

THE SECOND LAW
The Book of Deuteronomy

by

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INTRODUCTION

The Greek word *deuteronomion*, which appears in Deuteronomy 17:18 in the Greek translation of the Old Testament, provides the English title to this, the fifth book of the Pentateuch. This “second law” or “copy” or “repetition” of the law is appropriate, since the book describes a rehearsal of the laws delivered to Moses at Sinai. Indeed, the climax of Deuteronomy is a renewal of the Sinai covenant, though this time made with the descendants of the original Israelites who came out of Egypt—a covenant “in addition to the covenant he had made with them at Horeb” (29:1).

What are traditionally called the books of Moses or the Torah consists of five scrolls. Genesis, the first scroll, narrates the origins of the universe and documents the divine call to one man and his family, a man through whom God promised to bless the nations. This man’s family descended into Egypt, where they eventually were reduced to slavery but delivered by Moses (Ex. 1-18). From Egypt, they traveled to Mt. Sinai (Horeb), where they camped for about a year (cf. Nu. 9:1). Here, God gave to Moses the Ten Commandments as well as instructions for building a tabernacle for worship (Ex. 19-40). He provided the laws for the priesthood (Leviticus 1-27) as well as a multitude of other statutes to guide the Israelite nation and its leaders (Nu. 1-9). The group left Mt. Sinai, traveling to the southern border of Canaan, where they rebelled against God’s instructions and were sentenced to die in the desert (Nu. 10-14). That generation lived as semi-nomads until all who were over twenty years old at the time of the rebellion had passed away (cf. Nu. 15-21). About forty years after the initial flight from Egypt, their descendants arrived at the Plains of Moab on the east side of Canaan (Nu. 22-36). This encampment east of the Jordan River is the setting for the Book of Deuteronomy, where Moses gave to the Israelites his final words of farewell.

Essentially, Moses is described as giving three final speeches before he died. These speeches comprise the bulk of Deuteronomy. First, he rehearsed the past events between Sinai and the Plains of Moab (1:1—4:43). Second, which is by far the longest of the three speeches, he rehearsed the

covenant faith and Israel's obligations to Yahweh (4:44—28:68). Finally, he presented a recapitulation of the covenant demands, renewing the covenant between Yahweh and Israel (29:1—30:20). The book ends with some appendices describing the last acts of Moses, his parting words, his charge to Joshua and his death (31:1—34:12).¹

The Concept of Covenant

While the Book of Deuteronomy is a recapitulation of the laws given at Mt. Sinai, even a cursory reading of the book reveals that it is far more than just a juridical list of legal enactments. Associated with these laws—and the vocabulary in Deuteronomy varies between *law* (תּוֹרָה), *testimonies* (עֲדוּת), *statutes* (מִשְׁפָּטִים) and *ordinances* (מִצְוֹת)—is a continual exhortation toward obedience. In Deuteronomy, God's law is an expression of God's will, and the character of the book evinces careful instruction and urgent admonition. To reject the law was to reject the God who gave the law. If these people redeemed from slavery in Egypt were to live successfully before God and with each other, then they must realize that they were bound to God in a covenant relationship. This covenant relationship took the form of an ancient Near Eastern vassal treaty in which God was the Great King (suzerain) and the Israelites were his subjects (vassals).

Considerable light has been shed upon God's covenant with Israel upon the discovery of other ancient Near Eastern covenant formularies. It seems apparent that God used the cultural institution of covenant already in place to define his relationship with Israel. Similarities between the features of the covenant in Deuteronomy and these other vassal treaties are far too numerous to be coincidental. Covenant was a basic institution from antiquity in the ancient Near East, especially within tribal cultures and city-states where there was no international law. A covenant was a solemn promise between two parties made binding by oath, either a verbal formula or a symbolic action, and each party was obligated to fulfill the terms of the covenant. The oath invited judgment from God (or the gods) upon failure to keep the covenant promise.² The covenant between God and Israel, however, was decidedly not a bilateral covenant between equal parties. Rather, it was

¹ For verse divisions, I will follow the traditional versification of the English Bible. It should be noted that these vary from the Hebrew Bible at various points. For instance, most Hebrew texts incorporate 5:17-20 into a single verse, thus causing a three verse discrepancy throughout the remainder of chapter 5. The Hebrew numeration of chapter 13 begins with 12:32 of the English Bible. The Hebrew numeration of chapter 23 begins with 22:30 of the English Bible. The first verse of chapter 29 in the Hebrew text is 29:2 in the English Versions, while 29:1 in the English Bibles is 28:69 in the Hebrew Bible.

² G. Mendenhall, *IDB* (1962) I.714.

a suzerainty treaty between an overlord and a subject, similar to the Hittite treaties of the 2nd millennium BC. The elements in such suzerainty treaties, which are known to us from ancient texts, can be broadly summarized as follows:³

Preamble: “These are the words of the Great King...” It is to the point that this very phrase, “These are the words...,” forms the opening of Deuteronomy.

Historical Prologue: Details about the benevolence of the Great King toward his vassal. The first of Moses’ three speeches constitutes such a historical review (1:1—4:43).

Covenant Stipulations: This, the heart of the treaty, describes the respective obligations of the vassal and the overlord. Deuteronomy contains the heart of the sacred covenant text called the Book of the Covenant described in Exodus 21-23.⁴

Deposit of the Covenant Document: Such treaties usually employed a written record which was deposited in the vassal’s temple for periodic reading (10:1-5; 31:9-13).

Witnesses: The deities of the suzerain and vassal are summoned to witness the treaty and hold the parties accountable. In Deuteronomy, Moses calls heaven and earth to witness the treaty ratification (30:19-20; cf. 4:26).

Blessings and Curses: Obedience or neglect will have profound implications. Obedience will mean protection and support. Disobedience will result in severe reprisals. In Deuteronomy, the blessings and curses are outlined in great detail (28).

The parallels between these existing texts of ancient Near Eastern suzerainty treaties and the Book of Deuteronomy have been so impressive that some commentators believe the structure of Deuteronomy follows this pattern directly. A typical structural analysis of Deuteronomy following such a reading would be:⁵

Preamble (1:1-5)

Historical Prologue (1:6—4:49)

General Stipulations (5-11)

Specific Stipulations (12-26)

³ G. Mendenhall, *Law and Covenant in the Ancient Near East* (1955); M. Kline, *Treaty of the Great King* (1963); J. Plastaras, *Creation and Covenant* (Milwaukee: Bruce, 1968).

⁴ Ex. 21:1-11//Dt. 15:12-18; Ex. 21:12-14//Dt. 19:1-13; Ex. 21:16//Dt. 24:7; Ex. 22:16f.//Dt. 22:28-29; Ex. 22:21-24//Dt. 24:17-22; Ex. 22:25//Dt. 23:19-20; Ex. 22:26f.//Dt. 24:10-13; Ex. 22:29f.//Dt. 15:19-23; Ex. 22:31//Dt. 14:3-21; Ex. 23:1//Dt. 19:16-21; Ex. 23:2f., 6-8//Dt. 16:18-20; Ex. 23:4f.//Dt. 22:1-4; Ex. 23:9//Dt. 24:17f.; Ex. 23:10f.//Dt. 15:1-11; Ex. 23:12//Dt. 5:13-15; Ex. 23:13//Dt.6:13; Ex. 23:14-17//Dt. 16:1-17; Ex. 23:19a//Dt. 26:2-10; Ex. 23:19b//Dt. 14:21b, cf. G. von Rad *Deuteronomy [OTL]*, trans. D. Barton (Philadelphia: Westminster, 1966), p. 13.

⁵ J. McConville, “Deuteronomy, Book of,” *Dictionary of the Old Testament: Pentateuch*, ed. T. Alexander and D. Baker (Downers Grove, IL: InterVarsity, 2002), pp. 184-185. See also the structure as outlined by Peter Craigie, cf. P. Craigie, *The Book of Deuteronomy [NICOT]* (Grand Rapids: Eerdmans, 1976), p. 24.

Deposit of the Document for public reading (27:1-10; 31:9-29)
Witnesses (32)
Blessings and Curses (27:12-26; 28:1-68)

More recently, attention has focused not only on the similarities between Deuteronomy and the older Hittite-type suzerainty treaties, but also, the later vassal treaties of the Assyrians, especially those of Esarhaddon (681-669 BC), which were discovered in 1956. Esarhaddon's father, Sennacherib, had invaded Judah and levied a heavy tribute, and there is reason to believe that Judah was still an Assyrian vassal in Esarhaddon's time.⁶ Such treaties were fealty oaths imposed by the retiring king upon his subjects in order to ensure loyalty to his successor. The covenant renewal in the Plains of Moab, similarly, was in anticipation of Moses' succession by Joshua (cf. 3:23-29; 31:1-8), though of course, in the case of Deuteronomy the loyalty was primarily to be directed toward Yahweh himself, not a human suzerain. Especially striking in both Esarhaddon's treaties and the Book of Deuteronomy are the covenant scenes in which the entire population was gathered, young and old (29:9-11). Those gathered took loyalty pledges not only for themselves, but also for future generations (29:14). The language of loyalty is also quite striking, where the vassals are to "love" their suzerain, and this language in Esarhaddon's treaties is similar to the Book of Deuteronomy (6:5; cf. 7:9; 10:12; 11:1, 13, 22; 13:3; 19:9; 30:6, 16, 20).

If you do not love the crown prince designate Ashurbanipal, son of your lord Esarhaddon, king of Assyria, as you do your own lives... (Lines 266 ff.)⁷

Love the LORD your God with all your heart and with all your soul and with all your strength. (Dt. 6:5)

The series of curses in Deuteronomy 28:23-35 parallel those in Esarhaddon's treaties and appear in the same order.⁸

Hence, the concept of covenant is critical to any understanding of Deuteronomy. Yahweh was the great Suzerain, who imposed his law upon

⁶ Judah is mentioned in a royal inscription of Esarhaddon which says that Manasseh of Judah, along with a number of other rulers in Syria-Palestine, provided building materials for the royal construction projects at Nineveh (ANET, 291). The implication is that all these rulers were vassals of Esarhaddon. In addition, Ezra 4:2 suggests that some of the peoples inhabiting Judah had been moved there during Esarhaddon's rule, again suggesting a suzerain-vassal relationship.

⁷ ANET (1969) p. 537.

⁸ M. Weinfeld, *Deuteronomy 1-11 [AB]* (New York: Doubleday, 1964), p. 6-7.

his subjects. Israel was his vassal and was obliged to love and obey him. So long as Israel maintained covenant faithfulness, the nation would be protected and blessed. When and if the nation neglected the covenant, reprisals for disobedience are clearly in force, reprisals that would escalate if the disobedience continued. Indeed, the final reprisal would be siege (28:49-57) and the loss of entitlement to the land itself (28:64-68). It is not too much to say that these curses for disobedience lay at the heart of the prophets' warnings to Israel and Judah that because of covenant unfaithfulness they would lose their land and be sentenced to exile.

John Collins is probably correct to say that Deuteronomy follows more along the lines of homiletic exhortation than a formally structured treaty. At the same time, Deuteronomy is certainly informed by such treaties and contains many elements common to such treaties. Some features of Hittite treaties are adopted, particularly the historical prologue. Some features found in Assyrian treaties also are evident, especially the loyalty oaths.⁹ Some scholars have even suggested that Deuteronomy may be intended to provide an alternative to ancient Near Eastern political loyalty oaths, as for instance, when the people of Judah would be urged to pledge their loyalty to Yahweh rather than the king of Assyria. If so, however, such admonition is only done in a general way, and there are no direct references to Assyria or any other ancient empire in the text.

Special Features

Deuteronomy has several special literary features that should be remarked upon. One is that the text varies between the second person singular and the second person plural.¹⁰ This is not apparent in most current English versions, since the pronoun "you" functions for both singular and plural, but the distinction is clear in an inflected language like Hebrew. Scholars have not reached a consensus on the reason for this variation. Some suggest that the feature points to layers of preexisting material, others that they are simply stylistic differences employed to create emphasis.

Another feature is the style of presentation, which casts the book in a homiletic framework. After the introduction of a law drawn from the earlier code given at Sinai, the author appends to the law a careful exposition and exhortation. A good example is the law concerning the Sabbatical Year. The

⁹ J. Collins, *Introduction to the Hebrew Bible* (Minneapolis: Fortress, 2004), p. 161-162.

¹⁰ For instance, the second person plural section of 12:1-12 and the second person singular section of 12:13-25 both address the importance of the central sanctuary, but they are differentiated by the plurals and singulars respectively.

law itself is described in 15:1-2 (cf. Ex. 23:10-11), but in the following verses (15:3-11), there is a moral exhortation framing this law as a concern for the poor, treating them with open handedness and a compassionate heart. Another is the law of the tithe (14:22-23; cf. Lv. 27:30ff.). Here, concern is shown for those who lived a considerable distance from the sanctuary and would necessarily have to transport their tithes of animals or crops a long ways (14:24-29).¹¹

Then, there are the broad categories of laws themselves. Two primary types of laws are recorded, casuistic (conditional) and apodictic (without conditions). Conditional laws are quite familiar from the various other law codes of the ancient Near East. Indeed, not a few of the laws of Moses are nearly identical to statutes found in the Code of Hammurabi. Case laws, by definition, contain “if” clauses: “If such a condition exists...then such and such is the course of action.” Such laws already were present in the Book of the Covenant (Ex. 21-22), and they reappear in Deuteronomy (e.g., 15:12-17; 21:15-123; 22:13-29; 24:1-5, 7; 25:1-3, 5-12). Additionally, Deuteronomy also has apodictic or absolute laws. Such general commands most often appear in the form of prohibitions, the most familiar being in the Decalogue (5:6-21; cf. 15:1; 16:19; 16:21—17:1; 23:1-8, etc.). Such laws are short and usually do not stipulate punishments for violation; indeed, how would one enforce the apodictic law, “You shall not covet?”¹² Besides these two broad types of law, Deuteronomy contains various laws given to special subjects, such as, prophets (13:1-3; 18:9-22), kings (17:14-20), idolatry (13:6-18), cities of refuge (19:1-13), war (20:1-9), festivals (16:1-17), priests (18:1-8) and the central sanctuary (12:1-28), among others.

Finally, the vocabulary and style of Deuteronomy is quite distinctive and homogenous. The language of faithfulness is to *love* Yahweh, to *serve* him, to *fear* him, to *cleave to* him and *hear and listen to his voice*. The language of rebellion is to *do that which is evil in the eyes of Yahweh*, to *turn away* or *provoke* him. The language of idolatry is to *follow after other gods* or to *serve other gods*, all of which are an *abomination*.¹³

¹¹ G. von Rad, pp. 102-107.

¹² W. Holladay, *Long Ago God Spoke* (Minneapolis: Fortress, 1995), p. 42.

¹³ These references and other distinctive language features can be followed in detail: see S. Driver, *A Critical and Exegetical Commentary on Deuteronomy [ICC]* (1902), pp. lxxvi-lxxviii; M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (1972), pp. 320-365; J. Thompson, *Deuteronomy, An Introduction & Commentary [TOTC]* (Downers Grove, IL: IVP, 1974), pp. 31-35.

Deuteronomy and Its Relationship to Other Books

That Deuteronomy comes to us as the fifth book in the Pentateuch, the first of the three collections in the Hebrew Bible, probably has been recognized since before the time of Christ. The scribe Joshua ben Sira (ca. 180 BC) committed to writing what he had been accustomed to teaching orally, and his grandson translated this Hebrew text into Greek in 132 BC. In it, Ben Sira referred repeatedly to what appears to be the three divisions of the Hebrew Bible, the “law and the prophets and the other books of our fathers.”¹⁴ Both Jesus and Paul also referred to “the law and the prophets,” references that seem at home in the context of the divisions of the Hebrew Bible as it has come down to us (Mt. 7:12; Lk. 24:44; Ro. 3:21). Josephus in the 1st century AD speaks of the “five books of Moses.”¹⁵ Nevertheless, modern historical-critical scholars have been troubled by the fact that while the first five books of the Bible envision the inheritance of the land of Canaan for Abraham’s and Jacob’s descendants, these same five books end without this basic goal having been attained. This, in turn, has raised the question of how Deuteronomy might be related to what precedes it and what follows it. Two alternative groupings of the early books of the Hebrew Bible have been suggested.

The first of these was the Hexateuch Theory. Here, it was argued that actually the first six books of the Hebrew Bible belonged together, rather than only the first five. The Book of Joshua was joined to the five books of Moses, so that the inheritance of the land of Canaan, envisioned in all of the first five books, clearly was described as accomplished in the sixth book. This approach, adopted with enthusiasm early on, eventually was abandoned in favor of a second theory.¹⁶

The second grouping, the Tetrateuch Theory, joined Deuteronomy with the several books that followed it, thereby disconnecting Deuteronomy from Genesis through Numbers. In this model, Deuteronomy served as the introductory book to what is called Deuteronomistic History, the history comprising the books of Deuteronomy, Joshua, Judges, Samuel and Kings. The downside, of course, was that it left the first four books, to use Freedman’s words, “as a mere torso.” Still, this theory continues to hold the field in historical-critical scholarship.¹⁷ It posits that Deuteronomy through 2 Kings comprised a single literary unit in the Hebrew Bible alongside the Tetrateuch (Genesis through Numbers) and the Chronicler’s History (1 & 2

¹⁴ *Prologue in Sirach (Ecclesiasticus)*

¹⁵ *Against Apion* 1.38-41.

¹⁶ D. Freedman, *IDB* (1962) 2.597-598.

¹⁷ R. Friedman, “Torah (Pentateuch),” *ABD* (1992) 6.615.

Chronicles, Ezra-Nehemiah). This history was believed to have been compiled by a Deuteronomistic school, and the larger work went through various editorial revisions culminating in the time of Josiah as a fundamental support for his reforms.¹⁸

Deuteronomy and the Josianic Reform

Hilkiah, a priest, made a critical discovery relatively early in the reign of Josiah of Judah.¹⁹ In the Kings record, it was simply called the “book of the law,” a title that is somewhat ambiguous, since presumably all the books of Moses were single scrolls (2 Kg. 22:8-10; cf. 2 Chr. 34:14ff.). However, when the scroll was read to Josiah and later read and interpreted by the prophetess Huldah, the king’s reaction was immediate and visceral. It was apparent from what was rehearsed that the national life of Judah was in serious violation of the statutes contained in this scroll, and the contents of the scroll became a powerful incentive for Josiah’s reforms, including a heart-felt renewal of the ancient covenant (2 Kg. 23:1-3). In accord with what was written in this scroll, Josiah directed a nation-wide purge of pagan elements. He burned all the implements dedicated to Ba’al and Asherah and did away with their priests. He dismantled all vestiges of the astral cult. He destroyed the shrines and altars of paganism, smashing them to bits, and he even carried his reforms beyond his national borders to the ancient high places of northern Israel. Finally, he instituted a Passover celebration that was unlike anything the citizens of Judah had seen since the period of the judges. All this sweeping reform was prompted by “the requirements of the law written in the book that Hilkiah the priest had discovered in the temple of Yahweh” (2 Kg. 23:4-24). The assessment of Josiah’s work was that “neither before nor after Josiah was there a king like him who turned to Yahweh as he did—with all his heart and with all his soul and with all his strength, in accordance with all the law of Moses” (2 Kg. 23:25).

While no title to the newly discovered book of the law was given in either 2 Kings or 2 Chronicles, virtually all interpreters conclude that it must have been some form of Deuteronomy. None of the scrolls of Genesis,

¹⁸ S. McKenzie, “Deuteronomistic History,” *ABD* (1992) 2.160-168.

¹⁹ The discovery of a scroll during repairs to the temple suggests that it might have been a foundation document (2 Kg. 22:3-8//2 Chr. 34:8-16). Foundation texts were well-known in the ancient Near East, documents including royal inscriptions and information to any king who might undertake a restoration of the building in future days. The Book of the Law might have been enshrined in such a foundation box or concealed in the temple walls. Alternatively, it could have been found in the temple archives, cf. J. Walton, V. Matthews & M. Chavalas, *The IVP Bible Background Commentary: Old Testament* (Downers Grove, IL: IVP Academic, 2000), p. 458.

Exodus, Leviticus or Numbers seemed likely to have caused such distress. The king's anguished reaction to its contents, especially the threat of severe divine reprisals for disobedience, seem consonant with the curses of Deuteronomy 28. Further, the language "book of the law" is used in Deuteronomy about itself (Dt. 28:58, 61; 31:26; cf. Jos. 1:8). The law of the king in Deuteronomy 17:14-20 made the king liable for maintaining moral leadership for the nation. Combined, all these factors made Deuteronomy the most likely candidate for what was discovered by Hilkiah. The fact that the assessment of Josiah's reforms was framed in words directly taken from the language of Deuteronomy 6:5 (cf. 2 Kg. 23:25) only strengthened this conclusion.

How came this book to be deposited in the temple and effectively lost? Here, there are several theories. Some suggest that technically it was not lost at all but was a fresh composition. Collins and others bluntly conclude that "the finding of the book [was] a fiction, designed to ensure its ready acceptance by the people." While he concedes that some earlier material may have been edited and incorporated into the book, the larger composition was the product of Josiah's own scribes. Both Deuteronomy and the traditions in Joshua, Judges, Samuel and Kings were either composed or edited from a Deuteronomic perspective at this time, and the process went on for some years even after Josiah's reign ended at his death. Such a reconstruction not only would provide a rationale for Josiah's reforms, it would explain the similarities between the Book of Deuteronomy and the vassal treaties of Esarhaddon, which are from about the same period.²⁰

Other scholars, however, are reluctant to sever Deuteronomy so completely from older traditions. Some suggest that the larger corpus of Deuteronomy was composed earlier in the northern kingdom before its Assyrian exile. Here, Deuteronomy's origin was believed to be among priestly Levites or northern prophets who, in light of what was happening in the north, set down traditions in opposition to the prevailing Ba'al cult in order to stem the tide of apostasy. Fleeing southward after the fall of the northern kingdom, they brought with them their text, which was hidden in the temple, possibly during the dark days of Manasseh's kingship in Judah, when Manasseh's so thoroughly reversed the reforms of his father Hezekiah (cf. 2 Kg. 21:1-9). Indeed, during Manasseh's reign, Jerusalem was filled "from end to end" with the innocent blood of all who opposed him (2 Kg. 21:16), which certainly would have been an understandable context for

²⁰ Collins, pp. 162-164.

hiding a Torah scroll whose very existence might have meant life or death. The scroll presumably was hidden in the temple for preservation and only rediscovered during the safe period of Josiah's reign when workers were refurbishing the central sanctuary.²¹

An even more conservative alternative to the above scenarios is the suggestion that Deuteronomy was composed in the time of Solomon as a direct rebuke to Solomon's self-exaltation and apostasy (cf. Dt. 17:14-20; 1 Kg. 11:1-13). Deuteronomy is clear: the king of Israel must not elevate himself (he must be a "brother" Israelite), he must not amass a large chariot corps, and he must not surround himself with a large harem. All these things Solomon did! Deuteronomy, by contrast, shows that power in Israel would not be concentrated in any single individual, but spread through other officials, such as, judges (Dt. 16:18), priests (Dt. 18:5) and prophets (Dt. 18:15) as well as a king (Dt. 17:14ff.). Those who held offices as judges or kings were to be appointed by the people themselves, not some central figure (Dt. 16:18; 17:15), and the real authority for the nation lay not in any single person, but in the Torah itself (Dt. 31:10-13). Hence, the nation of Israelites was to be a true brotherhood living under the covenant of Torah. This primacy of the Torah explains the central role of Moses, who mediates God's will by his speeches (cf. Dt. 4:14), and it is to be carried out by the people within their families (Dt. 6:7-9). Such a setting for Deuteronomy would be earlier and different in orientation than the context of the Josianic reforms.²² That Deuteronomy fulfilled an important role in Josiah's reform need not be discounted, but the ideas in Deuteronomy are older and more primitive than a 7th century BC context.

Date and Author

The discussion about the context for Deuteronomy's composition leads naturally into the question of its author(s) and date. It should first of all be understood that a distinction should be maintained between historical events themselves and the documentation of those events in writing. The two may or may not be coincidental. If, for instance, a 21st century writer sets down the history of India during the British Commonwealth, the modern reader would not suppose that he had fabricated his material out of thin air just because he was not old enough to have seen it personally. Similarly, there is no necessary requirement that the narratives about Moses and his teaching must have been codified while he was still alive or necessarily set

²¹ E. Achtemeier, *Deuteronomy, Jeremiah [PC]*, ed. F. McCurley (Philadelphia: Fortress, 1978), pp. 20-24.

²² McConville, pp. 187-191.

down by Moses himself. Indeed, there are reasons for thinking this might not be the case, not the least of which is the account of his death at the close of Deuteronomy (cf. 34). Further, the closing verses of Deuteronomy that “since then no prophet has risen in Israel like Moses” presumes a hand later than Moses (34:10-12). Sometimes, the point of view in Deuteronomy is as though the writer were standing in the Cisjordan looking over to the Transjordan, a perspective that seems to assume entry into the land.²³ The language in the covenant renewal section (Dt. 29) suggests that at least the exile of the northern kingdom was already complete when this passage was codified.

Therefore, Yahweh's anger burned against this land, so that he brought on it all the curses written in this book. In furious anger and in great wrath Yahweh uprooted them from their land and thrust them into another land, as it is now.

Dt. 29:27-28

The editorial clause “as it is now” (literally, “as on this day”) clearly suggests a time far removed from Moses. Hence, it is not required that Deuteronomy be composed as a literary piece by Moses for it to contain authentic history about Moses.

At the same time, there are some passages describing Moses as writing, such as, 31:9, which refers to an unspecified section of law codes, 31:19, 22, (referring to chapter 32), and 31:24ff. (probably referring to the Decalogue). Such references suggest that portions were written out as smaller segments prior to the compilation of the whole. The rabbinical custom of referring to everything in the Pentateuch as the words of Moses, of course, was adopted by the writers of the New Testament, but this convenience of speech does not necessarily support the view that Moses personally penned the entire corpus. One can only speculate how long elements in Deuteronomy and other books in the Pentateuch may have been preserved as oral tradition before being codified. A generation later, Joshua

²³ This point of view is especially to be seen in the handful of **בְּעֵבֶר הַיַּרְדֵּן** (= across Jordan) passages that seem to speak of the land to the east of the Jordan as across the river (cf. 1:1, 5; 3:8; 4:41, 46-47, 49). Such language seems to presuppose occupation west of the Jordan, which of course could not have been possible until after the death of Moses. At the same time, there are even more passages using the same Hebrew expression that reflect the vantage point of standing in Moab to the east of the Jordan (cf. 2:29; 3:20, 25, 27; 4:14, 21-22, 26; 6:1; 9:1; 11:8, 11, 30-31; 12:10; 27:2, 4, 12; 30:18; 31:2, 13; 32:47). What should be recognized is that both these perspectives are embedded in the book, the former in narrative sections that seem to have been written after the entry into the land, and the latter in speech sections that quote words that Moses said. This is no more than what one would expect for a document that describes the speeches of Moses but was compiled some time after Moses died.

is commanded to obey the “book of the law” (Jos. 1:7-8), a reference that seems to refer to the contents of Deuteronomy 5-26 or 5-30. Joshua is familiar with the law code that altars were not to be fashioned using an iron tool (Jos. 8:31; Dt. 27:5), and indeed, the whole ceremony in the Shechem Pass is based on the anticipation of this ceremony as described in Deuteronomy (Jos. 8:30-35; Dt. 27). Even later, Joshua is said to have drawn up decrees and laws which then were recorded in the “Book of the Law of God” (cf. Jos. 24:25-26). Even later references also cite the “Book of the Law,” expressions that clearly seem to refer to at least portions of Deuteronomy (cf. 2 Kg. 14:6//2 Chr. 25:4; Dt. 24:16). Certainly some of the prophets knew of law codes that are preserved in Deuteronomy (cf. Hos. 5:10//Dt. 19:14; Am. 8:5 and Mic. 6:10ff.//Dt. 25:13ff.; Am. 4:4//Dt. 14:28; Hos. 4:4ff.//Dt. 17:12), but whether all these things were an oral memory or reference to a written code is unclear.

The upshot of all this is that there are several theories about the date of Deuteronomy’s literary composition. Until the modern period, the Jewish and Christian consensus was that it was composed in the Mosaic Period, either by Moses himself or by those close to him.²⁴ Indeed, when Hilkiah found the “Book of the Law” in the temple, the Hebrew text describes it as having been given “through the hand of Moses” (2 Chr. 34:14). Only since the late 18th and early 19th centuries has this consensus been rejected. Many conservative scholars still maintain this position, especially since Christ and other New Testament writers cite Deuteronomy as simply “Moses” (e.g., Mt. 19:8//Dt. 24:4; 1 Co. 9:9//Dt. 25:4; He. 10:28//Dt. 17:6). Of course, such references would still be true even if Deuteronomy was compiled at a later date so long as the historicity of the sayings were not called into question.

A second theory is that while Deuteronomy probably contains substantial units that go back to the time of Moses himself, the final form of Deuteronomy was not achieved until perhaps the time of Samuel or David. It is in this period that the centrality of the priest disappears and the centrality of the king appears (cf. Dt. 17:14-20).²⁵ The political union of the Israelite tribes under a single king made the centralization of worship both possible and desirable, perhaps inevitable (cf. Dt. 12).

The third theory is currently the most widely accepted among historical-critical scholars—that Deuteronomy belongs to the 7th century BC, where it became the motivating force behind Josiah’s reform. While many scholars hold to this position, they do not all carry the same assumptions.

²⁴ For an in-depth exploration of this view and in distinction from other views, see, R. Harrison, *Introduction to the Old Testament* (Grand Rapids: Eerdmans, 1969), pp. 637-653.

²⁵ Compared to Leviticus and Numbers, Deuteronomy has only a handful of priestly references.

Some continue to attribute substantial portions of Deuteronomy to the time of Moses, preserved by oral tradition, and finally supplemented and compiled in the 7th century. Others, more negatively, regard Deuteronomy as a pious fraud—that the speeches of Moses essentially were concocted and put into his mouth. Either way, the similarity between the suzerainty structure of Deuteronomy and the vassal treaties of Esarhaddon, who also was in the 7th century, lends weight to this conclusion. The laws concerning the king (Dt. 17) and the centralization of worship (Dt. 12), not to mention the blessings and curses (Dt. 28), figure prominently in Josiah’s reforms. As mentioned earlier, some scholars argue that much of Deuteronomy was composed by Levites in the northern kingdom and brought to Judah after the exile of the northern tribes. Others theorize that it was composed in the south.

The most radical theory is that Deuteronomy was composed after the exile of Judah. Here, Deuteronomy is viewed as an idealistic, imaginative work composed after the kingdoms of Israel and Judah no longer existed.²⁶

In reaching a conclusion about Deuteronomy’s author and date, two factors are very important to conservative scholars. While the book is formally anonymous (i.e., it does not name its composer outright), the essential historicity and authenticity of its narratives and speeches must be maintained. Such a view seems essential for regarding Deuteronomy as divinely inspired. To be sure, evangelical scholars are not opposed to seeing oral or written sources that may underlie the present form of Deuteronomy as well as the rest of the Pentateuch. Indeed, they are not necessarily opposed to an editorial process that extended from the time of Moses into the late monarchy.²⁷ Still, they are not free to bring into question the historical claims of its content. If Deuteronomy says that Moses said such and such, then Moses said it.²⁸ Whenever and however it reached the final form in which it has been passed down to us, conservatives remain committed to the Mosaicity of the Pentateuch in general and Deuteronomy as a constituent part of it.²⁹

²⁶ A good summary of these views with more detail can be found in Thompson, pp. 47-67.

²⁷ T. Alexander, “Authorship of the Pentateuch,” *Dictionary of the Old Testament: Pentateuch* (Downers Grove, IL: InterVarsity, 2002), pp. 61-72.

²⁸ One should not assume, of course, that the words attributed to Moses are the equivalent to some sort of tape recording. It is more important to acknowledge that we have the voice of Moses in Deuteronomy if not the precise words of Moses. Perhaps an appropriate analogy may be found in the gospel sayings of Jesus, which vary from gospel to gospel. We accept that we have the voice of Jesus if not always the precise words of Jesus.

²⁹ J. Barton Payne is representative when he says, “The term Mosaicity may refer to those parts composed by Moses—whether actually written down by him or not—such as the address in Deuteronomy 1:6—4:40 or the song in 33:2-39.” And again, “Still, it means that the rest of the words, which Scripture does not

Moses and the Historical Prologue (1-4)

The Introduction (1:1-5)

The opening of Deuteronomy, “These are the words...,” is similar in form to other known ancient Near Eastern suzerain-vassal treaties, which often begin with the same phrase, “These are the words of...”³⁰ The speeches of Moses were made to “all Israel,” a phrase that appears repeatedly throughout the book. It depicts Moses speaking directly to the congregation in the geographical depression of the Jordan rift, an area known as the Arabah (1:1-2). The list of place names sounds like an itinerary along the Mt. Seir Road, which works northward from Mt. Sinai to Edom, but the sites are difficult to identify with any certainty. The Israelites arrived east of the Jordan River some 40 years after leaving Egypt (1:3). The eleventh month, Tebet, would have been in the winter (December-January). The conquest of the Transjordan was already complete, and more details about this campaign would be rehearsed later (1:4-5; cf. 2:26ff and 3:1ff.).

Breaking Camp at Horeb (1:6-18)

Whereas Genesis through Numbers consists primarily of narratives punctuated by laws and instructions, Deuteronomy is structured largely as a series of speeches by Moses. As mentioned earlier, these speeches may also have embedded within them major components of an ancient suzerainty treaty, but if so this vassal treaty form is implicit rather than explicit in the text. The older Hittite type of treaty featured an historical prologue that described the past relations between the suzerain and the vassal, and 1:6—4:49 approximates this same sort of historical review, since it is a rehearsal of the Israelite sojourn in the desert. It begins with the breaking of the camp

specifically assign to Moses, need not be attributed to him. These include [among other things]...the description of his death (Deut. 34),” “Higher Criticism and Biblical Inerrancy,” *Inerrancy*, ed. N. Geisler (Grand Rapids: Zondervan, 1980), p. 102.

³⁰ “These are the words of Rea-mashesha mai Amana...”, cf. *ANET* (1969), pp. 202a; “These are the words of the Sun Mursilis...”, cf. *ANET* (1969), p. 203b.

at Horeb³¹ and God's instructions to advance against the Canaanites, the land initially promised to Abraham and his descendents (1:6, 8; cf. Ge. 12:1, 7, etc.). The land of Canaan is described in topological descriptions: the hill country of the Amorites probably refers to the inhabitants of the central mountains, and the surrounding peoples refer to those in the Jordan Valley (Arabah), the Shephelah (western foothills), the Negev (the triangular-shaped steppe framed by the Dead Sea, the Mediterranean and the Gulf of Aqaba), the coastal plain on the Mediterranean, the area of Galilee northward to the upper reaches of the Euphrates River (Lebanon) and the cities of the Canaanites (1:7-8).³²

Moses' appointment of a judiciary parallels Egyptian and Hittite judicial systems from about the same time period (1:9-14).³³ It is of interest that in the initial description of this judiciary, the suggestion was made to Moses by Jethro, his father-in-law (cf. Ex. 18). Later, however, an additional event occurred when God poured out his Spirit on the 70 elders to enable them to assist Moses in carrying the judicial burden (Nu. 11). These two accounts seem to have been conflated in Moses' speech, Moses clearly understanding that the resolution had been prompted by God himself, Jethro notwithstanding. In most other systems, the most difficult cases were adjudicated by the king; here, they would be handled by Moses. In any case, there was no trial by jury, and people represented themselves in court without an intermediary. Decisions passed down by an individual judge meant it was all the more important for such magistrates to be impartial, discerning and holding the general respect of the community (1:15-18). The opportunity for graft and favoritism would have been huge, and later Israelite history clearly demonstrates the human shortfall in this regard (e.g., 1 Sa. 8:1-3).

³¹ As is well-known, the mountain where Moses received the law goes by two names, Horeb and Sinai. In Deuteronomy, the standard name is Horeb (33:2 is the only exception). The name Sinai, on the other hand, is standard in Exodus, Leviticus and Numbers (the exceptions being Ex. 3:1; 17:6; 33:6).

³² Though the Amorites and Canaanites seem to be distinguished in the biblical texts, the differences between them are ambiguous. Often, the two names are intermingled (cf. Ge. 36:2-3; Eze. 16:3). Archaeologist Kathleen Kenyon concluded that the Amorites were hill-dwellers and the Canaanites plain-dwellers along the lines of different clans as opposed to distinct ethnic groups. Many scholars suggest that they were ethnically and culturally identical. Some suggest that the name Canaanite refers to those Amorites who were city-dwellers, cf. K. Schoville, "Canaanites and Amorites," *Peoples of the Old Testament World*, ed. Hoerth, Mattingly and Yamauchi (Grand Rapids: Baker, 1994), pp. 157-182.

³³ J. Walton, V. Matthews & M. Chavalas, *The IVP Bible Backgrounds Commentary: Old Testament* (Downers Grove, IL: InterVarsity, 2000), p. 171.

The Rebellion at Kadesh (1:19-46)

The events at Kadesh-Barnea were a watershed for the Israelites. Following the break of camp at Horeb, the people approached the southern border of Canaan, where they were to initiate an invasion of the land (1:19-21). However, at the advice of the people, a team of spies was sent in to reconnoiter the cities and bring back a report, a request to which Moses acceded (1:22-25; cf. Nu. 13). In the Numbers account, the initiative to send the spies is specifically said to be by Yahweh himself (cf. Nu. 13:1-3). Here, Moses says that the initiative came from the people, implying that already there was a lack of firm commitment to the invasion.³⁴ The upshot was that the people flatly refused to obey Yahweh's command to invade. They cited the huge stature of the Anakites and the formidable defenses of Canaan's walled cities (1:26-28).³⁵ In spite of Moses' urging that Yahweh would lead them and fight for them, they refused (1:29-33). The salient point is that they "did not believe" (1:32 RSV), and the participial construction implies a continued state.³⁶

Yahweh's response to this outright rebellion was a solemn oath that everyone from this unbelieving generation would be deprived of the land of promise. The only exceptions would be Caleb, Joshua and the children. Entry into the land would now be postponed to the next generation (1:34-40).³⁷ Of course, those now listening to Moses were themselves this next generation! Though the people attempted to reverse their rebellion, this effort only compounded it, since Yahweh had told them to turn back toward the Red Sea. Refusing to listen to God's word through Moses, they advanced into Canaan only to be routed completely (1:41-45). Their tears were futile in the face of their flouted rebellion. For a long time, then, they remained camped at Kadesh (1:46).

The Sojourn in the Desert (2:1-15)

Turning back toward the Sinai desert, the Israelites skirted the hill country of Seir, the ancestral home of the Edomites (2:1). The so-called

³⁴ While historical-critical scholars generally view this difference as pointing to variant source traditions, an alternative explanation is analogous to Israel's later request for a king in the time of Samuel. The people asked, but God also commanded (cf. 1 Sa. 8:19-22).

³⁵ The Anakites may be referenced early in the 2nd millennium BC in Egyptian execration texts, *ANET*, p. 328b. The Egyptian letter on Papyrus Anastasi I (13th century BC) described fierce warriors in Canaan that were seven to nine feet tall, cf. Walton, Matthews and Chavalas, p. 171.

³⁶ אֲיִנְכֶם מֵאַמְיִן (= you [were] not believing)

³⁷ In Numbers, the children of the next generation are age specific, younger than 20 years old (cf. Nu. 14:29).

“wandering in the wilderness,” a somewhat imprecise rendering derived from the older English versions (e.g., Nu. 14:33; 32:13; Jos. 14:10, KJV), was more on the order of a series of encampments. In addition to the approximate two years they were at Mt. Horeb, another 38 years were occupied in this series of bivouacs, making 40 years altogether (2:7, 14). Now, Yahweh instructed them to work their way northward, skirting Edom and taking care not to provoke the Edomites, whose land was to remain their own (2:1-6, 8; cf. Nu. 20:14-21). At the Zered Valley (2:13), the traditional border between Edom and Moab, they were to continue northward, not attacking the Moabites (2:9; cf. Nu. 21:10-20). The Edomites were their “brothers,” the descendents of Esau (2:4), and the Moabites were their distant cousins, the descendants of Abraham’s nephew Lot (2:9). Another clan of gigantic people had formerly lived in this area prior to Edomite occupation (2:11), but the names Rephaim, Emim and Zamzummim are untraceable (2:10, 20-21). Similarly, a group of Horites (Hurrians) also had lived there in the past (2:12).³⁸ Crossing the Zered Valley, the Israelites continued northward into the Transjordan (2:13), necessarily crossing the Arnon Gorge, the northern traditional border of the Moabites (2:24a).³⁹ By this time, the first generation of Israelites who had rebelled at Kadesh were dead (2:14-18). As with Moab, deference is shown to the Ammonites because they were descendants of Lot (2:19). Ammon, also, had been inhabited by an earlier people (2:20-22), as had the south coastal plain of the Cisjordan, which was taken over by the Sea Peoples (2:23).⁴⁰ North of Moab would be two people groups that the Israelites were to invade (2:24b-25).

The Defeat of Sihon (2:26-37)

Sihon’s territory was in the Transjordan from the Arnon Gorge to the Jabbock River, and his capital was Heshbon. Moses’ rehearsal of this war initiative parallels the earlier account in Numbers (cf. Nu. 21:21-31). There is a clear analogy between the exodus from Egypt and the defeat of Sihon. In Egypt, Moses entreated Pharaoh to let the people go, and upon his refusal,

³⁸ Hurrians were Asiatic peoples, but Egyptian texts document their presence among the populations of Canaan, since the Hurrians are mentioned in the Egyptian victory hymn memorialized in the Stela of Merenptah, cf. *ANET*, p. 378a.

³⁹ The precise location of Ar in Moab (2:9, 18), a name which is the Moabite equivalent to the Hebrew word *‘ir* (= city), cannot be determined, cf. G. Mattingly, *ABD* (1992) 1.321.

⁴⁰ The Aegean invaders that the Egyptians called “the sea peoples” had attacked Egypt in boats. Descending down the Mediterranean coast from Crete and its environs, they were turned back by Ramesses III (1184-1153), and groups of them settled on the south Palestinian coast, later to emerge as the famous Philistines, cf. D. Howard, Jr., in Hoerth, Mattingly and Yamauchi, eds., pp. 231-236.

God sent horrific plagues upon the Egyptians. Here, Moses entreated Sihon to allow the Israelites to pass through, paying for their food and water. However, just as Yahweh “hardened” Pharaoh’s heart, now he “hardened” Sihon’s heart (2:26-30). This “hardening” is depicted as a divine initiative in order to provide just cause and stimulus for the invasion (2:31), but it is fair to say that the Old Testament sees no inconsistency between human freedom and divine sovereignty.⁴¹

The battle between Israel and Sihon’s army was pitched at Jahaz (2:32).⁴² Thompson has appropriately pointed out that it was when Sihon left the sanctuary of his fortified posts and chose open conflict in the field that the Israelites defeated him (2:33).⁴³ All his towns and citizens were committed to the *herem*.⁴⁴ Livestock and plunder the Israelites were allowed to keep for themselves (2:34-36). The Ammonites, however, were left alone (2:37).

The Defeat of Og (3:1-11)

Farther north, the Israelites encountered the army of Og at Edrei, a site some 30 miles or so east of the Sea of Galilee.⁴⁵ Here, no offer of peace was extended, and all sixty cities in the Bashan, both walled and unwalled, were captured. The citizens of Og’s kingdom were committed to the *herem*, and the livestock was kept for the Israelites themselves (3:1-7). By this time, Israel had captured the two primary Transjordan kingdoms they were permitted to attack. They now controlled the eastern plateau, Gilead and Bashan.

⁴¹ As with Pharaoh, the language of “hardening” with respect to Sihon is twofold, both God “hardening” his heart (2:30b; cf. Ex. 7:3; 9:12; 10:1, 20, 27; 11:10; 14:4, 8, 17) and Sihon’s choice to refuse (2:30a; cf. Ex. 8:15, 32; 9:34).

⁴² The site has not been identified with certainty, though several viable options are available, cf. *ABD* (1992) 3.612. Jahaz was mentioned in the Moabite Stone, 9th century BC, as a site where the Israelites maintained fortified towns, cf. *ANET*, p. 320.

⁴³ Thompson, p. 96.

⁴⁴ Later, Deuteronomy envisions three possible results of Yahweh War. The first two concern enemies not within the boundaries of the Holy Land proper. Such a city under attack might be offered terms of peace in which its citizens could be enslaved rather than exterminated (Dt.20:10-11). If such terms were refused, then all males were to be put to the sword for slaughter, and all other occupants and property became the booty of the victors (Dt.20:12-15). However, if the enemy was within the borders of the Holy Land itself, the land that was given to the Israelites in a covenantal grant, then the procedure was to exterminate everything that breathed—men, women, children, and animals (Dt. 7:1-2, 16; 13:12-16; 20:16-18; cf. Nu. 21:1-3). All such entities within the borders of Israel’s inheritance were to be *herem* (= irrevocably given over to Yahweh, often by total destruction)cf. *TDOT* (1986) V.183-184. In this case, Sihon refused the offer of peace; hence, he was susceptible to the outcome of extermination, and the term *herem* appears in 2:34.

⁴⁵ Scholars have long noted that the account in Dt. 3:1-3 is nearly verbatim to the one in Nu. 21:33-35 (the only difference is that Deuteronomy has first person plurals and Numbers has third person plurals).

The additional note about Og’s famous “bed of iron” merits further comment. First, since Og was himself a giant of a man (the last of the Rephaites, cf. 2:10-11), his “bed” was appropriately large (3:11). However, some scholars understand the term “bed” to refer to a sarcophagus, and the term “iron” to refer to its dark color rather than its material—if so, a final resting place probably made from black basalt rock, which is common in the area. Indeed, a few English versions opt for this translation (e.g., “His sarcophagus of basalt...”, so NEB, CEV, Goodspeed, Moffat, NABmg).⁴⁶ On the other hand, the period was still the Bronze Age, so mention of an iron bed might have been appropriate simply because it was unusual.⁴⁷

Division of the Transjordan (3:12-20)

Two and a half of the clans of Israel were allotted territory in the Transjordan: Reuben, Gad and half of Manasseh. Reuben and Gad were given the territory formerly belonging to Sihon between the Arnon Gorge and the Jabbok River (3:12-17). The half-tribe of Manasseh received the territory north of the Jabbok. The Reuben Tribe would eventually disappear from the biblical record. Reuben is cited as warring with the Gadites against a group called the Hagrites in the time of Saul (1 Chr. 5:10, 19), but in David’s census, a generation later, only Gad is mentioned in the area north of the Arnon Gorge (2 Sa. 24:5-6). Similarly, Gad is named in the Moabite Stone but not Reuben.⁴⁸ This allotment of Transjordan territory was made on condition that the warrior class of the Transjordan clans must be prepared to support the invasion of the Cisjordan when the time came (3:18-20).

A broader question concerns the definition of the Promised Land itself. Did it initially include the Transjordan? When Moses struck the rock and by so doing disobeyed Yahweh’s command to speak to it, he was then forbidden to enter “the land I give them” (Nu. 20:12). This suggests that the Promised Land might not include the Transjordan, which Moses certainly entered. In Numbers 34:1-12, the boundaries of the Promised Land seem to range far north and far south in the Cisjordan, but nothing is mentioned about the Transjordan. Later, Joshua’s speech to the Transjordan tribes distinguishes between the area east of the Jordan and what Joshua calls “Yahweh’s Land” in the Cisjordan, where the tabernacle was pitched (Jos. 22:19). The settlement of the two and a half clans in the Transjordan is

⁴⁶ A. Mayes, *Deuteronomy [NCBC]* (Grand Rapids: Eerdmans, 1981), p. 144.

⁴⁷ Alan Millard makes the case for iron as a precious metal during this period prior to the Iron Age, citing various other such references to iron as a precious metal, cf. “King Og’s Bed: Fact or Fancy?” *BR* (April 1990), pp. 16-21.

⁴⁸ *ANET*, p. 320.

described as a concession by Moses at their request, and Weinfeld is probably correct in saying that the whole of Numbers 32 almost has an apologetic tone to it. Other factors, also, might be taken to suggest that the Cisjordan was the Promised Land apart from the Transjordan. Only when the Israelites crossed the Jordan, for instance, did the manna cease (Jos. 5:12). Circumcision of the new generation and the celebration of Passover was only performed after arriving on the west bank at Gilgal (Jos. 5:2-11). On the other hand, when God showed Moses the Promised Land before his death, Moses viewed Gilead as well as the land of the Cisjordan, all of which God says was promised on oath to Abraham's descendents (Dt. 34:1-4). Further, as we already have seen, the laws of *herem*, which were specific to the Promised Land, were followed in the attacks upon Sihon and Og, implying that the Transjordan was to be included. Some would suggest that these are competing traditions pointing to different underlying source materials.⁴⁹ On the whole, no final answer is available, but it certainly is clear that the Israelites would later defend the Transjordan as their own and would fight many wars to retain it.

Moses' Restriction (3:21-29)

Moses' instructions to Joshua included the observation that what had happened to the Transjordan kings Sihon and Og was a prelude to what would happen in the Cisjordan (3:21-22). Moses himself, of course, was not allowed to cross the Jordan River because of his pique when he struck the rock out of frustration (Nu. 20:1-12). In spite of Moses' prayer for a retraction (3:23-25), Yahweh would not relent (3:26). Still, Moses was allowed to ascend to the top of Pisgah (Nebo) where he could at least view the Promised Land (3:27).⁵⁰ Joshua was to be the leader who would cross the Jordan River and begin the invasion of Canaan (3:28-29).

Climactic Homily (4:1-40)

The historical prologue sets up the central concern of Moses for the people he soon would leave by death. This central concern was for deep covenant commitment and obedience. In the passing of leadership to Joshua,

⁴⁹ M. Weinfeld, *Deuteronomy 1-11 [AB]* (New York: Doubleday, 1964), pp. 173-178.

⁵⁰ Pisgah was sufficiently high to see over a large area (Nu.21:20). It was also where Balak showed Balaam the people of Israel when trying to curse them (Nu. 23:13-14). Later, Deuteronomy will speak of Moses' ascent of Mt. Nebo, and it associates Nebo with Pisgah (32:49; 34:1). Most scholars identify Pisgah and Nebo as the two peaks of Jebel Shayhan, which affords magnificent views of the Jordan rift and the area beyond it, cf. *ABD* (1992) 5.374.

it was critical that the Israelites clearly understood their vassal responsibility to Yahweh, and hence, the basic elements of the ancient suzerainty treaty are implicit in Moses' exhortation, namely: a) Moses himself is the mediator of this treaty (4:1, 2, 5 and 10); b) he warns them in light of past failures (4:3); c) he clearly sets out the stipulations, the very core of which was exclusive allegiance to Yahweh alone (4:15-20, 35); d) repeatedly he urges obedience (4:2, 5, 9, 23, 30, 40); e) he sternly warns them that covenant unfaithfulness will result in severe reprisals, the worst being the loss of the land, the final curse that would attend rebellion (4:25-28); f) witnesses were called to testify to the words of the treaty (4:26). The deepest issues of the entire book are to be found in germ in this final exhortation.

The exhortation begins with the familiar "Hear now, O Israel..." The expression **וְעַתָּה** (= and now) refers back to what had just been rehearsed (4:1a). In view of what God already had done for the Israelites, they must be prepared to hear and obey all the statutes and ordinances he delivered through Moses. Such commitment without deviation was mandatory if they were to successfully invade the land of Canaan (4:1b-2).⁵¹ Otherwise, the judgment that fell on their parents at Ba'al Peor, where the people lapsed into the fertility cult (Nu. 25:1-9), would fall on them (4:3-4). In keeping the covenant stipulations, Israel would demonstrate by example the wisdom of God's law, thus fulfilling their destiny to be priests to the nations (4:5-8; cf. Ex. 19:5-6). They must conscientiously hold God's laws in their own hearts and teach them to their offspring (4:9).

At this point, Moses recalled the experience of Horeb itself, where the people assembled to receive from Yahweh his instruction (4:10; cf. Ex. 19:17). Here, they saw the blazing fire signaling the presence of Yahweh as he descended upon the mountain (4:11; cf. Ex. 19:18-19). Yahweh spoke to the people directly from the cloud the ten words, the very heart of the covenant stipulations, which later were encoded on tables of stone (4:12-14; cf. Ex. 20:1ff.; 24:12; 31:18).⁵² It is significant that in this speech Moses addresses the second generation as though they were actually there forty

⁵¹ The warning not to "add" or "subtract" from the treaty stipulations is paralleled by similar words in the Vassal Treaties of Esarhaddon, where the warning reads, "...if you change or let anyone change the decree" and "...he who changes, neglects, transgresses, erases the words of this tablet..." such a person would fall under the curses of the gods, cf. *ANET*, pp. 535, 538.

⁵² While it is popular to assume that the two tables of stone had five commandments each, an alternative explanation from ancient Near Eastern custom is worth pointing out. Typically, ancient suzerainty treaties were encoded in duplicate, one copy for the suzerain and one for the vassal, one copy being deposited in each of their respective sanctuaries, cf. Kline, pp. 13ff. In this case, both copies were deposited in the tabernacle, since it was at the same time both the sanctuary of Yahweh and of Israel.

years earlier, thus making vivid the corporate solidarity of the living generation with their deceased parents.

Especially significant was the fact that in Yahweh's theophany at Horeb, there was no visible form (4:15, 12). This fact underscored the basic truth that God was not material and was not to be represented by any three-dimensional object, such as was common in all other ancient Near Eastern cultures (4:16-18). Not only was God unlike any earthly object, he was unlike any celestial body (4:19). As God's chosen people, Israel shared an intimacy with their suzerain that was unique. Yahweh was "near" them (4:7), and he had taken them to be his own possession, a high and honored status (4:20).⁵³

As for Moses himself, as a judgment he would not be allowed to cross the Jordan (4:21-22). His absence, however, was no cause for unfaithfulness on the people's part (4:23). They must carefully bear in mind that the God who was near them was also the God who held them accountable. Yahweh's favor must not be allowed to cancel out his holiness, for he was passionate about their exclusive loyalty (4:24).⁵⁴

The gift of the promised land was conditional upon faithfulness to the covenant. The very elements of creation stood as witnesses to guard its longevity. Typically in ancient Near Eastern treaties, the witnesses called to testify to a covenant were the deities of the respective pantheons of the suzerain and vassal. In this case, of course, the restriction against recognizing other deities means the witnesses must not be construed as divine beings. The heavens and earth as the totality of God's created universe therefore become the witnesses of the treaty (4:25-26a; cf. 30:19; 31:28; 32:1), and this witness is reaffirmed by the prophets (cf. Is. 1:2; Mic. 6:1-2). Treaty violation would result in exile from the promised land to pagan nations where idolatry would be the norm (4:26b-28). Still, even exile was not Yahweh's final word. Repentance and faith were still possible, and Yahweh's mercy and covenant faithfulness would remain constant in the divine character (4:29-31).

⁵³ At first glance, the reader might suppose that the reference to the exodus from Egypt as an "iron-smelting furnace" might be taken in a negative way. Actually, the exodus experience, like the smelting of iron, was a purifying experience. When iron is heated to beyond 1100 degrees C., it takes on a semi-solid but spongy form that can be forged. Its strength is dependent upon how much carbon it can absorb, and iron heated to temperatures lower than the melting point of 1537 degrees C. require repeated heating and forging in order to achieve a usable product. Hence, the exodus from Egypt was just such a process for the Israelites—a time of being transformed into the people of God, cf. Walton, Matthews and Chavalas, p.175.

⁵⁴ The adjective נָקִי (= jealous) is frequently used in the Old Testament, and roughly half of the usages concern God's jealousy. While there are a range of nuances, with respect to God's jealousy this word connotes the central characteristic of Old Testament faith: God's demand that he alone be worshipped, cf. *TDOT* (2004) 13.53-57.

The privilege of being chosen as God's own people was absolutely unique. Nothing like this had ever happened since the creation of the world (4:32)! No ancient religion was even remotely comparable to the deep relationship God had established with Israel through testing, signs, war and incredible acts of power (4:33-34). These things were done so that the people of Israel might worship Yahweh alone (4:35-36). This covenant relationship was grounded in Yahweh's sovereign election love (4:37-38).⁵⁵ Therefore, the people must serve Yahweh alone, for there was no other. Covenant obedience was critical if Israel was allowed to remain in the promised land (4:39-40).

Asylum Cities (4:41-43)

Blood revenge in nomadic and semi-nomadic societies was a long-established norm in the ancient Near East. The concept of "an eye for an eye" arises earlier than even the law of Moses in the ancient law code of Hammurabi (18th century BC).⁵⁶ Hence, limitation on blood revenge was necessary, especially in the case of involuntary manslaughter. While blood revenge acted as a restraint to murder, the asylum cities designated by Moses acted as a control so that blood revenge could not be pursued indefinitely.

The asylum cities were so designated in Numbers 35. Altogether, there would be six such cities, three on either side of the Jordan River.⁵⁷ Someone who committed an unintentional killing was obliged to flee there for safety, and he must stay within that city's boundaries until the death of the high priest, at which time he could return to his ancestral home (Nu. 35:9-28).⁵⁸

⁵⁵ The verb אָהַב (= to love) is frequently used to describe God's love, and it is to be distinguished from אָהַב (= love, loyalty). The first is election love, that is, the love that chooses unconditionally. It is the love that causes the covenant. The second is faithful love, the love that depends upon the existence of a covenant and has no meaning apart from it. Yahweh's election love is the ground upon which Israel becomes his chosen people. Upon the establishment of the covenant, faithful love is then expected on the part of Israel and guaranteed on the part of Yahweh, cf. N. Snaith, *The Distinctive Ideas of the Old Testament* (Philadelphia: Westminster, 1946), pp. 118-182.

⁵⁶ *ANET*, p. 175 (line 196).

⁵⁷ Of the three asylum cities in the Transjordan, Ramoth was a border fortress in Gilead (cf. 1 Kg. 22:3), the location of Golan is unknown and Bezer, while its location is uncertain, was named in the Moabite Stone, cf. *ANET*, p.320.

⁵⁸ A famous incident in the time of David's civil war describes just such an unintentional killing (2 Sa. 2:17-23). When Abner, who was guilty of unintentional manslaughter, was lured out of Hebron, one of the asylum cities, the blood-avenger was able to kill him, cf. 2 Sa. 3:22-27.

Rehearsal of the Law (5-28)

Introduction to Moses' Second Address (4:44-49)

As mentioned earlier, the explicit structure of Deuteronomy consists of the three speeches of Moses plus some appendices. The final verses of chapter 4 introduce this middle speech, which is by far the longest and most detailed. In this speech, Moses, in keeping with the general pattern of ancient suzerainty loyalty treaties, will begin with the basic core of the law followed by detailed covenant stipulations (4:44-46).

This introduction follows the same historical pattern of the first speech, recounting briefly the conquest of the Transjordan (4:47-40).

The Basic Covenant Principles (5-11)

Before the whole congregation, Moses began with the imperative, “Hear, O Israel...” (5:1). This שָׁמַע (= hear) appears repeatedly throughout the entire book in imperative (4:1; 5:1, 27; 6:4; 9:1; 27:9), infinitive (11:13; 15:5; 26:17; 28:1; 30:20), perfect (4:33, 36; 5:24, 26-28; 6:3; 9:23; 12:28; 26:14; 27:10; 28:45, 62; 30:2, 8) and imperfect (7:12; 8:20; 11:13, 27-28; 13:4, 18; 15:5; 18:15, 19; 28:1-2, 13, 15; 30:10, 17; 31:12-13) forms, among others. Indeed, it is well within the mark to say that the verb “hear” is the hallmark the book, and it is to the point that in Hebrew idiom, the verb “hear” implies obedience and in many English versions is simply translated as “obey.” To truly hear is to obey.

The covenant between Yahweh and Israel had been established at Mt. Horeb with the parents of those standing before Moses (cf. 2:14), but as before (cf. 4:12-14), the covenant was effective for succeeding generations. Hence, Moses underscored that the covenant was “with all who are alive today,” and in rehearsing this law, the people should understand that it was as though they were back at Horeb facing the God who descended on the mountain in fire (5:2-5). The expression “face to face” carries the same force as the earlier expression of God being “near” his people (cf. 4:7). It is the

language of personal relationship, not merely legal obligation. By the same token, the breaking of the covenant was not merely the violation of a legal requirement, but the breaking of a relationship.

The Ten Words (5:6-22)

At the outset, the description of the covenant core is simply called “the ten words” (4:13; 10:4; cf. Ex. 34:28); however, these ten words are not enumerated in the text itself, so interpreters are left to decipher how they are to be divided and numbered, and there are some variations.⁵⁹

	Modern Jews	Greek Fathers/Reformed Churches	Lutheran/Latin Fathers/Roman Catholics
1)	5:6	5:6-7	5:6-10
2)	5:7-10	5:8-10	5:11
3)	5:11	5:11	5:12-15
4)	5:12-15	5:12-15	5:16
5)	5:16	5:16	5:17
6)	5:17	5:17	5:18
7)	5:18	5:18	5:19
8)	5:19	5:19	5:20
9)	5:20	5:20	5:21a
10)	5:21	5:21	5:21b

Here, we will follow the Greek Fathers and the Reformed Tradition.

While the various collections of laws in the Pentateuch were mediated through Moses, the ten commandments are attributed directly to God without mediation (cf. Ex. 20:1), and the first person is used throughout (Dt. 5:6, 7, 9, 10). The commandments are given as a direct address by God, a form that underscores their centrality. They begin with a short prologue identifying Yahweh and his gracious redemption of Israel in the exodus. Hence, grace precedes law. The commandments are equally divided into two categories, the first five concerning Israel’s relationship to Yahweh and the last five concerning the relationship of community members to each other. Indeed, this structure parallels the basic summary of Christ that God’s Torah can be summarized as love toward God and love toward one’s neighbor. Authentic love for God has implications, and those implications concern other humans.

The *first commandment* bans polytheism, the worship of foreign deities.⁶⁰ Yahweh has unconditional and exclusive claim upon the people of

⁵⁹ J. Huesman, S. J., “Exodus,” *JBC* (1968) p. 57(a).

⁶⁰ In this and the following discussion of commandments, various insights have been drawn from articles by Peter Craigie, “Ten Commandments,” *Evangelical Dictionary of Theology*, ed. W. Elwell (Grand Rapids: Baker, 1984), pp. 1074-1077; W. J. Harrelson, “Ten Commandments,” *IDB* (1962) 4.569-573; Carol Meyers, “Ten Commandments,” *ABD* (1992) 6.383-387.

Israel. Implicit within this commandment is the unity of God, which will be succinctly expressed later (cf. 6:4). While this commandment does not explore whether or not other deities actually exist, it certainly tends in the direction that they do not exist, but are misinformed human creations.⁶¹ Hence, the essence of this commandment is relational, for it depends upon the character of the covenant bond between God and Israel. The essence of relationship is faithfulness, so while the commandment is stated negatively, it has a positive force and positive implications. The worship of foreign “gods” would effectively disrupt this relationship. If the people of Israel now were journeying toward Canaan, where they would be exposed to the Canaanite pantheon and everything associated with it, they must understand that Yahweh, their God, required exclusive allegiance.

The *second commandment* is directly related to the first one, since it bans any image of deity carved from wood or stone. God is unlike any created thing, and his mystery is to be preserved. Whereas all other ancient Near Eastern cultures used cultic representations of their deities as a medium of contact, Israel was forbidden to do so. God cannot be controlled by humans. Idolatry tends toward the notion that God can be controlled and manipulated toward the service of humans, and though theoretically ancient people may have been able to distinguish between an idol and the deity itself, practically speaking such a distinction would have been difficult to maintain. The temptation toward idolatry must have been enormous in a historical context where virtually all other cultures had idols, but Yahweh was transcendent and infinite: he could not be reduced to the limitations of a physical image. Any such reduction of God would be a radical misunderstanding. The Eastern Orthodox tradition preserves this mystery in its commitment to apophasis, a firm recognition of the radical limitations of human cognition and conceptual language. Apophasis (= denial) suggests that we should concentrate on the language of negation, saying what God is *not* like rather than what he *is* like. This is not a lapse into silence, but rather, a profound distrust in western rationalism’s ability to “get it right.”⁶²

The *third commandment* prohibits the abuse of God’s sacred name. Israel had the privilege of knowing God’s personal name, Yahweh (cf. Ex.

⁶¹ Strictly speaking, the commandment requires monolatry (the worship of one God only). Historical-critical scholars usually argue that the faith of Israel was a gradual development from henotheism (belief in one God without denying the existence of other gods) to monolatry (the worship of one God only) to monotheism (the existence of one God only). Such an evolutionary approach to Israel’s faith fits the broader historical-critical assumption that religion itself is evolutionary, but as a theoretical model, it seems to deny or at least put into question the fundamental premise of revealed religion.

⁶² D. Clendenin, *Eastern Orthodox Christianity: A Western Perspective* (Grand Rapids: Baker, 1994), pp. 47-70. “...negative statements about divine matters are the only true ones,” Maximus the Confessor (AD 580-622).

3:13-15), but this privilege was accompanied by a danger that God's name could be abused. Ancient people considered a name to bear the nature or function of the one it named, and to attempt to manipulate God by using his name was to presume upon God's power. God cannot be placed into human service by invoking his name. Primarily, there were two ways in which this might be done. First, oaths employed the divine name to invoke curses or blessings, presuming that God would validate a person's word either positively or negatively. False oaths were by definition any attempt to co-opt God's power, and the ancient Near East was full of magic incantations that were believed to harness the invisible powers of the deity. Such attempts to manipulate Yahweh must never be done! Second, the divine name was used as a preface to prophetic pronouncements as well as an address in prayer. Those who spoke in Yahweh's name were allowed to do so only if Yahweh himself had spoken: all else was false prophecy and an abuse of God's sacred name (cf. 13:1ff.; Je. 23:25ff.; Eze. 13:1ff.). Those who prayed must not do so for selfish or worthless purposes.

The *fourth commandment* concerns a reverence for divine grace, and it is unique in the ancient world. While the idea of Sabbath rest seems to have been implicit in the creation of the universe as well as in the gathering of manna on six days only, both prior to the giving of the ten commandments (cf. Ge. 2:2-3; Ex. 16:5, 22-23), the fourth commandment codifies and explains this observance. It is the first commandment to be expressed in a positive form. The seventh day of each week was to be a day of rest. It was a day of holy reflection on the redemption from Egypt, and it was to be observed by both humans and domestic animals, both masters and servants, both parents and children.⁶³ The word שַׁבָּת (= Sabbath) is derived from the *qal* verb שָׁבַת (= to cease, stop).

The *fifth commandment* aims at preserving the family. While often this commandment is taken to refer to the relationship between parents and small children, which of course it does, it must also be taken in the larger sense of adult children and their relationship with their aged parents. Those who were adults and able-bodied were to care for the elderly, and to avoid

⁶³ Considerable discussion has attended the fact that the reasoning behind the Sabbath is expressed differently in Exodus 20:11, where the Sabbath is linked to Yahweh's rest after the creation, while here in Deuteronomy it is linked to the redemption from Egypt. In Exodus, the commandment seems more religiously oriented; in Deuteronomy, it seems more socially oriented. However, the idea of a creative process links both versions, since God not only created the world, he also created Israel as his people. After receiving the law, Yahweh could say of Israel, "You have now become the people of Yahweh your God" (Dt. 27:9). Hence, the Sabbath was a time of reflection, both on the creation of the universe as well as the creation of Israel as God's people. Reflection on creation was appropriately linked to reflection on existence as God's people.

this responsibility by some technicality was implicitly to set aside this commandment, as Christ took care to point out (cf. Mk. 7:9-13). St. Paul mentions that this is the first commandment linked with a promise, the promise of long life and well-being (cf. Ep. 6:2). Specific statutes attend the honoring of parents: they were not to be attacked (Ex. 21:15) or cursed (Ex. 21:17; Lv. 20:9), and both actions were capital offenses. Parents were to be obeyed and respected (Dt. 21:18-21; 27:16). Violating God's command by dishonoring one's parents is equally to hold God himself, the heavenly Father, in contempt. This fifth commandment becomes a bridge toward the remaining five commandments, for the last five concern human relationships. This one concerns family relationships that should mirror the relationship with God. Implicit within the commandment is the responsibility of parents to instruct their children in the faith of Yahweh (cf. Dt. 6:7), thus passing this faith from generation to generation. Such instruction requires a mindset of honor and respect from the children being instructed. Hence, this commandment is concerned not only with family harmony, but also, the transmission of faith.

The *sixth commandment* bans murder. There are several words for killing in the Hebrew Bible, but the one used here (רָצַח), which is more rare, refers to the private killing of persons, hence, murder. It is not the Hebrew word used for killing in war or killing in self-defense or slaughtering animals. It is not used for suicide. Yahweh is never the subject of this verb. Hence, it refers to a crime against life and limb.⁶⁴ It specifically prohibits the individual exercise of blood revenge, for only the community may take the life of one of its members under the laws for capital punishment. The one who takes it upon himself to kill another preempts God and acts as though he were God (cf. Ge. 9:5-6). This commandment preserves the inherent right to life for each member of the community. Jesus, of course, taught that the intent of this command also included not only the act of murder but also the sentiment of hatred (cf. Mt. 5:21-22).

The *seventh commandment* preserves the sanctity of marriage. While at first glance it may seem to cover some of the same material as in the tenth commandment, the latter concerns subjective intent, while this commandment primarily concerns the objective act of having sexual intercourse with the spouse of another person. This crime, like murder, was a capital offense (cf. Dt. 22:24; Lv. 20:10). It represented an act of defiance against God, who made humans male and female and in marriage brought them together as one (cf. Ge. 1:27; 2:18, 21-24). The act of adultery is

⁶⁴ TDOT (2004) XIII.630-634.

fundamentally an act of unfaithfulness. Just as the first commandment requires absolute fidelity in one's relationship with God, this one requires absolute fidelity in one's relationship with one's spouse. It is not unlikely that this commandment underlies the other commandments in the Torah about various sexual offenses, for implicitly, sexual offenses such as incest, same-sex union and bestiality are also acts of unfaithfulness and, therefore, detestable (Lv. 18). Jesus, of course, pointed out that mental intent, even without an overt act, was equally a lapse into adultery (cf. Mt. 5:27-28). While the ancient world was not awash with pornography as in the modern world, the availability of sacred prostitutes and the explicit imagery of the fertility cult form a striking parallel.

The *eighth commandment* preserves the sanctity of personal ownership. Popularly, this commandment concerns robbery and petty theft, but it also might include kidnapping, probably with the intent to enslave someone, since the verb **גָּנַב** can also have persons as its object (cf. Ex. 21:16). Acts of theft, whether persons or private possessions, are violations of the person himself or herself. A fundamental human right is the right of personal ownership, which should not be violated by someone else for personal advantage.

The *ninth commandment* concerns perjury, a false witness against one's neighbor. Falsehood before magistrates is not only damaging to the victim (and many offense in the ancient world were capital ones), it is falsehood before Yahweh, who is the ultimate lawgiver and judge. Popularly, this commandment has been shortened to simply read, "Thou shalt not lie." To be sure, falsehood is surely an offense and a clear corollary to this command, but the extension "against one's neighbor" sets its primary focus firmly in Israel's legal system. Any and all courts must operate on the basis of true information, and when they are not, the foundations of life and liberty are undermined. Miscarriages of justice, such as the perjury instigated by Jezebel, resulted in an innocent man being stoned to death (cf. 1 Kg. 21:8-14), and in God's eyes, it was nothing short of murder (cf. 1 Kg. 21:19).

The *tenth commandment* is the least objectively verifiable of the ten commandments, since it concerns the inward sin of coveting. Whereas the first nine commandments concern acts, the final commandment concerns desires. No breach of this law could possibly be examined in any human court, simply because humans cannot read each others' hearts. Hence, the chief judge of this law could only be God himself. Obviously, the security of the whole community is here concerned with clear overtures toward the sin of materialism and the inner desire to plan and secure objects or persons at

another's expense. The intent is not only to address crimes after they were committed; it was to address the roots of crime that lie within the self—the desires of the individual person. As Peter Craigie has well stated, "...if the tenth commandment is fully and profoundly understood, then the significance of the first nine is much better understood."

The ten commandments were issued three times, first orally to the original group at Mt. Sinai (Ex. 20:1), later as inscribed tablets given to Moses when he was on the mountain by himself (Ex. 31:18), and finally as a second written edition after Moses had shattered the first tablets (Ex. 32:19; 34:1, 4, 28; Dt. 5:22). Now, in the Plains of Moab, they were rehearsed once again to the second generation of Israelites. That they were inscribed on two stone tablets probably follows the ancient Near Eastern covenant protocol of providing duplicate copies for both parties in the covenant. If so, then the two tables of stone were two identical editions of the same code, the ten commandments written on each of them.

Moses, the Mediator (5:23-33)

At the original giving of the ten commandments, which was orally with Yahweh speaking right out of the blazing mountain, the people of Israel were so frightened that they requested Moses to serve as an intermediary between themselves and God for the remaining laws (5:23-27). God approved of this request. The Israelites were allowed to return to their tents, and Moses remained behind on the mountain to converse with God (5:28-31). Now, forty years later, Moses urged their descendants, the second generation, to hear and obey what God had said. Only in this way would they live long and prosper in the land of promise (5:32-33).

The Primary Command (6:1-25)

The division between chapters 5 and 6 must not misdirect the reader into disconnecting them, for they belong together. The opening verse in 6:1-3 are essentially a continuation of the ideas at the end of chapter 5. The second generation of the people of Israel were to observe God's instruction and not fail to transmit it to their descendants. This was the only path toward a long and fulfilling life.⁶⁵

⁶⁵ The language of a "land flowing with milk and honey," which appears several times in the books of Moses, apparently was a metaphor not unique to Israel. Essentially the same language is to be found in Ugaritic poetry, where the wadis flow with honey, as well as in Egyptian literature, where it was used to describe Canaan in the *Story of Sinehu*, cf. Walton, Matthews and Chavalas, pp. 176-177.

It is instructive to observe that when Christ was asked about the greatest commandment, the one he listed as foremost was not among the ten words. Rather, it was the commandment Moses gave after the ten words (Mt. 22:34-38//Mk. 12:28-30; cf. Dt. 6:4-5). Indeed, the primary commandment above all other commandments is this: to love Yahweh exclusively and to love him with one's entire faculties. The *Shema* (= Hear!) was at the very heart of covenant faith. Yahweh alone was to be the object of Israel's affection, worship and allegiance.⁶⁶ The *Shema* was not merely to be an intellectual assertion on the order of a disconnected matter of fact. It was a declaration that demanded devotion from every facet of one's being—heart, soul and strength. In Deuteronomy, love is nearly synonymous with obedience (cf. 10:12-13; 11:1, 13, 22; 13:3-4; 19:9; 30:6-8, 16, 20). This passionate, consuming devotion is elsewhere described by the analogy of the devotion of a son to a father (1:31; 8:5; 14:1; cf. Ex. 4:22-23).⁶⁷ If Yahweh occupied the sole focus of Israel's heart, then his commandments should be the sole focus for the living of life (6:6). They were to transmit this devotion to their children from generation to generation, making God's *torah* the common conversation of daily life (6:7-9).⁶⁸

It was critically important that the Israelites who were to dispossess the Canaanites should not allow the acquisition of new wealth deposited by others to lead them away from their devotion to Yahweh. Him they must not forget (6:10-12)! Rather, they must stand in awe of him, serve him alone, and take oaths in his name only (6:13). Especially since they would be coming into a land where established religious thought was inherently

⁶⁶ There are several possible English translations of the Hebrew phrase in Dt. 6:4:

Yahweh our God, Yahweh is one! (NIV)

Yahweh our God is one Yahweh! (RSV)

Yahweh is our God, Yahweh alone! (NAB)

Yahweh is our God, one Yahweh! (NEB)

Yahweh is our God, Yahweh is one! (NA SB)

The crux of the translational and hermeneutical issue is whether the *Shema* is a prohibition of poly-Yahwehism, that is, the notion that Yahweh, like Ba'al, was divisible among the various cultic settings, or whether he was the unique and only deity, cf. S. Driver, *Deuteronomy [ICC]* (Edinburgh: T. and T. Clark, 1902). There is evidence that poly-Yahwehism was known in ancient Israel, and if so, then at the very least the prohibition in the *Shema* would be aimed at eliminating this "parceling out" of Yahweh to various cultic sites. Beyond that, however, the trajectory of this commandment surely aims at monotheism—that Yahweh, alone, is truly God.

⁶⁷ The NIV's rendering of 14:1 as "children of the LORD your God" obscures the originally Hebrew, which reads "sons of Yahweh your God."

⁶⁸ Of course, it is well known that in later periods the Israelites took quite literally the injunctions about binding the commandments on hand and head and writing them on the doorframes (cf. 11:18, 20; Ex. 13:9). The use of phylacteries (small receptacles containing portions of biblical texts bound on the forehead or arm) and mezuzahs (written texts of Scripture fastened to doorposts) were well-established by the late Second Temple Period.

polytheistic, they must not allow the religious culture of the Canaanites to subvert their faith in Yahweh alone (6:14). To desert Yahweh was to invite disaster, a disaster that their parents already experienced at Massah, when they quarreled and put God to the test (6:15-16; cf. Ex. 17:1-7). They tested God by putting demands upon him so that their allegiance to him depended upon him doing what they required. Such arrogance was inherently in opposition to faith, and as Jesus would say centuries later, “A wicked and adulterous generation looks for a sign” (Mt. 16:4). Instead, the people must accept the land of Canaan as a gift, while carefully living a life of obedience (6:17-19).

Finally, they must keep alive for their children the memory of God’s mighty acts in the exodus. Children could be expected to see the difference between Israelite life and the lifestyles of the Canaanites. They must explain to their children that the very laws themselves were the gift of God after he had delivered them from slavery (6:20-22). Later generations must understand that the gift of the law was a gracious provision for life, not a tedious burden to be carried. The land of Canaan was equally a gift and fulfillment of the ancient promise to Abraham (6:23). Prosperity in the land would not be automatic; it was conditioned upon covenant faithfulness (6:24-24).

The last line, “If we are careful to obey...that will be our righteousness” (6:25; cf. Ge. 15:6), recalls a phrase from Genesis. Earlier, God had credited Abram with righteousness because of his faith. However, such faith should not be seen as disconnected from loyal obedience, for even to Abraham God said, “Walk before me and be blameless” (Ge. 17:1). Dietrich Bonhoeffer put it succinctly, “...*only believers obey, and only the obedient believe.*”⁶⁹

The Dispossession of the Canaanites (7:1-26)

Yahweh war was a religious war of divine judgment.⁷⁰ This must be clearly understood, or the biblical mandate here and the narratives to follow

⁶⁹ D. Bonhoeffer, *Discipleship*, trans. B. Green and R. Kraus (Minneapolis: Fortress, 1996), pp. 63-64.

⁷⁰ War in the ancient Near East was inherently religious. The bas-reliefs of the Assyrians, for instance, depict images of the gods flying over the heads of the armies, and wars between states were usually considered to be wars between deities as well. Victories were “divine” victories over lesser gods. Indeed, the gods of the pantheons waged war against each other in ancient Near Eastern mythology. Hence, modern scholars often use the term “holy war” to describe this aspect of ancient Near Eastern conflicts, cf. G. von Rad, *Holy War in Ancient Israel*, trans. M. Dawn (Grand Rapids: Eerdmans, 1991). However, the wars of Israel were not precisely the same as the wars of other nations, even though both were religious. The expression “holy war” is not a biblical expression; rather, the biblical writers refer to the “wars of Yahweh” (cf. Nu. 21:14; 1 Sa. 18:17, etc.). Hence, an alternative term is preferable, namely “Yahweh war,” cf. P.

in Joshua will simply devolve into the modern cult of unbelief, which regards this aspect of the biblical story as a repulsive example of ethnic cleansing whose “features are worse than abhorrent.”⁷¹ Deuteronomy regards the invasion of Canaan not only as a conquest for acquisition, but also, as a divine judgment upon the wickedness of the Canaanites (9:4-5; 18:9-12; cf. Ge. 15:16; Lv. 18:24-28; 20:22-23). The real question about the invasion of Canaan, therefore, was not whether Israel had the right to dispossess others of their land, but whether God had the right to execute judgment.

Seven people groups are listed as the inhabitants of Canaan (7:1), possibly moving from the greatest to the least numerically. It seems likely that the number seven carries symbolic significance to imply totality, since similar lists do not always cite the identical people groups (cf. Ge. 15:19-21). The Book of Exodus tends to list six nations, omitting the Girgashites (Ex. 3:8, 17; 13:5; 23:23; 33:2; 34:11), and later, Deuteronomy will list the same six (20:17). The Book of Joshua sometimes follows the seven nation list (Jos. 3:10; 24:11) and sometimes the six nation list (Jos. 9:1; 12:8). The Hittites probably were migrants from the older Hittite Empire to the north, the Canaanites and Amorites may have been plain-dwellers and hill-dwellers respectively (see Footnote #32), while the Perizzites, Hivites and Girgashites are largely unknown. The Jebusites were the inhabitants of Jerusalem (cf. 2 Sa. 5:6). One thing is clear, the diversity of people groups in Canaan as cited in the biblical texts mirror similar citations in other ancient Near Eastern literature.⁷²

All these people were to be exterminated. The term used is **חָרַם** (= ban, extermination), a word signifying something irrevocably given over to Yahweh.⁷³ No treaties were to be allowed, no mercy shown, and no war brides taken (7:2-3). The risk of religious syncretism was high. To love Yahweh completely was paramount, so all implements of Canaanite religion were to be utterly destroyed, while to adopt elements of Canaanite religion would be to disavow Israel’s own status as God’s special people (7:5-6).

Craigie, *The Problem of War in the Old Testament* (Grand Rapids: Eerdmans, 1978), pp. 48-50. As such, the wars of Israel were not in themselves holy, as though God transformed the evil of war into a good thing. At the same time, such wars were definitely religious. Further, the vision of peace was central as a time when war would cease (cf. Is. 2:4; Mic. 4:3). For Israel, this peace was envisioned as “rest” (Dt. 3:20; 12:10; 25:19).

⁷¹ This is the conclusion of theologian Robert Coote, who can find no way to regard these stories as anything other than objectionable, cf. Coote, *NIB* (1998) 2.578.

⁷² Egyptian texts, for instance, list the Hapiru, Canaanites, Hurrians (Horites), and Shashu, cf. Hoerth, *Matthingly and Yamauchi*, p. 166.

⁷³ *TDOT* (1986) V.181ff.

Specifically targeted for destruction were altars, sacred stones (*massebot*),⁷⁴ Asherahs⁷⁵ and idols.

The reason Israel was to cleanse Canaan of all these pagan elements was because Israel was a people specially chosen by Yahweh out of his divine love (7:6-7). The idea of holiness—a total separation from all these pagan elements—lay at the heart of the war effort. This basic idea of holiness, which first appears in the narratives at Sinai (Ex. 19:5-6) and later elsewhere (Dt. 14:2; 26:18), marks Israel off as distinct. Distinct they must remain! The promissory oath to Abraham, the redemption from Egypt and the covenant at Sinai set Israel apart as the exclusive people of Yahweh (7:8-10). Yahweh had chosen the Israelites to serve him, and therefore, they must conscientiously keep his laws so that he would bless them abundantly (7:11-15).⁷⁶ Part of that obedience would be the war of judgment on the Canaanites (7:16).

In the war of judgment against the Canaanites, Israel must clearly realize that victory was dependent upon Yahweh himself, not the superiority of Israel's army. The nations in Canaan were strong. However, Israel must remember the earlier victory over Pharaoh in the exodus; God would give this second generation the same kind of victory (7:17-21). It is to the point, however, that this victory would be gradual, not immediate. The Canaanites would be driven out "little by little" (7:22). This anticipation of a lengthy war, of course, is exactly what is described in the narratives of Joshua and Judges. Joshua's initial invasion was a series of crippling strikes, but after each offensive, the Israelites returned to their base camp at Gilgal without immediate occupation. As Kitchen has appropriately stressed, these campaigns were disabling raids, not territorial conquests with instant

⁷⁴ The term *massebot* (= standing stones) appears with some frequency in the Old Testament (34 times), and remnants of such stones have been excavated at numerous sites, including Dan, Arad, Gezer and Megiddo, among others. Usually they are oriented eastward. Generally they do not have inscriptions or even decorations, so their significance is obscure. They were cultic objects (some suggest phallic symbols), and in some way they seemed to have represented a deity or deities, cf. D. ben-Ami, "Mysterious Standing Stones," *BAR* (March/April 2006), pp. 38-45; U. Avner, "Sacred Stones in the Desert," *BAR* (May/June 2001), pp. 30-41.

⁷⁵ Frequently translated as "Asherah poles," these cultic objects represented a feminine deity, the consort of Ba'al. The LXX and the Latin Vulgate translated this term as "grove" (followed by the KJV), but most scholars agree that these were man-made objects, not natural ones. Since references to *Asherim* frequently appear alongside references to "images," it does not seem that an Asherah was itself an image of the goddess. The best guess of scholars is that it was some type of wooden pole symbolizing the goddess Asherah, cf. J. Day, *ABD* (1992) 1.486.

⁷⁶ It is to the point that the divine choice was a choice for service, which is not necessarily the same thing as a choice for salvation. However the discussion proceeds about on the tension between divine sovereignty and human freedom with respect to salvation, the texts of Israel being chosen by God does not suggest that all Israelites were "saved," and indeed, there is abundant evidence that some among the "chosen" would be "lost."

occupation.⁷⁷ The Book of Judges, of course, continues the saga with the ebb and flow of struggle against various pockets of Canaanite enclaves. In the end, however, Israel would be victorious (7:23). They were to destroy both kings and idols (7:24-25a). They were to refrain from the natural desire to strip religious objects of their overlays of silver and gold, since the war effort was not merely a campaign of acquisition, but a war of judgment (7:25b). Anything belonging to the religious culture of Canaan was detestable to Yahweh and consigned to destruction (7:26).

Lessons from the Past (8:1—10:11)

The repetitive admonition that the Israelites must be careful “to do” the law (various conjugations of the verb פָּעַל = “to do”, 4:1, 5, 13-14; 5:1, 31; 7:11-12; 8:1 and etc.) underscores what St. Paul would observe centuries later: “Moses describes the righteousness that is by the law: ‘The man who does these things will live by them’” (Ro. 10:5). Obedience to the covenant was paramount, for the temptation would be strong to capitulate to the surrounding Canaanite culture of idolatry. The Israelites must remember their lessons from the past in order to fortify their resolve for the future. Hence, Moses prefaces his historical examples by the imperative, “Remember” (8:2a)! The forty year sojourn in the desert was itself a test, and repeatedly their parents had failed. One of the earliest failures was the complaint about food (lit., “bread”), and in the provision of manna Yahweh demonstrated that their lives depended not upon food only, but on his sustaining word (8:2b-4; cf. Ex. 16; Nu. 11). This was a test of their hearts! Hardships along the way were disciplines of the kind a father gives to his son (8:5).⁷⁸

Forgetfulness and pride were perennial temptations. The promised land would be abundant (8:6-9), but abundance would be just as much a temptation as deprivation. Hence, if they were to remember their lean times in the desert, they equally must not forget Yahweh during their prosperous times in the good land (8:10-14). The “great and terrible desert” (KJV), where they were sustained with water from a rock and manna from heaven, were times of testing (8:15-16). Their future abundance in Canaan would be times of testing, also (8:17-18). Divine sustenance was the fulfillment of

⁷⁷ K. Kitchen, *On the Reliability of the Old Testament* (Grand Rapids: Eerdmans, 2003), pp. 162-163

⁷⁸ In passing, it should be observed that it was more than incidental that Jesus quoted from this passage when confronted by Satan in the desert (Mt. 4:1ff. and parallels). Jesus’ 40 days in the desert deliberately paralleled Israel’s 40 years in the desert, for the gospel writers takes pains to show that the story of Israel was lived out in the life of Jesus. Where Israel failed, Christ was the faithful Son.

God's covenant oath. Failure on their part to remember Yahweh as the source of all these things would end in disaster, a disaster just like the coming war of judgment to be executed on the Canaanites (8:19-20)!

The invasion of Canaan proper would begin with the crossing of the Jordan River. West of the Jordan, they would face walled cities,⁷⁹ entrenched armies and fierce warriors (9:1-2).⁸⁰ Nonetheless, the Israelites must trust in Yahweh. Success depended upon him, not the superiority of the Israelite military force (9:3). Still, even after success, the Israelites must not presume that the gift of the land was a reward for their righteousness. Rather, the Canaanites' loss of the land was a judgment for their moral depravity (9:4-6). Indeed, all of the Israelites must remember the faithlessness and rebellion of the previous generation. From the first day onward, their parents showed that their hearts were stubborn and wayward, culminating at Sinai when, while Moses was on the mountain, they cast an idol like a golden calf and fell into idolatry (9:7-17).⁸¹ At that time, Moses shattered the tables of stone, symbolizing their shattering of the covenant. This they must "remember and never forget" (9:7a)! For another forty days Moses interceded for Israel, since Yahweh was angry enough to destroy not only the people but Aaron himself (9:18-21).

The downfall at Sinai did not stand alone. The Israelites continued in their failures at Taberah, where they complained about their hardships (cf. Nu. 11:1-3), at Massah, where they quarreled and arrogantly asked, "Is Yahweh among us?" (Ex. 17:7), and at Kibroth-Hattaavah, where they craved for food, despising the manna God had sent (Ex. 11:4-34). At Kadesh-Barnea at the southern border of Canaan, the people rebelled against God's command to invade, and as the text says, they did not "trust or obey" (9:23-24). If Moses had not interceded before Yahweh on behalf of the people, they would have been destroyed at Sinai (9:25-29). As an intercessor, Moses stands out in sharp outline (cf. Ex. 32:11-14, 31-32). The

⁷⁹ Walled cities in the ancient Near East were constructed to provide security against raids and invasions. From as far back as the Middle Bronze Age, much earlier than the arrival of the Israelites in Canaan, techniques had been developed that included not only city walls, but also steep, artificial slopes below the walls to inhibit battering rams, scaling ladders and sapper work. Earth ramparts sometimes were constructed along with stone revetment walls at the foot of the ramparts. A glacis—an artificial slope on an existing hill creating a very steep approach to the walls (an average of 30 degrees)—made enemy approaches much more difficult, cf. A. Mazar, *Archaeology of the Land of the Bible ca. 10,000-586 B.C.E.* (New York: Doubleday, 1990), pp. 198-208.

⁸⁰ For the Anakites, see footnote #35.

⁸¹ A common representation of a deity in the ancient Near East was either by a bull or calf or a figure standing on the back of such a creature. The motif was extremely common, symbolizing power and fertility. Bulls as representations of deity were known in Egypt, among the Hittites to the north and throughout Canaan, especially in connection with the worship of Ba'al, cf. A. Mazar, "Bronze Bull Found in Israelite 'High Place' From the Time of the Judges," *BAR* (Sep/Oct 1983), pp. 34-40.

manner in which this intercession is described depicts Yahweh in very open dialogue—as one who can be consulted, convinced by reasoning and swayed by arguments. Such anthropomorphism is found variously in the Old Testament, and it seems to point to the truth that God is not immobile. For Greek philosophy, the idea of immutability results in an immobile deity, but such a picture is at odds with the Hebrew Bible. Rather, Yahweh is sovereign, not in the naked sense of whim and caprice, but in the sense that he can do anything to accomplish his own will and loving purpose. God remains unchangeable in his ultimate purpose and his promises are inviolable, but he is not a prisoner of his own power. Therefore, Moses can reason with God on the basis of God’s own justice and promises.⁸²

The final remembrance was of the ten words written upon the two chiseled stone tablets and destined to be deposited in the ark of the covenant (10:1). These commandments were the very heart of the covenant code. Moses constructed the ark and carried the tablets back up the mountain, where God wrote the third edition. The first had been spoken orally to the people out of the heart of the mountain of fire, the second were broken at the debacle of the golden calf, and now this third edition would remain as the testimony to the covenant (10:2-5). In effect, this third edition was a covenant renewal, for after a covenant breach, ancient Near Eastern practice was to prepare new treaty documents (cf. Ex. 34:1-4).⁸³

An abbreviated sketch of the travel from Sinai brought the people to Mt. Hor, where Aaron died and was buried (10:6; cf. Nu. 20:22-29). Yahweh designated the Levites to carry the ark, and as professional clergy, they would receive no land inheritance, since they would be supported by offerings of the people (10:7-9; cf. Nu. 3-4). In summarizing these ancient recollections, Moses declared that it was not Yahweh’s will to destroy them. Rather, he sent Moses to lead them on their way to the promised land (10:10-11).

The Call to Commitment, the Blessing and the Curse (10:12—11:32)

What does Yahweh require? This question serves as the transition to a climactic call to commitment. The five infinitive verbs, “to fear” (יָרָא), “to walk” (הִלְכָה), “to love” (אָהַב), “to serve” (עָבַד) and “to keep” (שָׁמַר) function as a directory for the admonitions to follow (10:20; 11:22; 11:1, 13,

⁸² D. Bloesch, *Essentials of Evangelical Theology* (San Francisco: Harper & Row, 1978) I.27-28.

⁸³ Thompson, pp. 143-144.

22; 10:20; 11:1, 8, 22). These commands were not religious niceties, but for Israel's "own good" (10:12-13). Even though Yahweh was the proper lord of the very heavens, out of love he had chosen Israel from among the nations (10:14-15).⁸⁴

Israel's response to this unconditioned love must be grateful service, here metaphorically described as a circumcised heart. The metaphor may seem incongruous, but just as circumcision outwardly marked the descendants of Abraham, so also an inward openness to Yahweh, a faith relationship, marked the true Israelite (10:16; cf. 30:6; Ex. 6:12, 30; Je. 6:10). In such a call to commitment, it was paramount that the people of Israel clearly understand that their relationship to Yahweh was not merely mechanical, as though outward circumcision was sufficient. They must serve him in awe as the impartial, just, merciful and loving God, equally concerned about orphans, widows and aliens (10:17-18).⁸⁵ Israel was herself an alien until Yahweh chose her (10:19). Yahweh alone was to be recognized as God; he is the one who took a straggling family of seventy members and made them into a people (10:20-22).

Therefore, Israel must love Yahweh, keeping his commands (11:1). While the children of this second generation had not personally seen all the wonders in the exodus from Egypt, God's mighty acts of deliverance and his stern acts of judgment (11:2-6; cf. Nu. 16), some of those present could attest to them (11:7). Hence, the people must keep Yahweh's statutes if they wanted to cross the Jordan and enjoy long life in the land of promise (11:8-9). This new land would not be like the irrigated flatlands of the Nile delta. Canaan was mountainous and depended upon rainfall for crop survival, a land God watched over, but a land where the people must depend upon him, not on their own efforts (11:10-12). If they served him wholeheartedly, he would supply their need for rain, crops and fertility (11:13-15). Such sustenance was not automatic, however, and if they turned away from Yahweh, then he would turn away from them, refusing to water their lands by rain, eventually depriving them of the land itself (11:16-17). Though they could not know it then, the Israelites would face an entrenched religious system that predicated all rain and fertility on the worship of the gods Ba'al and Asherah along with a whole pantheon of deities. In advance, then, Yahweh warned them: he, alone, was their means of survival! They must fix

⁸⁴ While the verb אָהַב (= to love) is common in Hebrew, when used of Yahweh (32 times) it especially describes his election-love, the unconditioned love that chooses. God chose Israel, not because there was something within Israel that merited his attention, but solely out of his sovereign grace, cf. Snaith, pp. 167-182.

⁸⁵ The superlatives "God of gods" and "Lord of lords" describe absolute supremacy and sovereignty. The same expression will occur in the final book of the New Testament (Rv 17:14; 19:16).

indelibly his words in their hearts and minds (11:18), carefully teaching them to their children (11:19-21)!⁸⁶

Victory in Canaan was entirely dependent upon obedience to Yahweh's commands (11:22-23). The Canaanite nations were larger and stronger than the Israelites,⁸⁷ but the entire land would be theirs if they were obedient. The boundaries of the new land are framed as an ideal (11:24-25; cf. Ge. 15:18), from the wilderness of Sinai (south) to the Lebanon mountains (north), from the Euphrates River (east) to the Mediterranean Sea (west).⁸⁸

This exhortation climaxes with a stern warning about blessings and curses in the style of ancient Near Eastern suzerainty treaties.⁸⁹ Two ways were open, obedience or rebellion, blessing or curse (11:26-28). These blessings and curses would later be recited from the slopes of Mt. Gerizim and Mt. Ebal in the Shechem Pass in central Israel after the invasion (11:29-30), a ritual that is later described more fully (cf. 27:9-26) and, in fact, was carried out under Joshua (Jos. 8:30-35). At the present, the Israelites were on the border of this new land. They must conscientiously obey the covenant demands (11:31-32).

⁸⁶ For phylacteries and Mezuzahs, see Footnote #67.

⁸⁷ More than once, Israel is described as less in number than the Canaanites (cf. 7:7). This raises questions about the censuses in the Book of Numbers, which list the fighting men at about 600,000 (Nu. 1, 26). In turn, this figure has led to the traditional estimate that the number of the Israelites was about 2 ½ million. There is substantial reason to question this estimate, but it is beyond the scope of this commentary. The reader may wish to consult the excursus by Gordon Wenham, cf. *Numbers: An Introduction and Commentary* (Downers Grove, IL: InterVarsity, 1981), pp. 60-66.

⁸⁸ The Israelites never completely held nearly this extent of land except in the time of David. For the extent of David's mini-empire, see Kitchen, pp. 101ff.

⁸⁹ At the end of the treaty between Mursilis and Duppi-Tessub of Amurru, for instance, the document ends with the warning that if the vassal did not honor the words of the treaty, the gods would destroy him and everything he owned. If he honored the words, however, the gods would protect him. In the treaty between Suppiluliumas and Kurtiwaza, if the vassal did not fulfill his obligations of obedience, the gods would "blot [him] out", along with his country and his wives, bringing to him misery and poverty, until they had exterminated his name from the earth. If he maintain his covenant loyalty, however, the gods would protect him, his wife, his children, his grandchildren, his country, etc., cf. *ANET* (1969) p. 205, 206.

Specific Covenant Demands (12-26)

Up to this point, Moses' exhortations have been painted with a broad brush. To be sure, the Ten Words and the *Shema* are specific enough, but the general admonitions to love Yahweh, to be faithful to the covenant and to obey the laws of God were general rather than detailed. This approach paralleled ancient Near Eastern suzerainty treaties, which began with general principles and progressed to detailed stipulations. Now, Moses will begin to address a number of specific instructions, offering detailed statutes to be observed. Some of these laws would be related to what had been given initially at Mt. Sinai, particularly the Book of the Covenant (Ex. 21-23),⁹⁰ and some would be new legislation. In all cases, the immediacy of the language meant that each generation would hear these laws, not as something merely for their ancestors, but as laws for themselves (cf. 5:3). They were instructions for religious, civil and domestic life as the Israelites prepared to enter the land of Canaan. Further, they were not simply a recitation of former laws, but they were expositions of those laws with additional details and expanded circumstances.

To some degree (but not entirely), the specific detailed stipulations follow the order of the Ten Words.

12:1—14:21 (*concerning unity, worship and holiness*) follows the first three commandments

14:22—16:17 (*concerning periodic obligations and institutions*) follow the fourth commandment

16:18—18:22 (*concerning officials and responsibilities*) follow the fifth commandment

19:1—21:9 (*concerning war and death*) follow the sixth commandment

21:10—22:30 (*concerning respect for life*) follow the seventh commandment

⁹⁰ For a listing of parallels, see von Rad, *Deuteronomy*, p. 13.

After this, the parallels begin to break down. Still, it is fair to say that the ten words, the very core of the commandments, inform the larger body of legislation and embody it in principle.

Stipulations About Worship

The Central Shrine (12)

That Deuteronomy 12 belongs to a larger, recognizable body of laws that work toward centralization has long been observed. The central shrine was related to the tithing system, since tithes were to be brought to this central place of worship (cf. 14:22-29). The dedication of the first-born was to occur there also (15:19-23). The pilgrim festivals presume a central place where three times each year all males must appear before God (16:16-17). Civil suits, also, would be adjudicated there (17:8-13), and priests and Levites would minister there (18:1-8). Indeed, it is due to this ideal of centralization that many scholars tie the legislation in Deuteronomy so closely to the reforms of Josiah, when discovery of the law scroll in the temple undergirded his efforts to abolish all the various high places as well as celebrate the Passover in the prescribed way in Jerusalem (1 Kg. 23//2 Chr. 34-35).

The initial instruction to completely purge Canaan of the pagan high places and implements of worship (12:1-3) is directly related to the exclusiveness of Yahweh worship, which Moses had inculcated so vehemently. Already he had reminded the people of Yahweh's uniqueness (4:15-40), the sinfulness of idolatry (5:7-11), the oneness of God (6:4) and their own past failures (9:7-24). Now, the people must "seek the place Yahweh your God shall choose for his dwelling" (12:4-7). This would be the place—the only place—where they could sacrifice, bring their tithes and offerings, dedicate their firstborn and celebrate their festivals. This language, "the place Yahweh your God shall choose," is not specific, but it certainly envisions a place to be chosen in the future.⁹¹

⁹¹ Of course, the Samaritan Pentateuch actually is very specific, designating Mt. Gerizim (at the Shechem Pass) as the place where the central shrine should be built. Beginning in Ex. 20:17, where a command to build a sanctuary on Mt. Gerizim was inserted into the text, and later in Dt. 11:30, where the Samaritan Pentateuch adds the word "Shechem," and some nineteen other passages in Deuteronomy where Shechem is to be assumed (where the perfect tense "has chosen" is used), the Samaritan Pentateuch leaves no doubt as to where the central shrine should be constructed. These readings, however, are not to be considered original, cf. E. Würthwein, *The Text of the Old Testament*, trans. E. Rhodes (Grand Rapids: Eerdmans, 1979), p. 43.

It is to the point that this central place would not be identified until the Israelites had been given rest from their enemies (12:8-14).⁹² If, as was stated earlier, the acquisition and settlement of Canaan would be “little by little (e.g., Dt. 7:22),” then the erection of a central shrine lay somewhere in the indeterminate future. Still, a time was envisioned when the wars with the Canaanites would cease, and when this time came, a central sanctuary should be constructed for Yahweh’s name. The instruction that it was to be at a certain “place” implied that it would be a permanent structure, not simply the Tabernacle. The Tabernacle, of course, was also a central shrine, but it was a moveable tent. The “place” Yahweh would choose would be permanent. As is well known, this state of “rest” was not achieved until the time of David (cf. 2 Sa. 7:1), and it is to David that credit must belong for initiating the construction of a permanent sanctuary in Jerusalem, “the place” God chose (2 Sa. 7:2; 1 Chr. 22:1, 6-19; 28:2-19; Ps. 78:67-69; 68:15-18; 48:1-14; 87:1-2).

The law of a central sanctuary where sacrifices were to be offered did not preclude slaughtering animals for food in the outlying regions. It may be that during the wilderness sojourn the Israelites were forbidden to slaughter domestic animals for meat except as sacrifices at the Tabernacle (cf. Lv. 17:1-7).⁹³ Such a procedure would have been totally impractical in Canaan, so an exemption was offered for the new land (12:15); however, as instituted earlier, blood was not to be consumed (12:16; cf. Lv. 17:10-14).⁹⁴ The same latitude, however, was not allowed for tithing, the dedication of the firstborn or offerings and gifts. Sacrificial meat must be eaten only at the central sanctuary, and the details are repeated for emphasis (12:17-28).

The passage closes once more with the warning that the religion of the Canaanites was strictly prohibited. Canaanite worship was detestable to Yahweh, since it even included the sacrifice of children (12:29-32).⁹⁵

⁹² Grammatically, there is a shift in 12:13 to the 2nd person singular, whereas the previous passages were in the 2nd person plural. Though early on this tense shift was used to argue for different sources, and sometimes still is, it now is more common to recognize this shift as one of rhetorical emphasis. Moving from a plural to a singular evokes intensification.

⁹³ This is the position of Milgrom, since the Hebrew verb **טָחַטְחַט** (= to slaughter) can equally apply to sacrifices or common slaughter, cf. J. Milgrom, *Leviticus 17-22 [AB]* (New York: Doubleday, 2000), pp. 1452-1463. This issue is obscured by translations that use the English word “sacrifice” rather than the English word “slaughter” (so NIV), but Milgrom’s point is well taken.

⁹⁴ The essential reason for not eating blood was theological, going all the way back to the time of Noah (Ge. 9:4-5). Blood represented life, and life belong to God alone (Lv. 3:17; 17:10-12).

⁹⁵ A long and knotty discussion on the biblical references to the Canaanite sacrifice of children has gone on for decades. The possible link between the worship of Molech and Punic sacrifices of children from a later period have been explored, but the jury is still out, cf. G. Heider, “Molech,” *ABD* (1992) 4.895-898. Macalister’s excavations at Gezer discovered burial jars with skeletal remains of children, and he took this as evidence of child sacrifice. Later excavators are less certain about Macalister’s conclusions, cf. W.

False Prophets (13)

The third commandment prohibited the misuse of Yahweh's name, and one such misuse was to speak falsely for Yahweh in the prophetic voice, "Thus says Yahweh..." The phenomenon of prophets was widespread in the ancient world, and prophetic texts from Mari, Ugarit, Hamath and other centers are known from the 2nd millennium BC.⁹⁶ It was to be expected that the Canaanites would have their own coterie of prophets, and indeed, one such prophet, Balaam ben Beor, appears in the Transjordan narratives (cf. Nu. 22-24).⁹⁷ Not every prophet spoke for Yahweh, and not every claim to prophethood was genuine. Because prophets were considered to experience immediate supernatural guidance, often attended by dream interpretations or other wonders, the Israelites must evaluate such prophets by the compatibility of their message with the faith of Yahweh. Should such a prophet lead Israel away from Yahweh, that voice was to be considered a false voice, and the prophet was to be executed (13:1-5). Such false voices were a test of Israel's faithfulness, a test of whether or not they loved Yahweh with all their heart and soul (13:3b).

Attending this basic warning against false prophecy were some extenuations. Family and friendship ties were not enough to excuse such heresy (13:6-11).⁹⁸ Reports of villages where such voices were tolerated must be investigated thoroughly, and if true, the entire town was to be destroyed (13:12-18), a destruction comparable to the judgment of upon Canaanite cities. This warning against conspiracy parallels similar warnings in other vassal treaties of the ancient Near East.⁹⁹

Mourning Rites (14:1-2)

The preface might seem disconnected from what follows, but the statement, "You are the sons of Yahweh" and "you are a people holy to

Dever, "Gezer," *The New Encyclopedia of Archaeological Excavations in the Holy Land*, ed. E. Stern (New York: Simon & Schuster, 1993) 2.501.

⁹⁶ M. Weinfeld, "Ancient Near Eastern Patterns in Prophetic Literature," *The Place is Too Small for Us*, ed. R. Gordon (Winona Lake, IN: Eisenbrauns, 1995), pp. 32-49.

⁹⁷ Fragments from the "Book of Balaam" were discovered at Deir Alla in the late 1960s, identifying Balaam ben Beor by name, cf. A. Lemaire, "Fragments from the Book of Balaam Found at Deir Alla," *BAR* (Sep/Oct 1985), pp. 26-39.

⁹⁸ It may be that Jesus' admonition hundreds of years later that one must be prepared to "hate" father, mother, sister or brother in order to be his disciple is drawn from this passage (cf. Lk. 14:26).

⁹⁹ M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Winona Lake, IN: Eisenbrauns, 1992), pp. 91-100.

Yahweh,” sets up the framework both for mourning rituals and dietary laws. As God’s treasured possession, the people of Israel were to be distinct from the surrounding nations. Common pagan rites for the dead included lacerations of the skin.¹⁰⁰ Such practices were strictly forbidden.

Dietary Laws (14:3-21)

The list of forbidden animals parallels Leviticus 11. They are grouped as land animals, water creatures and flying creatures. While many interpreters have sought to find some rationale for the animals disallowed for food (e.g., hygiene, relation to cultic practices, etc.), there is no clear consensus. It may be pointed out, however, that what is popularly called “road kill” was inadmissible since it would not have been bled properly (14:21; cf. 12:23). The final apodictic, “You shall not boil a kid in its mother’s milk” (cf. Ex. 23:19b; 34:26b), from which later rabbis gleaned an entire set of kosher regulations still observed by the Jewish community, was likely directed toward a reverence for life and the separation of life from death, such as seems to have been the basis for other similar laws (cf. 22:6; Lv. 22:27-28).¹⁰¹

Tithing (14:22-29)

The word עֶשֶׂר (= tithe) derives from the number ten and means a tenth. As such, a tithe is not a free-will offering, which might be of any amount, but is a specific share of a larger total. In the ancient Near East, kings exacted taxes from villages as payment to the government in the form of grain, oil and wine, which then were redistributed to the royal household and other officials, such as, artisans, temple personnel, bureaucrats, etc.).

For Israel, tithes were similar to taxes, except that they were for the support of the Levites and priests (14:27-29; cf. 18:1-8; Nu. 18:21-32).

¹⁰⁰ In the Aqhatu Legend excavated at Ras Shamra (1930-31), Canaanite mourning rituals are described in which the mourners “rend their skin,” cf. D. Pardee, “The ‘Aqhatu Legend,” *The Context of Scripture*, ed. W. Hallo (Leiden: Brill, 2003), 1.354.

¹⁰¹ Because of an Ugaritic text discovered and published in 1933, many scholars concluded that this prohibition was directly related to a pagan fertility ritual that symbolized the suckling of newborn gods by pagan goddesses. This explanation has been widely accepted and still appears in many commentaries. However, the conclusion depends upon a reconstructed Ugaritic text, and later scholars have rejected this reconstruction. Other explanations, such as humanitarian concern, have been proposed without much consensus. Milgrom suggests that this commandment was in the interest of showing reverence for life, and while this insight is not conclusive, it is logical within the larger corpus of Israel’s laws, J. Milgrom, “An Archaeological Myth Destroyed: ‘You Shall Not Boil a Kid in Its Mother’s Milk,’” *BR* (Fall 1985), pp. 48-55.

However, there were some unique features to this system. Tithes were only to be presented at “the place Yahweh your God shall choose” (cf. 14:23). Since in the land of Canaan the central shrine might be at a long distance, the agricultural tithe could be exchanged for silver, and the silver taken to the central shrine (14:24-25). Further, a portion of the tithe was available for celebration by the family paying it (14:26). Still, whatever was consumed by the family must be eaten “in the presence of Yahweh,” hence, at the central sanctuary (14:23). In addition to the Levites, the third year’s tithe was not taken to the central sanctuary but collected in the towns for the marginalized—foreigners, orphans, widows and the like (14:29). This amounted to a social program for those dependent upon the community for their welfare.

The Sabbatical Year (15:1-18)

The weekly Sabbath was part of the central requirements in the Ten Words. However, a Sabbatical year also offered “rest” or relief from debt (15:1-2) and debt slavery (15:12; cf. Ex. 23:10-11; Lv. 25). Loans probably came in several forms. A bad harvest could put a farmer in precarious circumstances, and he might have to incur debt for the coming year. One who engaged in trade, the other economic staple of the times, was at risk for caravans that might travel the dangerous trade routes to distant areas.

Loans to fellow Israelites could not be collected in the seventh year and perhaps were remitted altogether.¹⁰² Such debts could continue to be collected from non-Israelites, however, since it would be presumed that because foreigners were not Israelites they were not hampered by the requirement to allow the land to lie fallow during the seventh year and, therefore, were able to pay off any debt more easily (15:3; cf. Ex. 23:10). The purpose of this debt release was so that no one would be reduced to poverty, especially after a series of set-backs (15:4-6). Hence, the Israelites were encouraged to be generous toward their disadvantaged fellow Israelite (15:7-11).¹⁰³

¹⁰² Scholars do not agree on the intent of the word *שְׁמִטָּה* (= release). The issue is whether this refers to a temporary release (i.e., debt repayment could be deferred until after the seventh year) or an absolute remission. Craigie, following Keil and Delitzsch, argues for the former, cf. *Deuteronomy*, pp. 236-237, while von Rad argues for the latter, cf. *Deuteronomy*, p. 106. Supporting an absolute remission is the *misharum* decree of the Old Babylonian kings Samsu-iluna and his successors, where creditors were prohibited from debt collection after the decree had been issued, cf. W. Hallo, “The Edicts of Samsu-iluna and His Successors,” *The Context of Scripture*, ed. W. Hallo (Leiden: Brill, 2003) 2.362-364.

¹⁰³ The expression about stinginess in 15:9, *עַיִן רָעָה* (= your eye is evil, cf. 28:54, 56) is the likely source of Jesus’ expression in the Sermon on the Mount, “If your eye is evil...” (Mt. 6:23a). Similarly, the phrase “the poor will always be with you” (Mt. 26:11//Mk. 14:7//Jn. 12:8) first appears in Dt. 15:11.

Similarly, if an Israelite¹⁰⁴ had entered contractual debt slavery in order to work off a debt, that bondage also was broken in the sabbatical year (15:12, 18; cf. Ex. 21:2-11; Lv. 25:39-55). Even more, the debtor should be released with a generous provision from his creditor (15:13-15). Should the debtor wish to remain in protected servitude for the remainder of his life, he could do so by the ritual of ear-piercing (15:16-17; cf. Ex. 21:5-6). The entryway to homes was considered sacred, and the driving of the awl through the servant's ear on the doorjamb signified that he now belonged to that household.¹⁰⁵

Firstborn Animals (15:19-23)

Firstborn male animals were dedicated to Yahweh and not to be used for secular work, such as, farming or shearing (15:19; cf. Ex. 13:11-16; 22:29-30; 34:19-20; Lv. 27:26-27; Nu. 18:15-18). Rather, they were to be saved for ritual meals at the central sanctuary (15:20). Defective animals were unacceptable for a sacred meal (15:21; cf. Mal. 1:6-14), but they could be eaten at home in a non-sacred context (15:22). As before (15:23; cf. 12:16, 23-24), the blood must not be eaten, but poured out on the ground.

The Pilgrim Festivals (16:1-17)

Israel's annual calendar was punctuated by festivals that illustrated significant features of God's redemptive work. While they also were coordinated with the agricultural cycle, it was not the seasons themselves that was paramount, but the memorial aspect of God's saving acts in the past. Three of these convocations, the *haggim* (= pilgrimages), were to be held at the central shrine and only there (16:5, 11, 15, 16-17; cf. Ex. 34:23).

The Day of Passover at the end of a full week of unleavened bread was to be held at the time of the barley harvest, and it recalled the "bread of affliction" that the Israelites had eaten on the very first Passover (16:1-8; cf. Ex. 12:1-11; Lv. 23:5-8; Nu. 28:16-25). The Feast of Weeks was counted (and so-named) because it fell on the day after a week of weeks from the Passover (16:9-12; cf. Ex.34:22; Lv. 23:15-21; Nu. 28:26-31). This festival came at the time of the wheat harvest, and it recalled the gift of freedom (16:12; cf. Ex. 34:24). The Festival of Booths (Tabernacles) came at the end

¹⁰⁴ Technically, the term is "Hebrew," which may have been a generic term for a landless person, similar to the *Hapiru* that appear in Akkadian texts and the Amarna Letters. In this case, however, the reference is probably to an Israelite, since the Hebrew text uses the word אָחִי (= brother).

¹⁰⁵ Walton, Matthews & Chavalas, p. 98.

of the harvest season and lasted a full week plus one day (16:13-17; cf. Lv. 23:33-43; Nu. 29:12-38). This celebration featured family camping in temporary shelters constructed out of branches. It heralded the end of the agricultural season and recalled the days in the desert when the original Israelites had camped during their sojourn.

Stipulations About Leaders

From things pertaining to worship, Moses now shifts his comments to leaders in the community. Here, Moses will address judges, investigations, the court, kings, priests and prophets. Leaders, each in their own way, contributed to the spiritual well-being or demise of the nation. For Israel, all the aspects of life fell within the larger framework of covenant faith, and while civil and religious categories could be distinguished, they were closely linked in ways that are alien to modern western cultures. Magistrates, courts and kings frequently adjudicated issues that were religious. Priests and prophets were closely linked with civil life.

Judges and Officers (16:18—17:1)

Judges and officers¹⁰⁶ were to be appointed in the various towns of Israel. The method of such appointments is not described. The *qal* verb נתן (= to give, set, appoint) is sufficiently ambiguous to prevent any clear procedure, whether by popular consensus, appointment by others or free election. Moses, at the advice of his father-in-law, appointed the earliest judges (cf. Ex. 18:13-26), Yahweh charismatically raised up judges during the pre-monarchy (Jg. 2:16-17), and Samuel installed his own sons in office (1 Sa. 8:1). David would later appoint judges and officials from within the Levite tribe (1 Chr. 23:3-4). Still later, Jehoshaphat appointed judges for the various towns of Judah (1 Chr. 19:4-7). Perhaps local councils of elders served as such judges in the earliest periods (cf. Ruth 4:2ff.).

Regardless of the appointment procedure, it was incumbent upon all magistrates and their assistants to serve the cause of justice. Apodictic commands to such leaders were emphatic—no favoritism or bribery was

¹⁰⁶ The role of the שטרִים (= officials, record keepers) may have been more or less along the lines of a clerk of the court, since the root is related to the word for document, cf. Koehler & Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: Brill, 2001) 2.1475-1476.

tolerated! The double term **קִדְשׁ קִדְשׁ** (= to be in the right) underscores the goal of fairness and justice, adequately translated in the NIV as “justice and justice alone” (16:20a). The addition of warnings against idolatry or blemished sacrifices may seem oddly placed, but it must be remembered that such rebellion, especially if countenanced by a leader, would naturally entice the Israelites to follow.

The Law of Investigation (17:2-7)

Astral worship was common in the ancient Near East. Shamash, the sun god of Assyria and Babylon, Sin and Yarah, the moon god in Mesopotamia and Canaan, and various other deities associated with the zodiac would become perennial temptations to the Israelites (cf. 2 Kg. 21:1-7; 23:4-5; Je. 19:13).

If magistrates were scrupulously to avoid idolatry, they equally were responsible to investigate reports of idolatry. Idolatry was a capital offense, but any such charge had to be established on the basis of multiple witnesses. A single witness was not sufficient to decide any case. Furthermore, the witnesses themselves must be involved in carrying out the execution, along with the citizens of the village.

The Higher Court (17:8-13)

Israel’s judiciary consisted of lower and higher courts. Local judges could refer particularly difficult cases, such as homicide, assault and battery or complicated litigations, to a tribunal at the central sanctuary. The judges at the sanctuary consisted of priests and Levites, and their verdict was final. They would judge the cases by God’s law, and contempt of court was not tolerated—indeed, was itself a capital crime—for to rebel against this higher court was equivalent to rebelling against God.

The King (17:14-20)

Much has been made of this legislation as pointing toward a later time, as though it were invented in the late monarchy.¹⁰⁷ However, the idea of a kingship in Israel is older than Moses (cf. Ge. 17:6, 16). Kingship would be attempted and rejected in the period of the judges (cf. Jg. 9), then successfully instituted during the days of Samuel (1 Sa. 8-10). Moses

¹⁰⁷ Von Rad’s comments are typical in this regard, cf. *Deuteronomy*, p. 118-120.

anticipated this eventuality, seemingly expecting that such a governmental form was inevitable, since it was the universal custom in the ancient Near East. Still, when such a time came, clear stipulations were given about who was eligible and how he should conduct himself. Such laws were akin to ancient suzerainty treaties in which a vassal must be subordinate to the suzerain. For Israel, the king might be the ruler of the nation, but he stood under the suzerainty of Yahweh, for in the truest sense, only Yahweh was the Great King (cf. 33:5).

First, he must be an Israelite chosen by Yahweh, not a foreigner. Hence, the most important criteria was not popularity, but divine approval. Later, in the northern kingdom, various kings would be chosen, several of them by *coup d'états*. One of them, Omri, may not even have been an Israelite.¹⁰⁸

Several other strictures are now given, all of them typical signs of royal power in the ancient Near East. Israel's king must not develop a large chariot corps for defense. (At this point in history, horses were used for chariots, and cavalry would not become a military norm until much later.) Egyptian horse-breeding for chariots was well-known from ancient times, but the king of Israel must not emulate this military strategy. Also, he must not build a large harem, a usual practice among potentates who wished to establish secure borders by marrying the princesses of adjoining countries. Foreign wives, especially, would lead the king away from his pure devotion to Yahweh. Further, he was not to build a large treasury. Together, all these restrictions converge toward a fundamental thesis. Whatever king might rule, he must be wholly devoted to Yahweh, not depending upon conventional trappings of security and defense. The first king to flagrantly violate these laws was Solomon (1 Kg. 9:16, 24; 10:26-29; 11:1-8).

The king also must wholeheartedly follow the Torah. The "copy of this Torah" probably refers to the law code of Deuteronomy, or it might refer to the Book of the Covenant (cf. Ex. 24:7). In either case, it represented the entirety of God's law, however it was formulated. This copy was likely what was presented to Joash when he was crowned king of Judah (2 Kg. 11:12). Similar to ancient Near Eastern customs, in which a copy of the suzerainty treaty was retained by the vassal, who was obliged to read it periodically, the Israelite king was to read God's covenant law, continually

¹⁰⁸ While certainty is not possible, the fact that Omri is described without pedigree and that his name is considered to be of Arabic origin lends weight to the suggestion that he may have been of Canaanite origin, serving first as a professional soldier and later as Israel's king, cf. J. Gray, *I & II Kings [OTL]*, 2nd ed. (Philadelphia: Westminster, 1970), pp. 364-365.

refreshing his memory with its statutes. Only such faithful obedience would result in the longevity of his dynasty.

The Priests (18:1-8)

Priests, by definition, served at the altar of the central sanctuary, and together with the rest of the Levites they were responsible to teach God's laws to Israel (33:10a; cf. Lv. 10:11; 2 Chr. 15:3; 17:8-9; 35:3; Ne. 8). They were allotted no farms, however, as were the rest of the tribes (10:9; 12:12; 14:27, 29; cf. Lv. 18:20). Instead, they were supported by the offerings of the people, and certain portions of sacrificial animals were designated as food for them and their families as well as various other portions of incoming tithes and offerings (cf. Lv. 2:3; 7:6-10, 31; Nu. 18:9-32).¹⁰⁹ To arrogantly eat sacrificial portions not reserved for them or prepared in a way other than what was ordained for them was considered an affront to Yahweh (cf. 1 Sa. 2:12-17).

Levites who lived in outlying cities or villages, but who for whatever reason came to the central sanctuary, still retained their full rights as clergy. Hence, those who habitually served at the central sanctuary were not allowed proprietary privileges over their fellows, and visiting Levites must be allowed to participate in all services and benefits.

Illegitimate Oracles (18:9-13)

While priests who served at the altar and taught the Torah were legitimate functionaries ordained by God, the various other oracles common in ancient Near Eastern culture were not legitimate avenues by which to relate to the unseen world. Canaanite cultic practices were strictly forbidden, including child sacrifice, sorcery, omen interpretation, mediums or other kinds of magic. Such practices, which included the "reading" of animal entrails, the use of potions and curses, examining livers and contacting the dead were attempts to harness the power of the primordial realm in order to gain special knowledge or help. The people of Israel, by contrast, were to

¹⁰⁹ The careful reader will note that in Leviticus the portion for the priests is described as the breast and right thigh (Lv. 7:28-36), while in Deuteronomy it is the shoulder, jowls and inner parts. The reason for these differences is not entirely clear. Josephus wrote that the priests' portion described in Deuteronomy was for animals slain at an Israelite home rather than at the central shrine (i.e., a non-religious function), cf. *Antiquities* 4.4.74. The priests' portion described in Lev. 7:34, of course, were given in the context of the *shelamim* (= fellowship offering).

understand that Yahweh alone had the ultimate power in the universe, and all other oracles were contradictory to his own self-revelation.¹¹⁰

The ordained priest was a legitimate oracle. The anointed prophet was a legitimate oracle. Canaanite spirituality was not!

The Prophet (18:14-22)

Later in Israel, three functionaries are described as normative for divine guidance, the priest, the prophet and the wise person (cf. Je. 18:18). The special provenance of the priests was the written Torah. The special provenance of the prophets was the immediate word of Yahweh. The special provenance of the wise was long experience and insightful observation. Here, only the priest and the prophet are in view, but either were liable to misdirection, even though categorically both were legitimate oracles.

Like priesthood, prophecy was a well-known phenomenon in the ancient Near East, and earlier, Moses had warned against prophets who misdirected the people (cf. 13:1-5). The penalty for false prophecy was death. While prophecy was a legitimate oracle, even prophets must be assessed. After Moses was gone, God would call his own prophets, and in particular, he would call a prophet like Moses.¹¹¹ The essential quality of such a prophet was that he would speak the very words of God. While Canaanite and Mesopotamian religions focused on magic and ecstasy, the true prophet of God would be a person of the Word who spoke in God's name. So dominant was this feature that in later history the conventional way of describing a true prophet was simply, "The Word of Yahweh came to..." or some comparable phrase (cf. Is. 1:10; Je. 1:2; Eze. 1:3; Ho. 1:1; Jl. 1:1; Am. 1:3; Ob. 1:1; Jon. 1:1; Mic. 1:1; Ha. 1:1; Zep. 1:1; Hg. 1:1; Zec. 1:1; Mal. 1:1). According to Jeremiah, a true prophet had access to God's heavenly council, while false prophets only conjured up messages from their own imaginations (cf. Je. 23:18, 21-22, 25-32).

Thus, Moses instructed that this feature—the true word of Yahweh—would be the hallmark of any genuine prophet. Israel would be accountable

¹¹⁰ Walton, Matthews & Chavalas, pp.189-190.

¹¹¹ As with similar words, the term "prophet" is singular, but it probably serves as a collective, similar to the word "king" used earlier (cf. 17:14ff.) and the word "seed" in God's promise to Abraham (Ge. 12:7). Hence, it is likely that this collective language envisions a line of true prophets. Still, the singular form admits other possibilities, something certainly not lost upon St. Paul with respect to Abraham's "seed" (cf. Ga. 3:16). Similarly, here the singular term "prophet" eventually gave rise to a messianic ideal, and this ideal is clearly reflected in second temple Judaism as well as the New Testament (cf. Jn. 1:21; 6:14; 7:40), cf. O. Cullman, *The Christology of the New Testament*, trans. S. Guthrie and C. Hall (Philadelphia: Westminster, 1963), pp. 13-50. It also is to the point that the Book of Deuteronomy closes by saying that at the time it reached its final form at some undetermined date, such a prophet had not yet come (34:10-12).

to a true word from God, but the people also were responsible to assess such messages, executing false prophets who led them astray. Sometimes, if the people did not follow through in extinguishing this false voice, God himself did so (cf. Je. 28). The litmus test of true prophecy was fidelity to the covenant and accurate prediction (cf. 13:1ff.). Obviously, special factors must be appreciated. Sometimes the predictions of a prophet implied a certain result assuming there was no change in the moral direction of the listeners; however, if the listeners did change their hearts, another result might be forthcoming (Je. 18:7-10). True prophets sometimes deliberately formed their oracles as conditional clauses (cf. Is. 1:19; Je. 7:5-8), but even when they did not, a conditional element is sometimes presupposed (cf. Jon. 3:4-10). Sometimes the fulfillment of a prophetic prediction might stretch too far into the future to be of practical consequence for evaluating that particular word (cf. 1 Kg. 13:1-2; 2 Kg. 23:16-18). Only a future generation could confirm its validity (cf. Eze. 2:5; 33:33). Still, accuracy is a legitimate criteria by which a true prophet would gain his reputation as God's spokesperson (cf. 2 Kg. 14:25). In all cases, to falsely say, "Thus says Yahweh...", was to break the third commandment (5:11; cf. Je. 23:31).

Does this passage about the prophet like Moses speak of a messianic figure yet to come? Peter certainly seems to have thought so in his witness to those who saw the healing of the cripple in the temple (Ac. 3:22-23)!

Stipulations About Criminal Law, War and Miscellaneous Issues

Here, Moses begins a section which is at once more general and harder to categorize. Some of the laws relate to those already covered with respect to worship and leadership. A couple of subjects, asylum cities and Yahweh War, are treated extensively, though most of the others are relatively short sections.

Asylum Cities (19:1-13)

Asylum cities were not unique to Israel. Both Hittite and Babylonian texts refer to protected space, and the citizens of the great temple cities, such as Nippur, Sippar and Babylon, were granted special conditions of asylum.¹¹² After the conquest and occupation of Canaan, six asylum cities,

¹¹² Walton, Matthews & Chavalas, p. 191.

three on each side of the Jordan River, were to be established by the Israelites for cases of manslaughter, that is, the unpremeditated taking of human life without intent to do injury (19:1-3). Such killing was different than murder. Still, the fundamental value of human life remained (cf. Ge. 9:5-6). An example is given of someone killed in a work related accident (19:4-5). Blood revenge was common in the ancient Near East, and the *lex talionis*, the basic rubric “an eye for an eye,” which also appears in the Code of Hammurabi, characterizes the law of Moses (19:21; cf. Ex. 21:23-24; Lv. 24:17-20).¹¹³ The executioner of a manslayer was to be a near kinsman of whomever was killed.¹¹⁴ However, the one who committed manslaughter could escape to an asylum city, where he would be protected from the avenger of blood (19:4-6). The initial and more extensive command for asylum cities had been given earlier (Ex. 21:13; Nu. 35:6-28), and the three cities in the Transjordan so designated were Bezer, Ramoth-Gidead and Golan (19:7; Jos. 20:8). Those in the Cisjordan were Kadesh, Shechem and Hebron (19:8-10; Jos. 20:7).

So long as the one who committed manslaughter stayed within the asylum city, he came under the protection of the city elders. A celebrated case of one such person lured outside an asylum city is narrated from the Israelite civil war in the time of David. The unintentional killing was committed by Abner (2 Sa. 2:18-23), who later sought asylum at Hebron, where he defected from the family of Saul to the family of David (2 Sa. 3:20). When he left Hebron, however, to attempt an end to the civil war, Joab, the kinsman of the man who was killed, took advantage of the circumstance and exacted revenge upon Abner (cf. 2 Sa. 3:22-27, 30). Of course, deliberate murder was to be treated quite differently. Even an asylum city would not be able to protect a murderer, and indeed, the asylum city elders were instructed to give him up if he attempted asylum (19:11-13).

Boundary Markers (19:14)

Property corners were frequently marked by boundary stones in the ancient Near East.¹¹⁵ In the case of Israel, since the land was allotted by

¹¹³ *ANET* (1969), p. 175 (#196, #197, #200). While Hammurabi’s Code lists a variety of other penal actions, it is striking that the “eye for eye” and “tooth for tooth” penalty is in much the same language as the Torah.

¹¹⁴ The term **לְקַיֵּן** in 19:6, which derives from the verb “redeem,” presumes that a redeemer—in this case the one exacting restitution on the manslayer—was to be a relative, cf. Ru. 2:20; 1 Kg. 16:11, where the term **לְקַיֵּן** is used to refer to kinsmen).

¹¹⁵ An example from about the 12th century BC is a boundary stone of Nebuchadnezzar I, which grants land to a chariot commander for his services to the king in the campaign against Elam. This *kudurru* or

Yahweh himself and every Israelite held his land by divine allotment, to move a boundary stone was not only a theft of property, it also was an affront to God. Moving such stones was akin to rustling stock (Job 24:2; cf. Ho. 5:10).

Criminal Witnesses (19:15-21)

Perjury was addressed directly by an apodictic law in the Ten Words (5:20), but here some ramifications are added. In the first place, no crime was to be established upon a single testimony (19:15), a principle enunciated earlier (cf. 17:6). Still, what if perjury was suspected? Both the plaintiff and the defendant were obliged to appear before priests and judges who were to thoroughly investigate the accusation. If perjury was demonstrated, the perjurer was liable to the same penalty as the defendant had he been guilty (19:16-19). Such a policy was intended as a check against reckless charges.

Years later such a perjury was adjudicated by God himself, since the instigator was the queen of Israel and unlikely to be held accountable by normal means (1 Kg. 21:1-24; 22:37-38; 2 Kg. 9:21-26, 30-37).

Yahweh War (20)

All war in the ancient Near East was religious. The patron deities of the respective combatants were viewed as being in conflict with each other. In bas-relief depictions of Assyrian troops, such as those permanently displayed from Assyrian palaces at the British Museum, symbols of the gods are prominently displayed over the heads of the soldiers and chariots. The challenge of Sennacherib's field commander to Hezekiah illustrates this admirably (cf. Is. 36:13-20).

Israel, of course, was no exception, and war was a sacred duty. Victory was to be credited to Yahweh (20:1; cf. 1:30; Ex. 15:3). Any war effort was to be initiated with a sacred ritual conducted by a priest (20:2-4). Saul, Israel's first king, disobeyed this injunction and was severely rebuked by Samuel for his rash neglect (cf. 1 Sa. 13:1-14). In various ways the cultic character of war is described in the Hebrew Bible. The soldiers were consecrated (cf. Jos. 3:5). They renounced sex (1 Sa. 21:5; 2 Sa. 11:11). They took vows (Nu. 21:2; Jg. 11:30-31, 36; 1 Sa. 14:24). The bivouacked army camp was to be ritually clean (Dt. 23:9-14). The weapons of war were

boundary stone was protected by the deity, and a copy was deposited in the god's temple, cf. CD-ROM "Mesopotamian Archaeology in Pictures," (Washington D.C.: Biblical Archaeology Society, 2006), slide 72.

consecrated (1 Sa. 21:5; 2 Sa. 1:21). The military initiative began with sacrifices (1 Sa. 7:9; 13:9-10). Divine guidance was sought (Jg. 20:18; 1 Sa. 7:9; 14:37; 23:2, 4, 9-12; 28:6; 30:7-8; 2 Sa. 5:19, 23).¹¹⁶ When a soldier was mustered, he “stood armed before Yahweh” (Nu. 32:20, 27, 29, 32). It was clear that any success in a war venture was directly contingent upon the nation’s faithfulness to God (Dt. 6:18-19; 11:22-25).

Israel, like many other smaller nations, had no professional army as such. Still, every able-bodied man was expected to participate in a war effort. Those who refused at Kadesh-Barnea were sentenced to die in the desert (Nu. 14). In the muster of volunteers some exemptions were granted, however, such as religious duties in dedicating a new home or farming duties (cf. Lv. 19:23-25) or an upcoming marriage (cf. Dt. 24:5) or even unreasonable fear (20:5-9; cf. Jg. 7:2-3). Similar exemptions from military duty can be found in several ancient Near Eastern texts, though the Code of Hammurabi forbade exemptions.¹¹⁷

Deuteronomy envisions three possible results of Yahweh War. The first two concern enemies not within the boundaries of the Holy Land proper. Such a city under attack might be offered terms of peace in which its citizens could be subjugated rather than exterminated (20:10-11). If such terms were refused, then all males were to be put to the sword for slaughter, and all other occupants and property became the booty of the victors (Dt.20:12-15). Standard practice in the ancient Near East was not to pay soldiers, but rather, that they should be given a portion of the plunder. Typically, women, children, animals and moveable property were the reward of the victors, though captive women were afforded some rights (cf. 21:10-14). However, for Israel this practice was qualified if the enemy was within the borders of the Holy Land proper. This was land that was given to the Israelites in a covenantal grant, and the procedure was to exterminate everything that breathed—men, women, children, and animals (20:16-18; cf. 7:1-2, 16; 13:12-16; Nu. 21:1-3). All such entities within the borders of Israel’s inheritance were to be *herem* (= irrevocably given over to Yahweh, often by total destruction).¹¹⁸

The apodictic command concerning trees (20:19-20) is linked to the use of timber in constructing siege ramps, towers or possibly shoring up tunnels constructed by sappers (cf. 2 Kg. 19:32; Is. 23:13; Eze. 21:22; 26:8-9).

¹¹⁶ G. von Rad, *Holy War in Ancient Israel*, pp. 41-51.

¹¹⁷ Walton, Matthews & Chavalas, p. 192.

¹¹⁸ N. Lohfink, *TDOT* (1986) V.183-184.

Unsolved Murder (21:1-9)

An unsolved murder created special conditions with respect to the shedding of “innocent blood” and the consequences of ritual impurity. Implicitly, such a death involved the whole community as well as individual persons. Any individual who touched a corpse in open country, regardless of how the person died, contracted uncleanness. Such impurity would last a full week, and it was to be countered by a ceremony involving water and the ashes of a red heifer (Nu. 19:16-22). With respect to the community, the elders and judges of the nearest city were obliged to perform a ritual atonement execution of a heifer in a valley untouched by common use. The method of killing, breaking its neck, implies that this was not a normal sacrifice *per se*, but still, an act of expiation in behalf of the community. The killing of the heifer, the ritual washing of hands over its body, and the pronounced declaration of innocence would absolve the community of bloodguilt, since God required an accounting for any such death (cf. Ge. 9:5-6). The crime deserved punishment, but since the criminal was unknown the ritual symbolized accountability, and Yahweh exonerated the whole community by his grace.

Rights of Female Prisoners of War (21:10-14)

That female prisoners of war could become wives of Israelites seems, on the face of it, to be in tension with the command not to intermarry with non-Israelites (cf. 7:3-4). However, the fact that this is described as a war against “your enemies” probably presumes a distant enemy, not an enemy within the Holy Land proper (cf. 20:14-15). Enemies within the Holy Land proper were to be executed, including women (cf. 7:2; 20:16-18). The captive woman must by actions of shaving her head, cutting her nails and discarding her garments renounce her allegiance to her foreign community, thus transferring her allegiance to the family of Israel.

Still, she also retained certain rights. She was allowed to mourn the loss of her parents before the consummation of the marriage. Also, should the husband decide to divorce her, she would become a free woman. She could not be retained or sold as a slave.

Rights of the Firstborn (21:15-17)

Various attempts have been made to defend polygyny in the ancient

world (e.g., loss of men by war, etc.),¹¹⁹ but the Torah neither recommends nor forbids it. Rather, polygyny simply is accepted as a cultural condition, and Mosaic legislation prevents abuses. In this case, the law of primogeniture is in view. The right of the firstborn son to receive a double share of the inheritance was ubiquitous in the ancient Near East in order to ensure the orderly transmission of property between one generation and the next. There were variations, however. In Hammurabi's code, the father could favor whatever son he chose, while in the Nuzi texts the father had the option of altering the firstborn rights.¹²⁰

The legislation here provides that the firstborn son's rights cannot be transferred. It especially cites the circumstance where a husband might love one wife over another, but he cannot favor the wife he loves by transferring the firstborn rights to her son from the son of an unloved wife. Only God could adjudicate such transfers (which he did between Ishmael and Isaac, Esau and Jacob, and Ephraim and Manasseh).

Executing a Rebellious Son (21:18-21)

The fifth of the Ten Words required children to honor their parents (5:16). Children who attacked or cursed their parents were liable to execution (cf. Ex. 21:15; Lv. 20:9). In cases of flagrant disobedience and dissolution, parents could take such a son to the city elders for judgment. After hearing the case, the elders had the authority to call for an execution by stoning. Such rebellion affected the whole community, and the whole community would be involved in the execution.

Exposing an Executed Criminal (21:22-23)

The exposure of an executed criminal—hanging his corpse for public display as a deterrent to crime—had the limited tenure of a single day. The corpse was accursed, not because it was exposed, but rather, it was exposed because the man had committed a capital crime. Continued exposure would become a desecration of the land.

¹¹⁹ Strictly speaking, polygamy implies marriage by a member of either sex, whereas in the Bible what is envisioned is a man having more than one wife (polygyny). The practice of polyandry (a woman with more than one husband) would have been virtually unknown.

¹²⁰ Walton, Matthews and Chavalas, p. 193.

Caring for the Animals of a Neighbor (22:1-4)

If the essence of Mosaic law was “to love one’s neighbor as oneself” (Lv. 19:18b), this law puts such a command into practical application. A neighbor’s straying animal should not be ignored but brought back to the owner. If necessary, it was to be cared for until the owner could be found (cf. Ex. 23:4-5). What applied to animals also applied to any other sort of lost article, such as, a coat. A fallen pack animal heavily laden would not be able to rise on its own, so a “good neighbor” policy was to assist it back on its feet.

Transvestitism (22:5)

The fact that transvestitism and cross-gender values were a central part of the Canaanite fertility cult is vividly portrayed by the graffiti discovered on a large pithos (storage jar) at Kuntillet 'Ajrud about 30 miles or so south of Kadesh Barnea to the south of Judah.¹²¹ The three figures in the composition plus an inscription suggests a bold syncretism in which Yahweh is depicted as having an Asherah (a female divine counterpart). The two foremost figures seem to represent Yahweh and his female consort, a crude distortion of all sorts of biblical norms in the Torah and elsewhere. The third figure is a musician. The central figure is clearly androgynous, since it features both female breasts and male genitalia. Both figures are linked with Bes, an Egyptian demonic deity, and while bi-sexual deities were unknown in Egypt, they certainly appeared in the Levant in more than one instance by the Iron Age.

This passage in Deuteronomy 22:5 seems very much at home in such an environment which encouraged trans-gender expressions. If the creation account in which God made humans male and female is normative for human existence, then Canaanite trans-gender expressions would be fundamentally in tension with such a norm. To reduce this passage in Deuteronomy to a prohibition against women wearing jeans, as many in the early American holiness movement did, is well outside the purpose of this statute.

Birds’ Nests (22:6-7)

The Israelites were permitted to eat certain types of birds (cf. 14:11), but they were not permitted to take a mother bird along with either her eggs or her hatched young. The underlying principle is not immediately clear. Either it

¹²¹ Othmar Keel and Christoph Uehlinger, *Gods, Goddesses and Images of God in Ancient Israel*, trans. T. Trapp (Minneapolis: Fortress, 1996), pp. 210-212.

was an example of humanitarianism (i.e., a reverence for motherhood in general) or concerned with the conservation of a future food supply (i.e., killing the mother would eliminate any future eggs or young), similar to the concern over cutting down fruit trees (cf. 20:19-20).

Roof Parapets (22:8)

Ancient roofs were used for many things—sleeping, relaxing, household chores, and so forth. A parapet was a safety device to prevent anyone from accidentally falling from the roof. Without a parapet, the homeowner might be liable to a manslaughter charge on the basis of neglect.

Inappropriate Combinations (22:9-11)

Three cases of mixing dissimilar objects are forbidden—planting together two kinds of seed, plowing with an ox and a donkey, and wearing fabrics of wool mixed with linen (cf. Lv. 19:19). On the face of it, the reasoning behind these statutes is ambiguous. Various solutions have been offered, such as, the theological importance of maintaining distinctions in the created order, some obscure utilitarian concern, or even some reason possibly related to Egyptian or Canaanite religion. Much later, these statutes were interpreted as concerning the mixing of the holy with the profane,¹²² and this way of thinking has merit. Oxen were clean animals, while donkeys were not (cf. 14:4, 6; Lv. 11:26). Wool and linen were mixed in the curtains of the tabernacle and the high priest's ephod, thus making this a holy combination (Ex. 26:1; 28:6). The combination may have been forbidden for profane use, much as the ingredients for the anointing oil and incense were not to be used for common purposes (cf. Ex. 30:31-33, 37-38). By analogy, a mixture of seed might have been a holy combination, and thus not appropriate for profane use. It has been suggested that fields with mixed seed may have been the kind dedicated to the sanctuary (cf. Lv. 27:16-25). At least in the present legislation, a breach of this law with respect to seed mixing would constitute some sort of defilement requiring that the crop be delivered up to the sanctuary.

Tassels (22:12)

Blues cords sewn onto the four quarters of robe hems was intended as a

¹²² 4QMMT in M. Wise, M. Abegg & E. Cook, *The Dead Sea Scrolls* (San Francisco: HarperCollins, 1996), pp. 358-359.

perpetual reminder of God's commandments (Nu. 15:37-41).

Stipulations About Marriage and Sexual Purity

Virginity (22:13-21)

Marriage customs in ancient Israel began with the betrothal and paying of the *mohar* (bride price) to the girl's father by the bridegroom and his family. Usually, this was completed while the girl was still quite young.¹²³ Later, the girl would be transferred from the home and authority of her father to the home and authority of her husband, and the union was celebrated by the families.¹²⁴ It was to be assumed, of course, that the girl was a virgin, since premarital or extra-marital sex was forbidden on all accounts. If after the consummation of the marriage the husband discovered what he believed to be evidence that she was not a virgin, any accusation on his part meant that the case would be examined by the city elders. If she were to be proved innocent, the girl's parents were obliged to provide evidence of her virginity.

Just what constituted such evidence is not entirely clear. The Hebrew expression **בְּתוּלִים** (= evidences of virginity, evidences of adolescence) is sufficiently ambiguous to prevent precision. Various solutions have been suggested, including the idea that the girl's hymen was broken at the time of the home-taking, the presentation of bloodstained garments or bed-clothes from the first conjugal act, or even a test of pregnancy (i.e., confirmation that the girl was currently menstruating and not already pregnant). Her parents would provide such evidence, and if she was innocent of the charge, the husband would be required to pay a fine to the girl's parents for his slander. Further, he must retain her as his wife. Divorce in such a case was not allowed.

On the other hand, if the girl was found to be guilty, her sexual promiscuity was grounds for execution by stoning.

¹²³ There is only minimal evidence of marriage ages in the Bible, but what evidence there is suggests marriage at a young age. In the case of King Amon, he was crowned at age 22, died at age 24, and succeeded by his son Josiah, who then was already eight years old (2 Kg. 21:19, 23-24; 22:1). Assuming that his son was conceived after his marriage, and allowing for the nine months pregnancy, Amon's marriage age would have been about 15. Josiah's coronation was when he was eight, he died when he was 39 and succeeded by Jehoahaz, who was then 23. Thus, Josiah's marriage also would have been at about the age 15. We probably should assume that the girl in such marriages was close to the same age or younger than her husband. Later Jewish tradition would fix the minimum marriageable age at 13 for boys and 12 for girls, cf. R. de Vaux, *Ancient Israel: Social Institutions* (New York: McGraw-Hill, 1965), 1.29.

¹²⁴ For an extensive treatment of ancient Israelite marriage customs, see R. de Vaux, 1.24-38.

Adultery (22:22-27)

The seventh commandment forbade adultery (cf. 5:18), and here the stipulated penalty was execution.

A married woman and a betrothed virgin were classed the same, even though the in the latter case the marriage had not been completed. If a man seduced a betrothed girl, both were liable to execution. However, mitigating circumstances might alter the death penalty. If the seduction occurred within a town, the execution was carried out for both, because it could be assumed that the union was not a rape. Had it been a rape, the girl would have screamed, drawing attention to her violation. If the union happened in the country, the girl was given the benefit of the doubt. Had she screamed, there would have been no one to hear her, so she was exonerated.

Rape (22:28-29)

A union between a man and a girl not betrothed was treated differently. Here, the man was compelled to pay the *mohar* to her parents and marry her. He was not allowed to divorce her.

Incest (22:30)

Incest was forbidden, and a son was not allowed to marry his stepmother. While more extensive laws concerning incest appear elsewhere (cf. Lv. 18), the basic principle prohibits sexual relations with a near relative.¹²⁵

Stipulations About Purity

Excluded Persons (23:1-8)

The “assembly of Yahweh” covered a variety of circumstances, including the call to worship, the gathering for the annual festivals and the muster for war. Such assemblies were religious by definition, and membership was limited. While the reasons behind such limitations might be obscure, at the very least membership in the assembly was deemed a

¹²⁵ The Hebrew expression לֹא יִלְבַּשׁ אָבִי אֶת-אֵתְרוֹ (= he must not uncover his father’s skirt) is a euphemism for marriage (cf. Ru. 3:9; Eze. 16:8).

privilege, not an inherent right. Eunuchs and bastards were excluded with no explanation given. Possibly, however, they were excluded for the same reason priests with physical defects and sacrificial animals with crushed testicles were prohibited—because they were deformed (cf. Lv. 21:16-23; 22:24-25). Moabites and Ammonites were excluded with the explanation that they had hindered the Israelites in their trek through the Transjordan and attempted to thwart them with a curse (cf. Ne. 13:1-3).¹²⁶

More leniency was given to the Edomites and Egyptians due to closer family ties in the one case (cf. Ge. 25:21-26) and the fact that the Israelites lived as aliens in Egypt in the other. The third generation of either group might be admitted to the assembly. Again, bold promises also were given for Egypt in the future (cf. Is. 19:19-25).

Ritual Purity in Bivouac (23:9-14)

War, as described earlier (see comments on chapter 7), was religious, since the invasion of Canaan was intended to be a divine judgment on the Canaanites. Hence, purity in the war camp was mandatory. Nocturnal emissions and human excrement were ritually defiling. For the one, the soldier was to bathe, and for the other, he was to carry an implement to a location outside the camp to bury the waste.¹²⁷ As an encampment for Yahweh war, Yahweh himself was present in the camp, so the camp must remain ritually pure.

Stipulations About Miscellaneous Things

Fugitive Slaves (23:14-16)

Humanitarian concerns are apparent in this law, which provides protection and asylum for a fugitive slave (a portion of Mosaic law that was regularly ignored by Christian Americans during the period of slavery).

¹²⁶ This law raises the question about the descendants of Boaz and Ruth, which included David. If no one for at least ten generations was allowed into the Lord's assembly, how was it that David, the great grandson of Ruth the Moabitess (cf. Ru. 4:21), was chosen by God to be Israel's king? Perhaps the law was directed toward those Moabites and Ammonites who did not convert to the faith of Israel, and if so, Ruth would have been an exception (cf. Ru. 1:16-17). Some interpreters have suggested that this law was especially relevant for border sanctuaries prior to the building of the first temple, where religious syncretism was more likely to occur. It is of interest to note that in the promises of Israel's restoration, this restriction would eventually be lifted (cf. Is. 56:3-7).

¹²⁷ Technically, the term **תַּנְּזָה** refers to a tent peg or nail, an implement to be used to dig a small hole.

Unlike what one finds in other ancient Near Eastern law codes,¹²⁸ such fugitive slaves were allowed to remain in Israel and not be returned to their masters. Presumably, this statute refers to slaves escaping into Israel from neighboring countries, and probably it derives from the earlier command not to mistreat or oppress aliens (cf. Ex. 22:21).

Sacred Prostitution (23:17-18)

The traditional understanding has been that Canaanite fertility religion included religious prostitution as a sort of imitative magic. Male and female prostitutes reenacted the union of Ba'al and Asherah in the mythology of the change in seasons.¹²⁹ In more recent years, this understanding of Canaanite religion has been challenged, especially inasmuch as the use of the Hebrew Bible as a legitimate historical source has been denigrated by some scholars.¹³⁰ For those who accept the historical legitimacy of the Hebrew Bible, the presence of such a feature in Canaanite religion is ironclad, and in fact, was apt to creep over into Israelite religion as well (cf. Nu. 25:1-9; 1 Kg. 15:12; 2 Kg. 23:7; Pro. 7:10-14; Ho. 4:14). Hence, the practice was proscribed, and any use of monies derived from such prostitution for the payment of sacred vows was strictly forbidden (cf. Mic. 1:7). The use of "dirty money" as a gift to God was an affront to God himself.

Interest on Loans (23:19-20)

Interest on loans could be very high in the ancient world,¹³¹ and while the Israelites were allowed to charge interest on loans to foreigners, they were not allowed to do so to fellow Israelites (cf. Ex. 22:25). When some Israelites became involved in such usury in the post-exilic period, Nehemiah demanded that his fellow-Israelites correct this disobedience (Ne. 5).

Vows (23:21-23)

Vows could be taken as an expression of thanks or even as a reciprocal promise if God allowed favorable circumstances. In all cases,

¹²⁸ In the law code of Hammurabi, for instance, to harbor a fugitive slave or to assist him in escaping carried the death penalty, cf. *ANET* (1969) pp. 166-167 (# 15-19).

¹²⁹ H. Ringgren, *Religions of the Ancient Near East*, trans. J. Sturdy (Philadelphia: Westminster, 1973), p. 167.

¹³⁰ For a discussion of this challenge, see *ABD* (1992) 5.510-513.

¹³¹ Nuzi documents, for instance, indicate that interest could be as high as one half of the loan (50%), while Neo-Babylonian contracts show interest on loans of produce at one-third (33%) and loans of money at one-fifth (20%), cf. G. Barrois, *IDB* (1962) 1.809.

such vows were to be paid without procrastination. Hence, Israelites must be very careful in pledging a vow. Vows were not a requirement, but if a vow was taken, it must certainly be completed. Indeed, later wisdom would urge extra caution and the advice that it is better not to vow at all than to make a vow and fail to complete it (Ecc. 5:1-7).

Sustenance of Travelers (23:24-25)

When an Israelite traveled from one place to another, he was allowed to eat the produce from a fellow Israelite's vineyard or farm so long as he did so only in the interests of temporarily sustaining himself. He must not, however, take advantage of this hospitality by carrying anything away in a basket or using a sickle to reap any of the standing grain.

Divorce and Remarriage (24:1-4)

The Old Testament has a good deal to say about marriage, divorce and remarriage. If a man sold his daughter to be a concubine to pay family debt, for instance, the young woman was eligible for redemption, and once redeemed, she was free, presumably free to marry the man of her choice (Ex. 21:7-11). A divorced woman, just as with a widow, could make a binding vow (Nu. 30:9). Normally, a woman's vow could be countermanded by either her father or her husband, but of course, the case of widows and divorcees could not fall under such a rubric. The fact that a divorced woman could make such a binding vow implied that her status was not inferior to that of a widow. A woman captured in war had rights to be fulfilled before she could be taken as a wife or concubine (Dt. 21:10-11). If later her new husband was not pleased with her, she could be set free, presumably with a certificate of divorce and the right to remarriage. In certain circumstances divorce was not permitted (cf. Dt. 22:19, 29), but there was no absolute prohibition on divorce and remarriage.

In the present law, any man who divorced his wife was obliged to give her a certificate of divorce, a document verifying that she was a free woman and eligible for remarriage. If her second husband divorced her, she was not permitted to go back to her first husband (Dt. 24:1-4). The ambiguous element is the phrase "something indecent." Later Jewish rabbis would argue over what this clause actually meant. What were the justifiable conditions for divorce? The case law offers a general condition but does not explain it. The issue revolved around the expression **דְּבַר עֶרְוַת דְּבָר** (= an indecent thing). By the time of Jesus, the more severe position, following Rabbi Shammai, defined the

basis for divorce as sexual infidelity along the lines of Deuteronomy 22:13ff. The more relaxed interpretation, following Rabbi Hillel, defined the basis for divorce as more or less anything that might be offensive, whether sexual or not. Essentially, both rabbinical interpretations assumed the legitimacy of divorce but differed on the conditions. In this case, Jesus seems to have favored the interpretation of Rabbi Shammai over that of Hillel (Mt. 19:9). In the metaphor of Israel as God's wife, this law is raised in an oracle of Jeremiah (Jer. 3:1). In the promised restoration of Israel, the implications of this law would be remanded (Je. 3:6ff.), so that God could take Israel back as his wife, even though she had been "married" to another.

All these statutes arise in a thoroughly patriarchal society, and they seem aimed as a concession for the protection of an unloved wife. They also seem to protect the woman from the indignity of being relegated to a secondary role after having had a higher status. A certificate of divorce, by definition, implies the possibility of remarriage, else there was no need for the document in the first place. This law does not institute divorce, for it already was a well-known practice in the ancient world, a point that centuries later Jesus would reinforce (cf. Mt. 19:7-8). The Pharisees took Moses' words as a "command." Jesus considered Moses to have given a concession due to the hardness of human hearts.

Military Exemption (24:5)

Earlier, a betrothed man was exempted from military duty (20:7), and here a newly wedded man was exempted for a full year. This law, like the fugitive slave law, seems to rest on humanitarian principles.

Millstones and Debt (24:6)

The grinding of grain was a constituent part of domestic life in the ancient world, and the ancient mill consisted of two grinding stones, the heavy, stationary stone and a lighter upper stone.¹³² To dispossess a family of its millstone for collateral, even the lighter top stone, would be to eliminate the family's means of sustenance. As in the previous law, humanitarian concerns seem to lie behind this statute.

¹³² K. van der Toorn, *ABD* (1992) 4.831.

Kidnapping (24:7)

As mentioned in the discussion of the 8th commandment, the verb for theft can also include persons (cf. 5:19). This statute reflects upon such kidnapping for the purposes of slavery, an action that would have had historical memory for the Israelites, since the brothers of Joseph sold him as a slave into Egypt (cf. Ge. 37). Kidnapping for slavery was a capital crime in Israel, just as it was in the Code of Hammurabi.¹³³ However, voluntary slavery was permitted (cf. 15:12-18).

Leprosy (24:8-9)

This statute obviously depends upon a knowledge of the fuller law in Leviticus 13-14. It does not repeat that extensive legal material, but simply urges that it be followed. Miriam temporarily had been struck with leprosy as a judgment due to her criticism of Moses (Nu. 12:1-15), so the historical memory of the incident intensified this law.

Collateral (24:10-13)

As indicated earlier, interest was forbidden between fellow Israelites (23:19-20). Here, collateral is permitted, but it could not be a forcible collateral but one chosen by the Israelite to whom the loan was to be made. Often enough, such collateral would end up being a personal item, such as a cloak. The one making the loan could not keep it overnight, since this would deprive the poor man of warmth.

Wages (24:14-15)

In subsistence living, the hired person was always at risk, since he lived day by day, hand to mouth. Hence, wages were to be paid daily. God's favor toward the poor is again emphasized, for he defends them when they cry out to him.

Family Culpability (24:16)

Vicarious punishment was allowed in some ancient Near Eastern law codes.¹³⁴ Here it is forbidden. Later in Israel's national history, King

¹³³ ANET (1969) pp. 166 (#7, 9-10, 14).

¹³⁴ In Hammurabi's Code, for instance, if a builder constructed a house that collapsed so that it caused the death of the owner's son, the son of the builder would be executed, cf. ANET (1969) p. 176 (#229-230).

Amaziah of Judah was commended for obeying this law in connection with the execution of those who assassinated his father (cf. 2 Kg. 14:5-6).

Probably this statute referred especially to civil law adjudicated by the local courts. In cases adjudicated by God himself, entire families could be executed (cf. 13:12-17; Jos. 7:24-26; 2 Sa. 21:1-9; 2 Kg. 9:26). Hence, individual responsibility and corporate responsibility stood side by side in the Mosaic laws, and cases of civil judgments were handled differently than cases of divine punishment.

Protection of the Weak (24:17-18)

Obviously, many of the laws in this section are humanitarian in character. The protection of the weak and vulnerable is at the forefront (cf. 10:18). Here, foreigners, orphans and widows are to be protected, which is itself a kind of justice. Throughout the Torah, such laws serve to emphasize that this benevolence was the responsibility of the whole community (26:12; 27:19; cf. Ex. 22:22; 23:6, 9; Lv. 19:33-34). Centuries later, violations of such social justice became a central theme for the 8th century prophets (Am. 2:6-8; 4:1-2; 5:11-12; 8:4-7; Is. 1:21-23; 3:13-15; Mic. 2:1-2; 3:1-3).

Gleaning (24:19-22)

Overlooking a sheaf in harvest was considered to be a blessing to the disadvantaged, for they were afforded gleaning privileges. The same was true for picking orchards or vineyards. Indeed, other statutes actually encouraged deliberately leaving some grain or grapes for the poor and alien (Lv. 19:9-10; 23:22). The sabbatical year also was instituted out of concern for the poor (Ex. 23:10-11). Such a humanitarian mindset was based on the memory of Israel's slavery in Egypt, and the Israelites must not forget!

Further Miscellaneous Stipulations on Individual Rights

Limitations on Corporeal Punishment (25:1-3)

Corporeal punishments of various sorts are widely known from the ancient Near Eastern law codes. Both men and women could be flogged,

with the number of lashes ranging from twenty to sixty.¹³⁵ Here, the maximum number was to be forty, though later rabbis, in order not to violate inadvertently the maximum allowed, would reduce the count to thirty-nine (cf. 2 Co. 11:24).¹³⁶ A guilty man so sentenced was to be flogged in the presence of the judge (or in village life, the town elders). The limitation would prevent the abject humiliation of the one found guilty.

Oxen Used for Threshing (25:4)

Threshing sledges were pulled by oxen over shocks of grain on a threshing floor in order to loosen the ears or grain from the stocks. The statute that they were not to be muzzled implies that they would be allowed to eat while working, a humanitarian concern found only here in the Torah. Later, St. Paul would appeal to this passage as warrant for ministerial financial support (cf. 1 Co. 9:9-12; 1 Ti. 5:17-18).

Levirate Marriage (25:5-10)

In levirate marriage (literally, “brother-in-law marriage,” from the Latin *levir*), a brother-in-law could marry his brother’s widow so that the first-born son of the new union was reckoned to the deceased father. The brother-in-law might decline this obligation, but to do so would be considered dishonorable. He had shirked a solemn duty. The widow’s symbolic action of spitting in his face and removing one of his sandals would disgrace not only the man himself, but also his family. The benefit of levirate marriage, of course, was the preservation of property within the family structure. Sandals, the common footwear, symbolized the ability to acquire land, since land was marked off in triangles that were sized according to what a man might walk in an hour, a day, a month or a year (1 Kg. 21:16-17). Sandals represented moveable title to land, and by removing a sandal, the widow removed the right of the brother-in-law to acquire the land of her deceased husband.¹³⁷

Levirate parallels are known in other ancient cultures, and Hurrian, Hittite and Assyrian texts address it with some variations.¹³⁸ Two actual incidents relating to levirate marriage are describe in the Hebrew Bible, the circumstance of Judah’s sons with respect to Tamar (Ge. 38) and the

¹³⁵ Walton, Matthews and Chavalas, p. 199. Middle Assyrian Law A18 specifies 40 lashes, cf. *ANET* (1969), p. 181. Hammurabi’s code specifies 60 lashes, cf. *ANET* (1969), p. 175 (#202).

¹³⁶ *Makkot* iii.10-15.

¹³⁷ Walton, Matthews and Chavalas, p. 200.

¹³⁸ *ANET* (1979), p. 182 (#30, 313, 33); also, R. de Vaux, 1.38.

marriage of Ruth to Boaz (Ru. 3-4). Levirate marriage is presupposed in the Sadducees' question to Jesus (Mt. 22:23-28).

Interfering in a Fight (25:11-12)

The NIV obscures this text by translating only “If two men are fighting...” The Hebrew text is more specific by specifying “a man and his brother.” Theoretically, a “brother” might simply be another Israelite, but it seems more likely that this law is linked to the previous one regarding brothers. If the wife of one brother sought to stop the brawl by grasping the testicles of the other brother, she would be punished by having her hand severed. This is the only occasion in the Hebrew Bible for a specific sentence of mutilation, though it was common in Hammurabi's laws as well as Middle Assyrian laws.¹³⁹

The reason for the severity of the punishment can only be guessed, but more than likely, it concerned the sacredness of life epitomized in the potential damage to the reproductive organ of the one brother.

Dishonest Metrology (25:13-16)

Differing weights and volume measures, one heavy and one light or one large and one small, were a means for cheating in business transactions in the period prior to minted coinage. Typically, a cheater would use a heavy weight to buy and then a light one to sell or a large one to buy and a small one to sell. God required that the Israelites be scrupulously honest (cf. Lv. 19:35-36). Archaeologically, we find that excavated weights from ancient Israel were not identical (they vary by a margin of up to 6%),¹⁴⁰ but to deliberately deceive a buyer through intentional dishonesty was strictly forbidden.

The prophets inveighed against such dishonest practices (Am. 8:5; Mic. 6:11; cf. Pr. 11:1; 20:23) by which Israelites could defraud their fellows. In the restoration, the ideal of honest weights and measures would be strictly enforced (Eze. 45:10-12).

The Annihilation of Amalek (25:17-19)

This law recollects a specific encounter between the Israelites and Amalek in their journey through Rephidim (cf. Ex. 17:8-16), but it also

¹³⁹ ANET (1979), p. 175 (#195-200) and p. 181 (#A8).

¹⁴⁰ D. Wiseman and D. Wheaton, NBD (1962), pp. 1319-1320.

likely recalls other incidents, such as the one near Kadesh Barnea (Nu. 14:39-45).¹⁴¹ The Amalekites had attacked stragglers at the rear of the main body, and unlike the reprieve granted to the broader clan of the Edomites (cf. Dt. 23:7), the Amalekites were marked for destruction. It was due to failure to observe this basic command that Samuel so severely condemned Saul, Israel's first king (1 Sa. 15).

The Law of First-Fruits

The First-fruits Ceremony (26:1-11)

A liturgical first-fruits ceremony after entry and settlement into Canaan was to be conducted at the central sanctuary. The Israelite man was to carry a basket of first-fruits and approach the priest with a verbatim declaration affirming his entry into the land (26:1-3). The priest would receive the man's basket, setting it before the altar. The Israelite then would declare a brief summary of his ancestral history, beginning with Jacob, including the sojourn and suffering in Egypt, and the exodus (26:4-9). The offering of these first-fruits was a symbol of all Canaan's bounty that now had become his, a cause for rejoicing, thanksgiving and sharing with the protected classes of Levites and aliens, who had no land inheritance (26:10-11). Presumably, this liturgy was to be repeated by succeeding generations. It was a type of historical credo, a confession of historical faith.¹⁴²

This act of giving first-fruits was widely known in the ancient Near East and included animals, vegetables and humans. Israelite law, of course, provided for the redemption of some animals and all first-born humans (cf. Ex. 13:11-13; 22:29b; 34:19-20; Lv. 27:26; Nu. 3:13; 8:17; 18:14-15; Dt. 12:6, 17; 15:19). Still, the basic principle was that Yahweh was the source of all bounty, and the first-born belonged to him by right.

¹⁴¹ The Amalekites were descendents of Esau through Eliphaz (Ge. 36:12, 15-16; cf. 1 Ch. 1:36). Since they are not mentioned in any extra-biblical source to date, the Hebrew Bible is our only source of information, cf. G. Mattingly, *ABD* (1992) 1.169.

¹⁴² Gerhard von Rad describes this ceremony as creedal and perhaps the earliest recognizable example of a creed, cf. G. von Rad, *The Problem of the Hexateuch and other Essays*, 3rd ed. (London: SCM Press, 1984), p. 5. He may be correct, though if there is an early creed in the normative sense, the Shema of Dt. 6:4 may have a better claim. In any case, it is unnecessary to accept von Rad's further conjecture that this tradition stands over against a more-or-less independent tradition concerning the events at Sinai, or that the two traditions were only combined much later.

Third Year Tithes (26:12-15)

Israel's tithing laws, which are related to the first-fruit laws, covered a three year cycle. In the first and second years, a tenth of one's increase was gathered and taken to the central sanctuary for an annual celebration of God's bountiful blessings, while the tithe was used for a family feast (12:5-19; 14:22-27). The third year tithes, however, were marked off for storage in the local towns and villages as allotments for aliens, widows and orphans (cf. 14:28)—in short, as provision for those who had no farms or other resources—but especially for the Levites (cf. Nu. 18:21, 24-32).

The ceremony of the third year tithes included a solemn declaration before Yahweh consisting of both positive and negative confessions. On the positive side, it affirmed that the tithes had been duly collected and saved for those to whom they were assigned. On the negative side, it affirmed that the worshipper had not neglected this aspect of his faith, and especially, he had not consumed any of these tithes for himself in inappropriate ways. Such a confession then became the ground of his prayer for blessing.

Sealing the Covenant (26:16-19)

In concluding the miscellaneous laws and stipulations, Moses urged that Yahweh expected obedience "with all your heart and with all your soul." There in the Plains of Moab the people of Israel had acknowledged Yahweh as their God and had promised to live according to his statutes. In return, Yahweh had declared about them that they were to be his special people, the very thing he had promised to them at Mt. Sinai (cf. Ex. 19:5). As the sovereign God he could be counted upon to bestow his blessings upon an obedient people, blessings of praise, fame and honor to a people set apart for himself.

The Blessings and Curses

The Altar on Mt. Ebal (27:1-8)

The divine command to build an altar on Mt. Ebal presumes that the Israelites had knowledge of Canaan's terrain even before the upcoming invasion. Two mountains, Mt. Ebal (3077') and Mt. Gerizim (2849'), flank the Shechem pass in the central Cisjordan. Here, the Israelites were to set up stones, cover them with plaster or whitewash, and write on them the Torah

Yahweh had given them. The exact extent of the writing is not entirely clear. It could refer to the whole corpus of legislation in Deuteronomy 12-26, or it might envision the Book of the Covenant, which underlay the Deuteronomic legislation (cf. Ex. 20:22—23:33; cf. 24:7), or even the Decalogue which was the moral summary of everything. This altar of field stones (cf. Ex. 20:25) was to be built on Mt. Ebal, and *holocausts* and *shelamim* offerings were to be presented there.¹⁴³

The eventual building of this altar is duly described in the Book of Joshua (Jos. 8:30-35). Excavations on Mt. Ebal have uncovered a square-based structure of fieldstones which, on the basis of excavated scarabs archaeologist Adam Zertal dates to between the reigns of Ramses II (19th dynasty in the 13th century BC) and Rameses III (20th dynasty in the early 12th century BC). Other excavated pottery forms (collar-rimmed jars) support this dating as well. The structure, which was built of undressed field stones laid on bedrock, he took to be an Israelite altar, possibly the very one built by Joshua, and several features seem to support this identity.¹⁴⁴ At the very least, the site conforms to the basic criteria for cultic sites: it is isolated, features unusual artifacts, retained its cultic character over long periods of time and has parallels with other known cultic sites.

The Ritual of Blessings and Curses (27:9-26)

Moses' lengthy rehearsal of laws now reaches a climax denoted by his proclamation, "This day you have become the people of Yahweh your God!" Such a proclamation presumes that in their acceptance of the covenant and their solemn promise to obey it, they now had become the people God had intended them to be—a holy nation and Yahweh's treasured possession (cf. 26:17-18). The fact that Moses is described here in the third person (chapters 5-26 are presented as a single speech in the first person) and that in 28:1 the text resumes in the first person suggests that this section may have been composed independently.

¹⁴³ The burnt offering (Lv. 1) seems to have been the quintessential offering in Israel's sacrificial system and was adaptable to those occasions when an acknowledgment of sinfulness in general might be expressed. The fellowship offering (Lv. 3) was an act of freewill devotion and thanksgiving.

¹⁴⁴ A. Zertal, "Has Joshua's Altar Been Found on Mt. Ebal?" *BAR* (Jan/Feb 1985), pp. 26-43. As with all archaeological discoveries, interpretations vary. One archaeologist, Aharon Kempinski, suggested the structure might simply be an Iron Age I watchtower, cf. *BAR* (Jan/Feb 1986), pp. 42, 44-49, but see Zertal's pointed rejoinder, cf. *BAR* (Jan/Feb 1986), pp. 43, 49-53. Scholar Michael Coogan (Harvard) agreed that the site was cultic but suggested it may have been a Canaanite site taken over by the Israelites, cf. H. Shanks, "Two Early Israelite Cult Sites Now Questioned," *BAR* (Jan/Feb 1988), pp. 48-52. In spite of objections, the evidence suggesting that this was an early Israelite cultic site remains strong.

In addition to the construction of the altar with its inscription, the Israelites also were to perform a ritual of blessings and curses, staging the tribes on the two slopes of the facing mountains, Gerizim and Ebal. Those on Mt. Gerizim were to bless the people, while those on Mt. Ebal were to pronounce curses. The structure of the ritual would include recitations by the Levites and a response from “all the people.” It is worth noting that the division of the tribes on the two mountains follows the ancestry of their mothers. The tribes descended from Leah and Rachel (Simeon, Levi, Judah, Issachar, Joseph and Benjamin) were to pronounce blessing, and the tribes descended from Zilpah and Bilhah (Dan, Naphtali, Gad and Asher) were to pronounce curses. The two remaining tribes, Reuben and Zebulun, also were grouped on the curses side, Reuben, presumably because he had forfeited his birthright through incest (27:20; cf. Ge. 49:4), and Zebulun for reasons unknown.

The blessings are not listed in the description of the ritual (though they will be mentioned later, cf. 28:2-14), but it is not unreasonable to suppose they would have been the opposite of the curses. Twelve curses are specified, presumably following the number of the twelve sons of Jacob. To each curse, the people of Israel assented by the response, “Amen.” The nature of a curse clearly suggests that any crime, whether discovered and adjudicated or not, was a crime against Yahweh and deserving of his divine retribution. Idolatry, dishonoring parents, stealing property, misleading the blind, depriving justice to those most vulnerable, incest, bestiality, murder, bribery and disobedience are singled out for cursing. Some of these, obviously, directly derive from the Decalogue, but there are no less than four curses against sexual deviation, which derives from the levitical code (Lv. 18:6, 8-9, 23; 20:11, 14-17, 19). This ritual of blessings and curses was duly carried out by Joshua after the Israelites had entered the land (Jos. 8:33-35).

Blessings for Obedience (28:1-14)

Blessings and curses, such as those found here, were a constituent part of ancient Near Eastern suzerainty treaties in the third, second and first millennia BC. In particular, the Vassal Treaties of Esarhaddon in the 7th century have several striking parallels.¹⁴⁵ As was generally true in such vassal treaties, loyalty to the suzerain meant blessing, and since Yahweh was

¹⁴⁵ ANET (1969), pp. 534-541. It is unnecessary to conclude, however, that Deuteronomy borrows directly from such treaties, a conclusion reached by Moshe Weinfeld, cf. *Deuteronomy and the Deuteronomistic School* (1992), pp. 116-129. Rather, the form of such treaties is followed and perhaps some of the content of has been adapted, cf. Craigie, Deuteronomy, pp. 339-340.

Israel's Great King, obedience to his covenant would result in material blessings.

These blessings would include both farmers and city dwellers. Families, fields and livestock would be fertile. Even the vessels for collecting and processing crops would be blessed along with the entire life of the obedient devotee. Victory over enemies and blessing upon every aspect of the land would follow. As promised, the people of Israel would become Yahweh's holy nation (cf. 26:18; 27:9), a testimony to the surrounding nations. In Canaan, a land whose inhabitants were devoted to the fertility deities, it would be Yahweh himself who would provide rain and bounty. Israel would be in the enviable position of being able to loan and not having to borrow. Obedience was the pathway of blessing!

Curses for Disobedience (28:15-68)

The first section of curses begins with the conditional "if you do not obey...", and the same descriptions of life follow that were enumerated in the blessings, though this time the blessings are reversed to curses (28:15-19). Then comes a detailed description of disasters that would attend covenant violation, including disease, drought, blight and spoilage (28:20-24). Enemies would defeat them, leaving their carcasses as food for scavengers (28:25-26). Madness, blindness and incurable disease of body and mind would afflict them (28:27-29). All these curses seem to follow a standard pattern, and the parallels with other ancient Near Eastern vassal treaties are remarkably consistent.¹⁴⁶ Disaster is piled upon disaster, especially those perpetrated by enemies, who would rape, pillage, steal, kidnap and oppress (28:30-35). The consequences would be national, not merely local, and would include deportation to pagan countries (28:36-37). Farming would be stymied by insects (28:38-42). Resident aliens would prosper, while citizens would be degraded (28:43-44).

The second section of curses does not begin with an "if" clause, but it presumes a broken covenant, for it continues to outline disasters "because you did not obey." Such curses would serve as a sign to future posterity; there were only two ways, and the Israelites must understand that they certainly would serve someone—either Yahweh in covenant obedience or their enemies in the horrors of deprivation (28:45-48). The invasion of foreigners who spoke in strange tongues would fall heavily, exhausting their resources and leaving them with nothing (28:49-51). Walled cities would

¹⁴⁶ For instance, both the content and order of these afflictions in Dt. 28:26-33 match those in Esarhaddon's vassal treaty, cf. *ANET* (1969), p. 538 (#419-430).

face the terror of siege (28:52), and exhaustion of storage supplies would become so dire that people would resort to cannibalism (28:53-55), eating their own children and even the afterbirth (28:56-57). These grisly circumstances are clearly described centuries later in the invasions of the northern and southern kingdoms (cf. 2 Kg. 6:26-29; Je. 19:9; La. 2:20; 4:10; Eze. 5:10).

As is apparent, the cumulative effect of the curses escalates. The third section of curses reaches a horrific crescendo in which plague, disease and disaster will break out on every hand (28:58-62). Finally, the Israelites would lose the land God was now giving them (28:63). He would exile his people among the nations, where they would be exposed continually to the idolatry of the pagans (28:64). Their lives would be filled with anxiety, turmoil and dread (28:65-67). In short, Yahweh would send them back to the bondage of Egypt—not necessarily Egypt itself, but into circumstances that were every bit as terrible as Egypt had been (28:68).

If this text belongs to the scroll discovered in the temple during the reign of Josiah, which most interpreters conclude, no wonder the king tore his robes in consternation when he heard it read (2 Kg. 22:11; 2 Chr.34:19)! By all accounts in this covenant text, the nation of Judah was headed toward total disaster! It is fair to say that the prophets preached out of the context of the covenant, and the most potent form of that covenant was the book of Deuteronomy.

Moses' Closing Speech (29-30)

As indicated earlier (see Introduction), the bulk of Deuteronomy is comprised of three speeches by Moses, the first a historical prologue rehearsing the past events between Sinai and the Plains of Moab (1:1—4:43), the second a rehearsal and commentary on the covenant faith and Israel's obligations to Yahweh (4:44—28:68), and the final one a renewal of the covenant between Yahweh and Israel (29:1—30:20). The first verse in this final section actually appears as the final verse of chapter 28 in the Hebrew Bible, but it is generally agreed that it serves as a preface for what is to follow, especially since the phrase “the terms of this covenant” appear in both 29:1 and 29:9. Because this is a covenant made “in Moab” as distinct from the covenant at Sinai, it should be regarded as a covenant renewal. Because of their covenant renewal, Moses could say to the second generation, “*You* are now the people of God” (27:9).

This final speech, for all practical purposes, is a brief summary of what already has been described in Deuteronomy 1-28. As Thompson has pointed out, duplicate copies of treaty texts were usual in the ancient world, and perhaps the setting down of this final speech served just such a purpose.¹⁴⁷

Covenant Renewal (29:1-29)

Moses commenced his final speech to the Israelites with an historical review that links up with earlier sections of the book:

29:1-2//1:30; 5:1; 7:18-19; 11:2-3

29:4-5//8:2-4

29:7-8//2:32—3:7

29:8//3:12-17

As the covenant mediator, Moses summoned the Israelites and briefly reviewed their bondage in Egypt. Once again, as earlier (cf. 1:30; 3:21, 27;

¹⁴⁷ Thompson, p. 278.

4:3, 9, 34; 6:22; 7:19; 9:17; 10:21; 11:7), Moses told them, “Your eyes have seen...,” though strictly speaking, we know that most of this second generation did not, in fact, personally see those things (29:2-3). This immediacy of language is intended to reaffirm the second generation’s solidarity with the original generation. The “you” in this passage unites them all, both living and dead, into a single community. Being a witness to such events, however, was not the same thing as embracing them or even understanding them. The Israelites’ hardness of heart allowed them to take such wonders for granted. (29:4). Even the longevity of their clothes and sandals was accepted as ordinary (29:5). The daily provision of manna, not to mention water from the rock, meant that they ate no humanly made bread nor drank humanly processed wine, yet this provision was largely ignored, even though it was given as a powerful testimony that Yahweh was truly their God (29:6). Though the nations of the Transjordan were defeated and their lands divided upon among two and half tribes (29:7-8), Israel still did not fully appreciate what they had seen and heard.

Such stubbornness of heart lay behind Moses’ trenchant call for covenant commitment (29:9-15)! The people must not take for granted God’s mighty acts, and they must not take for granted his words! They must commit themselves to covenant obedience from the greatest to the least. They must not relegate to the past what happened to their parents at Sinai, but they must understand that they themselves were standing before Yahweh as a partner in his covenant, sealed with an oath.¹⁴⁸ This covenant was to be perpetual, solemn and binding, not merely with those present, but even with those not yet born (29:14-15; cf. 5:3). Hence, each new generation of Israelites must also stand before Yahweh and commit themselves to the terms of the covenant.

Immediately following this exhortation comes a stern warning against idolatry, the prohibition in the first two of the Ten Commandments. Idolatry was the essence of covenant disloyalty. The Israelites were only too well aware of the religions of Egypt, the peoples of the Sinai and the Transjordan (29:16-18). Anyone who secretly sought to indulge in pagan idolatry while at the same time securing blessing from Yahweh would earn for himself the zealous wrath of God (29:19-21).¹⁴⁹ The curses of the covenant would surely fall upon him (29:22-23).¹⁵⁰ The end result of such curses would be a terrible

¹⁴⁸ Lit., “to enter into the covenant of Yahweh your God and into his curse” (29:12).

¹⁴⁹ Indeed, it may be just this passage that frames Ezekiel’s remarks about the Israelites who had set up idols in their hearts, cf. Eze. 14:3ff.).

¹⁵⁰ Weinfeld observes that the language of “a burning waste of salt and sulfur” parallels the curse language of several ancient Near Eastern treaty documents, both biblical and extra-biblical, cf. *Deuteronomy and the Deuteronomist School*, pp. 109-114.

sign to future generations and even foreigners, and should they ask why the land of Israel had become a barren wasteland comparable to Sodom and its sister cities or why the Israelites were exiled to a foreign land, the grim answer would point to the broken covenant (29:22-28).¹⁵¹

The final word at this point is an observation about the future. Future covenant failure and harsh reprisals were not something the present generation could foresee. Only Yahweh knew the future. What had been given to Israel, however, were the words of the covenant, and they must carefully follow them entirely (29:29). It was to this covenant that Israel was accountable. Such a statement, of course, has much broader implications, for it suggests that in his self-revelation, God has not provided a total knowledge of himself. What he gives, however, is sufficient for finite humans. To ask for knowledge beyond this is to ask about “things too wonderful for me to know” (cf. Job 42:3; cf. Ps. 131:1; 139:6).

Repentance and Restoration (30:1-10)

While future covenant violation was not something the second generation could foresee, clearly it was a possibility that must be seriously considered. If a future generation did indeed violate the covenant and reap the terrible consequences of their disobedience, they must also realize that judgment and exile were not Yahweh’s final words. Even in exile, the Israelites could cling to hope, because Yahweh would be faithful to his covenant, even if Israel was unfaithful. If the people repented of their covenant unfaithfulness, he would restore them and return them to their land (30:1-3)! No matter how far they had been scattered, it would not be beyond the compassionate reach of their covenant God (30:4-5)!¹⁵² He would perform in them a divine work, turning their curses to blessing and sending calamities toward their enemies (30:6-10).

The metaphor of Yahweh circumcising their hearts (30:6; cf. comments on 10:16) later will be used by Jeremiah in a trenchant call for Judah to turn toward Yahweh (Je. 4:3-4). In the New Testament, St. Paul refers to the regenerating work of the Holy Spirit using this same metaphor (Ro. 2:28-29; Phil. 3:3; Col. 2:11). The deuteronomic hope in this passage stands behind Ezekiel’s passionate promise of restoration (Eze. 36:24-36).

¹⁵¹ The same sort of question attends the suzerain-vassal covenant of Ashurbanipal. *Whenever the inhabitants of Arabia ask each other: ‘On account of what have these calamities befallen Arabia?’ (they answered themselves:) ‘Because we did not keep the solemn oaths (sworn by) Ashur, because we offended the friendliness of Ashurbanipal, the king, beloved by Ellil!’* cf. ANET (1969) p. 300.

¹⁵² It was out of this hope that Daniel offered his intercessory prayer in behalf of the whole nation (Da. 9:4-19).

The God who would discipline his covenant-breaking people could also be counted upon to forgive and restore them when they turned to him “with all their hearts!”

The Final Appeal to Choose Life (30:11-20)

Yahweh’s requirement was not difficult to understand nor impossible to attain (30:11), though centuries later, Peter would frankly concede that it was a yoke that neither they nor their fathers had been able to bear (Ac. 15:10). Their duty was not hidden in heaven nor deposited on the far side of the sea. Rather, it was near them—in their mouths, as they confessed their allegiance to it, and in their hearts as they embraced it (30:12-14).¹⁵³ Moses was setting before them two ways, the path toward life and the road to death (30:15, 19). Earlier, Moses had said he was setting before them a blessing and a curse (11:26-28). Now, that same choice is again in view, and the two ways led to prosperity in the land or certain destruction and exile (30:16-18).

In the ancient Near East, the witnesses to suzerain-vassal treaties typically were the deities of the respective parties who were called upon to adjudicate any failures. Here, heaven and earth are not deified, but they do represent the whole created universe, permanent and unchanging, that stands as a solemn witness to the covenant and its implications (30:19; cf. 4:26; 32:1). Hence, the Israelites must choose life! Yahweh himself was their life (30:20)!

¹⁵³ In the Roman letter, Paul appeals to this double confirmation of verbal affirmation and inward acceptance with respect to the gospel (Ro. 10:6-8). Indeed, it is hard not to conclude that Paul deliberately joins the deuteronomic concept of covenant renewal with Jeremiah’s promise of a new covenant (Je. 31:31-34). If allegiance to the old covenant was to be by confession and faith, how much more was it appropriate for the new covenant!

Appendices (31-34)

The final chapters of Deuteronomy function as an appendices to the three speeches by Moses that comprise the bulk of the book. Here the text looks to the future in view of the coming death of Moses, which already was anticipated in his opening speech (cf. 1:37-38; 3:23-29). While it is common for historical-critical scholars to assign all these sections to a later editor, there is no necessary reason why this should be so except for the account of Moses' death and his succession by Joshua. Indeed, the reference to the "book of the law" (31:24ff.) presupposes that Moses wrote a lengthy account of the entire law, and the term סֵפֶר (= scroll, book) was never used in the ancient Near East to refer to oral tradition.¹⁵⁴ To be sure, some of the material is prophetic, so if a commentator already has eliminated the possibility of prophecy from his worldview, then it is understandable why he might assign material to a later date. Such is not the viewpoint ascribed here, however.

The Succession of Joshua (31:1-8)

Age spans in antiquity were much shorter than in the modern period. Ideally a person might live to about 100, but average life expectancy was usually between 40 and 50 with some notable exceptions.¹⁵⁵ That Moses lived to be 120 would have been even more remarkable in ancient times than in modern. Already God had informed Moses that he would not cross the Jordan, but Yahweh would lead the Israelites into Canaan, and he could be depended upon to give them victory over the Canaanites, just as he had over the kings of the Transjordan. He would never abandon them!

That Joshua was to succeed Moses was already known, of course (cf. 1:38; 3:28; Nu. 27:18-23). Here, Moses begins that final transition, charging Joshua to lead the people into Canaan and divide it up among the clans. To

¹⁵⁴ Harrison, p. 659.

¹⁵⁵ Walton, Matthews & Chavalas, p. 204.

Joshua as to the people, Moses reaffirmed that God would not abandon them (cf. He. 13:5).

Encoding the Covenant Law (31:9-13)

The compilation of written law codes in the ancient Near East is well known. Several Hittite treaties have clauses requiring their periodic reading in public, and the same would be true of what Moses wrote (cf. 31:24).¹⁵⁶ There was to be a public reading every seven years during the Festival of Booths “at the place God would choose” (cf. 15:1ff.; 16:13-15).

Prediction of Israel’s Rebellion (31:14-23)

Yahweh, who was immediately present in the pillar of cloud at the entrance to the tabernacle (cf. 1:33; Ex.13:21-22; 33:8-11; Nu. 12:5), now officially commissioned Joshua. The divine voice reaffirmed that Moses would soon die and that after his death the Israelite nation would violate their solemn covenant. This unfaithfulness would result in the curse earlier outlined in such daunting terms (28). In view of this coming failure, Moses was to write a song as a witness to the nation’s posterity that what God foresaw surely would happen. The song would be a perpetual warning against covenant unfaithfulness. Thus, Moses wrote the song as God instructed him. Yahweh charged Joshua with his solemn duty as the new leader, once more reaffirming that he would be with him when the Israelites invaded Canaan.

Deposition of the Covenant Code (31:24-29)

The written record of the law (cf. 31:9) was now deposited beside the ark of the covenant where earlier had been deposited the jar of manna and

¹⁵⁶ In the treaty between Suppiluliumas and Kurtiwaza, for instance, the code was to be read “at regular intervals,” *ANET* (1969), p. 205. The precise extent of what Moses actually wrote is debated. It is unnecessary to suppose that he wrote the entire of the Book of Deuteronomy as we now have it (especially the account of his own death), but it is equally unnecessary to suppose that everything was recorded later from oral tradition, as some scholars think (or was made up later and does not even date back to Moses). Linguistically, we have only sparse indications of the state of the Hebrew language at this early period, and whatever form Moses used, it may well have needed updating later. Indeed, the Hebrew text of Moses’ song, which presumably was composed at about the same time, contains more than a dozen *hapax legomena* as well as some complicated syntax which remain as challenges for any translator. Still, however one wants to speculate on what exactly Moses wrote, the text clearly indicates that he wrote some form of the covenant law and delivered it to the priests and elders for safekeeping and periodic reading.

Aaron's rod (cf. Ex. 16:33-34; Nu. 17:10).¹⁵⁷ Earlier, also, the Ten Commandments had been placed inside the ark (cf. Ex. 25:16). The written code served as a testimony "against them," a reference later to be taken up by St. Paul to describe metaphorically the accusing code that was nailed to Christ's cross (Col. 2:14).

The Song of Moses (31:30—32:47)

Moses' recitation of the Song given to him by God was intended as a teaching instrument for the nation. While various elements in the song parallel the elements of a covenant lawsuit¹⁵⁸ in which the vassal is arraigned (31:30), witnesses are called (32:1), past benefits are enumerated (32:7-14), indictments are given (32:5-6, 15-18) and a judgment is declared (32:19-25), this song contains elements not typically found in such a covenant lawsuit, namely, a vision of hope for the future (32:36, 39, 43).

The opening of the song calls upon the heavens and earth as covenant witnesses (32:1; see comments on 4:26). Yahweh's teaching would distill like dew (32:2), a metaphor suggesting a gradual accumulation of life-giving wisdom. The fundamental aim of the song was to declare Yahweh's name, an expression of his perfection, power, justice and faithfulness (32:3-4).

The initial accusation is short but potent, offered in the third person as though from a prosecutor. The people of Israel have acted against their suzerain like stupid and rebellious children against a parent (32:5-6).¹⁵⁹ Later, accusations will be given in more detail, but here the preliminary charge is leveled against wayward Israel.¹⁶⁰

Now follows a rehearsal of all the benefits bestowed by the suzerain on the vassal, the stories handed down from generation to generation. When God divided the nations, he chose Israel to be his special people (32:8-9).¹⁶¹

¹⁵⁷ Inasmuch as the jar of manna and Aaron's rod were placed "before" (לְפָנָיו) the testimony, it is unclear whether these implements were inside the ark or deposited alongside it. Later, at least, a clear statement was made that only the tables of stone were in the ark (cf. 1 Kg. 8:9).

¹⁵⁸ Since the discovery of the parallels between ancient Near Eastern suzerain-vassal treaties in the 1950s and the covenant material in the Hebrew Bible, much has been written about the Hebrew *riv* (= covenant lawsuit), which was an important genre used by the writing prophets (cf. Is. 3:13-14; Je. 2:9; Eze. 20:4; 22:1ff.; Hos. 4:1; Mic. 6:2). A number of scholars have pointed out the relationship between the covenant and the *riv*, where God brings charges against Israel for covenant disloyalty, cf. G. Lee, *ISBE* (1986) 3.93.

¹⁵⁹ The translation of 32:5 is especially difficult, but the general tone of indictment is certainly clear enough.

¹⁶⁰ Centuries later, Jesus alluded to the language of a "warped and crooked generation" (Mt. 17:17) as did Peter at Pentecost (Ac. 2:40). Paul will employ the same vocabulary but apply it more widely to the whole culture (cf. Phil. 2:15).

¹⁶¹ In the LXX version of Torah (which is supported by the Dead Sea Scrolls and assumed in Sirach 17:17), God divided up the human race so that each nation has an angelic guardian or protector (cf. Dt. 32:8-9). The LXX text reads, "When the Most High divided the nations, when he separated the sons of Adam, he set

God found Israel in the desert, guarding the nation as an eagle guards its young (32:10-12). Since Yahweh alone had served as Israel's protector, feeding and nourishing the people, it was all the more distressing that Israel would turn to other deities (32:13-14). All these things are described as though they already had happened, for the song was prophetic, and it describes the certainty of the prediction. In future times when the song would be recited, many of these things already would have happened.

In spite of God's blessings in which the nation prospered like a fattened animal, Israel kicked out against the hand that fed her (32:15).¹⁶² The metaphor of God as Rock, which appears several times (32:4, 15, 18, 30-31), suggests his unchangeable solidity and trustworthiness. This security Israel abandoned due to her fascination with foreign religions (32:16-18).¹⁶³ As a prodigal child, Israel abandoned both father and mother to pursue the fashionable new gods of the pagans.¹⁶⁴

Divine judgment was the only alternative in the face of such unfaithfulness. Yahweh rejected Israel because the Israelites had rejected him (32:19-20). They had abandoned Yahweh to serve a *no-god*, and they would be judged in history by a *no-people* (32:21). Their destiny would be calamity, pestilence, plague and war, the stipulated curses for covenant disobedience (32:22-25; cf. chapter 28). In the end, they would lose the land promised to them, and the only thing preventing them from extinction altogether would be the determination of Yahweh to thwart the taunts of the pagans concerning his own integrity (32:26-27; cf. Eze. 20:9, 14, 22; 36:20-23). Only a senseless people would abandon the God who gave them victory, and if a small contingency of the enemy could route the Israelite army (which shortly would happen at Ai, cf. Jos. 7:2-5), how could this happen unless God had forsaken them due to their unfaithfulness (32:28-31)? Typically, it should have been just the opposite (cf. Lv. 26:8; 1 Sa. 18:7)! The enemies of Israel were little more than descendents from the

the bounds of the nations according to the number of the angels of God." It is followed by some English versions (so RSV, NRSV, ESV, NEB, NAB). However, the Masoretic tradition reads "sons of Israel," and the alternative reading is followed by other English versions (so NIV, KJV, ASV, NASB). The number 70 is involved, since there were some 70 nations of the world (Gen. 10) and 70 people who descended into Egypt as the nucleus of Jacob's family (10:22; cf. Ge. 46:27). Whatever text may be original, the main point is that Yahweh had chosen Israel as his own.

¹⁶² The name "Jeshurun" (= the upright one) is a recurring poetic term of endearment for Israel (cf. 33:5, 26; Is. 44:2).

¹⁶³ The idea that the sacrifices of pagan religion in actuality are sacrifices to idols that are fronts for demons is reaffirmed by St. Paul (1 Co. 10:20), and they may have included human sacrifices (cf. Ps. 106:37).

¹⁶⁴ It is of interest that here God, the Rock, is depicted as both father (who fathered you) and mother (who gave you birth). This, of course, stands in direct contradistinction to the deities of the Canaanites and other ancient Near Eastern pantheons in which there were both male and female gods serving as father and mother.

flagrantly immoral Sodomites, so they should never have gained an edge over God's own people unless it was due to a judgment for their covenant violations (32:32-33).

Still, if Israel herself was subject to judgment, her enemies would by no means be exempt. It was God's divine prerogative to avenge, and though the time of their judgment was sealed in the mystery of his will, these descendants of Sodom and Gomorrah would not escape (32:34-35).¹⁶⁵ At the same time, God's compassion for his people in the extremity of their crisis resounded with hope, not despair. He was the God who could both put to death and bring to life; he could wound, but he also could heal (32:36-39). Yahweh swore by himself that he would avenge those who hated him and provide atonement for both Israel and the land (32:40-43). By lifting his hand to heaven and uttering the oath, "As surely as I live," Yahweh confirmed his sovereign authority to judge his enemies and forgive his people. This divine act of swearing by himself echoes God's oath to Abraham that he would multiply his descendants and through them bless all nations (Ge. 22:15-18), giving them the land of Canaan (cf. Ex. 6:8). This powerful hope for forgiveness and restoration was an element that no other vassal treaty of the ancient world contained!

With Joshua at his side, Moses recited to Israel this song, urging them to take its warning to heart (32:44-46). His words were not vain, for in them was the message of life and death (32:47)!

Moses to Die on Nebo (32:48-52)

For a long time, Moses had been aware that he would never cross the Jordan into Canaan (1:37-38; 3:23-29; 31:1; cf. Nu. 20:1-12). Further, God already had told him that the time of his death was near (31:14). Now Yahweh told him to ascend Mt. Nebo in Moab (32:48-49). From the summit, he would be able to view the land of Canaan, and there he would die (32:50-52). Elsewhere, the mountain is identified as Pisgah (3:27; 34:1), but usually the two names are understood as twin peaks of the same mountain (Jebel Shayhan), about ten miles from the Jordan River.

¹⁶⁵ This was the text for Jonathan Edwards' famous sermon at Enfield, Massachusetts, "Sinners in the Hands of an Angry God," preached in 1741. Edwards took the passage to refer to unbelieving Israelites who were threatened with the vengeance of the Almighty, but a closer reading of the text suggests it is Israel's enemies who are threatened, though to be fair, Edwards' application is not inappropriate in light of Hebrews 10:29.

The Blessing of Moses (33:1-29)

The death blessing—a prophetic pronouncement to one’s children shortly before dying—derives from the patriarchs. Isaac blessed Jacob and Esau just before he died (Ge. 27:27ff.), and Jacob gave a similar pronouncement to his twelve sons (Ge. 49:1-28). It is to be observed that such prophetic blessings entailed describing the character of the sons as well as anticipations of their future. In this sense, the blessing of Moses on the tribes follows suit. What Isaac was to Jacob, and what Jacob was to his twelve sons, Moses was to the twelve tribes (33:1).

The blessing begins with a rehearsal of Yahweh’s descent on Mt. Sinai, where the Torah was given. This descent is clearly described in the language of theophany (cf. Jg. 5:4-5; Ha. 3:3ff.), though due to syntactical and vocabulary peculiarities, translators have struggled with the text. The mention of Seir and Paran, which usually refer to a mountain in Edom and some portion of the desert respectively, has occasioned much discussion with respect to the location of Mt. Sinai, though Jebel Musa remains the more popular location.¹⁶⁶ Yahweh’s descent to the mountain was like the shining of the sun (33:2a). That in his descent at Sinai he came with the heavenly hosts is mentioned elsewhere,¹⁶⁷ though these later references are probably dependent upon the text in Deuteronomy (33:2b; cf. Ps. 68:17; Ac. 7:53; Ga. 3:19; He. 2:2).

Then follows an affirmation of Yahweh’s love for Israel, a love expressed in the giving of the Torah (33:3-4). Most important, of course, was the recognition of Yahweh as Israel’s king (33:5). Later, an earthly king might be chosen (cf. 17:14ff.), but any earthly leader must serve under God’s ultimate kingship. Following these introductory affirmations, the various tribes will be addressed in geographical order, beginning in the Transjordan and moving to the central Cisjordan before moving northward and addressing the tribes in more-or-less a clockwise order according to their places of settlement (Gad, however, does not follow this order). The careful reader will observe that the Simeon tribe is missing, while both Joseph tribes, Ephraim and Manasseh, are listed as well as Levi, the tribe without land inheritance. Why Simeon is omitted is not immediately clear, though Simeon seems to have been absorbed into Judah relatively early, perhaps in the time of David.¹⁶⁸

¹⁶⁶ Since the 4th century AD, the Christian tradition has located Mt. Sinai in the tip of the Sinai Peninsula (Jebel Musa). The debate about the location of Mt. Sinai is beyond the scope of this commentary, but one can find alternative suggestions in other sources, cf. *ISBE* (1988) 4.526-528.

¹⁶⁷ The translation “with” rather than “from” the holy ones follows the Targums and the LXX.

¹⁶⁸ E. Masterman and A. Saarisalo, *ISBE* (1988) 4.514.

Reuben, the firstborn son of Jacob, is listed first, and the blessing is simply a wish for survival (33:6). In later history, the tribe of Reuben virtually disappears from the record, and in David's census of the tribes, Reuben is missing (2 Sa. 24:5-6), perhaps having been absorbed by Gad.

Concerning *Judah*, Moses offers a plea for Yahweh's help in time of need, especially in war. Though the translation is difficult (some would say virtually untranslatable), it seems as though the threat for Judah is isolation from the other tribes (33:7). As the vanguard of the Israelite army (cf. Nu. 2:9), Judah's position in combat was particularly vulnerable. Later, of course, Judah would be separated from the northern tribes when the united monarchy ruptured at the death of Solomon.

Levi is addressed at some length. The role of Levites, of course, was addressed earlier (cf. 18:1-8), but here the priestly use of Urim and Thummim as a priestly oracle is featured (33:8a). (cf. Ex. 28:30; Lv. 8:8; Nu. 27:21). These two stones were used to seek direct answers from Yahweh, probably in the form of "yes" or "no" answers (cf. 1 Sa. 14:36-37; 23:9-12; 30:7-8). The quarreling of the people with Moses at Massah and Meribah is cited (33:8b; cf. Ex. 17:1-7), though the specific role of Levi in this rebellion is unclear. When the Israelites fell into the worship of the golden calf, the zeal of the Levites in executing judgment even on their own brothers is commended (33:9; cf. Ex. 23:27-29), and indeed, this incident became the catalyst for setting apart the Levite tribe for special service. As a guardian over the covenant, the Levites had an important teaching role which, in what was largely an oral culture, was a critical function (33:10a; cf. Ho. 4:6; Mic. 3:11). All Levites were not priests, of course, but all priests were Levites; hence, the reminder is given that the offering of incense and burnt offerings belonged by right to the priests from this tribe (33:10b). In all this service, as well as in military defense, Levi is blessed (33:11).

About *Benjamin* Moses said that he held a place of affection, shielded by Yahweh (33:12). The subject of the verb "dwells" is unclear. If it is Benjamin who dwells between Yahweh's shoulders, perhaps it is the metaphor of a child riding on his father's shoulders. If it is Yahweh who dwells between Benjamin's shoulders, then perhaps it refers to the temple, which later would be built on the border of Benjamin in Jerusalem (cf. Jos. 15:8; 18:28).

Joseph would be blessed with water from above and below, yielding the best of seasonal crops in the central mountains (33:13-16a). The reference to the moon probably alludes to the change in the agricultural seasons, and of course, the one who "dwelt in the burning bush" refers to Yahweh himself (cf. Ex. 3:1-6). Joseph is described as a "prince" (33:16b), a

leader with the military strength of a bull or wild ox (33:17a). The two sons of Joseph would inherit substantial allotments in the heartland of Canaan, and Manasseh, of course, also received an additional allotment in the Transjordan (33:17b; cf. Jos. 16-17).

Zebulun and *Issachar*, tribes in the north, are treated together (33:18-19). The reference to Zebulun “going out” may refer to traffic at sea, since Zebulun is near the coast above Mt. Carmel (cf. Ge. 49:13). Issachar’s blessing “in your tents” reflects a more sedentary lifestyle. The idea that either tribe would be involved in sacrifices is obscure.

Gad seems to have been the strongest of the Transjordan tribes, choosing the best areas and enlarging them while not neglecting to serve in the conquest of the Cisjordan (33:20-21; cf. Jos. 22:1-6).

The territory of *Dan* is described as being in the Bashan, reflecting the later migration of the Danites in the time of the judges from the central coast to upper Galilee (33:22; cf. Jg. 18).

Naphtali is northern as well, a favorable territory bounding the Sea of Galilee (33:23).

Asher is the final tribe to be enumerated. Rich in olive trees, his northern territory was a route for invading armies from the north, hence, the reference to fortifications (33:24-25).

The concluding song of praise again mentions Israel as Jeshurun (cf. 33:5; 32:15). God is the cloud-rider who comes to Israel’s aid (33:26; cf. Ps. 18:10; 68:33; Is. 19:1). He is the secure refuge who upholds the nation on his eternal arms and goes ahead to drive out the enemy (33:27). The land of Canaan, which lay just beyond the Jordan, would be abundantly blessed by Yahweh. He would enable the tribes to conquer and possess this good land (33:28-29).

The Death of Moses (34:1-12)

As he was instructed (cf. 32:48-52), Moses climbed Mt. Nebo (Pisgah) where from its summit he surveyed the Cisjordan extending westward from Jericho (34:1-3). From Abraham, to whom the promise of this land originally was given, to the end of Moses’ life was several hundred years at a minimum. God had told Abraham that his descendents would come into this land when “the sin of the Amorites had reached its full measure” (Ge. 15:16). This was the land through which Abraham walked and to whom God said “walk through the length and breadth of it, for I am giving it to you” (Ge. 13:14-17). This was the land about which God initially confronted Moses in the burning bush in the desert, telling him that he

would deliver the Israelites from Egypt and bring them to a place flowing with milk and honey (Ex. 3:16-17). This was the land which the first generation rejected because they were afraid to invade (Nu. 13-14). This was the land that Moses was forbidden to enter because he dishonored Yahweh when he struck the rock in anger (34:4; cf. Nu. 20:12). Now Moses could see it all, stretching out as a panorama of hope and blessing.

Moses died there on Nebo, and God buried him in an unknown place (34:5-6). Later Jewish tradition would add a story about a dispute between Yahweh and Satan over Moses' corpse, an ancient work no longer available to us except in a late, fragmented form traditionally titled the Assumption of Moses, a work cited in the New Testament Letter of Jude (9).¹⁶⁹ Further, we do not have the original story to which Jude referred, though we know he drew from this work due to the testimony of several early church fathers.¹⁷⁰ He cites from this work that when Michael was sent by God to bury Moses, the archangel was opposed by Satan, who claimed that Moses' dead body, being matter, properly belonged to him, and further, that since Moses was a murderer (cf. Ex. 2:11-12), he had no right to heaven. Nonetheless, when Michael was confronted with such condemnations of Moses, he did not retaliate in his own authority. Rather, just as had been done in the vision of Zechariah, he deferred all rebuke to God himself (cf. Zec. 3:1-2). Deuteronomy has no inkling of this extended account, however. The final book in the Torah is simply content to say that Moses was 120 years old at death but still a man of strength and vigor (34:7). When Moses disappeared on the mountain, the people mourned his death a full month (34:8).

In the end, Moses' restriction from entering the land was ameliorated by his ability to see into the future, a prophetic vision granted him by God. As Bruce Feiler puts it, "The Israelites will get the land, but they will continue to struggle with God. Their leader, however, has fulfillment. ...the land alone is not the destination; the destination is the place where human beings live in consort with the divine. ...at the end, he wasn't even looking at the land. He was looking where we *should* look. He was looking at God."¹⁷¹

¹⁶⁹ While we have an extant work called the *Testament of Moses* in the Pseudepigrapha, it has a mutilated ending and does not contain any passage describing what Jude describes. Scholarly opinion is divided as to whether the so-called *Assumption of Moses* originally was part of this mutilated ending following 12:13 or another text altogether, cf. J. Priest, *ABD* (1992) 4.920. In any case, we do not currently possess an ancient copy. What we do possess is a 6th century Latin text (discovered in 1861) that was obviously translated from Greek, and beyond that, perhaps from Hebrew or Aramaic., cf. G. Ladd, *ISBE* (1979) I.158.

¹⁷⁰ Origen, *De Principiis*, iii.2.1 in addition to references in Clement of Alexandria, Didymas, Gelasius, cf. J. Kelly, *A Commentary on the Epistles of Peter and Jude* (rpt. Grand Rapids: Baker, 1969), p. 265; R. Bauckham, *Jude, 2 Peter [WBC]* (Waco, TX: Word, 1983), pp. 67-74.

¹⁷¹ B. Feiler, *Walking the Bible* (New York: HarperCollins, 2001), p. 428.

Joshua ben Nun now stepped forward to assume leadership of the Israelites, endowed with the Spirit and ordained by Moses as the rightful successor (34:9; cf. Nu. 27:18-23). The author of the closing sentiment, that Moses was the greatest of the prophets (34:10-12; cf. 18:15-22; cf. Nu. 12:6-8), presumably comes from a later hand.