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Traditions**

The Heritage of Martin Noth

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THE BOOK OF DEUTERONOMY

Thomas Römer

1. *Martin Noth and Deuteronomy*

a. *Research on Deuteronomy before Martin Noth*

When Martin Noth wrote his *ÜS* in 1943, Deuteronomy was not a focus of attention in Old Testament scholarship. Since Wellhausen, it had found its (maybe somewhat special) place in the Documentary Hypothesis. The identification of the 'Urdeuteronomium' with the lawbook of Josiah's reform had been widely accepted since de Wette's 'Dissertatio critico-exegetical',¹ and Noth did not find it necessary to dispute the point.² Of course, the reconstruction of the nucleus of Deuteronomy was debated and literary-critical approaches proliferated. In the 1940s most scholars took the book of Deuteronomy to be a combination of different editions of an original work. This view was made credible to German scholarship through Steuernagel's commentary on Deuteronomy,³ to which Noth often refers. Noth's *ÜS* contributed significantly toward halting this 'multiple editions-hypothesis'. Quoting Hölscher,⁴ he declared such an idea 'implausible because of the contrived and complicated literary processes which it presupposes'.⁵ For Noth, as for others, the original edition of Deuteronomy lay in chs. 6–28*, especially in the passages with

1. 'Dissertatio critico-exegetica qua Deuteronomium a prioribus Pentateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur' (Jena, 1805). For the history of research on Deuteronomy before Noth, cf. S. Loersch, *Das Deuteronomium und seine Deutungen: Ein forschungsgeschichtlicher Überblick* (SBS 22; Stuttgart: Katholisches Bibelwerk, 1967).

2. Noth, *ÜS*, p. 92, n. 1; *DH*, p. 124, n.1.

3. C. Steuernagel, *Das Deuteronomium* (HKAT 1.3; Göttingen: Vandenhoeck & Ruprecht, 2nd edn, 1923).

4. G. Hölscher, 'Komposition und Ursprung des Deuteronomiums', *ZAW* 40 (1922), pp. 161–225.

5. Noth, *ÜS*, p. 16; *DH*, p. 32.

singular addressees.¹ There was nothing very new here. The novelty in Noth's treatment of Deuteronomy consisted in ascribing it a new context—the 'Deuteronomistic History'. It is astonishing to discover, though, that the book of Deuteronomy did not play a major role in Noth's conception of the Deuteronomistic History.

b. *Deuteronomy and Deuteronomistic History*

In order to describe the structure and coherence of the Deuteronomistic History, Noth began his inquiry with the books of Joshua–Kings, 'in which Dtr is most conspicuous'.² The whole description of particular features of the Deuteronomistic History—the insertion of speeches at crucial points of history, stylistic and linguistic uniformity and the use of old traditions—was made without any reference to Deuteronomy.³ The latter came into consideration only when Noth dealt with the actual beginning of the History. This beginning did not seem very clear cut to Noth, so he proceeded by *via negationis*. He stated that 'there is no sign of "deuteronomistic editing" in Genesis–Numbers'⁴ (a view that is less obvious today than it was to Noth). Hence, the most likely beginning of the Deuteronomistic History was Deuteronomy, where direct links to the following history (31.1–13; 34*) appeared for the first time.

More important still was Noth's observation that Deuteronomy 1–3(4) did not function as an introduction to the Deuteronomic law (chs. 12–25), but as a prelude to the entire Deuteronomistic History. This thesis explains why these chapters have no essential contact with the law and why they contain doublets to the exodus and wilderness traditions of the Tetrateuch.⁵ Herein lies one of Noth's major contributions to research on Deuteronomy, since his insights are still accepted today (with some modifications) by most scholars.⁶ According to Noth,

1. Noth, *ÜS*, pp. 16–18; *DH*, pp. 32–33.

2. Noth, *ÜS*, p. 4; *DH*, p. 18.

3. Noth, *ÜS*, pp. 3–12; *DH*, pp. 17–26. The English translation is problematic on p. 24 (*ÜS*, p. 10). Noth does not say that the unity of the Deuteronomistic History is apparent 'only' when considering the use of material from the old tradition. The expression he uses ('erst recht') should be translated 'especially'.

4. Noth, *ÜS*, p. 13; *DH*, p. 28.

5. Noth, *ÜS*, pp. 13–15; *DH*, pp. 28–30.

6. See the statement of M.A. O'Brien, *The Deuteronomistic History Hypothesis: A Reassessment* (OBO 92; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1989), p. 56 and the history of research on Deut. 1–3 by

with chs. 1–3*, and 31, 34* Dtr provided a framework that placed the law into historiography, as read in 4.44–30.20. Noth's further interest in Deuteronomy was therefore limited to the framework. There was no more need for him 'to consider the literary history of the Deuteronomic Law in further detail'.¹ This did not mean that the kernel of chs. 5–30 came from a single hand; rather, Noth concluded that it had undergone a great deal of unrelated editing, to which belong the passages with plural addressees as well as the Decalogue in ch. 5. Although Noth avoided a detailed investigation of this point, it is clear that a diachronic analysis of Deuteronomy can hardly do with only two layers (Deuteronomic and deuteronomistic). In his analysis of the framework, Noth detected a large number of later additions to the work of Dtr.

c. *Deuteronomy and Diachrony*

After a somewhat general presentation of the structure and purpose of the Deuteronomistic History, Noth examined in detail the texts that he considered deuteronomistic creations. Deuteronomy 1ff. and 30ff. were characterized as the 'History of the Mosaic Period'.² The following table summarizes Noth's results.³

text	source	Dtr	additions
1.1–5	fragment of a lost account	1.1, 2+ $\text{לִבְנֵי יִשְׂרָאֵל}$ in 5	3, 4, 5*
1.6–8	lost source	1.6, 7*, 8ab α	'land of the Canaanites' in 7, 8b β
1.9–18	cf. Exod. 18; Num. 11	1.9–18	
1.19–46	same traditions that lie behind Num. 13–14	1.19–20, 22–27, 28*, 31b–32, 34, 35*, 36, 39a β b, 40–46	21 (sing.), 'cities...' in 28, 31a (sing.), 33, 'evil generation' in 35, 37, 38, 39a α
2.1–25	informational items different from Numbers	2.1–6, 8, 9a α , 13–17, 24a α	7 (sing.), 9a β b–12, 18, 19 (sing.), [20–23], 24a β b, 25

H.D. Preuss, *Deuteronomium* (ErFor 164; Darmstadt: Wissenschaftliche Buchgesellschaft, 1982), pp. 75–84.

1. Noth, *ÜS*, p. 16; *DH*, p. 32.

2. Cf. Noth, *ÜS*, p. 27; *DH*, p. 45, where Noth discusses sources used by Dtr and later additions to the deuteronomistic work.

3. A.N. Radjawane ('Das deuteronomistische Geschichtswerk: Ein Forschungsbericht', *TRu* 38 [1974], pp. 177–216) sums up the texts that Noth considered traditional and those he thought were written by Dtr himself. But, except for Deut. 1–3, he does not take into account the complexity of Noth's analysis.

text	source	Dtr	additions
2.26-3.22	source lost to us, and Num. 21	2.26-29abc, 30a, 32-36, 31.1, 3-7, 8*, 12, 13a	29bβ (1 pl.), 30b, 31, 37 (sing.); 3.2 (sing.), 8*, 9-11, 13b, 14-22
3.23-29 4.1-40		3.23-29 questionable whether Deut. 4* is to be attributed to Dtr or seen as later addition 1-2, 5-8, 10-14, 22-23abc, 25-27	(sing.: secondary) 3-4, 9, 19-21, 23bβ, 24, 29-40; 15-18 ('perhaps') 3a, 4, 6b (sing.); 3b, 5-6a
31.1-8		31.1-2, 7-8	9aβb(?), 11aα, 12a (sing.), 14-15 + 23, 16-22, 27-30 32.1-52
31.9-24	on the basis of an actual practice	31.9aα, (10, 11 aβb, 12b-13 added later possibly by Dtr himself), 22-24	33.1-29 (multiple insertions)
34.1-12		34.1,* 4-6 (only fragments)	1*, 2, 3, 7-12

This list shows that Noth was aware of the diachronic problems of the deuteronomic framework of Deuteronomy. He considered at least half of chs. 1-4, 31-34 as later insertions by various redactors or glossators. But Noth was not interested in going into detail regarding the layers and characteristics of these additions. As will become clear, through this gap in his research Noth (unwittingly) paved the way for several diachronic theories positing two or three Deuteronomists or more in Deuteronomy and the Deuteronomistic History.

As far as the kernel of Deuteronomy is concerned, Noth held that there were manifold insertions, as we have seen. But none of these 'unconnected additions'¹ is linked to the deuteronomic layer of chs. 1-3, 31, 34.² We may, then, conclude that Noth's main interest in Deuteronomy lay in the analysis of the deuteronomic framework. He scarcely used Deuteronomy to describe deuteronomic ideology. Of

1. Noth, *ÜS*, p. 17; *DH*, p. 32.

2. The English translation (*DH*, p. 135) indicates that 9.9ff. and 10.1ff. were written by Dtr, but the German original (*ÜS*, p. 101) suggests that these texts were theological *Vorlagen* for Dtr.

course, he stated that 'Dtr. has centered his history on the theme of worship of God as required by the law,'¹ but he did not investigate the structure and editing of the law any further; he merely remarked that 'law' for Dtr meant the ordinances about worship of 'other gods' and cultic centralization and that 'he apparently ignores the rest of the law'.² Nevertheless, Noth detected theological continuity between Deuteronomistic law and Dtr, when he implied that all texts in Deuteronomy that mention the possibility of a new future after judgment were very late additions, attributable to the final redactors of the Pentateuch.³ A few remarks about the link between Deuteronomy and Pentateuch, are, thus, in order.

d. Deuteronomy and the Pentateuch

From Wellhausen to von Rad, critical scholarship had seen in the book of Joshua the logical conclusion to the account of Israel's origins as told by the Pentateuchal sources. It was therefore common to speak of a Hexateuch instead of a Pentateuch.⁴ Noth's investigations on Deuteronomy made this perception much less attractive: if the first

1. Noth, *ÜS*, p. 103; *DH*, p. 137.

2. Noth, *ÜS*, p. 94; *DH*, p. 125. In 1940 Noth wrote *Die Gesetze im Pentateuch: Ihre Voraussetzungen und ihr Sinn* (Schriften der Königsberger gelehrten Gesellschaft, Geisteswissenschaftliche Klasse, 17.2; Halle/Saale: Niemeyer; repr. in *Gesammelte Studien zum Alten Testament* [TBü 6; Munich: Chr. Kaiser Verlag, 3rd edn, 1966], pp. 9-141; ET, *The Laws in the Pentateuch and Other Essays* [London: SCM Press, 2nd edn, 1984]). In this essay he intended to show that the Deuteronomistic law had been 'perverted' by the Josianic reform, because it was used exclusively to legitimate the centralization of worship (cf. pp. 55-67). In his 1938 article, "Die mit des Gesetzes Werken umgehen, die sind unter dem Fluch", in *In piam memoriam Alexander von Bulmerincq* (Abhandlungen der Herder-Gesellschaft und des Herder-Institut zu Riga 6.3; Riga: Plates), pp. 127-45 (repr. in *Gesammelte Studien*, pp. 155-71), it becomes quite clear that Noth is aware of the diachronic problems of Deut. 12-26.

3. Noth, *ÜS*, p. 109; *DH*, p. 144. The passages in question are especially Deut. 4.29ff.; 10.16; 30.1ff. Noth refers to G. von Rad, *Das Gottesvolk im Deuteronomium* (BWANT 47; Stuttgart: Kohlhammer, 1929), pp. 70-71; repr. in *Gesammelte Studien zum Alten Testament II* (TBü 48; Munich: Chr. Kaiser Verlag, 1973), pp. 9-108 (78-79).

4. Cf. von Rad's famous *Das formgeschichtliche Problem des Hexateuch* (BWANT 78; Stuttgart: Kohlhammer, 1938) repr. in *Gesammelte Studien zum Alten Testament* (TBü 8; Munich: Chr. Kaiser Verlag, 4th edn, 1971), pp. 9-86; ET, *The Problem of the Hexateuch and Other Essays* (London: SCM Press, 2nd edn, 1984).

corpus into which Deuteronomy was incorporated was the Deuteronomistic History, then there was no reason to posit a Hexateuch. For Noth, the absence of Pentateuchal sources in the book of Joshua made a Hexateuch impossible.¹ The Pentateuch therefore was a late construction brought about by the excision of Deuteronomy from the Deuteronomistic History and its insertion into the structure of the Priestly writing.² This view implies a radical change in the interpretation of Deuteronomy: it should no longer be read as the *end* of the Pentateuch but as the *beginning* of the Deuteronomistic History. Perhaps Noth did not realize the dynamite that this new orientation held in reserve, since he remains quite conservative on the subject of the relationship between the 'Tetrateuch' and Deuteronomy. He takes it for granted that in Deuteronomy, Dtr 'has taken over some of the material from the old "Hexateuchal" sources' and 'obviously assumes a knowledge of the content of these sources'.³ Nowadays scholars are less certain about this point. The question of the 'parallel traditions' in Deuteronomy and Genesis-Numbers is presently one of the central issues in the debate on the Pentateuch.

To sum up Noth's main contributions to research on Deuteronomy, we may say that the insertion of Deuteronomy into the Deuteronomistic History opened three major issues: (1) the question of diachrony before, during and after the deuteronomistic editing; (2) the question of deuteronomistic ideology in the book of Deuteronomy and (3) the question of the growth of the Pentateuchal traditions. Other points to which Noth paid less attention, but which played a major role in the discussion after him, were: redaction and composition of the Deuteronomistic law code and, more generally, compositional techniques in the book as a whole.

1. Noth came to this insight in 1938 while working on his commentary on Joshua (*Das Buch Josua* [HAT 1.7; Tübingen: Mohr, 2nd edn, 1953]). In *ÜS* he deals with it in an appendix (pp. 180-216) that may be found in translation in *CH*, pp. 107-47.

2. With the majority of critics, Noth considered Deut. 34.1*, 4-9 as belonging to P and 32.48-52 as a secondary repetition of Num. 27.12-14 (P). Cf. *ÜS*, pp. 190-91; *CH*, pp. 121-22.

3. Noth, *ÜS*, p. 96; *DH*, p. 129.

2. Issues since Noth

a. Diachronic Issues

The problem of the different strata and the 'Numeruswechsel'. From the start, critical scholarship used the mixing of second person singular and plural forms of address in Deuteronomy as a criterion to determine stages of growth.¹ In his diachronic analysis of the deuteronomistic framework, Noth employed this criterion. He considered parts written in the plural as the original deuteronomistic layer and the singular sections as later additions.

In 1962, Minette de Tillesse, who thought of himself as one of the most faithful followers of Noth,² applied this distinction to the whole book of Deuteronomy, claiming that all sections of chs. 5-30 with plural forms of address belonged to Dtr; texts written in the singular should then be seen as belonging to the original form of Deuteronomy.³ In a letter to Minette de Tillesse, Noth agreed with this thesis and conceded that it was a mistake not to expect traces of deuteronomistic editing within Deuteronomy.⁴ This was an important modification of Noth's initial approach.⁵ Soon, however, Minette de Tillesse's work appeared too schematic, and literary-critical analysis working with the criterion of the *Numeruswechsel* produced a multiplicity of Deuteronomistic and deuteronomistic layers.⁶

1. For the history of research on the *Numeruswechsel* before Noth, cf. C.T. Begg, 'The Significance of the Numeruswechsel in Deuteronomy: The "Pre-History" of the Question', *ETL* 55 (1979), pp. 116-24.

2. Cf. what he wrote in the 'complements' to the Portuguese translation of *ÜS* in *Revista Biblica Brasileira* 10 (1993), pp. 229-67.

3. G. Minette de Tillesse, 'Sections "Tu" et Sections "Vous" dans le Deutéronome', *VT* 12 (1962), pp. 29-87; 'Martin Noth et la "Redaktionsgeschichte" des livres historiques', in C. Hauret (ed.), *Aux grands carrefours de la révélation et de l'exégèse de l'Ancien Testament* (Recherches bibliques 8; Paris: Desclée, de Brouwer, 1967), pp. 51-75.

4. This letter is quoted by Minette de Tillesse in his 'complements' (cf. n. 2), pp. 236-37.

5. Cf. the remarks of S.D. McBride, 'Deuteronomium', *TRE* 8 (1981), pp. 530-43 (538).

6. Cf. especially F. García López, 'Analyse littéraire de Deutéronome V-XI', *RB* 84 (1977), pp. 481-522; 85 (1978), pp. 5-49 and Y. Suzuki, 'The "Numeruswechsel" in Deuteronomy' (PhD dissertation, Claremont Graduate School, 1982); *Linguistic Studies in Deuteronomy* (Japanese; Tokyo, 1987). Suzuki

There were, however, other voices claiming that the alternation between passages in the singular and in the plural should be explained differently. For Buis and Leclercq this phenomenon reflected a strategy of oral discourse and could be found in other oral cultures.¹ Lohfink interpreted the *Numeruswechsel* as belonging to the stylistic instrumentation of the authors of Deuteronomy.² Indeed, it seems hazardous to use the *Numeruswechsel* as an automatic criterion in the diachronic analysis of Deuteronomy. First, we must remember that changes from plural to singular addressees occur in many other texts outside of Deuteronomy, that do not all belong to the Deuteronomistic/deuteronomistic tradition (cf. Exod. 23.20-33; Lev. 19 and extra-biblical texts such as the Sefire inscription).³ Moreover, even within Deuteronomy we find texts (ch. 4;⁴ 6.1-3; 11 and many others) where it is impossible to postulate another stratum for each change in addressee. This does not mean that all occurrences of the *Numeruswechsel* can be explained on stylistic grounds, as Lohfink, Braulik and others have argued. There are indeed in Deuteronomy several occasions where the change of address seems to coincide with other literary-critical criteria, as for instance in 10.14-19, 20-22 or 12.2-12, 13-28.⁵ Nevertheless, it appears that most of the literary-critical problems of Deuteronomy do not coincide with *Numeruswechsel*. The diachronic problem of Deuteronomy appears much more complex.

finds 10 different strata in Deuteronomy. Cf. the presentation by K.-H. Walkenhorst, 'Neueste Deuteronomiumforschung in Japan', *BZ* 33 (1989), pp. 81-92.

1. P. Buis and J. Leclercq, *Le Deutéronome* (SB; Paris: Gabalda, 1963), p. 9.

2. N. Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5-11* (AnBib 20; Rome: Pontificium Institutum Biblicum, 1963), pp. 239-58.

3. For other examples, see K. Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings* (Oxford: D. E. Green; Philadelphia: Fortress, 1971), p. 33, n. 71.

4. As A.D.H. Mayes (*Deuteronomy* [NCB; Grand Rapids: Eerdmans; London: Morgan & Scott, 1981], p. 36), rightly puts it, the diachronic use of the *Numeruswechsel* in those texts 'succeeds only in doing unacceptable violence to the text'.

5. Cf. Preuss, *Deuteronomium*, pp. 50-52, 133-34. But even in these texts the *Numeruswechsel* is not easy to interpret. In the plural section, 10.20-22, v. 22 can very well be considered a later addition since it is probably dependent on Priestly passages (cf. Mayes, *Deuteronomy*, pp. 211-12), and in Deut. 12, one generally considers the plural passage as combining two different strata (cf. R. Smend, *Die Entstehung des Alten Testaments* [ThW 1; Stuttgart: Kohlhammer, 1978]), p. 73.

Presently, most scholars agree that within Deuteronomy 5-30 an important number of 'deuteronomistic' texts can be detected. Deut. 5.1ff.; 9.7ff. and others show clear thematic and linguistic links to the deuteronomistic framework. Other units such as 28.45ff.; 29.21ff. or 30.1ff. presuppose the events of 597-587 BCE. Often, those deuteronomistic texts seem to be the product of more than one hand. Indeed, scholars have discovered several deuteronomistic strata in chs. 5ff., even in the legal texts.

German language exegetes are considerably influenced by the 'Göttingen school' model,¹ which applies to the whole Deuteronomistic History. According to Smend and his followers, three major strata have to be distinguished in the Deuteronomistic History: DtrH (the exilic deuteronomistic 'historian'), DtrP (the deuteronomistic 'prophetic' redactor, basically limited to the books of Samuel and Kings)² and DtrN (the [post-Jexilic deuteronomistic 'nomist', whose work should be divided further into DtrN₁, DtrN₂, etc.]).³ DtrH covers Deut. 1.1 to 2 Kgs 25.21; DtrN probably starts in Deut. 1.5 (or already in the Tetrateuch?) and ends with 2 Kgs 25.30.⁴ This theory offers a systematization of the supposed complexity of deuteronomistic strata. Nevertheless, it introduces new problems into the debate. First, as McKenzie puts it, 'the proponents of this approach have not produced an entirely clear picture of the three redactors'.⁵ The Smend school is especially silent about the redactional history of Deuteronomy.

The question of the nature and extent of the different layers in Deuteronomy and the rest of the Deuteronomistic History has not yet been satisfactorily resolved. It is not convincing to designate one deuteronomistic stratum 'nomistic', when the whole deuteronomistic concern is about the law of YHWH. And do we really have linguistic or other criteria that enable us to trace a specific deuteronomistic layer

1. Cf. the presentation of W. Roth, 'Deuteronomistisches Geschichtswerk/Deuteronomistische Schule', *TRE* 8 (1981), pp. 543-52.

2. Cf. W. Dietrich, *Prophetie und Geschichte: Eine redaktionsgeschichtliche Untersuchung zum deuteronomistischen Geschichtswerk* (FRLANT 108; Göttingen: Vandenhoeck & Ruprecht, 1972).

3. Cf. Smend, *Entstehung*, pp. 71-73, 114-25.

4. H. Weippert, 'Das deuteronomistische Geschichtswerk: Sein Ziel und Ende in der neueren Forschung', *TRu* 50 (1985), pp. 213-49 (231-35), gives a convenient summary of the (sometimes different) opinions of the Smend school. Cf. also F. Langlamet's review of Dietrich's book in *RB* 81 (1974), pp. 601-606.

5. S.L. McKenzie, 'Deuteronomistic History', *ABD* 2 (1992), pp. 160-68 (163).

from beginning to end? It is, therefore, not astonishing that Smend's colleague in Göttingen, Lothar Perlitt, charged with a monumental commentary on Deuteronomy and *Doktorvater* of several theses on Deuteronomy,¹ shows more caution in defining the different layers in the book.² He insists that, contrary to the prophetic books, none of the Deuteronomistic or deuteronomistic layers in Deuteronomy attests any specific language, which means that 'stylistic problems' in Deuteronomy are very difficult to interpret.³ Perlitt therefore considers the reconstruction of the redactional history of Deuteronomy to be virtually impossible.⁴

Perlitt's students have been more optimistic. Knapp's literary-critical analysis of Deuteronomy 4 discovered three 'late' deuteronomistic layers, which reappear in chs. 29–30⁵ and provide a triple frame for chs. 5–28.* All of these layers presuppose the first (exilic) edition of the Deuteronomistic History in which Deut. 3.29 is followed by 4.45, which means at least four deuteronomistic strata. Knapp is certainly right in pointing out the multiple links between chs. 4 and 29–30,⁶ as well as the deuteronomistic concern of a constant reactualization. But he fails to investigate the literary relationship between his threefold framework and the framed chapters. Achenbach has analyzed a new part of these chapters: chs. 5–11, where he discovered a large number⁷ of

1. D. Knapp, *Deuteronomium 4: Literarische Analyse und theologische Interpretation* (GTA 35; Göttingen: Vandenhoeck & Ruprecht, 1987); J. Buchholz, *Die Ältesten Israels im Deuteronomium* (GTA 36; Göttingen: Vandenhoeck & Ruprecht, 1988); R. Achenbach, *Israel zwischen Verheißung und Gebot: Literarkritische Untersuchungen zu Deuteronomium 5-11* (EHS.T 422; Frankfurt: Peter Lang, 1991). These works (and others) are critically presented in H.D. Preuss, 'Zum deuteronomistischen Geschichtswerk', *TRu* 58 (1993), pp. 229–64 (237–42).

2. L. Perlitt, *Deuteronomium* (BK 5; Neukirchen-Vluyn: Neukirchener Verlag, 1990).

3. Perlitt, *Deuteronomium*, p. 38.

4. *Deuteronomium*, p. 37.

5. Knapp, *Deuteronomium* 4. Stratum I: 4.1–4, 9–14; 29.1b–14*; II: 4.15–16a, 19–28; 29.15–27*; III: 4.29–35 (vv. 36–40 are a later addition); 30.1–10. I and II belong to the exilic, III to the post-exilic period.

6. Cf. also A.D.H. Mayes, 'Deuteronomy 4 and the Literary Criticism of Deuteronomy', *JBL* 100 (1981), pp. 23–51.

7. This recalls the Jena dissertation of R. Stahl ('Aspekte der Geschichte deuteronomistischer Theologie: Zur Traditionsgeschichte der Terminologie und zur Redaktionsgeschichte der Redekompositionen' [1982]; cf. *TLZ* 108 [1983], cols. 74–76), who postulates about 10 deuteronomistic strata.

deuteronomistic, late-deuteronomistic and post-deuteronomistic layers¹—too many, in fact, to count. In a way, Achenbach confirms the common idea that the original introduction to the Deuteronomistic law is in 6.4–5, 10–13.² But, according to him, this text belongs already to the exilic period,³ so that there is no pre-exilic (Josianic) introduction to the Deuteronomistic law code in chs. 12ff. This conclusion is the outcome of a type of research that centers more and more on the deuteronomistic character of Deuteronomy.⁴

All of these works depend on Noth's thesis that deuteronomistic editing of Deuteronomy (and the Deuteronomistic History) means exilic editing. However, this idea has been challenged, especially by American scholarship. Following Cross's work on the Deuteronomistic History,⁵ the first deuteronomistic layer in Deuteronomy is dated to the Josianic period, and for Friedman,⁶ Deuteronomy shows clear indications of an original Josianic edition of the Deuteronomistic History (in texts such as 6.5; 9.21; 12.1ff.; 17.8–12; 34.10) that ends in 2 Kings 23. To the exilic layer of deuteronomistic redaction (Dtr²) belong 4.24–31; 8.19–20; 28.36–37, 63–68; 29.21–27; 30.15–20; 31.16–22, 28–30; 32.44; plus the inserted song of Moses.⁷ However, neither Friedman nor other representatives of the Cross-school⁸ have offered a thoroughgoing analysis of the Josianic

1. Achenbach, *Israel*. He quite often uses the criterion of the *Numeruswechsel*. According to him, a text that used the singular was reworked by a redaction that preferred the plural. Then several 'singular' reworkings took place.

2. Achenbach, *Israel*, pp. 180–82.

3. Achenbach considers Deut. 6.4–5, 10–13 younger than Josh. 24 but older than Josh. 23.

4. Cf. also J. Vermeylen (*Le Dieu de la Promesse et le Dieu de l'Alliance: Le dialogue des grandes intuitions théologiques de l'Ancien Testament* [LD 126; Paris: Cerf, 1986], pp. 118–22), who discovers three Deuteronomists in Deuteronomy (Dtr⁵⁷⁵, Dtr⁵⁶⁰, Dtr⁵²⁵). More problematic is the thesis of Preuss, Achenbach and others that the law code was not included in the first edition of Deuteronomistic History. I agree with O'Brien (*Deuteronomistic History Hypothesis*, pp. 47–48) that there are no convincing reasons to support such an idea.

5. F.M. Cross, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge, MA: Harvard University Press, 1973), pp. 274–89.

6. R.E. Friedman, *The Exile and Biblical Narrative: The Formation of the Deuteronomistic and Priestly Works* (HSM 22; Chico, CA: Scholars Press, 1981), esp. pp. 7–10.

7. Friedman, *Exile*, pp. 26–27.

8. Such as R.D. Nelson, *The Double Redaction of the Deuteronomistic History* (JSOTSup 18; Sheffield: JSOT Press, 1981).

history in Deuteronomy or the other books of Deuteronomistic History. The first to do this was Mayes, followed by Peckham and O'Brien.¹ Each of these authors attempts a rapprochement between the Smend and Cross schools of interpretation. Mayes attributes the historicization of the 'Law of Moses' (Deut. 6-25*) to the Josianic historian who produced the Deuteronomistic History. In Deuteronomy this historian's work is especially manifest in chs. 1-3; * 5; * 9-10; * 12.8-12, 16; 31.1-8, 14-15, 23; 34.1-6. A second redaction appears in texts such as 4.1-40; 6.10-18; 7.4-5, 7-16, 25-26; 8.1-6, 11b, 14b-16, 18b-20; 10.12-11.32; 12.1-7, 32; 14.1, 14-21; 15.4-6; 17.2-3; 25.17-19; (26.1-15); 26.16-27.26; 28(?); 29-30; 32.45-47. This redaction is ascribed to an exilic deuteronomistic 'editor' who stands quite close to Second Isaiah. He emphasizes the demand for exclusive worship of YHWH and obedience to the law and comes near to the DtrN of the 'Göttingen school'. In 10.8-9; 11.29-30; 27.1-8, 11-26; 31.9-13, 24-29, Mayes discovers signs of a third deuteronomistic redaction. He also isolates post-deuteronomistic additions that reflect the literary stage at which Deuteronomy became part of the Pentateuch (e.g., 32.48-52; 33; 34.7-9, 10-12). This well and cautiously argued investigation considerably increases the number of exilic deuteronomistic texts in comparison with the 'classical' approach of the Cross school. This tendency is also perceptible in the dissertation of O'Brien, who interprets the Deuteronomistic History as a history of Israel's leaders,² of which Deut. 1.1-Judg. 2.10 is the first part ('Israel under Moses and Joshua'). Against some critics³ O'Brien maintains firmly Noth's proposal that the introduction to the Deuteronomistic History is to be found in Deuteronomy 1-3. The first layer of these chapters and of chs. 31-34 should be attributed to a Josianic DtrH. But the major part of the texts around the law code belongs to extensive exilic and post-exilic

1. A.D.H. Mayes, *The Story of Israel Between Settlement and Exile: A Redactional Study of the Deuteronomistic History* (London: SCM Press, 1983), pp. 22-39 (cf. also his *Deuteronomy*); B. Peckham, *The Composition of the Deuteronomistic History* (HSM 35; Atlanta: Scholars Press, 1985); O'Brien, *The Deuteronomistic History Hypothesis*.

2. O'Brien, *Deuteronomistic History Hypothesis*, p. 27.

3. Especially S. Mittmann, *Deuteronomium 1:1-6:3 literarkritisch und traditionsgeschichtlich untersucht* (BZAW 139; Berlin: de Gruyter, 1975).

redactions,¹ completed by late and post-deuteronomistic additions.²

These major works opened the way to virtual consensus in research on Deuteronomy.³ They are probably right that there should be some Josianic frame around the law code, but this is not the same as supposing a Josianic edition of the first version of the Deuteronomistic History. Even if literary activity in Josiah's time is plausible, it does not mean that the whole Deuteronomistic History was edited then. In this context, Lohfink's view should be taken into account.⁴ Although he is also convinced of Josianic editing of Deuteronomy, for him this does not affect the whole Deuteronomistic History, only Deuteronomy 1-Joshua 22*, where he finds a 'DtrL' (*deuteronomistische Landeroberungserzählung*), a history of the conquest of the land. In Deuteronomy Lohfink ascribes to this redaction, which can be characterized by its frequent use of $\text{וַיִּרְ$, roughly the same texts that Noth attributed to his Dtr (chs. 1-3*; 5*; 9-10*; 31*).⁵ The other parenetic and historical texts in Deuteronomy belong to several (post-)exilic redactions.⁶ A combination of 'German' and 'Anglo-Saxon' approaches might thus be possible. A sort of consensus may arise around the idea that much of chs. 1-11 and 26-34 is due to exilic deuteronomistic redactions, even if we lack reliable criteria to differentiate between them. But, there is also

1. For the whole Deuteronomistic History, O'Brien argues for three subsequent exilic redactions. In Deuteronomy, the third 'nomistic' stage is to be found in 4.1-40; 30.1-20 etc.

2. O'Brien, *Deuteronomistic History Hypothesis*, pp. 285-86.

3. Cf. E. Cortese, 'Theories concerning Dtr: A Possible Rapprochement', in C. Brekelmans and J. Lust (eds.), *Pentateuchal and Deuteronomistic Studies: Papers Read at the XIIIth IOSOT Congress, Leuven 1989* (BETL 94; Leuven: University Press & Peeters, 1990), pp. 179-90.

4. N. Lohfink, 'Kerygmata des deuteronomistischen Geschichtswerks', in J. Jeremias and L. Perlitt, *Die Botschaft und die Boten: Festschrift für Hans Walter Wolff zum 70. Geburtstag* (Neukirchen-Vluyn: Neukirchener Verlag, 1981), pp. 87-100; repr. in N. Lohfink, *Studien zum Deuteronomium und zur deuteronomistischen Literatur II* (SBAB 12; Stuttgart: Katholisches Bibelwerk, 1991), pp. 125-42; cf. also G. Braulik, *Deuteronomium 1-16, 17* (NEB 15; Würzburg: Echter, 1986), pp. 10-12 and A. Moenikes, 'Zur Redaktionsgeschichte des sogenannten Deuteronomistischen Geschichtswerks', *ZAW* 104 (1992), pp. 333-48.

5. Lohfink, 'Kerygmata', pp. 92-96.

6. For one of the latest layers Lohfink coins a new abbreviation: 'DtrÜ' (= *Dtr Überarbeiter*), who is responsible for the final redaction of Deut. 7; 8; 9.1-8, 22-24 (p. 141).

evidence for a Josianic redaction of the lawbook, and this brings us to some remarks about the problem of the 'original Deuteronomy'.

The lawbook of Josiah and the problem of the original Deuteronomy. According to 2 Kings 22–23,¹ Josiah's reform was initiated with the finding of a lawbook that scholars generally identified with the earliest or one of the earlier forms of Deuteronomy. Reconstructing the original Deuteronomy, therefore, was important. For many scholars, the first edition was written in the time of Hezekiah.² Others maintained that the original Deuteronomy was produced by Josiah's supporters as a propaganda document for his reform.³ Even if the relationship of 2 Kings 22 and the book of Deuteronomy 'has remained a cornerstone of critical scholarship',⁴ research on this topic since Noth has produced some challenges. Recently, Eleanore Reuter has contested this linkage, arguing that the book of the Josianic reform must be the book of the Covenant (Exod. 20.22–23.33*⁵). According to her, the original Deuteronomy was written at the same time or shortly after the Josianic reform. This thesis is difficult to maintain since there are no clear links between Exod. 20.22–23.33 and the account in 2 Kings 22–23,⁶ which clearly alludes to Deuteronomy.

The real problem is the very historicity of 2 Kings 22–23. It has long been recognized that the story in its present form is due to the attempt by deuteronomistic redactors to provide a myth of origin for the

1. A bibliography of recent works on these chapters is presented by Preuss, 'Zum deuteronomistischen Geschichtswerk', pp. 246–50.

2. For example, N. Lohfink, 'Culture Shock and Theology: A Discussion of Theology as a Cultural and Sociological Phenomenon Based on the Example of Deuteronomistic Law', *BTB* 7 (1977), pp. 12–22; M. Weinfeld, *Deuteronomy 1–11* (AB 5; New York: Doubleday, 1991), pp. 44–54; F. García López, *Le Deutéronome: Une Loi prêchée* (Cahiers Evangile 63; Paris: Cerf, 1988), p. 10.

3. R.E. Clements, *Deuteronomy* (Sheffield: JSOT Press, 1989), p. 71; Y. Suzuki, 'A New Aspect of the Occupation Policy by King Josiah', *AJBI* 18 (1992), pp. 31–61.

4. Clements, *Deuteronomy*, p. 71.

5. E. Reuter, *Kultzentralisation: Entstehung und Theologie von Dtn 12* (Athenäum's Monographien, Theologie, BBB 87; Frankfurt: A. Hain, 1993), pp. 243–58.

6. Cf. N. Lohfink, 'Gibt es eine deuteronomistische Bearbeitung im Bundesbuch?', in Brekelmans and Lust (eds.), *Pentateuchal and Deuteronomistic Studies*, pp. 91–113.

deuteronomistic movement.¹ Indeed, as Diebner and Nauerth have shown, the motif of book finding is a common literary strategy in antiquity, aiming at legitimation of changes in society and religion.² So, even if there was a Josianic 'reform' (and it does not seem necessary to doubt this), it is not certain that such a reform was impelled by the discovery of a book. It is more likely that the original Deuteronomy was written to accompany and legitimate Josianic policy.³ At any rate, the reconstruction of an *Urdeuteronomium* remains an open problem. For those who regard such a reconstruction as possible, the classical thesis that the original Deuteronomy began in 6.4 is still attractive. Recent research allows one to maintain that historical texts are more or less absent; parenetic texts quite limited; and the real nucleus is the laws of the code.⁴ But even in the code, scholars discover more and more exilic texts.

Diachronic work on the law code. After they treated the exegetical and theological problem of the rediscovery of the law code, scholars in the 1960s and 1970s were busy reconstructing the various independent collections of laws that had been integrated into the first edition of Deuteronomy. Merendino, Seitz, L'Hour and others⁵ postulated the

1. I cannot enter here into the debate on the redactional history of this text. See K. Višaticki, *Die Reform des Josija und die religiöse Heterodoxie in Israel* (Dissertationen, Theologische Reihe 21; St. Ottilien: EOS Verlag, 1987).

2. B.J. Diebner and C. Nauerth, 'Die Inventio des ספר התורה in 2 Kön 22: Struktur, Intention und Funktion von Auffindungslegenden', *DBAT* 18 (1984), pp. 95–118. This strategy is still in use in the origin myth of the Mormons, for example.

3. On this point I tend to agree with Mayes, *Deuteronomy*, pp. 102–103 and Reuter, *Kultzentralisation*, p. 258.

4. A consensus concerning the original Deuteronomy belongs to eschatology. Cf. the different reconstructions of Mayes, *Deuteronomy*, p. 48; Preuss, *Deuteronomium*, pp. 49–61 and O. Kaiser, *Einleitung in das Alte Testament* (Gütersloh: Gerd Mohn, 5th edn, 1984), pp. 134–35.

5. R.P. Merendino, *Das deuteronomische Gesetz: Eine literarkritische, gattungs- und überlieferungsgeschichtliche Untersuchung zu Dtn 12–26* (BBB 31; Bonn: P. Hansen, 1969); G. Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Kohlhammer, 1971); J. L'Hour, 'Une législation criminelle dans le Deutéronome', *Bib* 44 (1963), pp. 1–28; cf. also G. Nebeling, 'Die Schichten des deuteronomischen Gesetzeskorpus: Eine traditions- und redaktionsgeschichtliche Analyse von Dtn 12–26' (ThD dissertation, Münster, 1970). The existence of independent pre-Deuteronomistic collections had already been

following collections: the *tô'ebâ*-laws (16.21–17.1; 18.10–12a; 22.5; 23.18–19b; 25.13–16), the *bi'artâ*-laws (13.2–6; 17.2–7; 19.16–19; 21.8–21; 22.13–21, 23–27; 24.7), laws concerning war (20; 21.10–14; 23.10–15; 25.17–19), 'humanitarian laws' (15; 22–24) and centralization laws (12; 14.22–27; 15.19–23; 16.1–15; 17.8–13; 18.1–8; 26.1–11). It quickly became clear that some 'collections' (on centralization, war, humanitarianism) were narrowly linked to deuteronomistic ideology, making it unnecessary to speculate about non-Deuteronomistic origins. The various *bi'artâ*- and *tô'ebâ*-laws seemed to belong together above all because of their identical motivation, which may well be the product of a Deuteronomistic/deuteronomistic redaction.¹ Even if the possibility of pre-Deuteronomistic laws in chs. 12–25 remains probable, current scholarship is much more cautious about the existence of older collections and concentrates on the Deuteronomistic revision of earlier law (in Exod. 21–23). There is presently also a tendency to view important parts of the legal material as dating from exilic times. Lohfink, Braulik and others consider the laws about authorities (16.18–18.26), as well as chs. 19–25, as resulting from exilic and post-exilic redactions,² which reduces considerably the Josianic or pre-Josianic lawbook. Consequently, most of the legal texts are not interpreted concretely but as highly theoretical and theological, describing the ideal deuteronomistic society.³ This view is vigorously contested by McBride and Crüsemann.⁴ According to Crüsemann,

postulated by Steuernagel. For the history of research cf. Preuss, *Deuteronomium*, pp. 103–48.

1. Cf. Seitz, *Studien*, pp. 159–64, 206–11.

2. N. Lohfink, 'Die Sicherung der Wirksamkeit des Gotteswortes durch das Prinzip der Schriftlichkeit der Tora und durch das Prinzip der Gewaltenteilung nach den Amtsgesetzen des Buches Deuteronomium (Dt 16,18–18,22)', in H. Wolter (ed.), *Testimonium Veritati: philosophische und theologische Studien zu kirchlichen Fragen der Gegenwart* (FTS 7; Frankfurt: Knecht, 1971), pp. 143–55; repr. in *Studien zum Deuteronomium und zur deuteronomistischen Literatur*, I (SBAB 8; Stuttgart: Katholisches Bibelwerk, 1990), pp. 305–23; G. Braulik, *Die deuteronomischen Gesetze und der Dekalog: Studien zum Aufbau von Deuteronomium 12–26* (SBS 145; Stuttgart: Katholisches Bibelwerk, 1991). A more differentiated approach is presented by U. Rütterswörden, *Von der politischen Gemeinschaft zur Gemeinde: Studien zu Dt 16,1–18,22* (BBB 65; Frankfurt: Athenäum, 1987).

3. This was a common interpretation of Deut. 12–25 in the beginning of the twentieth century.

4. S.D. McBride, 'Polity of the Covenant People: The Book of Deuteronomy', *Int* 41 (1987), pp. 229–44; F. Crüsemann, *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gesetzes* (Munich: Chr. Kaiser Verlag, 1992); cf. also

Christian exegesis of Deuteronomy is mainly interested in describing the conception of God in this book and constantly forgets to ponder the foundations of the theological reflection of Deuteronomy—the law.¹ He cannot find indications for strong redactional activity in chs. 12–26 in exilic or post-exilic times.² The law of Deuteronomy is not utopian but reflects the political constitution of the 'am *hâ'âreš*, the landowners who supported the Josianic reform. Even if some of Crüsemann's interpretations sound a bit apologetic (especially about women's liberation in Deuteronomy),³ he identifies a methodological problem regarding interpretation of legal texts in the Old Testament. Have they been written to serve as a constitution or a sermon? What are our criteria to locate them in history? These questions have theological as well as exegetical implications.

The question of authorship. Von Rad's classic thesis equating the authors of the original Deuteronomy with the Levitical priesthood⁴ is no longer supported by more than a few.⁵ After Weinfeld's important study on links between Deuteronomy and wisdom traditions,⁶ most scholars agree in locating the authors of Deuteronomy among the scribes of the Jerusalem court. This explains the continuity between Josianic and exilic editing of Deuteronomy (if one places the Deuteronomists among the exiled officials of the court),⁷ as well as the familiarity of Deuteronomy

J.G. McConville (*Law and Theology in Deuteronomy* [JSOTSup 33; Sheffield: JSOT Press, 1984]), whose propositions concerning the date of Deuteronomy are quite eccentric, and R. Albertz, *Religionsgeschichte Israels in alttestamentlicher Zeit*, I (Grundrisse zum Alten Testament 8.1; Göttingen: Vandenhoeck & Ruprecht, 1992), pp. 327–60.

1. Crüsemann, *Die Tora*, p. 238.

2. Crüsemann, *Die Tora*, p. 251.

3. Crüsemann, *Die Tora*, pp. 291–94. Cf. also G. Braulik, 'Die Ablehnung der Göttin Aschera in Israel: War sie erst deuteronomisch, diente sie der Unterdrückung der Frauen?', in M.-T. Wacker and E. Zenger (eds.), *Der eine Gott und die Göttin: Gottesvorstellungen des biblischen Israel im Horizont feministischer Theologie* (QD 135; Freiburg: Herder, 1991), pp. 106–36. I cannot agree with such hermeneutic short-circuits.

4. G. von Rad, *Studies in Deuteronomy* (SBT 9; London: SCM, 1953), pp. 66–70.

5. E.g., Mayes, *Deuteronomy*, pp. 107–108.

6. M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972).

7. Noth suggested that Dtr lived in Palestine (*ÜS*, p. 110, n. 1; *DH*, p. 145, n. 1), a

with Assyrian documents and culture. But there are also Levitical and prophetic interests in Deuteronomy, where much place is given to the elders.¹ So it is too rigid to identify the authors of Deuteronomy definitely with any one professional class. Following Clements and Albertz, we may rather speak of a 'coalition'—a sort of 'reforming party'—under the guidance of intellectuals from the court of Jerusalem.²

b. *Issues concerning Structure and Compositional Techniques of Deuteronomy*

As Christensen puts it, a major development in the study of Deuteronomy after Noth was the interest in stylistic features.³ This can best be understood as a reaction against an overdone diachronic criticism. One of the pioneer works of this new approach was Lohfink's dissertation on chs. 5–11,⁴ where he tried to list rhetorical techniques and parenthetic structures. From then on much more attention was paid to stylistic features such as chiasm, inclusions, word-plays, etc.⁵ It is quite natural that the investigation of the structure of smaller units in Deuteronomy was linked to the question of the structure of the book or of the law code.

suggestion that became the standard opinion. Nowadays, however, more and more scholars locate the exilic edition of Deuteronomy and the Deuteronomistic History among the exiles; cf. J.A. Soggin, *Einführung in die Geschichte Israels und Judas: Von den Ursprüngen bis zum Aufstand Bar Kochbas* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1991), p. 148.

1. On Deuteronomy and prophecy, see E.W. Nicholson, *Deuteronomy and Tradition* (Oxford: Basil Blackwell, 1967). On Deuteronomy and the elders, see L.J. Hoppe, 'The Origins of Deuteronomy' (PhD dissertation, Northwestern University, 1978).

2. Clements, *Deuteronomy*, pp. 78–79; R. Albertz, 'Die Intentionen der Träger des Deuteronomistischen Geschichtswerks', in R. Albertz et al. (eds.), *Schöpfung und Befreiung. Für Claus Westermann zum 80. Geburtstag* (Stuttgart: Calwer, 1989), pp. 37–53 (39–40).

3. D.L. Christensen, *Deuteronomy 1–11* (WBC 6A; Dallas: Word Books, 1991), p. 1.

4. Lohfink, *Das Hauptgebot*.

5. Cf. the works of Lohfink's student, G. Braulik, esp. *Die Mittel deuteronomischer Rhetorik, erhoben aus Deuteronomium 4,1–40* (AnBib 68; Rome: Pontificium Institutum Biblicum, 1978); C. J. Labuschagne, *Deuteronomium* (De Prediking van het Oude Testament; 2 vols.; Nijkerk: Callenbach, 1987, 1990); R.H. Connell, 'Deuteronomy 7,1–26: Asymmetrical Concentricity and the Rhetoric of Conquest', *VT* 42 (1992), pp. 248–65; cf. also Christensen's commentary.

The structure of Deuteronomy. Research on the treaties of the Hittite empire gave impetus to the question of structures. Scholars such as Mendenhall¹ insisted on the parallels between these texts and Deuteronomy, often in order to claim a second-millennium origin of the latter. However, Weinfeld,² followed by many others, asserted that better parallels are to be found in the Assyrian treaties, and this confirms an eighth- or seventh-century origin for Deuteronomy. As a result, the structure of Deuteronomy was often described according to that of an Assyrian treaty document: preamble (1.1–5); historical prologue (1.6–11.32); stipulations (chs. 12–26); sanctions, curse and blessing in case of observance or violation of the treaty (chs. 27–29); list of witnesses (31.24–28). But this treaty euphoria very soon led to serious problems and criticisms.³ For one thing, almost all the available Assyrian treaties⁴ are in fragmentary condition, so that it is difficult to postulate a standard pattern for these texts. Furthermore, the proposed structure of Deuteronomy according to the so-called treaty pattern is quite superficial; it frequently ignores diachronic problems of the text and presupposes the book in its deuteronomistic and exilic (!) form. The original Deuteronomy (6.4ff.; 12ff.*, 28* [?]) hardly contains all the elements found in Assyrian (or other) treaties. Thus, there is a considerable lack of clarity on the nature of the relationship between Deuteronomy and the Assyrian documents.

Still, it is clear that there exist important connections between Deuteronomy and the ancient Near Eastern treaty tradition. One may easily find treaty terminology in Deuteronomy (e.g., the command to 'love' YHWH, to 'follow' and to 'listen to the voice' of the Lord, the validity of the treaty 'for the sons and sons of sons'). The curses in 28.20–68 have such close connections with Esarhaddon's treaties⁵ that

1. G.E. Mendenhall, 'Covenant Forms in Israelite Tradition', *BA* 17 (1954), pp. 49–76. For the history of research see D.J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (AnBib 21A; Rome: Pontificium Institutum Biblicum, 1978).

2. Weinfeld, *Deuteronomy and Deuteronomistic School*, pp. 59–157.

3. Cf. L. Perliitt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen-Vluyn: Neukirchener Verlag, 1969), esp. pp. 93–101.

4. English and French translations of these treaties have recently been provided. Cf. S. Parpola and K. Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths* (State Archives of Assyria 2; Helsinki: Helsinki University Press, 1988); J. Briand et al., *Traité et Serments dans le Proche-Orient Ancien* (Suppl. CE 81; Paris: Cerf, 1992).

5. See Preuss's synopsis, *Deuteronomium*, pp. 72–73.

there must be a literary relationship. It is certainly exaggerated to see in Deuteronomy a simple literary imitation of Hittite and Assyrian treaties, but we have to acknowledge 'that treaty forms and vocabulary have influenced the form, vocabulary and ideas of the book'.¹ So it is possible to investigate the ideological implications of this affinity. If the Josianic and even exilic authors of Deuteronomy made use of Assyrian treaty rhetoric and ideology and integrated the making of a treaty into the Yahwistic culture, we may detect there a subversive intention.² Israel's suzerain is not the Assyrian or Babylonian king, but YHWH, the only lord of his people. Using the Assyrian covenant terms, the Deuteronomists beat the 'enemy' with his own weapons!

It still seems too imprecise, however, to present the structure of Deuteronomy as a treaty. Recent publications emphasize the four headings of the book that frame the central law code (1.1; 4.44-49; 28.69; 33.1) and may provide a rough but objective structure to the book in its final form.³ There are other proposals,⁴ but further work needs to be done on the relationship between the structure and literary form(s) of the book. Deuteronomy presents itself as Moses' final discourse(s)—his testament. Does this have implications for its structure, considering that other (much shorter) testaments occur in the Deuteronomistic History (Josh. 23; 1 Sam. 12)?

The other question, to which we shall turn now, is the arrangement of the law code. Until recently there was not much interest on this topic. The 'classical' proposition was the following division: (1) laws governing worship in 12.1-16.17; (2) authorities and institutions in 16.18-18.22; (3) other private and public laws in chs. 19-25. This structure remains blurred and signals hesitation in scholarship about the organization of

1. Mayes, *Deuteronomy*, p. 34.

2. Cf. also the stimulating article by Lohfink on 'Culture Shock and Theology'.

3. Cf. Braulik (*Deuteronomium*, pp. 5-6) and Clements (*Deuteronomy*, pp. 13-14), for whom chs. 1-4 is Historical prologue; 5-26, Tora (5-11, Introduction; 12-26, Central Law code); 27-28, Conclusion; 29-32, Covenant in the plains of Moab; 33-34, Moses' farewell and death.

4. Christensen (*Deuteronomy*, p. xli) finds a concentric structure: A. The outer frame—a look backwards (chs. 1-3); B. The inner frame the great peroration (chs. 4-11); C. The central core: covenant stipulations (12-26); B'. The inner frame—the covenant ceremony (chs. 27-30); A'. The outer frame—a look forwards (chs. 31-34). Indeed, concentric structures are quite frequent in Deuteronomy, and Christensen's structure seems tight. But does this degree of abstraction reflect the intention of the book's editors?

chs. 12-25. A new attempt was made by Carmichael, who claimed that the organization of chs. 12-25 depends on associations with the pentateuchal narrative (ch. 13, for instance, should be read in the light of the traditions about Balaam).¹ This approach seems quite speculative and is unconvincing. Much more stimulating is the idea put forward by Schultz, Kaufmann and Braulik that the arrangement of the law code is made according to the Decalogue in Deuteronomy 5.² This intuition can be found in Noth's *ÜS*, where he writes, 'the special relationship between God and the people is confirmed through the promulgation of the Decalogue, of which the Deuteronomic law is, according to 5.28ff., the authentic divine exposition.'³ The influence of the ten commandments on the structure of the law code can easily be demonstrated. Of course, this does not apply to every law in chs. 12-25 (e.g., 24.10-17), a fact that the history of redaction of the law code should explain. According to Braulik, the Decalogue pattern is less perceptible in chs. 12-18 than in chs. 19-25. This means that the collection in 12-18* was already established when the Decalogue was written. The arrangement of 19-25 is definitely due to the 'Decalogue-redaction'. The Decalogue pattern should therefore be considered the result of the exilic edition of Deuteronomy,⁴ which is the origin of the ten commandments. The Decalogue should not be interpreted as an independent summary of Israel's ethical principles, but rather as a table of contents of the central

1. C.M. Carmichael, *The Laws of Deuteronomy* (Ithaca: Cornell University Press, 1974) and *Law and Narrative in the Bible: The Evidence of the Deuteronomic Laws and the Decalogue* (Ithaca: Cornell University Press, 1985). An arrangement of the law code due to association techniques was advocated by A. Rofé, 'The Arrangement of the Laws in Deuteronomy', *ETL* 64 (1988), pp. 265-87.

2. H. Schulz, 'Das Todesrecht im Alten Testament' (Dissertation, Marburg, 1966). The excursus about the link between Deut. 12-26 and the Decalogue was not included in the published form of the work (*Das Todesrecht im Alten Testament: Studien zur Rechtsform der Mot-Jumat-Sätze* [BZAW 114; Berlin: Töpelmann, 1969]); S.A. Kaufmann, 'The Structure of the Deuteronomic Law', *Maarav* 1 (1979), pp. 105-58; Braulik, *Die deuteronomischen Gesetze* (on pp. 15-16 he mentions the precursors of this idea). The Decalogue-inspired structure of Deut. 12-25 can be described in the following way: I-III=12.2-16.7; IV=16.18-18.22; V=19.1-21.23; VI=22.13-23.15; VII=23.16-24.7; VIII=24.8-25.4; IX=25.5-12; X=25.13-16. The fourth commandment is interpreted as referring generally to authorities (so already Luther).

3. Noth, *ÜS*, p. 101; *DH*, p. 135. I have corrected the English translation, which oddly renders the 'Dekalog' of the German original by 'law'.

4. Braulik, *Die deuteronomischen Gesetze*, pp. 115-18.

law code. The Decalogue pattern does not apply to the earlier stages of the growth of chs. 12–25,¹ but it is an important clue to the exilic understanding of the legal collection.

A final word should be said about holistic readings of the structure of Deuteronomy and the Deuteronomistic History. Hoffmann sees the Deuteronomistic History, which he considers the work of one exilic author, as structured according to the antithesis of reform/counter-reform.² Deuteronomy lays the foundation for this structure by describing Moses as the archetype of the deuteronomistic reformers. Hoffmann has certainly put forward an important feature of deuteronomistic ideology. But this is not the only such feature, and it does not provide a comprehensive structure that embraces the whole book of Deuteronomy. Against Hoffmann, who builds on former research, Polzin states that critical investigation on Deuteronomy has not produced any result 'that can be described as historically or literarily adequate'.³ The only authority he recognizes is Noth, since Polzin accepts the existence of the Deuteronomistic History. He describes Deuteronomy as 'the speech of the Deuteronomic narrator'⁴ and distinguishes between 'reported speech' and 'reporting speech'.⁵ This can hardly be considered wrong, but it is not clear how it helps to improve our understanding of the structure of Deuteronomy⁶—a matter that needs further exploration.

1. Cf. E. Otto, 'Soziale Verantwortung und Reinheit des Landes: Zur Redaktion der kasuistischen Rechtssätze in Deuteronomium 19–25', in R. Liwak and S. Wagner (eds.), *Prophetie und geschichtliche Wirklichkeit im alten Israel: Festschrift für Siegfried Herrmann zum 65. Geburtstag* (Stuttgart: Kohlhammer, 1991), pp. 290–306.

2. H.D. Hoffmann, *Reform und Reformen: Untersuchungen zu einem Grundthema der deuteronomistischen Geschichtsschreibung* (ATANT 66; Zürich: Theologischer Verlag, 1980). Hoffmann claims to be holding to Noth's conception of the Deuteronomist, but Noth did not eliminate the diachronic problems in his treatment of the Deuteronomistic History.

3. R. Polzin, *Moses and the Deuteronomist: A Literary Study of the Deuteronomic History*, I, *Deuteronomy, Joshua, Judges* (New York: Seabury, 1980), p. 13.

4. Polzin, *Moses*, p. 26.

5. Polzin, *Moses*, p. 19.

6. L. Perliitt ('Deuteronomium 1–3 im Streit der exegetischen Methoden', in N. Lohfink [ed.], *Das Deuteronomium: Entstehung, Gestalt und Botschaft* [BETL 68; Leuven: Peeters, 1985], pp. 149–73) is extremely critical of Polzin's approach.

c. *Theological and Ideological Matters*

When Noth dealt with Dtr's central theological ideas, he understood Deuteronomy 5–28* as the source of much of his theological inspiration. Noth provides the following list: the special bond between God and people as expressed in the concept of the covenant; the theme of the authentic worship of YHWH as required by the law and the interdiction of other forms of worship; the observance of divine law that coincides with a lack of interest in cultic observance; the frequent references to the exodus, conquest of the land and promises to the ancestors.¹ According to Noth, all of these issues were already at the disposal of Dtr. Today many of these concepts are attributed to the deuteronomistic editing of Deuteronomy. Nevertheless, there is a consensus about the ideological function of several of these items in Deuteronomy.

The exclusiveness of the worship of YHWH and the other gods. The emphasis of Deuteronomy on YHWH being the only God of Israel and the strict prohibition against turning to other gods is one of the book's leitmotifs. A discussion has arisen about whether the ideology of Deuteronomy can be characterized as monotheistic. Rose's dissertation on the claim of Yahwistic worship for exclusiveness in Deuteronomy has been very helpful in clarifying the situation.² According to Rose, the Josianic and the first exilic level of the book reflect a monolatrous outlook, since the 'other gods' are resented as a real danger for Israel. Only in the second (late exilic) deuteronomistic redaction (especially ch. 4) do we have clear monotheistic affirmations, reminiscent of those of Second Isaiah.³ As Rose puts it, the real theological enemy of the Josianic and early exilic Deuteronomists is not the 'orgiastic Canaanite cult of nature', which is the phantasm of several scholars, but the popular Judean religion where YHWH was worshipped alongside other deities (Ashera) and under different forms of manifestation (YHWH of Teman, YHWH of Samaria).⁴ This brings us to the discussion about the interpretation of the *שמך יהוה אחד* in the *shema*' of Deut. 6.4–6. The traditional

1. Cf. Noth, *ÜS*, pp. 100–104; *DH*, pp. 134–38.

2. M. Rose, *Der Ausschliesslichkeitsanspruch Jahwes: Deuteronomische Schultheologie und die Volksfrömmigkeit in der späten Königszeit* (BWANT 106; Stuttgart: Kohlhammer, 1975).

3. Cf. also A. Rofé, 'The Monotheistic Argumentation in Deuteronomy iv 32–40: Contents, Composition and Context', *VT* 35 (1985), pp. 434–45.

4. Rose, *Der Ausschliesslichkeitsanspruch Jahwes*, pp. 170–94.

interpretation, which understands the יְהוָה as 'unique', has generally been given up. Most scholars agree that the affirmation of Deut. 6.4 should be considered polemical towards poly-Yahwism.¹ YHWH is one indivisible God, and he does not exist in different forms and in different sanctuaries. It is possible that the 'YHWH One' also includes (at least since the time of the exile) the idea of diachronic identity. YHWH, 'the God of the fathers', remains the same for the present and future generations in spite of the dramatic events of 597–587 BCE.² In any case, the application of Deut. 6.4b is to be found in Deuteronomy 12. Reuter's recent work shows that the formula 'the place that YHWH will choose' always referred to Jerusalem and that the first version of this chapter (12.13–14a, 15–18) is from Josiah's time.³ There is no Deuteronomy without centralization of worship.

YHWH and his people. The special link between YHWH and Israel is expressed in Deuteronomy with the ideas of election and covenant, which Noth considered traditional elements of Israelite thought. This position has since been challenged. Perlitt's argument that covenant theology was elaborated in the Deuteronomistic/deuteronomistic milieu initiated an extensive discussion.⁴ The texts that speak of Israel's election (4.37–39; 7.6–11; 10.14–15)⁵ are now considered part of the latest layers of the book. Does this mean that the ideas of election and covenant were deuteronomistic inventions? This seems hardly plausible. It was no doubt in the literature of the Deuteronomistic school that they came to prominence. However, this may be the result of a transformation, especially of

1. Cf. M. Peter, 'Dtn 6,4—ein monotheistischer Text?' *BZ* 24 (1980), pp. 252–62; P. Höffken, 'Eine Bemerkung zum religionsgeschichtlichen Hintergrund von Dt 6,4', *BZ* 28 (1984), pp. 88–93; T. Veijola, 'Höre Israel! Der Sinn und Hintergrund von Deuteronomium 6,4–9', *VT* 42 (1992), pp. 528–41.

2. Cf. S. Amsler, "Un seul et même Yhwh": Pour un sens diachronique de Dt 6,4b', in *Le dernier et l'avant-dernier: Études sur l'Ancien Testament (Le Monde de la Bible 28)*; Geneva: Labor et Fides, 1993), pp. 145–53.

3. *Kultzentralisation*, pp. 42–191.

4. Perlitt (*Bundestheologie*) was sharply attacked by N. Lohfink, 'Bundestheologie im Alten Testament: Zum gleichnamigen Buch von Lothar Perlitt', *Studien zum Deuteronomium*, I, pp. 325–61. Cf. E.W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Oxford University Press, 1986).

5. Cf. R. Rendtorff, 'Die Erwählung Israels als Thema der deuteronomischen Theologie', in Jeremias and Perlitt (eds.), *Die Botschaft und die Boten*, pp. 75–86.

royal ideology, where election and covenant are the privilege of the king.¹ The chosen king (Ps. 2; 2 Sam. 7 etc.) became the chosen people. This phenomenon may be considered a 'democratization' of older traditions, and this fits well with the 'secularization' of cultic and ritual matters observed by Weinfeld. It is the *pater familias* who assumes the priest's role in (exilic) Deuteronomy.²

The 'people' appears as the direct interlocutor of Mosaic speech, and the only mediator between the people and God is the law as communicated by Moses. This is a people who does not really need a king (in the laws, only Deut. 17.14–20 deals with the king) and no real political organization can be detected.³ Why are the addressees of Deuteronomy called 'Israel' or 'all Israel'? Does it mean that the authors of Deuteronomy want to claim a heritage from the northern kingdom, or do they want to create an ideal community?⁴ The question of the addressees of Deuteronomy merits further exploration. Who are the addressees of the law—of the Josianic edition and of the exilic editions? The answers to these questions will have implications for the global interpretation of Deuteronomy.

The land in Deuteronomy. 'The land is in fact central to Deuteronomy's whole theology.'⁵ Among the important studies about the land in Deuteronomy,⁶ Diepold insisted on the different conceptions of the

1. Cf. M. Barker, *The Older Testament: The Survival of Themes from the Ancient Royal Cult in Sectarian Judaism and Early Christianity* (London: SPCK, 1987), pp. 142–54.

2. On the importance of the father in the catechetical texts of Deuteronomy, cf. A. de Pury and T. Römer, 'Mémoire et catéchisme dans l'Ancien Testament', in A. de Pury (ed.), *Histoire et conscience historique dans les civilisations du Proche-Orient ancien* (Cahiers du CEPOA 5; Leuven: Peeters, 1989), pp. 81–92.

3. Noth's discovery of a reflection of the pre-monarchic amphictyony ideology has become highly questionable. Cf. Noth, *Laws in the Pentateuch*, pp. 28–36.

4. Cf. O. Bächli, *Israel und die Völker: Eine Studie zum Deuteronomium* (ATANT 41; Zürich: Theologischer Verlag, 1962); Clements, *Deuteronomy*, p. 56.

5. Mayes, *Deuteronomy*, p. 79.

6. Especially J.G. Plöger, *Literarkritische, formgeschichtliche und stilistische Untersuchungen zum Deuteronomium* (BBB 26; Bonn: P. Hansen, 1967); P.D. Miller, 'The Gift of God: The Deuteronomistic Theology of the Land', *Int* 23 (1969), pp. 451–65; G.C. Macholz, 'Israel und das Land: Vorarbeiten zu einem Vergleich zwischen Priesterschrift und deuteronomistischem Geschichtswerk' (Habilitationsschrift, Heidelberg, 1969); P. Diepold, *Israels Land* (BWANT 95; Stuttgart: Kohlhammer, 1972).

borders of the promised land. One conception takes the Jordan to be the frontier of the promised land (9.1; 12.10, etc.), which is therefore limited to the territory west of the Jordan. In 4.45-49 the district east of the Jordan is included in Israel's land. Deut. 1.7 and 11.24 extend the land of Israel as far as the Euphrates. Diepold links the latter texts to Josiah's expansionism,¹ but 1.7b and 11.24, as well as 4.45-49, probably belong to the latest strata of Deuteronomy² and reflect the utopian conception of a 'Great Empire'. In chs. 2-3, we find a tradition about the conquest of Cisjordan. O'Brien confirms Noth's intuition that the deuteronomistic story is founded on a pre-deuteronomistic account.³ The Deuteronomists transformed this tradition in order to provide a counterpoint to the spy story in ch. 1⁴ and as a prelude to the 'real' conquest in the book of Joshua.

Scholars have often pointed out that there is a tendency to idealize the land, which is described in the exilic strata as a paradise on earth (11.10-12; cf. 8.7-9). In the deuteronomistic edition of Deuteronomy, 'land theology' is linked to the 'rest theology'. Roth distinguishes between the latter in Dtr¹ (rest is given to all Israel in the conquest of the land; cf. 3.20) and that in Dtr² (rest is a counterpart to obedience to the law wherever Israel finds itself; cf. 12.9-10).⁵

A standard formula in Deuteronomy is the 'land flowing with milk and honey' (6.3; 11.9; 26.9, 15; 27.3; 31.20), which occurs first in Exod. 3.8. Because of this text there still is debate about whether the expression should be considered 'proto-Deuteronomistic'.⁶ The occurrences in Deuteronomy belong, according to Preuss,⁷ to the deuteronomistic layers. Often they appear in grammatically difficult constructions and seem to be later additions. The 'milk and honey' formula does not

1. Diepold, *Israels Land*, pp. 29-41.

2. Cf. Perlitt, *Deuteronomium*, pp. 45-49.

3. O'Brien, *Deuteronomistic History Hypothesis*, p. 288.

4. Cf. N. Lohfink, 'Darstellungskunst und Theologie in Dtn 1,6-3,29', *Bib* 41 (1960), pp. 105-34.

5. W. Roth, 'The Deuteronomistic Rest-Theology: A Redactional-Critical Story', *BR* 21 (1976), pp. 1-10. Roth identifies his Dtr² as the DtrN of the Göttingen school.

6. So for example D.E. Skwres, *Die Rückverweise im Buch Deuteronomium* (AnBib 79; Rome: Pontificium Institutum Biblicum, 1979), pp. 158-65. Presently several scholars consider Exod. 3 as a product of the 'D' composition of the Pentateuch. Cf. W. Johnstone, *Exodus* (Sheffield: JSOT Press, 1990), pp. 48, 73-86.

7. Preuss, *Deuteronomium*, p. 192.

occur in the patriarchal promises of the book of Genesis but is linked with the exodus tradition, which brings me to my next point.

Allusions to Egypt and the exodus in Deuteronomy. The outline of Deuteronomy in its final form revolves around the exodus. First we should remember the growing emphasis on the figure of Moses in the framework¹ and above all the fact that almost every chapter of the book contains allusions to the exodus or the situation of the people in Egypt.² On this matter there is no difference between the framework and the law code.³ It is possible to discuss whether there ever was an original code without reference to Egypt, but Crüsemann may be right against Lohfink, when he points out the hypothetical character of such assumptions.⁴ If the Josianic edition of Deuteronomy is influenced by prophetic (Hoseanic) ideology, references to the exodus are anything but astonishing. All strata of Deuteronomy contain 'frequent references to "being brought up out of Egypt"'.⁵ Scholars have paid attention to a series of particular points of the 'Egyptian' allusions in Deuteronomy, but no global investigation of the exodus ideology of Deuteronomy has been made hitherto. This is probably due to the fact that the references to the exodus seem to be counterbalanced by those to the 'fathers'.

Fathers and patriarchs in Deuteronomy. Deuteronomy contains about fifty 'theological' references to the fathers—often in formulaic expression. They mainly concern the land or the covenant sworn to the fathers and the God of the fathers, as well as objects 'that your fathers did not know'. Scholars currently identify these fathers with the patriarchs, Abraham, Isaac and Jacob, whose names occur seven times in the book. It may be noted that as far as I can see, Noth was quite cautious about this question, since he always speaks of 'ancestors' and never of the patriarchs when alluding to the fathers of Deuteronomy.

1. Cf. Clements, *Deuteronomy*, pp. 36-38.

2. See the list by Preuss, *Deuteronomium*, pp. 187-88.

3. Cf. J. Pons, 'La référence à l'Égypte dans les codes de loi de l'Ancien Testament', *ETR* 63 (1988), pp. 169-82.

4. Crüsemann, *Die Tora*, pp. 244-45, against Lohfink, 'Kerygmata', p. 129.

5. Noth, *ÜS*, p. 101; *DH*, p. 135.

Picking up one of Van Seters's ideas,¹ I tried to show in my dissertation² that 'the fathers' in Deuteronomy refers not to the patriarchs but to the ancestors of Israel in Egypt or at the exodus—the generation that entered the land—or, more generally, the forefathers of those addressed. The formula about the land having been sworn to the fathers whose expressions can be divided into three categories,³ does not refer to the patriarchal narratives,⁴ where the verb שבט appears only in a few late post-deuteronomistic texts (Gen. 22.16; 24.7; 26.3; 50.24), but to the beginning of YHWH's history with Israel in Egypt (cf. Ezek. 20).⁵ For example, the prayer of Deut. 26.15, which should be pronounced by every generation living in the land, contains the following demand: 'Look down from heaven, your holy dwelling-place and bless the people Israel and the land you have given to us as you swore to our fathers, a land flowing with milk and honey.' The land is described with the exodus 'milk and honey' formula, and the prayer follows the credo in 26.5-9, which is centered on the exodus events. So already Nahmanides (ca. 1195-1270) doubted that 'fathers' here refers to the patriarchs;⁶ it apparently means the first generation of the exodus. The same statement is possible on the covenant (4.31; 7.12; 8.18; 29.11-12)⁷ or more generally on the 'oath' (7.8; 9.5; 13.18) sworn to the fathers.⁸ 'The covenant

1. J. Van Seters, 'Confessional Reformulation in the Exilic Period', *VT* 22 (1972), pp. 448-59. See now his *Prologue to History: The Yahwist as Historian in Genesis* (Louisville: Westminster/John Knox, 1992), pp. 227-45.

2. T. Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deuteronomium und in der deuteronomistischen Tradition* (OBO 99; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1990); cf. also 'Le Deutéronome à la quête des origines', in P. Haudebert (ed.), *Le Pentateuque: Débats et Recherches* (LD 151; Paris: Cerf, 1992), pp. 65-98.

3. I: 'the land sworn to the fathers', 6.18; 8.1; (19.8a); 31.20, 21; II: the oath to the fathers + לרצו ליהוה, 1.8; 1.35; (19.8b); 10.11; 11.9; 11.21; 30.20; 31.7; III: the oath to the fathers+ לרצו לנו: 6.23; 26.3; 26.15, or + לרצו לך: 6.10; 7.13; 28.11; (34.4).

4. This was explicitly argued by Skweres, who considered that every אשר שבט refers to a written text. For a critique of Skweres, see Römer, *Israels Väter*, pp. 229-30; E. Blum, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin: de Gruyter, 1990), pp. 172-76.

5. Cf. Römer, *Israels Väter*, pp. 173-250.

6. RAMBAN, *Commentary on the Torah: Deuteronomy* (trans. C.B. Chavel; New York: Shilo Publishing House, 1976), p. 315.

7. Cf. Römer, *Israels Väter*, pp. 135-54.

8. Cf. Römer, *Israels Väter*, pp. 160-72.

and love sworn to the fathers' of Deut. 7.12 is defined in 7.9 as the 'covenant and love to a thousand generations of those who love him and keep his commands'. This is a clear allusion to the Decalogue and to Horeb/Sinai and excludes the idea of a patriarchal *berit*.¹ YHWH is called the 'God of the fathers'² in order to signal the continuity of Yahwistic worship in spite of the disruption of the exile.³ The 'fathers' in this idiom do not generally point to a specific generation but symbolize the past. On the other hand, the references to the fathers 'not knowing'⁴ express discontinuity in Israel's history with YHWH.⁵ The fathers stand for a former state in this history—in Egypt or after the conquest. The non-formulaic usage of 'abôf' confirms this basic principle. All the references to the fathers belong to the first (Dtr) and later (Dtr²) exilic editions of Deuteronomy. We may conclude that in the original core of the book there is no 'father' theology. Indeed, in the Code the fathers are only mentioned in the deuteronomistic introduction (12.1) and conclusion (ch. 26). Deut. 19.8 and 13.7, 18 are post-deuteronomistic. The identification of the fathers with Abraham, Isaac and Jacob (1.8; 6.10; 9.5; 29.12; 30.20), as well as the insertion of the patriarchal names in 9.27 and 34.4, belong to a post-deuteronomistic redaction. In 9.27, for example, the appeal to Abraham, Isaac and Jacob interrupts the continuity of the exodus-motif in Moses's prayer,⁷ and this is the only verse in Deuteronomy where זכר is applied to YHWH (a usage more typical of P). The identification of the fathers and the patriarchs in 9.5 is also quite astonishing, since the fathers are linked here to a divine promise to expel the other peoples, clearly belonging to the exodus tradition (cf. Exod. 23.27-33). The sevenfold⁸ insertion of the patriarchal names in

1. The idea that the concept of covenant as related to the three Patriarchs occurs only in P-texts in the Tetrateuch needs to be reassessed.

2. Deut. 1.11, 21; 4.1; 6.3; 12.1; 26.7; 27.3; 29.24.

3. Cf. Römer, *Israels Väter*, pp. 105-34.

4. Other gods: 13.7; 28.64; 32.18; manna: 8.3, 16; a people: 28.36.

5. Cf. Römer, *Israels Väter*, pp. 73-104.

6. Deut. 4.37; 5.3; 10.15, 22; 26.5; 30.5, 9; cf. Römer, *Israels Väter*, pp. 23-73.

7. Cf. J. Vermeylen, 'Les sections narratives de Dt 5-11 et leur relation à Ex 19-34', in N. Lohfink (ed.), *Das Deuteronomium*, pp. 174-207 (201).

8. For the importance of the number 'seven' in the final form of Deuteronomy, see G. Braulik, 'Die Funktion von Siebenergruppierungen im Endtext des Deuteronomiums', in F.V. Reiterer (ed.), *Ein Gott, eine Offenbarung: Beiträge zur biblischen Exegese, Theologie und Spiritualität: Festschrift für Notker Füglistler OSB zum 60. Geburtstag* (Würzburg: Echter, 1991), pp. 37-50.

Deuteronomy and their 'strategic' place (cf. the patriarchal frame in 1.8 and 34.4) are probably due to the final redaction of the Pentateuch, since this separates Deuteronomy from the Deuteronomistic History so as to endow the work with conceptual congruence.¹ The absence of any explicit equation of the fathers with the patriarchs in Joshua–Kings or in Jeremiah supports this affirmation. It seems that at the time of the Babylonian exile (and probably earlier, cf. Hos. 12) there were alternative concepts about Israel's origin. The deuteronomistic exiles found their identity in an exodus view of origins, while those who had stayed in the 'land' referred to the patriarchal tradition (cf. Ezek. 33.24). Deuteronomy and the Deuteronomists rejected this genealogical conception.² For them, Israel's identity depended on its vocation and the response to its call.

These propositions have been sharply criticized by Lohfink,³ who rejects the notion that the names of the patriarchs in Deuteronomy are later additions. He contends that the first mention of the fathers in Deut. 1.8 explicitly identifies them as Abraham, Isaac and Jacob and gives the key for understanding all further occurrences of 'abôt. He contests my literary-critical analysis of the patriarchal texts in Deuteronomy (without denying that some of these texts may be post-deuteronomistic) and argues that all the deuteronomistic references to the fathers may include the patriarchs. Of course, every diachronic hypothesis remains hypothetical and cannot be subject to 'proof' in a scientific sense. I certainly agree with Lohfink that Deut. 1.8 leads the reader to identify the fathers with the patriarchs, but the question is: Who is responsible for this identification?⁴ I am still convinced that this is not deuteronomistic, since, as Lohfink concedes, Deuteronomy and the Deuteronomistic History refer *in extenso* only to events that occur in the exodus,

1. Cf. Römer, *Israels Väter*, pp. 251-70.

2. See the pertinent remarks of A. de Pury about the depreciation of the father who went down to Egypt in Deut. 26.5, 'Le cycle de Jacob comme légende autonome des origines d'Israël', in *Congress Volume, Leuven 1989* (VTSup 43; Leiden: Brill, 1991), pp. 78-96 (83).

3. N. Lohfink, *Die Väter Israels im Deuteronomium: Mit einer Stellungnahme von Thomas Römer* (OBO 111; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1991). For other reviews, cf. C.T. Begg, *Bib* 73 (1992), pp. 112-16; E. Blum, *WO* 28 (1992), pp. 180-83; H.D. Preuss, 'Zum deuteronomistischen Geschichtswerk', pp. 242-45; W. Roth, *JBL* 111 (1992), pp. 125-26; H. Seebass, *TLZ* 97 (1991), cols. 102-105.

4. Cf. the review of Lohfink by S.L. McKenzie, *JBL* 112 (1993), pp. 128-30 (129).

wilderness and conquest traditions.¹ Literary-critical observations must necessarily be complemented by considerations from history of traditions and other (e.g., sociological, ideological) analyses.² The discussions about the fathers in Deuteronomy should proceed in an effort to clarify, among other things, the relationship between the promises in Genesis and those in Deuteronomy.³ The discrepancy between Lohfink's view and the thesis I defended, is also due to different presuppositions concerning Deuteronomy. Lohfink reads it primarily as the finale of the pre-sacerdotal Pentateuch, while my analysis of Deuteronomy depends on the context of the Deuteronomistic History. This brings us to the question about the relationship between Deuteronomy and the Tetrteuch, which I shall now take up briefly.

d. *Deuteronomy and the Pentateuch*

For Noth and his colleagues, it was obvious that the authors of Deuteronomy, especially in chs. 1-3(4), had 'taken over some material of the old "Hexateuchal" sources'.⁴ Where Noth had been quite cautious about the utilization of 'older sources' in Deuteronomy,⁵ his protagonists postulated for the Josianic edition of Deuteronomy thorough résumés of the narratives of the pre-priestly Tetrteuch ('J/E'). The same approach can be found in the recent commentaries by Braulik, Perlitt and Weinfeld. However, in light of current discussion about the validity of the classical documentary hypothesis,⁶ the literary relationship

1. Cf. N. Lohfink, 'Deutéronome et Pentateuque', in Haudebert (ed.), *Le Pentateuque*, pp. 35-64 (59).

2. Cf. my 'Nachwort' to Lohfink's *Väter*, pp. 111-23.

3. On this matter see recently L. Schmidt, 'Väterverheißungen und Pentateuchfrage', *ZAW* 104 (1992), pp. 1-27; J. Scharbert, 'Die Landverheißung an die Väter als einfache Zusage, als Eid und als Bund', in R. Bartelmus *et al.* (eds.), *Konsequente Traditionsgeschichte: Festschrift für Klaus Baltzer zum 65. Geburtstag* (OBO 126; Freiburg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1993), pp. 337-54.

4. Noth, *ÜS*, p. 97; *DH*, p. 129.

5. Cf. Noth, *ÜS*, pp. 27-40; *DH*, pp. 45-60.

6. For the history of research see R.N. Whybray, *The Making of the Pentateuch: A Methodological Study* (JSOTSup 53; Sheffield: JSOT Press, 1987) and A. de Pury and T. Römer, 'Le Pentateuque en question: position du problème et brève histoire de la recherche', in de Pury (ed.), *Le Pentateuque en question: Les origines et la composition des cinq premiers livres de la Bible à la lumière des recherches récentes* (Le Monde de la Bible; Geneva: Labor et Fides, 2nd edn, 1991), pp. 9-80.

between Genesis–Numbers and Deuteronomy has again become a matter of debate. In their treatments of the parallel traditions in Deuteronomy and the Tetrateuch, Van Seters and Rose came to the conclusion that the stories in Exodus and Numbers depend on Deuteronomy.¹ Rose, for instance, argues (against the traditional view) that the 'J' spy story in Numbers 13–14 presupposes the story in Deut. 1.19–25. But, as Blum has shown,² this alternative is too simple. The relations between the pre-Priestly Tetrateuch and the deuteronomistic Deuteronomy are certainly more complex, and one cannot be content with the idea of unilateral dependency in either direction. If we compare Numbers 13–14 (without 'P') to Deut. 1.19–25, we may, following Rose, notice a number of arguments for the earlier date of Deuteronomy 1, where there is no equivalent to Moses' intercessory prayer. The statement of Deut. 1.37 would have been impossible if the author's *Vorlage* was Numbers 13–14 ('J/E'), and Num. 14.25 looks like a blind or theological motif compared to Deut. 1.40; 2.1. On the other hand, some items seem more 'primitive' in Numbers 13–14 than in Deuteronomy 1 (e.g., Num. 13.28//Deut. 1.28; Num. 13.23//Deut. 1.24). So we may assume that Numbers 13–14* is based on Deut. 1.19–25 but also on an older (oral or written) tradition, which may also have been the *Vorlage* of Deut. 1.19–25. In any case, it seems less and less convincing to postulate a literary dependency of Deuteronomy's narrative sections on the pre-Priestly Tetrateuch. If Perlitt's recent denial of P-elements in Deuteronomy³ is established, the integration of Deuteronomy into the Pentateuch could be ascribed to the 'final redactor'. Whatever may come of this discussion,⁴ the first and original context for an adequate interpretation of Deuteronomy should not be the Tetrateuch but the Deuteronomistic History as established by Noth.

1. J. Van Seters, 'The Conquest of Sihon's Kingdom: A Literary Examination', *JBL* 91 (1972), pp. 182–97 and 'Etiology in the Moses Tradition: The Case of Exodus 18', *HAR* 9 (1985), pp. 355–61; M. Rose, *Deuteronomist und Jahwist: Untersuchungen zu den Berührungspunkten beider Literaturwerke* (ATANT 67; Zürich: Theologischer Verlag, 1981).

2. Blum, *Studien*, pp. 177–81.

3. L. Perlitt, 'Priesterschrift im Deuteronomium?' *ZAW* 100 (1988), Supplement, pp. 65–88; cf. also P. Stoellger, 'Deuteronomium 34 ohne Priesterschrift', *ZAW* 105 (1993), pp. 26–51.

4. The traditional view that P ends in Deut. 34 was recently defended by L. Schmidt, *Studien zur Priesterschrift* (BZAW 214; Berlin: de Gruyter, 1993).

3. Prospects for Further Research on Deuteronomy

How may the current state of research on Deuteronomy be summarized? Preuss is certainly right to stress the diversity of approaches and results. He is quite pessimistic about the possibilities of consensus, since such consensus seems limited to members of individual exegetical schools.¹ All the same, perhaps Preuss is too pessimistic. Noth taught us to see Deuteronomy as the introduction to the Deuteronomistic History, and this is presently one of the safest results of critical biblical research.² Noth made a clear distinction between the original Deuteronomy, the deuteronomistic editing of the book and later additions. Most scholars apparently accept these major distinctions, even if they define them quite differently. And even those who are not interested in diachronic work would scarcely deny the possibility of this approach. On the other hand, most current practitioners of the literary-critical method recognize the necessity of investigating structure and compositional techniques. We can also observe a growing interest in the legal texts of Deuteronomy. Regarding research on the ideological or theological function of Deuteronomy in the context of the Deuteronomistic History, the Pentateuch and the Hebrew Bible, since the end of the covenant euphoria we may observe some hesitation to put forth new ideas.

As for further research on Deuteronomy, the first *desideratum* should be a methodological one. We may agree with McKenzie's wish that 'historical criticism and literary criticism [on Deuteronomy] should be complementary'.³ For the diachronic problems of Deuteronomy, discussion between the Cross and Smend schools should be intensified. We must discuss anew the criteria for distinguishing between 'deuteronomic' and 'deuteronomistic' layers and for postulating two, three or more deuteronomistic redactors. Scholars should clarify the literary-critical presuppositions that guide their investigations. Personally, I find it quite difficult to imagine that Deuteronomy (and the Deuteronomistic History) should have wandered during one century or less through the hands of ten or more deuteronomistic redactors. The

1. Cf. Preuss, 'Zum deuteronomistischen Geschichtswerk', p. 245.

2. It seems that C. Westermann (*Die Geschichtsbücher des Alten Testaments: Gab es ein deuteronomistisches Geschichtswerk?* [TBü 87; Gütersloh: Chr. Kaiser Verlag; Gütersloher Verlagshaus, 1994]) denies the existence of a Deuteronomistic History, but, I very much doubt that he will convince many.

3. McKenzie, 'Deuteronomistic History', p. 167.

Deuteronomists did not have computers or the leisure of constantly rewriting their history. Maybe we should return to Noth's fundamental distinction between the first deuteronomistic edition of Deuteronomy plus the Deuteronomistic History (Dtr¹) and later additions (Dtr²), recognizing the difficulty of specifying the character and possible interrelations of those insertions.¹ New attention should be paid to the outline of Deuteronomy. Many interesting analyses concern the structure of individual chapters, but few take up the structure of the book. If Deuteronomy presents itself as a farewell speech of Moses, does it then provide the model for the speeches in the following books? This would confirm and make precise Noth's observation that those speeches belong to the most important features that create the unity of the Deuteronomistic History.² And if Deuteronomy can be characterized as a (literary) testament or a sort of memoir, does it then depend on the conventions of that genre?

Regarding the law code, further research should go to the core of the question of its status and function. In a recent article, Mayes described two main interpretations of the Deuteronomic law that come from two different philosophical traditions.³ According to the 'parenetical' interpretation, chs. 12–25 is primarily a general teaching about an ideal society; according to the 'institutional' interpretation, it was written as state legislation and should be understood as such. Perhaps this is no real alternative since the two interpretations may delineate different aspects of the code. If the original law code was conceived as state law, what happened when it was integrated into the Deuteronomistic History? On the other hand, some laws (especially in chs. 19–25) are apparently the product of a stateless ([post-]exilic) time and must have had purposes other than those of the Josianic law-book. In order to come to an adequate understanding of the role of law in Deuteronomy, we need to know more about the making and the role of laws in the ancient Near East and their relationships to biblical law. Generally, I would say that biblical scholarship should open itself to more interdisciplinary work. If

1. The question of the Josianic date of the first deuteronomistic layer depends on the analysis of the whole Deuteronomistic History, especially the books of Kings. In Deuteronomy we certainly may find 'Josianic texts', but are they necessarily linked to a historiographic project covering the books from Deuteronomy to 2 Kings?

2. Cf. Noth, *ÜS*, pp. 4–6; *DH*, pp. 18–19.

3. A.D.H. Mayes, 'On Describing the Purpose of Deuteronomy', *JSOT* 58 (1993), pp. 13–33.

we want fresh insights in the matter of the theological issues of Deuteronomy, we can no longer be content with a list of theological *loci* (God, people, land, etc.). Scholars should take into account the social world(s) of Deuteronomy¹ and listen to what anthropology can tell us about how the 'origins' of a community are set.² Deuteronomy certainly could be read at the different levels of its editing as a response to transformations in Judaeon society. The authors of Deuteronomy propose new models for the identity of the 'people of YHWH', which they implant in a discourse about the people's origin. But reference to the origin helps transform the present. Deuteronomy is probably the generator of the most important transformation of Judaism—when the book of the Torah is substituted for the temple.³

As it now stands in the Bible, Deuteronomy has a double identity and can be compared to a hinge. It is the conclusion of what the redactors of the Torah considered as the 'official' origin traditions of the people, but at the same time and first of all, Deuteronomy is the beginning and the key of another story—the 'Deuteronomistic History'—discovered and masterfully described by Martin Noth fifty years ago. Thus, serious work on Deuteronomy will help us gain new insights on this critical juncture in the Bible. Mayes rightly reminds us of Gadamer's hermeneutical principle 'that insofar as interpretation is a matter of a dialogue between interpreter and the text, there can be no such thing as the final and definitive interpretation'.⁴ But the survey of critical work on Deuteronomy since Noth clearly argues for more intensive dialogue between scholars of different exegetical schools and between scholars and Deuteronomy.

1. See the recent effort of L. Stulman, 'Encroachment in Deuteronomy: An Analysis of the Social World of the D Code', *JBL* 109 (1990), pp. 613–32.

2. See, for example, M. de Perrot, et al., *La mythologie programmée: L'économie des croyances dans la société moderne* (Paris: Presses Universitaires de France, 1992).

3. On this point cf. F. Smyth-Florentin, 'La maison et le livre', in O. Abel and F. Smyth-Florentin (eds.), *Le livre de traverse: De l'exégèse biblique à l'anthropologie* (Patrimoines; Paris: Cerf, 1992), pp. 15–21.

4. Mayes, 'Purpose of Deuteronomy', p. 20.