne by the עַם הַאֲרָץ and the whole policy, including the reform, which this king pursued. Oestreicher and, after him, Procksch, have shown convincingly, the latter in detail, that it was a foreign policy of emancipation and national self-determination, and at the same time one of internal renewal.<sup>3</sup> How definitely national independence was the goal at which the עַם הַאֲרָץ aimed with

<sup>1</sup> 2 Kings 12.4 ff.

<sup>2</sup> 2 Kings 21.24.

<sup>3</sup> Procksch: *Kön. Josia, Festschrift für Tb. Zahn*, pp. 19 ff.

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their policy can be gathered indirectly from 2 Kings 23.33 f. After Josiah's death, in what we may be sure was a last desperate attempt, after the catastrophe, to keep continuity with the tradition that had been so abruptly broken off, the **יְהוֹאָחָז בֶּן-יְהוֹשָׁפָט** raised Jehoahaz, a son of Josiah's, to the throne. But Pharaoh Necho at once intervened, and replaced this group's candidate with a man of his own choice, who pursued, we may certainly infer, a completely different political policy.<sup>1</sup> The fact that this **יְהוֹאָחָז בֶּן-יְהוֹשָׁפָט** was always especially singled out when the enemy levied indemnities points in the same direction; their opposition was evidently taken specially seriously as representing the heart and soul of the resistance.<sup>2</sup>

We thus arrive, from a totally different angle of approach, at the same result as we gained from the analysis of Deuteronomy: the old patriarchal traditions of the strict Jahweh faith had long remained alive amongst the free peasant population, and given rise to an opposition to the capital which expressed itself in strong impulses towards revival both in the cult and in politics. These impulses are plain for us to see partly in reforms that were set afoot to modify the cult and politics bit by bit, as it were, and partly in the cultic, martial programme of Deuteronomy. We can take it for granted that with the revival of the institution of the militia after 701 a momentous hour struck for these people.

The actual spokesmen of this movement were the country Levites, whom Deuteronomy presumes to be living here and there in the country towns.<sup>3</sup> At any rate, the authors of Deuteronomy are to be sought amongst those Levites. But this means that we have also found a tenable explanation of Deuteronomy's remarkable Janus-like character, its combination of what is priestly and cultic with a national

<sup>1</sup> Würthwein: *op. cit.*, pp. 33 ff; Kittel: *Geschichte des Volkes Israel*, II, 6th ed., p. 419.

<sup>2</sup> 2 Kings 23.30; 25.18-21. Würthwein: *op. cit.*, pp. 34 ff, 44 f.

<sup>3</sup> Deut. 12.12, 18 f; 14.27, 29; 16.11, 14; 26.12.

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and martial spirit. Such tolerably clear indications as we have of the provenance of Deuteronomy narrow the circle of possible 'authors' as follows: first, they must have been men invested with full priestly powers who had access to a copious sacral literature, and who also possessed this disparate material in a form in which it was powerfully impregnated with, and integrated by means of, a theology. These cannot have been laymen. But furthermore, in the second place, they must have been the representatives of a passionate movement for national and military rehabilitation. Indeed, we may perhaps go even a little further still in this question of authorship. Just as old painters and sculptors sometimes put a self-portrait hidden away in the corner of a big composition, so we could perhaps see in the priestly preacher of the Holy War, as he is shown us in Deut. 20, one of the Levites who are certainly to be credited with the working out of Deuteronomy. The Levites had a close connection with the Holy War, for the Levites and the Ark belong together,<sup>1</sup> and the Ark was plainly the Palladium of the Holy War. Only we must always bear in mind in this whole connection that we are dealing with traditions that have been revived.

The most obvious objection to this view is that the country Levites would have been the last persons to compose Deuteronomy, for in so doing they would have been sawing off the branch upon which they sat. But it is being increasingly recognised that the demand for centralisation in Deuteronomy rests upon a very narrow basis only, and is, from the point of view of literary criticism, comparatively easy to remove as a late and final adaptation of many layers of material. But, apart from that, it is increasingly a question whether the country Levites, whom Deuteronomy presumes everywhere as living in the country towns, were before this time purely cult-personnel and therefore chiefly interested in the cult. The whole spiritual atmosphere per-

<sup>1</sup> 2 Sam. 15.24.

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vading the book, the 'protestant' atmosphere, as it has been designated, was not something of the present and the immediate past. Behind it, as its representatives, stands a body of Levites, perhaps turned proletarian, which had evidently long outgrown the cultic sphere proper and was busying itself with the scholarly preservation and transmission of the old traditions.<sup>1</sup>

This brings us to the end of our investigation: it discloses, of course, only the most immediate and nearest backgrounds of Deuteronomy. If we wanted to try to reach further back still, we should probably stumble very soon upon specifically North Israelite traditions, that is to say, specifically Israelite traditions.<sup>2</sup> The Shechem traditions contained in chapter 27 are obviously at odds with the demand for centralisation. (By this token, the separation of the centralising laws proper from the older traditions, which are only to be interpreted secondarily in the light of this demand, has in general proved itself a very fruitful principle for the analysis of Deuteronomy.)<sup>3</sup> And, further, the North explains the striking connections apparent between Deuteronomy and Hosea. Of course, having regard to the great difference in the subject matter compared, we can only warn against assuming a direct dependence: but in the general spiritual atmosphere, in the way both pose the question, Jahweh or Baal, and in single demands, there is much akin.

That brings us now to a last point.

<sup>1</sup> After this was written, my attention was drawn to the fact that in his work, *Die Josianische Reform und ihre Voraussetzungen*, Copenhagen, 1926, Aage Bentzen had already adduced what are to some extent very considerable arguments in support of the thesis which derives Deuteronomy from the circles of the country Levites, and had sketched a history of the Levitical reform movement. I did not have access to the book while the present work was in preparation.

<sup>2</sup> Particularly A. Welch: *The Code of Deuteronomy, passim*. Löhr (and others) are quite wrong, that the 'Jahwism observed in South Israel' comes to expression in Deuteronomy. *S.K.G.G.*, 1925, p. 203.

<sup>3</sup> Especially with A. Welch, *op. cit.*

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It may be objected that, in defining the provenance of Deuteronomy as we have, we have taken no account of the possibility that it might have originated in prophetic circles. But is it seriously possible to consider the prophets, of any description, as the representatives of the traditions which Deuteronomy brought to life again? Furthermore, the prophetic element in Deuteronomy is no stream of tradition, the contents of which can be precisely determined and defined: it is rather of the nature of a general religious trend found more or less everywhere in Deuteronomy. In so far, it is no more than a sign of the time in which Deuteronomy is speaking. The faith of that time had the phenomenon of prophecy so strongly stamped upon it that it would rather be surprising if so broadly based a presentation of the faith had been able to escape this contemporary influence. It is far from easy to determine what the prophetic contribution to Deuteronomy is; it is at its clearest, relatively, in the picture of Moses, where he is drawn as the ideal man of God.<sup>1</sup> That in itself, however, shows that Deuteronomy cannot be assuming a specifically prophetic tradition, for it is concerned much more with Moses than with what is prophetic. The case is that when the author of Deuteronomy represented Moses as the ideal man of God, the categories and conceptions which lay to hand were those derived from the prophetic movements dominant in his time. We may therefore put it thus: the prophetic in Deuteronomy is merely a form of expression, and a means of making the book's claim to be Mosaic real. We certainly cannot convert this proposition, for it is impossible to designate the prophets—in this case it would concern rather the prophets of salvation—as the representatives of specifically Mosaic traditions.

<sup>1</sup> Especially Deut. 18.15 f; but cp. also the picture of the suffering intercessor, Deut. 9 *passim*.

## CHAPTER SIX

### THE PURPOSE OF DEUTERONOMY

DEUTERONOMY purports to be Moses' farewell speech to Israel. Now this Israel which is addressed by Moses is, of course, completely different from the one which stood at the foot of Mt. Horeb, as the latter is represented in the tradition. It knows Palestine with all its religious temptations, it has a king and a graded civil service; economically its life is no longer the patriarchal, but it has entered upon the stage of an economy based on currency, with all its perilous consequences; it knows the prophets, and has indeed already had unpleasant experiences with these men; and so on. These facts raise in the simplest terms the one big question which lay behind Deuteronomy. It is this: this Israel has in actual fact no longer any points of comparison with the Israel which in the past stood at Horeb; is it separated from the events at Horeb by a very long and extremely incriminating history; in the later regal period its whole religious and political life had been called in question; is it then still Jahweh's people? The answer is clear and unambiguous: it is to this Israel, the people just as it was, that Deuteronomy proclaims Jahweh's election and promise of salvation. We are thus confronted with the following phenomenon: six centuries wasted in sin and constant apostasy are cancelled out and Israel is set once more at Horeb to hear Jahweh's word of salvation, which has not yet lost its power. This word of salvation runs: 'This day thou art become the people of Jahweh thy God.'<sup>1</sup> 'This day' appears throughout the Deuteronomic utterances, and it directs a particularly forcible emphasis on the existential quality of this divine *praedicatio impii*. It is the tremendous 'here and now' in the divine election that lies at the back of Deuteronomy's attempt to re-comprehend the Israel that

<sup>1</sup> Deut. 27.9; cp. 26.16-19.



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was now in the grip of an inner disintegration as the holy people of God. All the departments of Israel's life are laid claim to in the light of this great new order, in which the statute (6.4) about the unity and the singleness of Jahweh operates specially for the cult, as the means by which all is bound together and united.<sup>1</sup> Deuteronomy is particularly severe in its polemic against any syncretism with the Canaanite nature religions. Jahweh is also the bestower of all the natural blessings. Indeed, one can actually designate Deuteronomy's programme as the establishment of the pure Jahweh faith in the agricultural environment of Canaan.<sup>2</sup> Thus we have in Deuteronomy the most comprehensive example of a theological re-statement of old traditions in which the later Israel could become at the same time the message of Jahweh.

With the election of Israel dawned salvation. Israel's relation to Jahweh is without tension, because Jahweh's offer is an all-sufficient one. There is no need on man's part to seek, or to strive by means of religious works which might or might not achieve their purpose, to compel salvation and partake in it.

'For this law which I give thee this day is not too hard for thee, and not too far off. It is not in heaven, that thou shouldest have to say, Who will go up for us to heaven, to bring it to us and proclaim to us, that we may do according to it? Neither is it beyond the sea, that thou shouldest have

<sup>1</sup> In the means used to create the strong impression of unity, and bind so many disparate materials together, a special part is played by conceptual generalisations which appear for the first time in Deuteronomy: תּוֹרָה now designates the revelation of the will of Jahweh simply, אֶרֶץ הַבְּרִית the land which all Israel is to inherit, הַבְּרִית the word of revelation (O. Grether: *Name und Wort Gottes*, B.Z.A.W. 64, pp. 120 ff), etc.

<sup>2</sup> P. on the other hand seems completely uninterested in the problem of Israel's settlement in Canaan. Consequently it holds on to the camp conception. For P. the tribes in camp grouped round the Tabernacle are the original form of Israel's life laid down by Jahweh.

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to say, Who will go over the sea for us, to bring it to us, and proclaim it to us, that we may do according to it? But the word is very nigh to thee, in thy mouth and in thine heart, so that thou art able to do according to it' (30.11-14).

Fulfilling of the commandments is thus in no wise the pre-supposition of salvation; indeed, the proclamation of the commandments takes place contemporaneously with the election, and therefore obedience can in any case only follow upon the divine saving activity. We may say that this question of obedience, that is, its possibilities and limits, are no problem at all for Deuteronomy. To be sure, the divine proclamation of salvation has occasionally a certain conditional note in it, too, in Deuteronomy; then, the realisation of the salvation, especially the promise of the land, is certainly not independent of the accomplishment of obedience.<sup>1</sup> The legal element is stronger in the proclamation of the blessings and curses. On the one side, the promise of blessing means merely that, in case of obedience, Jahweh's proclamation of salvation remains constant over Israel; on the other, since the chapter containing the curses, 28 f, has been expanded and overloaded with secondary additions, there is a considerable narrowing of the present salvation offered to the people of God by Deuteronomy.<sup>2</sup> Thus Deuteronomy shows, especially in its later additions, a certain preponderance of Law over Gospel.

The relation of Deuteronomy to eschatology is a problem in more respects than one. It can be said at once that the book stands absolutely apart from all the broad popular eschatological conceptions that we find taken up by the prophets and modified by them as they wanted, conceptions which obviously occupied a large place in the thought of

<sup>1</sup> e.g., 6.18; 8.1; 11.8 ff; 16.20; 19.8 f.

<sup>2</sup> M. Noth: *In piam memoriam (A. Bulmerincq). Abhandlungen der Herder-Gesellschaft und des Herder-Institutes zu Riga*, 6 Bd., Nr. 3, Riga, 1938, pp. 127 ff.

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Israel in the period of the monarchy. When we read the prophets, Deuteronomy's proclamation of salvation as a present reality seems to come as if from another world. None the less, Deuteronomy is not without the element of expectation. The situation in which Israel is imagined to be, listening to the book itself, is characteristic: at Horeb Israel receives its election at the hands of Jahweh as a present and already fully achieved reality, but the gifts appertaining to salvation which are connected with the election, the *נְחֻלָּה*, the *בְּרָכָה* and the *מְנוּחָה*, become effective only with the entry into the Promised Land. We have to remember that, while the Israel which Deuteronomy addresses is in actual fact the Israel of the later regal period, the book contends paradoxically that Israel is still faced with the full realisation of Jahweh's promise of salvation.

## CHAPTER SEVEN

# THE DEUTERONOMISTIC THEOLOGY OF HISTORY IN THE BOOKS OF KINGS

A SHORT time ago a detailed study of the Deuteronomistic histories appeared in Noth's *Überlieferungsgeschichtliche Studien*: it closed what was a grievous and mortifying gap in our writing on the Old Testament.<sup>1</sup> Noth subjected the literary question to a fresh revision, but what has now become abundantly and conclusively clear is that this great work is not the outcome of a literary 'process of redaction': it merits without qualification the rare and exalted title of historical writing. On the one hand, all kinds of older historical material have been gathered together and combined into a thematic unity by means of a comprehensive framework. On the other, the choice of material is obviously restricted, and for all that lies beyond the theology of history which is to be demonstrated, the reader is continually directed to the sources. This is the exercise of the function of the historian in the strictest sense of the word. It is certainly historical writing claiming to be very distinctive in kind—it has actually a unique theological stamp upon it—and that explains why it was misconceived in the period which kept believing that it had to measure it only by the positivist ideal of an 'exact writing of history'. It is only this specific theological claim which the work makes that is to be discussed here. The literary technique of the Deuteronomist—the way in which he welds together into unity, with the help of a comprehensive framework, all kinds of sources for a king's reign and, apart from that, refrains from any contribution of his own except occasional parenthetical observations and comments—that literary technique must

<sup>1</sup> M. Noth: *Überlieferungsgeschichtliche Studien. Schriften der Königsberger Gel. Gesell.*, 18. *Jahr, Geisteswiss. Klasse, Heft 2*, 1943.

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here be taken for granted as known.<sup>1</sup> We call these histories Deuteronomistic because they take as normative for their judgement of the past certain standards laid down either exclusively or chiefly in Deuteronomy.<sup>2</sup>

We know that through Deuteronomy the question of the pure Jahweh cult in Jerusalem, as against all the Canaanite cults of the high places, became *articulus stantis et cadentis ecclesiae*. It is by this criterion, which had become absolutely obligatory for his own time, that the Deuteronomist now measures the past; and it is well known that, in the light of it, all the sovereigns of the kingdom of Israel are judged negatively, because they 'all walked in the sins of Jeroboam, the son of Nebat'. Of the sovereigns of the kingdom of Judah, however, five receive qualified approval, and two (Hezekiah and Josiah) actually unrestricted approval. To the secular historian such a method of judgement will appear unjust and crude. As a matter of fact, the Deuteronomist makes absolutely no claim to appraise the kings at a given moment in relation to the particular historical situation confronting them.<sup>3</sup> The judgement passed on the kings is not arrived at on the basis of a balanced reckoning of a number of *pros* and *cons*, by means of an average, as it were, of their achievements and their sins of omission. It is in keeping with this work's peculiar theological claim, which

<sup>1</sup> The present investigation is restricted in principle to the Deuteronomistic parts of the great historical complex. We can dispense with an exact and detailed delimitation of the Deuteronomistic framework and the other Deuteronomistic additions because, in all that is essential, the O.T. Introductions are in agreement about the literary division of these parts.

<sup>2</sup> The justification for confining our study to the Books of Kings is that in every respect a new section begins for the Deuteronomist with Solomon, and it is only then that the histories come to their real subject.

<sup>3</sup> How completely different is the way in which the author of the history of the succession of David is able to let the reader see the import of the political and human complications in which the king was involved as a chain of sombre necessity! von Rad: *Archiv für Kulturgeschichte*, 1944, pp. 33 ff.

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is that it presumes to know the final judgement of God, that so much more is said about the kings in the sense of 'either—or' than in the sense of 'and—and'. It follows that the Deuteronomist is not concerned with the various good and evil actions, but with the one fundamental decision on which he was convinced judgement and salvation finally depended. In this respect the Deuteronomistic histories definitely allow the kings the moment of a free decision for or against Jahweh, while the so-called classical histories in Israel had portrayed men really more as the passive objects of God's designs in history.

The question whether objective justice was done to these kings, in that they were measured against a norm which did not in fact apply in their time, is possibly a specifically modern one. None the less, the question does present itself here in this form: was the standard applied by the Deuteronomist, viz. the insistence on centralised worship, something absolutely new in Israel? Admittedly it was 'unknown' in the monarchical period, but we did see that Deuteronomy does not conceive of itself as something new, and it is, moreover, in fact only a large-scale up-to-date readaptation of the most varied standards that did apply in the past. And the history of the cult shows us that in its early period, the period of the old amphictyony, Israel was in fact conscious to a great extent of her necessary conformity to this norm. The Deuteronomistic standard of judgement thus appears in a somewhat different light from that in which we previously believed it necessary to view it. With all that, one may safely reckon that possibly at all periods of history, the past, viewed in the light of criteria which have become obligatory for a later age, has always to a certain extent been put in the wrong subjectively, but that nevertheless from that time onwards the objective right and necessity of such judgements cannot be doubted.

The great events in the shadow of which the Deuteronomist wrote were the catastrophes of 721 and 586,

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happenings which in his eyes had undoubted theological significance; they expressed Jahweh's rejection of both kingdoms; ever since, saving history with Israel had been at a standstill. This is the clue to the understanding of the Deuteronomist: he is writing at a time when there was distress and perplexity because no saving history was taking place. It is possible to connect the *lacunae* which have often been noticed in these histories with this quite unprecedented situation. In the circumstances, the correct standards for many of the facts of the past may actually no longer have been at the Deuteronomist's disposal. But of course the Deuteronomist's sole concern is a theological interpretation of the catastrophes which befell the two kingdoms. Consequently, he examined past history page by page with that in view, and the result was quite unambiguous: the fault was not Jahweh's; but for generations Israel had been piling up an ever-increasing burden of guilt and faithlessness, so that in the end Jahweh had had to reject his people. The demand for centralised worship is certainly not the only one which the Deuteronomist, following Deuteronomy, makes of the kings; he asks if the kings trusted Jahweh (חַטָּא 2 Kings 18.5), he asks if they were 'perfect' with Jahweh (שְׁלֵמִים עִם יְהוָה 1 Kings 11.4; 15.3, 14). Of course it is predominantly cultic sins which he mentions.<sup>1</sup> He is very often content with the awkwardly redundant statement that a king had not followed the 'ordinances, commandments and statutes of Jahweh'. A very decided flagging of descriptive power is noticeable here. What the Deuteronomist means is obviously that the king in question and his period had not been able to satisfy the whole of the divine demand for obedience. It is therefore the question concerning complete obedience that the Deuteronomist puts to the kings.

<sup>1</sup> Especially in the great epilogue to the fall of the kingdom of Israel in 2 Kings 17.7 ff.

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This question of obedience is the first fundamental element in the Deuteronomistic presentation of the history. But alongside this subjective co-efficient, and continually corresponding to it, there now appears in Israel's history another, an objective one. We meet it when we enquire about the manner of the divine intervention in history. The Deuteronomist's conception is manifestly this: Jahweh revealed his commandments to Israel; in case of disobedience he threatened her with severe punishment, with the judgement of total destruction, in fact. That had now actually taken place. Jahweh's words had been 'fulfilled' in history—they had not 'failed', as the Deuteronomist is also fond of saying.<sup>1</sup> There thus exists, the Deuteronomist means, an inter-relationship between the words of Jahweh and history in the sense that Jahweh's word, once uttered, reaches its goal under all circumstances in history by virtue of the power inherent in it.<sup>2</sup> This conception can be reconstructed very clearly from the Deuteronomist's work. We refer to that system of prophetic predictions and exactly noted fulfilments which runs through the Deuteronomist's work. With it we may speak of a theological *schema*, no less than in the case of the 'framework *schema*', even if it is used more freely and with greater elasticity, corresponding to the nature of the subject.

### (1) *Prophecy:*

Jahweh establishes the kingdom of David at the hand of Nathan. His son will build a house for Jahweh.  
2 Sam. 7.13.

### *Fulfilment:*

1 Kings 8.20: 'Jahweh hath fulfilled the word that he spake.' Solomon has ascended the throne and built the temple.

<sup>1</sup> Josh. 21.45; 23.14; 1 Kings 8.56; 2 Kings 10.10.

<sup>2</sup> Deut. 32.47: Jahweh's word is not 'vain' (קִרְוָה).



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(2) *Prophecy:*

1 Kings 11.29 ff: Ahijah the Shilonite: ten tribes will be taken from Solomon's kingdom, because he has forsaken Jahweh, worshipped other gods and not walked in Jahweh's ways.

*Fulfilment:*

1 Kings 12.15b: Rehoboam rends the kingdom, bringing on the catastrophe: 'but the cause was from Jahweh to establish (אָקַד) the word which he spake by Ahijah the Shilonite to Jeroboam the son of Nebat.'

(3) *Prophecy:*

1 Kings 13: An unknown prophet: At Bethel a descendant of David—Josiah—will slay the priests of the high places on the altar, and burn men's bones upon it.

*Fulfilment:*

2 Kings 23.16-18: Josiah pollutes the altar at Bethel by burning men's bones upon it 'according to the word of Jahweh which the man of God had proclaimed . . . '.

(4) *Prophecy:*

1 Kings 14.6 ff: Ahijah the Shilonite: Jeroboam, whom Jahweh made prince over Israel, has done evil above all that were before him. Therefore Jeroboam's kingdom will be rooted up, 'as a man taketh away dung, till it be all gone'.

*Fulfilment:*

1 Kings 15.29: The usurper Baasha exterminates the house of Jeroboam 'according to the word of Jahweh which he had spoken by his servant Ahijah the Shilonite . . . '.

(5) *Prophecy:*

1 Kings 16.1 ff: Jehu ben Hanani: Baasha, raised by Jahweh to be prince over Israel, has walked in the ways of Jeroboam and made Israel to sin, therefore it will befall him in his house as befell the house of Jeroboam.

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*Fulfilment:*

1 Kings 16.12: 'Thus did Zimri destroy all the house of Baasha, according to the word of Jahweh which he had spoken to Baasha by the prophet Jehu.'

(6) *Prophecy:*

Josh. 6.26: 'Whoso rebuildeth Jericho, let the foundation stone cost him his first-born, and the setting up of the gates his youngest.'

*Fulfilment:*

1 Kings 16.34: Hiel rebuilds Jericho: 'At the cost of his first-born Abiram did he lay the foundation, and at the cost of his youngest Segub did he set up the gates, according to the word of Jahweh which he had spoken by Joshua the son of Nun.'

(7) *Prophecy:*

1 Kings 22.17: Micaiah ben Imlah: Israel will be scattered and without shepherds; let every man return to his house in peace.

*Fulfilment:*

1 Kings 22.35 f: (without being specially pointed out by the Deuteronomist) Ahab succumbs to his wound. Every man to his house!

(8) *Prophecy:*

1 Kings 21.21 f: Elijah's prophecy of doom against Ahab and his house.

*Fulfilment:*

1 Kings 21.27-29: Because Ahab humbled himself at the word of judgement, it will only overtake his son. (Cp. 2 Kings 9.7 f.)

(9) *Prophecy:*

2 Kings 1.6: Elijah: Ahaziah of Judah will not recover; he must die.

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### *Fulfilment:*

2 Kings 1.17: Ahaziah died 'according to the word of Jahweh that Elijah had spoken'.

### (10) *Prophecy:*

2 Kings 21.10 ff: Unknown prophets: Because of the sins of Manasseh evil will come upon Jerusalem, 'such that whoso heareth of it, both his ears shall tingle'.

### *Fulfilment:*

2 Kings 24.2: Jahweh summons the Chaldeans, etc., against Judah, 'according to the word of Jahweh which he had spoken by his servants the prophets'. 2 Kings 23.26 is also important: in spite of Josiah's reform Jahweh does not leave off his great wrath. Because of Manasseh's provocations, Jahweh had resolved to destroy Judah as well.

### (11) *Prophecy:*

2 Kings 22.15 ff: Huldah: Josiah will be gathered to his fathers and not see the evil that comes upon Jerusalem.

### *Fulfilment:*

2 Kings 23.30: The body of Josiah, who had fallen at Megiddo, is brought to Jerusalem and buried there.

Of course, this conspectus can only give a rough indication of the theological structure of the Deuteronomistic historical work within the Books of Kings. In actual fact, in this connection the Deuteronomist demands the keenest attentiveness on the part of his readers: they are to discern this all-prevailing correspondence between the divine word spoken by prophets and the historical events even in those cases where notice is not expressly drawn to it. (It was to illustrate it that the Deuteronomist took in the Elijah and the Isaiah stories as well.)<sup>1</sup> In general we may

<sup>1</sup> Whether we can speak of an account of the prophet Ahijah the Shilonite as a 'well-rounded unit' and put it on the same plane as the

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take it as axiomatic that the Deuteronomist has given explicit notices of a fulfilment mostly in those cases where the matter was not so directly obvious to the reader, while he could dispense with them at any point where the history spoke for itself. On the other hand, we have to bear in mind that on the literary side the Deuteronomist is working almost exclusively with traditional material which in its turn does not now everywhere fit in quite smoothly with the Deuteronomist's theological principles. In many respects it has its own import and then again cannot be easily adapted to the Deuteronomistic *schema*. We tend to overestimate the freedom which antiquity used with traditional material.

Taken individually, these prophecies raise a considerable number of questions. There need be no doubt that, as far as concerns source, these citations go back in most cases to genuine prophetic words. That is evidenced by the pictorial phraseology, which is quite undeuteronomistic, and the *parallelismus membrorum* in which to some extent these oracles are still preserved.<sup>1</sup> There cannot, however, have been a very large store of such sources accessible to our author, else he would not have cited three times—and indeed against three different kings—the words ‘him that dieth . . . in the city shall the dogs eat, and him that dieth in the field shall the fowls of the air eat.’<sup>2</sup> As to who this ‘Deuteronomistic’ prophet was, the material at our disposal is altogether too slight to allow conclusions to be drawn. One would be reluctant to set the prophecy of an Ahijah or

accounts of Elijah, Elisha and Isaiah, as Noth does (*op. cit.*, p. 121), seems very questionable to me. At least the literary question is then completely different, for, contrary to what we find in the other accounts, in the account of Ahijah the Deuteronomist's hand has had the decisive part. Ahijah's prophecy now stands entirely within the context of the specifically Deuteronomistic question as to Jahweh's plans with the heirs to the throne and kingdom of David.

<sup>1</sup> e.g. in 1 Kings 14.10, 15; 16.4; 2 Kings 21.13.

<sup>2</sup> 1 Kings 14.11; 16.4; 21.24.

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a Jehu ben Hanani or the unknown prophet of 2 Kings 21.10 ff on the same plane as that of the so-called writing prophets. That prophecy seems to be entirely lacking in the wider conceptions of history. The focus is solely on the national history of Israel, and there it speaks of Jahweh immanent in history, acting in judgement or mercy. None the less, it could well be that prophecy of a fairly distinct stamp is discernible behind this body of prediction outlined in rigid schematic form. The Deuteronomist's own conception of the main element in the prophetic office comes to expression in 2 Kings 17.13: Jahweh gives testimony (תְּעִידָהּ) through it, in virtue of which the prophets call for repentance and the keeping of the commandments.

This Deuteronomistic theology of history, the theology of the word finding certain fulfilment in history, and on that account the creative word in history, may be described, in respect of its origin, as pertaining to old prophecy. It is interesting now to observe how fundamental the Deuteronomist makes this presupposition of his that the history of the two kingdoms is simply the will of Jahweh and the word of Jahweh actualised in history. As such it is meaningful; thus, the course of events in both the kingdoms is to be 'read' looking backwards. The way in which the Deuteronomist uses the actual course of history as a theological criterion appears in his presentation of the history of the two kingdoms from quite different standpoints.

The doom of the northern kingdom is really sealed with the first sin, the apostacy of Jeroboam I.<sup>1</sup> The stereotyped observation about the real guilt of all the other kings is that they walked in the sin of Jeroboam. However, the Deuteronomist had to reckon with the complication that Jahweh had in actual fact spared this kingdom for another two centuries. This enigma, which was in reality,

<sup>1</sup> 1 Kings 14.16: '(Jahweh) shall give Israel up because of the sins which Jeroboam committed and which he led Israel to commit.'

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of course, no more than a postponement of punishment, finds its explanation in Jahweh's grace, through which relative good, even in kings who were rejected, was not passed over uncredited. Ahab humbled himself at the word of judgement, and so the judgement upon his house was not fulfilled in his own lifetime (1 Kings 21.29). Jehu had, in spite of his rejection, done some things which were well-pleasing to Jahweh, and therefore his children unto the fourth generation were to sit upon the throne of Israel (2 Kings 10.30; 15.12). During a time of severe oppression at the hands of the Syrians, Jehoahaz had implored Jahweh's help, and Jahweh had thereupon held out his hand in grace over the sinful kingdom (2 Kings 13.23; 14.26). But then the tragic end did come, and in his great epilogue in 2 Kings 17.7 ff the Deuteronomist shows how transgression of Jahweh's commandments had brought judgement in its train. The sources—theological sources, that is—which the Deuteronomist uses to build up his picture are perfectly plain: he had given to him Jahweh's will as shown in the commandments in Deuteronomy, and the actual course of the history of the northern kingdom, as Jahweh's word which is creative of history, had shaped it.

With the history of the kingdom of Judah the position is different. That history, too, appears in the first instance as a story of human disobedience, with the cloud of God's judgement gathering ever thicker. How in this case is the divine forbearance, the much more extended span of divine patience, to be explained? This leads us to mention an element in the Deuteronomist's theology of history which we have so far left out of consideration.

Jahweh says to Solomon in 1 Kings 11.13: ' . . . but I will not rend away all the kingdom; one tribe will I leave to thy son, for David my servant's sake, and for Jerusalem's sake, which I have chosen.'

Ahijah the Shilonite says to Jeroboam in 1 Kings 11.32: ' . . . but the one tribe shall remain to him for David my

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servant's sake, and for Jerusalem's sake, which I have chosen.'

11.36: '... but one tribe will I leave to his son, that a light may always (כֶּל־הַיָּמִים) remain before me for my servant David (וְיָרֵךְ לְדָוִד עַבְדִּי) in Jerusalem, the city which I have chosen, to let my name dwell there.'

Of Abijam the Deuteronomist says in 1 Kings 15.4: '... but for David's sake Jahweh left him a light in Jerusalem, in that he set up his son and let Jerusalem remain.'

Of Jehoram the Deuteronomist says in 2 Kings 8.19: '... but Jahweh would not destroy Judah for his servant David's sake, as he had promised to give him always a light (for his children).'

By the light which Jahweh promised to David the Deuteronomist means, of course, what is said in the Nathan prophecy in 2 Sam. 7, where Jahweh legitimises and guarantees the Davidic dynasty.<sup>1</sup> It is interesting to see how in the Deuteronomist this prophetic tradition is fused with the Deuteronomic theology of the cult-place and the name; that is, how two traditional elements of completely different provenance are here united into a whole (cp. especially 1 Kings 11.36). But the Deuteronomist does not mention this deuteronomised Nathan prophecy simply to give the reason for Jahweh's patient forbearance with the kingdom of Judah. This traditional element has an essentially greater part to play.

David says to Solomon in 1 Kings 2.4: May Jahweh establish the word: '... there shall not fail a man to sit on the throne of Israel.'

Solomon says in his prayer at the consecration of the temple in 1 Kings 8.20: 'Now hath Jahweh fulfilled the word that he spake; for I am risen up in the room of my father and have set myself on the throne of Israel, as Jahweh

<sup>1</sup> Pre-deuteronomic references for this expression are 2 Sam. 21.17; Ps. 132.17 (cp. 2 Sam. 14.7).

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promised, and have built the house for the name of Jahweh, the God of Israel.'

On the same occasion in 1 Kings 8.25: 'And now, Jahweh, thou God of Israel, keep with thy servant David the promise thou gavest him: there shall never fail thee a man to sit before me on the throne of Israel.'

Jahweh says to Solomon in 1 Kings 9.5: '... so will I let the throne of thy kingdom remain upon Israel for ever, as I promised thy father David: there shall never fail thee a man upon the throne of Israel.'

These passages, like the others quoted above, all belong, from the point of view of literary criticism, to the special theological *schema* within and around which the Deuteronomist built his work, and therefore have a special significance for the ends he had in view. They exhibit a traditional element which is wholly undeuteronomic, namely, a cycle of definite Messianic conceptions.

This leads us at once to ask how the picture of David is built up in particular. The actual history of David is noticeably free from Deuteronomistic additions. This is astonishing in view of the constant mention of David in the course of the history that follows as the prototype of a king who was well-pleasing to Jahweh. The reasons for it are, however, probably only literary: David was treated in a document which was of such range and so well constructed that in face of it the Deuteronomist had to refrain from his usual technique of inserting theological glosses and comments in brackets. Apart from the well-known distortion of the meaning of the Nathan prophecy in 2 Sam. 7.13, it is only at the end of the history of David that the Deuteronomist makes any comment, and even so the picture which he himself had of David is not made clear. But the case is remarkably different in the Deuteronomistic presentation of post-Davidic history.

1 Kings 3.3: Solomon walked in the statutes of his father David (בְּחֻקֹת דָּוִד).



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5.17: David was prevented from building the temple by his wars, but David is still the spiritual originator of the building of the temple.

8.17 f: David proposed to build the temple; in that he did well.

9.4: David walked before Jahweh 'in integrity of heart and uprightness' (בְּתָם-לֵבָב וּבִישָׁר).

11.4: David's heart was perfect with Jahweh  
(שָׁלֵם עִם יְהוָה).

11.6: David followed Jahweh completely  
(מִלֵּא אַחֲרַי יְהוָה).

11.33: David walked in Jahweh's ways and did what was well-pleasing to him (לַעֲשׂוֹת הַיָּשָׁר בְּעֵינֵי יְהוָה).

11.38: David walked in Jahweh's ways, did what was well-pleasing to him, and kept his statutes and commandments.

14.8: David kept Jahweh's commandments and followed him with all his heart, doing only what was well-pleasing to Jahweh (הִלֵּךְ אַחֲרַי בְּכָל-לֵבָבוֹ לַעֲשׂוֹת רַק הַיָּשָׁר).

15.3: David's heart was perfect with Jahweh.

15.5: David did what was well-pleasing to Jahweh and turned not aside from anything that he commanded him all the days of his life, save only in the matter of Uriah the Hittite (לֹא-סָר מִכָּל אֲשֶׁר-צִוָּהוּ כָל יְמֵי חַיָּיו).

15.11: Asa did what was well-pleasing to Jahweh, like his ancestor David.

2 Kings 14.3: Amaziah did what was well-pleasing to Jahweh, but not like his ancestor David.

16.2: Ahaz did not do what was well-pleasing to Jahweh, like his ancestor David.

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18.3: Hezekiah did what was well-pleasing to Jahweh wholly as David did.

21.7: Jahweh said to David (*sic*) and his son Solomon: In this temple and in Jerusalem, which I have chosen out of all the tribes of Israel, will I cause my name to dwell for ever.

22.2: Josiah walked wholly in the way of his ancestor David.

This list, too, is wholly made up of sentences of the Deuteronomist. The picture has only one conceivable meaning: it is David, and not, as was often said, Solomon, who is the king after the heart of the Deuteronomist. He is the prototype of the perfectly obedient anointed, and therefore the model for all succeeding kings in Jerusalem. But what kind of a David is this, who walked before Jahweh בְּתָם-לֵבָב וּבְיִשָּׁר, whose heart is perfect with Jahweh, and who did only (רַק) what was well-pleasing to Jahweh? Unquestionably it is not the David of the succession stories, that essentially contradictory personality, tenacious, persevering and vigorous in public life, but dangerously weak in his own household, a man who was many a time ensnared in guilt, yet in the end graciously led by Jahweh through every entanglement. This quite human picture has now had a completely independent cycle of conceptions superimposed upon it, namely, that of the ideal, theocratic David, exemplary in obedience. The Deuteronomist thus brings evidence in the first place for a cycle of Messianic conceptions which must have been living in his time. It is hard to say how and where this picture originated, of a David whose dross was all refined away. In Ps. 132 we meet again the picture of the David who was exemplary in obedience. But above all it seems to presuppose Isaiah too.<sup>1</sup> Be that as it may; in the acceptance of

<sup>1</sup> e.g. Isa. 1.21.

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this strong tradition the Deuteronomist has gone farthest from the theological rock whence he was hewn, namely Deuteronomy<sup>1</sup>; and the large place which the Deuteronomist gives this tradition in his work shows that the Deuteronomic tradition had not been able to assert itself in all its purity. The Messianic cycle of conceptions, which was obviously very strong, had forced its way into it and made itself good. The attempt so deliberately to set the whole business of the temple to David's credit is truly astonishing. Perhaps there was something which made it necessary for the temple tradition with its comprehensive cultic content to be brought still more under the *aegis* of David and so gain fresh authorisation.

Finally, the Deuteronomist for his part was only being true to the tradition given to him. There was given to him as a principle creative in history not only the word of Jahweh's curse upon the transgressors of his commandments, as it appears in Deuteronomy, but also the prophetic word of promise in the Davidic covenant. The Deuteronomistic presentation of the history had to reckon with both of these given quantities; the Deuteronomist in fact attributes the form and the course of the history of the kingdom of Judah to their mutual creative power. This enables us to set down an important conclusion: according to the Deuteronomistic presentation, Jahweh's word is active in the history of Judah, creating that history, and that in a double capacity: 1. as law, judging and destroying; 2. as gospel—i.e., in the David prophecy, which was constantly being fulfilled—saving and forgiving. It is the Nathan promise which runs through the history of Judah like a *κατέχων* and wards off the long merited judgement from the kingdom 'for the sake of David'.

Immediately the question arises: But how did it turn out

<sup>1</sup> According to the Deuteronomist's writing, 'the representative concern for maintaining the relation between God and people lies' on the king (Noth, *op. cit.*, p. 137), a thoroughly undeuteronomistic idea.

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in the end? Was the word of grace after all the weaker coefficient and was it finally driven from the field of history by the word of judgement? The actual end of the history of the kingdom of Judah, as well as the fact that in the later monarchical period the Deuteronomist no longer says anything about the saving function of the Nathan promise, seem to point in this direction. It is as if the **חֲסִדֵי יְהוָה** lost their power to protect as human guilt grew ever greater. Surely the theological dilemma in which the Deuteronomist finds himself at the end of his work is palpable: on the one hand, he was the last person to reduce any of the terrible severity of the judgement; on the other, he could not, nay dared not, believe that Jahweh's promise, i.e., the light of David, had died out for ever; for a word of Jahweh's uttered into history never fails. Thus there can be no doubt, in our opinion, that we can attribute a special theological significance to the final sentences of the Deuteronomist's work, the notice about the release of Jehoiachin from prison.

In the thirty-seventh year after the deportation of king Jehoiachin of Judah, on the twenty-seventh day of the twelfth month, Evil Merodach, the king of Babylon, in the first year of his reign, granted amnesty to king Jehoiachin of Judah and released him from prison. He spoke kindly to him and assigned him a place above the place of the other kings that were with him in Babylon. He was allowed to put off his prison clothes and eat constantly at the king's table his life long. His maintenance, the settled daily maintenance, was certified to him by the king, as much as he required, his life long.

To be sure, nothing is expressed in theological terms here, but something is just hinted at, and with great reserve. But for all that a happening is mentioned which had the significance of an omen for the Deuteronomist, a fact from which Jahweh can start again, if it be his will. At all events, the passage must be interpreted by every reader as an

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indication that the line of David has not yet come to an irrevocable end.<sup>1</sup>

Noth in his essay has already cut the ground away from verdicts which in the main are absolutely unfair to this historical writing. Refusal to enter into the great problems of internal politics is not to be explained simply as incapacity on the part of the Deuteronomist. What the Deuteronomist presents is really a history of the creative word of Jahweh. What fascinated him was, we might say, the functioning of the divine word in history.<sup>2</sup> And so, in reality, there lies in this limitation a tremendous claim. The decisive factor for Israel does not lie in the things which ordinarily cause a stir in history, nor in the vast problems inherent in history, but it lies in applying a few very simple theological and prophetic fundamental axioms about the nature of the divine word. And so it is only this word of Jahweh which gives continuity and aspiration to the phenomenon of history, which unites the varied and individual phenomena to form a whole in the sight of God. Thus the Deuteronomist shows with exemplary validity what saving history is in the Old Testament: that is, a process of history which is formed by the word of Jahweh continually intervening in judgement and salvation and directed towards a fulfilment.

<sup>1</sup> The verses contain 'a note which allows for hope in God's grace'. L. Köhler: *Theol. d. A.T.*, p. 77.

<sup>2</sup> The Deuteronomist makes King Solomon give clear expression to this relation of correspondence between word and history: 'what thou hast promised with thy *mouth*, thou hast fulfilled with thy *hand*.' 1 Kings 8.24.



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